26th annual report on monitoring the application of European Union law (2008)

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The Committee on Legal Affairs adopted the own-initiative report drafted by Eva LICHTENBERGER (Greens/EFA, AT) on the 26th Annual Report on Monitoring the Application of European Union Law (2008).

Members regret that the Commission has not responded to the issues raised by Parliament in its previous resolutions, in particular the aforementioned resolution of 21 February 2008. They note the **lack of improvement with regard to transparency**, particularly with reference to the '**EU Pilot**' project and the issue of human resources.

The report notes that through EU Pilot the Commission is aiming to increase 'commitment, co-operation and partnership between the Commission and Member States' and is considering, in close cooperation with national administrations, how to deal with the application of European Union law.

The report also notes that on the one hand citizens are portrayed as having an essential role in ensuring compliance with EU law on the ground, whilst on the other – in EU Pilot – they are even further excluded from any subsequent procedure. Members consider that this is not in line with the Treaties' solemn declarations that decisions are taken as openly as possible and as closely as possible to the citizen.

The committee is of the opinion that, in their present form, the Commission's annual reports on monitoring the application of European Union law **do not give citizens or the other institutions sufficient information** about the true state of application of EU law, as the Commission only makes reference to formal proceedings being opened against Member States that have not transposed EU law into their national legal systems. It considers however that it would also be very much in the interest of citizens and Parliament to be informed when the Commission opens infringements for the incorrect or bad transposition of EU law, with details of those infringements also being supplied.

Members wish to ensure that the Commission continues to produce detailed data on all types of infringement, and that the **entirety of this data is made freely available to Parliament** to enable it to perform its role of scrutiny of the Commission's discharge of its role as guardian of the Treaties.

They recall the Parliament's resolution of 4 February 2010 in which it calls on the Commission 'to make available to Parliament summary information about all infringement procedures based on the letter of formal notice.

The Commission is called upon to supply Parliament with relevant data to enable an analysis to be made of the **added value EU Pilot** brings to the existing process of managing infringement files, which would justify extending the project further. It considers that this data should, for example, allow Parliament to check whether the 10 weeks granted to a Member State to find a solution to a concrete case have not further delayed the initiation of an infringement procedure, the duration of which is already extremely lengthy and indeterminate.

The report invites the Commission to propose a '**procedural code**' in the form of a regulation under the new legal basis of Article 298 TFEU, setting out the various aspects of the infringement procedure, including notifications, time-limits, the right to be heard, the obligation to state reasons, etc., in order to enforce citizens' rights and transparency.

Members urge that Parliament’s role in the areas of the application, enforcement and monitoring of single market rules be strengthened.