Basic information

2001/2197(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Monitoring the application of Community law. 18th annual report 2000, 19th annual report 2001 **Subject** 8.50.01 Implementation of EU law	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs and Internal Market	WALLIS Diana (ELDR)	17/09/2001

Committee for opinion	Rapporteur for opinion	Appointed
PETI Petitions	WIELAND Rainer (PPE-DE)	22/11/2001

Council of the European Union

European Commission

Commission DG	Commissioner
Secretariat-General	

Key events

Date	Event	Reference	Summary
16/07/2001	Non-legislative basic document published	COM(2001)0309	Summary
22/10/2001	Committee referral announced in Parliament		
29/04/2003	Vote in committee		
29/04/2003	Committee report tabled for plenary	A5-0147/2003	
03/06/2003	Decision by Parliament	T5-0231/2003	Summary
03/06/2003	End of procedure in Parliament		
18/03/2004	Final act published in Official Journal		

Technical information

Procedure reference	2001/2197(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/15322

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0147/2003	29/04/2003	
Text adopted by Parliament, single reading		T5-0231/2003 OJ C 068 18.03.2004, p. 0022-0082 E	03/06/2003	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2001)0309	16/07/2001	Summary
Document attached to the procedure	SEC(2002)0157	07/02/2002	Summary
Supplementary non-legislative basic document	COM(2002)0324	28/06/2002	Summary

Monitoring the application of Community law. 18th annual report 2000, 19th annual report 2001

2001/2197(COS) - 28/06/2002 - Supplementary non-legislative basic document

The nineteenth annual report reports on the Commission's activities in connection with monitoring the application of Community law in 2001. With a view to addressing Parliament's call for a more analytical, less descriptive approach to the Commission's work in this field, this report places the Commission's monitoring of the application of Community law, where possible, in the context of the Community's political and legislative programme. A general description of the use made by the Commission of the infringement procedure as a prelude to formal proceedings takes the following form: -a statistical overview showing the various stages involved in monitoring the application of Community law and statistical trends in relation to the previous year; -improvements in the pre-litigation procedure; -transposition by the Member States of Community Directives; -applications for derogations from harmonisation measures - Article 95 of the EC Treaty; this section is in response to Parliament's requests; -application of international agreements adopted by the Community and the law derived from those agreements. This section is in response to Parliament's request. -a graphical overview, by Member State, of all the infringement proceedings commenced or handled by the Commission during 2001; -an overview of the use made by the Commission, since the entry into force of the Maastricht Treaty, of the penalty mechanism provided for Article 228 of the EC Treaty. The statistics may be summed up as follows: -the total number of infringement cases initiated is down 11.65%, the lowest figure since 1999. -the number of complaints registered by the Commission increased in 2001 (6.12% up on 2000) but remains slightly below the 1999 record. In 2001 complaints accounted for six infringement cases out of ten initiated by the Commission in that year. The number of letters of formal notice is lower than last year, a decrease of 25.43%. The number of reasoned opinions rose by 23.7%. Cases referred to the Court of Justice fell by 5.82%, and processing times have increased slightly for letters of notice. The Commission has built on the improvements in the pre-litigation procedure described in the last report. With regard to the transposition of directives, Member States had on average notified 97.41% of the national measures needed to implement the directives. This represents a clear improvement and is the highest rate achieved since 1992. It is below the target of 98.5% set by the Stockholm European Council for the transposition internal market legislation. In terms of all Community legislation for transposition, only Denmark and Spain have reached that target.

The report goes on to outline the 7 notifications under article 95(a) and (b) that were submitted by the Member States. On the law derived form international agreements, the Commission mentions proceedings against Ireland for infringement of the Agreement on the EEA, as well as proceedings against the UK and the Netherlands in connection with the Europe Agreement with Poland. The Commission adopted three second referral decisions with demands for penalty payments from Spain (environment), France(fisheries) and Luxembourg (transport). Finally, the bulk of the report deals with an examination of thesituation sector by sector.

Monitoring the application of Community law. 18th annual report 2000, 19th annual report 2001

