Monitoring the implementation of Community law . 20th annual report 2002

2003/2008(INI) - 11/12/2002 - Non-legislative basic document

PURPOSE : to set out certain actions to improve the monitoring of Community law. CONTENT : this Communication first distinguishes preventive measures carried out in cooperation between Commission and Member States to avoid infringements. It then sets out the conditions for effective management of controls and actions against infringements. The document brings together and highlights a series of measures resulting from practical experience. According to the statistics for 2001, approximately half (49%) of the suspected infringements recorded gave rise to a letter of formal notice; slightly more than half (54%) of the letters of formal notice were followed by reasoned opinions and approximately a fifth (21%) came to court. In the end, only about a tenth (10.3%) of the suspected infringements originally recorded culminated in infringement proceedings. Registrations of new cases currently lie at around 2000 a year. The ongoing caseload is stable at around 4000 (3868 cases on 10 June 2002). This figure seems relatively small in the end in view of the number of Member States and the size of the Community acquis. The rapid turnover of cases in hand is reflected in the short handling time of procedures, three-quarters of which have either been closed or have reached the reasoned opinion stage within the first year following their registration. - Prevention of infringements. This includes improving cooperation with the Member States, monitoring the proper transposal of directives and providing more information about Community law. The actions promised by the Commission include giving consideration for a training programme in Community law for national administrations and the judiciary, publishing on-line information on transposals, assisting Member States with "package meetings" and technical assistance, and proposals for a directive to include a "concordance table" with the communication of transposal measures. - Action against infringements. The Commission ranks the following infringements as serious: infringements that undermine the foundations of the rule of law, those that undermine the smooth functioning of the Community legal system and the failure to transpose directives. A series of actions are proposed. The report also highlights the importance of complaints as a vital means of detecting infringements. Complainants will be given clear information about the action taken. In particular, the grounds for decisions taken on the investigation of a breach of the law will be given on the most transparent basis. A clear administrative distinction will be drawn between correspondence likely to give rise to the opening of an infringement file and other correspondence. The Commission proposes certain actions to deal with infringements. Where Member States fail to take measures to ensure fulfilment of their obligations or is reluctant to cooperate in infringement proceedings, more systematic and effective recourse will be had to Article 10 EC in conjunction with other relevant legal bases in the Treaty. The document emphasises the importance of applying legislation properly and complying with it after enlargement. For the moment, the Commission's plan with this Communication is to prompt a change of enforcement culture. Merely enforcing the law against infringements is not enough; there is a need for prevention also.But cooperation will not release the Commission as guardian of the Treaties from its duty to remind the Member States of their commitments and to seek the best instruments at all times.