Monitoring the application of Community law. 21st annual report 2003

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The committee adopted the own-initiative report drawn up by Monica FRASSONI (Greens/EFA, IT) in response to the Commission's 21st and 22nd Annual Reports on monitoring the application of Community law (2003 and 2004). Pointing out that proper monitoring did not consist merely of assessing transposition in quantitative terms but also involved evaluating the quality of transposition and of the practices adopted in actually applying Community law, MEPs called on all European institutions to give "serious, visible consideration and more convinced priority" to the question of monitoring implementation. Parliament's committees should also pay attention to this issue, and the rapporteur responsible should play a more active role in monitoring the implementation of Community legislation in the Member States.

The report was critical of the current arrangements under the infringement procedure (whereby the Commission can take action against Member States for failure to fulfil their obligations under the Treaty), which was a lengthy and cumbersome process which rarely ended in Member States being fined. It noted the "insufficient level of cooperation" of the national courts in most Member States, which were still reluctant to apply the principle of the primacy of Community law, and called on the Commission "seriously to reassess its indulgence of Member States" when it came to submitting requested information, adopting and communicating national implementing measures and correctly applying Community legislation at national, regional and local levels. The Commission was urged to "take a tough stance" in such cases and to move through the various stages of the infringement procedure according to fixed, non-negotiable deadlines, in order to impose fines as soon as possible.

MEPs also pointed out that many cases of incorrect implementation were the result of bad quality of legislation and reflected Member States' deliberate efforts to undermine Community legislation for political, administrative and economic reasons. They called for "tighter discipline", particularly after enlargement, in order to avoid excessive delays and persistent differences in the quality of national transposition. One way of achieving this could be the systematic insertion into each newly-adopted directive of a specific clause obliging Member States to draft a concordance table when transposing EU directives. The Commission was also asked to present a list of those directives which have the worst record in terms of their implementation and to explain what it felt were the underlying reasons for this.

The report called on the Commission to conduct a specific evaluation of the application of the annual priority criteria concerning future legislative proposals and pointed out that legal experts were needed in the Commission departments responsible for transposition to analyse whether legislation had been transposed "in all its complexity". It called for Parliament to be kept informed of the results of such evaluations and to be consulted on any possible change in the priority criteria. The committee also wanted to see increased cooperation between national parliaments and the European Parliament in order to achieve more effective scrutiny of European matters at national level, and it urged the Commission to send its annual reports on monitoring the application of Community law to the national parliaments. Lastly, MEPs stressed the importance of citizens' complaints relating to infringements of Community law and said that these were not just symbolic in building a 'people's Europe' but were a "cost-effective and efficient tool" for monitoring the application of Community law.