2001/2197(COS) - 16/07/2001 - Non-legislative basic document

PURPOSE: An evaluation and update on the application of Community law in 2000. CONTENT: This, the 18th Annual Report, presented to the European Parliament and Council assesses and evaluates the application of Community law in the year 2000. The application of Community law is key to the proper functioning, indeed the credibility of the European Union. The Report itself examines a number of fields in its bid to assess the true application of Community law. These are: - A statistical overview of the various stages involved in monitoring the application of Community law, comparing 1999 figures with those of 2000; - Examining improvements in the pre-litigation procedure; - Assessing progress in transposing Community Directives in the Member States; - Evaluating applications for derogations from harmonisation measures; - A geographical overview showing, by Member State, all the infringement procedures commenced or handled by the Commission during 2000; - An overview of the Commission's use of the penalty procedure of Article 228; - A situational report examining, sector by sector, the application of Community law. This is an exhaustive list of policy fields where EU law applies and includes for example, the pharmaceutical industry, motor vehicles, construction products etc. Concerning the statistical overview the Commission notes that there is a degree of stabilisation in the number of complaints registered by the Commission. Indeed, for the first time complaints have actually decreased. At the same time the Commission opened a far greater number of cases based on its own investigation. Out of the total of 896 own investigation proceedings, fifteen commenced on the basis of parliamentary questions. In terms of letters of formal notices being issued the figure was up by 22.51%. Concerning the number of reasoned opinions, numbers for 2000 were the same as those for 1999, namely - 460. The number of cases being referred to the Court of Justice is down slightly by 3.5%. Encouragingly, the speed with which cases are handled continued to rise in 2000. Improvements in the pre-litigation procedures have also been identified thanks in large part to the use of the Asmodée Directives, which set up databases collating data on infringements. An encouraging rise in Member States transposition of Directives was witnessed for the first time since 1992. By 31 December 2000 the Member States had, on average notified 96.59% of national measures needed to implement the Directives. In spite of a 3% rise in its transposition rate Greece lags behind, floundering at the bottom of the table with Denmark positioning itself right on top. Interestingly, Belgium has jumped from ninth place to third having successfully pushed through a number of transpositions. Indeed, Belgium remains the a shining example to others seeing the number of infringement proceeding against it drop by 34.48%. France, Italy and Greece, as was the case for 1999, head the list of countries with the most infringementproceedings taken against them. In terms of applications for derogation from harmonisation measures, permitted under Article 95 of the EC Treaty, only Belgium lodged a notification which sought to limit the marketing and use of organotin compounds. This request was denied. Regarding the application of Article 228 a number of developments have been taking place. Firstly, three cases have been referred by the Commission to the Court of Justice - against Germany, Italy and the United Kingdom. Additionally, in 2000 the Court ordered Greece to pay a penalty payment of EUR 20 000 per day for failure to discharge its obligation of taking necessary measures for the elimination of toxic and dangerous waste. On the date of submitting the Report, Greece had paid a fine of EUR 1 760 000 in line with the penalty but had not taken measures to close the toxic site.

Monitoring the application of Community law. 18th annual report 2000, 19th annual report 2001

2001/2197(COS) - 07/02/2002 - Document attached to the procedure

This document consists of the report on the implementation of the Robert Schuman Project 1999-2001. The Robert-Schuman project has been in force for the years 1999-2001, with the objective of encouraging and supporting initiatives designed to raise awareness of the Community law among the legal professions in the member States. By raising the awareness of this law among the judges and lawyers of national jurisdictions, the overall aim of the Project was to gradually improve the application, throughout the Union, of Community law. This report is in response to the obligation of the Commission to report on the implementation of the Project. The report shows that with a total of 180 initiatives supported over the course of five years and over EUR 3.5 million spent in support of these initiatives the Robert-Schuman Project, and the Pilot Phase that preceded it, must be considered to have had an impact on the awareness of Community law among the legal professions in the European union. This conclusion is confirmed also by the number of beneficiaries who indicate that they intend to continue with initiatives designed to provide training and information on Community law in the future. Although an assessment to the true impact on the actual application of Community law throughout the European union falls outside the scope of this report; it can safely be assumed that an important contribution has been made towards this end. The Project can therefore be considered to have met its objectives - to provide a time-limited boost for the training of the legal professions in Community law, while respecting the competence of the Member States to organise and carry out vocational training. In view of the above and the steady downward trends in application, further Community intervention in this area is no longer justified. This conclusion follows also from the Commission's line, in the context of the financial reform, to move away from the management of micro-projects. More focussed support for training actions will continue to be available in the framework of the different cooperation programmes in the field of Justice and Home Affairs.

Monitoring the application of Community law. 18th annual report 2000, 19th annual report 2001

2001/2197(COS) - 03/06/2003 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution drafted by Diana WALLIS (ELDR, UK) on the Commission reports. It welcomed the improvements the Commission had announced to its administrative procedures with regard to infringements of Community law, and asked the Commission to keep complainants fully informed of the progress of their complaints. Short deadlines should be set for the pre-litigation phase of the procedure for breach. Furthermore, as a rule, the deadline for transposing directives should be clearly stated and should not be longer than two years. Parliament recalled that petitions forwarded by individuals to the Commission, the Ombudsman and Parliament's relevant committees enable the European Union to assess the way in which Community law is being implemented at national and European level. It asked the Commission, in future, to include in its annual reports on the monitoring of the application of Community law a chapter devoted to the petitions forwarded to it by Parliament's competent committees. Parliament went on to calls for increased cooperation between national parliaments and the European Parliament and their respective members, so as to aid and increase effective scrutiny of European matters at national level. Parliaments play a valuable role in monitoring the application of Community law, thus helping to strengthen the democratic legitimacy of the Union and bring it closer to the citizens. There will be enormous challenges that European lawmaking following enlargement. It will therefore be of even greater importance to establish clear political priorities and goals and, where possible, to simplify legislation, perhaps by greater use of framework directives, thus in turn facilitating the implementation process. 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 Parliament, as this process will constitute another helpful indicator of the application of Community law and access to justice. Finally, Parliament felt that coregulation and self-regulation would have an important role to play in regulating certain sectors of the economy. They must be subject to clearly defined condition. Both these instruments reduce the right to judicial review. There is a danger of thereby creating rules that are uncertain, less binding and less secure, that may result in artificial approximations and random transposition into national legislation. Any coregulation measure must be based on a legislative act adopted jointly by the Council and Parliament.