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

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OBJECTIVE: to present the Commission's thirteenth annual report on monitoring the application of Community law (1995). CONTENT: in its annual report, the Commission emphasizes that the growth in the number of infringement proceedings in 1995 was characterized by 7 major trends: 1) a large number of infringement proceedings registered: hitherto, the Commission has never taken so many decisions under Article 169 of the EC Treaty in one year (5,068 decisions as against 4,802 in 1994). The Commission notes a decline in the number of complaints (978 as against 1,145 in 1994) and an increase in the number of cases detected by the Commission (from 277 in 1994 to 320); 2) the important role played by the European Parliament in prompting infringement proceedings: 30 cases registered in 1995 originated in a written or oral question and 4 in a petition. The European Parliament shows the greatest interest in the environment and the internal market which, between them, account for more than 60% of the cases currently running at the Commission; 3) proceedings commenced in 1995: the number of letters giving formal notice was stable, with 1,016 infringement proceedings commenced in 1995, as against 974 in 1994; 4) proceedings regarding established infringements: there was a decline in the number of reasoned opinions (192), while the number of referrals to the Court was stable (72 new infringement cases); 5) a sharp increase in the number of cases terminated (from 1,811 in 1994 to 2,045 in 1995); 6) clearing up the legacy of the past: a large number of the longest-running cases were settled; 7) greater transparency in the infringement procedures, with particular regard to the single market, which the Commission sees as a political priority. As regards directly applicable rules, the Commission emphasizes the large number of proceedings opened relating to the free movement of persons, particularly in the field of discrimination as regards access to employment and the right of residence, as well as in the field of employment and social policy (equal treatment for men and women) and fisheries and aquaculture. In the case of directives, the Commission notes that, by 31 December 1995, the Member States had, on average, notified 90.7% of the national implementing measures required to give effect to all the directives to be implemented. The rate of notification is particularly high in the field of customs matters, right of residence, machinery, motor vehicles and recognition of qualifications. This rate varies widely in the fields of telecommunications and financial services. Finally, difficulties persist in the fields of the environment, transport, energy and agriculture. As regards public procurement contracts, the number of cases currently being reviewed on the grounds that national legislation does not conform with Community law has doubled in one year (30 cases in 1995). The Commission takes the view that better application of Community law requires a policy to prevent infringements. Greater involvement of national bodies, especially national parliaments, in the Community legislative process would be conducive to this. Similarly, maintaining regular contacts with the national authorities through institutional committees would help, as would efforts to make Community law more familiar and more comprehensible. The Commission notes that it has set itself two priority objectives: putting monitoring of the application of Community law at the centre of its business and finding a judicious balance between monitoring the application of Community law and the role played by national authorities in general and the courts in particular. It takes the view that the means available to it to enforce Community law should be made more effective, notably as regards the internal market, and that there should be a stronger role for the Court of Justice, particularly as regards compliance with its judgements.