Monitoring of the application of Community law. 13th annual report 1995

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The Committee on Legal Affairs unanimously adopted the draft resolution on the Commission's thirteenth annual report on the application of Community law. The rapporteur, Mrs Schaffner (UPE, F), insisted on the need for effective application of directives by the Member States. In order to achieve this, greater transparency was needed on the part of the Commission once infringement proceedings had been instituted. In addition, the directives adopted must be clear, concise and consistent with the principle of subsidiarity. In brief, the Commission and the national authorities should continue to cooperate and exchange information during the pre- legislative phase and during the implementation of Community acts. Access to Community law needed to be improved through capillary distribution, taking account of the different demands of citizens and national jurisdictions, which was why the rapporteur attached a great deal of importance to funding for CELEX-type computer programmes for national courts and encouraged the launch of other initiatives for training legal practitioners, such as the Robert Schuman project, the Grotius programme and the "Citizens of Europe" initiative, which would involve the publication of a guide to citizens' rights which reflected Community case law. Finally, the draft resolution addressed the most recent developments in European law and objected that, following the introduction by the Court of Justice of the concept of parallel responsibility on the part of the Community legislator and the Member States by legislative omission contrary to Community law, the individual's right of redress against the state responsible risked becoming an illusion. However, the text adopted subscribed to the Commission's recent communication announcing the application of penalty payments to force Member States to comply with the rulings of the Court under the terms of Article 171 of the Treaty.