Monitoring the application of Community law. 18th annual report 2000, 19th annual report 2001

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PURPOSE: An evaluation and update on the application of Community law in 2000. CONTENT: This, the 18th Annual Report, presented to the European Parliament and Council assesses and evaluates the application of Community law in the year 2000. The application of Community law is key to the proper functioning, indeed the credibility of the European Union. The Report itself examines a number of fields in its bid to assess the true application of Community law. These are: - A statistical overview of the various stages involved in monitoring the application of Community law, comparing 1999 figures with those of 2000; - Examining improvements in the pre-litigation procedure; - Assessing progress in transposing Community Directives in the Member States; - Evaluating applications for derogations from harmonisation measures; - A geographical overview showing, by Member State, all the infringement procedures commenced or handled by the Commission during 2000; - An overview of the Commission's use of the penalty procedure of Article 228; - A situational report examining, sector by sector, the application of Community law. This is an exhaustive list of policy fields where EU law applies and includes for example, the pharmaceutical industry, motor vehicles, construction products etc. Concerning the statistical overview the Commission notes that there is a degree of stabilisation in the number of complaints registered by the Commission. Indeed, for the first time complaints have actually decreased. At the same time the Commission opened a far greater number of cases based on its own investigation. Out of the total of 896 own investigation proceedings, fifteen commenced on the basis of parliamentary questions. In terms of letters of formal notices being issued the figure was up by 22.51%. Concerning the number of reasoned opinions, numbers for 2000 were the same as those for 1999, namely - 460. The number of cases being referred to the Court of Justice is down slightly by 3.5%. Encouragingly, the speed with which cases are handled continued to rise in 2000. Improvements in the pre-litigation procedures have also been identified thanks in large part to the use of the Asmodée Directives, which set up databases collating data on infringements. An encouraging rise in Member States transposition of Directives was witnessed for the first time since 1992. By 31 December 2000 the Member States had, on average notified 96.59% of national measures needed to implement the Directives. In spite of a 3% rise in its transposition rate Greece lags behind, floundering at the bottom of the table with Denmark positioning itself right on top. Interestingly, Belgium has jumped from ninth place to third having successfully pushed through a number of transpositions. Indeed, Belgium remains the a shining example to others seeing the number of infringement proceeding against it drop by 34.48%. France, Italy and Greece, as was the case for 1999, head the list of countries with the most infringementproceedings taken against them. In terms of applications for derogation from harmonisation measures, permitted under Article 95 of the EC Treaty, only Belgium lodged a notification which sought to limit the marketing and use of organotin compounds. This request was denied. Regarding the application of Article 228 a number of developments have been taking place. Firstly, three cases have been referred by the Commission to the Court of Justice - against Germany, Italy and the United Kingdom. Additionally, in 2000 the Court ordered Greece to pay a penalty payment of EUR 20 000 per day for failure to discharge its obligation of taking necessary measures for the elimination of toxic and dangerous waste. On the date of submitting the Report, Greece had paid a fine of EUR 1 760 000 in line with the penalty but had not taken measures to close the toxic site.