Monitoring of the application of Community law. 14th annual report 1996

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The committee unanimously approved the draft legislative resolution following its examination of the Commission?s 14th report on monitoring the application of Community law (1996). The rapporteur, Mrs Astrid Thors (ELDR, FI), hoped that this report would be used as a springboard for initiatives by individuals against breaches of Community law by Member States and expressed the wish for it to be more widely circulated to interested parties, thereby ensuring that the Commission better informed citizens of their rights with regard to the most frequent problems encountered in specific sectors. The rapporteur voiced a number of doubts with regard to technical regulations which, according to the case law of the Court of Justice, might be inapplicable in the event of ignorance of notification requirements, various questions relating to the free movement of persons, including the non-transposition of Directive 94 /80 which affected the electoral rights of Union citizens residing in a Member State of which they are not nationals, and other difficulties, which still needed to be overcome, in the financial services sector, without overlooking the disruption to the free movement of workers caused by direct taxation of natural persons. The draft resolution adopted stressed the importance of the progress made in the application of Article 171, paragraph 2, of the EC Treaty making provision for financial penalties in the form of a fine to be imposed on Member States who fail to execute the judgments of the Court of Justice in infringement proceedings under Article 169 of the Treaty. However, the rapporteur raised a number of as yet unclarified points regarding the system of penalties in question and called on the Commission to state more detailed reasons for the amount of the penalty and to publish those reasons in the Official Journal when the action is lodged. She also stressed the most problematic aspect of the approach in question, i.e. how can the Commission force execution if a Member State refuses to comply with the demand for payment. Mrs Thors stated outright that the very idea of a ?Community of law? would be devoid of content if the whole procedure in Article 171.2 degenerated into farce and concluded that the Commission should not delay in tackling the problem by proposing appropriate amendments to the legislation applicable. Elsewhere, the draft resolution welcomed the Ombudsman?s investigation into the administrative procedures of the Commission with respect to complaints by individuals against national authorities, but as guarantees to individuals still did not appear to be satisfactory, the rapporteur wished access by complainants to Commission files to be improved in compliance with the provisions relating to transparency in the new Amsterdam Treaty. Finally, Mrs Thors suggested that new sections should be added to future annual reports to provide an overview of the activities of the Member States and the Commission with regard to derogations from internal market rules (Article 100 A.4) and the external commitments of the European Union under international agreements and to include a section containing the most recent national case law on the ?right of reparation? from Member States.