Monitoring of the application of Community law . 16th annual report 1998

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PURPOSE : presentation of the Sixteenth Annual Report by the European Commission on monitoring of the application of Community Law (1998). CONTENT : the report shows that the year 1998 was marked by an unprecedented enhancement of facilities for the use of the infringement procedures provided by Article 169 of the Treaty of the European Community and by greater use of administrative cooperation, notably via the Action Plan for the internal market. From a statistical point of view, 1998 was characterised by a strong increase in the number of reasoned opinions (with an all-time high at 675; this is 102% up on the figure of 334 for 1997). The number of Article 169 letters is down from 1461 in 1997 to 1101 in 1998, simply because the number of proceedings for failure to transpose directives fell; Article 169 letters for failure of legislation to comply with Community law or for incorrect application of Community law rose from 432 in 1997 to 486 in 1998, an increase of 12%. The number of cases referred to the Court of Justice, at 123, was stable. The number of cases detected by the Commission departments rose by 52% from 261 in 1997 to 396 in 1998. As for the number of complaints received by the Commission, it continued the upward course started in 1997, rising by 18% from 957 in 1997 to 1128 in 1998. In addition, the termination decisions fell by 7%, from 2112 in 1997 to 1961 in 1998. The speed with which cases were dealt with also rose (48% of Article 169 letters sent and 19% of reasoned opinions issued in 1998 concerned proceedings commenced in 1998). Furthermore, it should be noted that the number of cases on which a press release was issued rose from 248 in 1997 to 334 in 1998. These few statistics clearly reveal the impact of the internal reforms implemented by the Commission, initially in 1996 and then in 1998, to improve the operation of the infringement procedure, to speed up the handling of the cases and increase the transparency of the procedures but also to improve the relations with the complainants. The transposal rate of directives rose in 1998 for each of the Member States: on the 31/12 /1998, the Member States had on average notified 95.7% of the national measures needed to implement the directives applicable (against 94% in 1997). This Report underlines the efforts made by Belgium and Germany to make up their delays, though the transposal rate in Luxembourg, Greece and Italy and, albeit to a lesser degree, France, continues to give cause for concern. Even though the aggregate figures are encouraging, problems subsist in a number of specific areas, notably transport and agriculture, where there have been sometimes no major improvements. The Report notes that France is the Member State against which the largest number of proceedings are in motion, most commonly concerning non-conformity or incorrect application. It is also the Member State against which the largest number of complaints was lodged in 1998 (203 out of 1128, or 18%). The application of Community law in Italy, Greece and Belgium also gives cause for concern, partly on grounds of failure to transpose Community directives. Given that the respect of Community law varies according toeach Member State, the continued application of penalty provisions of Article 171 of the Treaty is sometimes the only way to bring a Member State to re-establish the Community law. In 1998, the Commission continued to make use of the penalty provisions of Article 171(2) of the Treaty, taking five decisions to apply for penalties when referring cases to the Court of Justice for the second time, with environmental law ranking ahead of all other areas in the use of this instrument.