Monitoring of the application of Community law. 12th annual report 1994

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The Commission states in its twelfth annual report on monitoring the application of Community law (1994) that it started 974 infringement proceedings (compared with 1209 in 1993), sent out 546 reasoned opinions (compared with 352 in 1993) and referred 89 cases to the Court of Justice (compared with 44 in 1993). Complaints sent to the Commission are still the most important means by which infringements of Community law are detected. The number of presumed cases of infringement detected as the result of complaints remained stable in 1994, while the number of presumed infringements investigated following petitions or parliamentary questions fell. Finally, the number of cases detected ex officio remained at the same level overall as in 1993. Most infringement proceedings instituted in 1994 were the result of failure to communicate national implementing measures for directives and the fall in the number of proceedings stemmed from the improvement in the conduct of the Member States in introducing transposition measures. By contrast, the considerable increase in reasoned opinions translates the Commission's wish to put an end to a large number of proceedings already instituted with no positive result in connection with directives, the non-transposition of which is highly damaging to Community life. This same reasoning also applies to the considerable increase in the number of referrals to the Court of Justice. In this respect, the Commission, which is seriously worried by the persistent delays in complying with the judgments of the Court, informed the Member States of its intention to implement fully the provisions of Article 171 of the revised EC Treaty allowing the Court to impose penalty payments on Member States if they fail to comply with a judgment. - As far as directly applicable rules are concerned, the Commission notes a clear improvement in the free movement of goods. By contrast, procedures have doubled in the public procurement sector. Another difficult sector is VAT, where infringement cases have persisted over several years. - As far as the transposition of directives is concerned, the Commission notes that on 31 December 1994, the Member States had communicated on average 91.89% of national implementing measures. With reference to the three main areas of transposition, the area without frontiers, agriculture and the environment, the report notes that there was a net increase in the rate of transposition in the first two and a slight fall in the environment sector. Finally, the Commission sets great store by continuing its awareness-raising policy and promoting regular contact with national administrations alongside formal monitoring procedures.