Monitoring the implementation of Community law . 20th annual report 2002

2003/2008(INI) - 09/03/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report drafted by Sir Neil MacCORMICK (Greens/EFA, UK) welcoming the improvements in monitoring suggested by the Commission in its Communication. Parliament also welcomed the Commission's commitments about its relations with complainants, but regretted that they fall short of keeping complainants fully informed of the progress of their complaints and copying to complainants all correspondence exchanged between the Commission and Member States in pursuance of their complaint. Parliament deplored the fact that, notwithstanding the Commission's assiduous activity to ensure proper application of Community law, there remain glaring examples of drawn-out and pertinacious failures by Member States to comply with declared obligations, thereby undermining the ideal of the Union as a Community based on law. It felt that parliaments at all levels play a valuable role in the monitoring of the application of Community law and recommended that the Commission send its annual reports on the monitoring of the application of Community law to national parliaments for transmission to the relevant internal parliaments. It called on the Commission to make every effort to shorten the relatively long delay in dealing with complaints or petitions and to find practical solutions to the problems submitted by deciding whether alternative methods, such as package meetings, SOLVIT or formal procedures are more appropriate. Close cooperation and monitoring arrangements between the Commission, the Council, the Ombudsman and Parliament's relevant committees are essential to ensure effective intervention in all cases where the petitioner has justifiably complained of an infringement of Community law. Parliament strongly deplored the conduct of the Commission towards Parliament and, in particular, its competent committee in the case concerning Lloyd's of London, in relation to which there has been an obstinate refusal to communicate fully with Parliament on all questions it has raised. The Commission should also draw up a list of all the reports relating to the application of Community law, whether of a general or sectoral nature, by the national authorities of the European Economic Area Member States. Parliament went on to note with concern that recent case law concerning individual applicants' right to institute proceedings before the Court of Justice fails to provide uniform interpretation and application of Community law, and regretted that even the Draft Constitution takes only timid steps towards improving the situation in this regard. It also noted that the inadequate familiarity of members of national judiciaries and lawyers with Community law seriously hinders its full application. Finally, Parliament welcomed initiatives to facilitate out-of-court settlement of disputes such as the European extra-judicial network and the Financial services complaints network. It asked the Commission to monitor the progress of these bodies and report its results to the European Parliament, as this process will constitute another helpful indicator of the application of Community rules and access to justice.