Basic information

2003/2008(INI) INI - Own-initiative procedure	Procedure completed
Monitoring the implementation of Community law . 20th annual report 2002 **Subject** 8.50.01 Implementation of EU law	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	JURI Legal Affairs and Internal Market	MACCORMICK Professor Sir Neil (V/ALE)	20/02/2003
European Commission	**Commission DG**	**Commissioner**	
	Secretariat-General		

Key events

Date	Event	Reference	Summary
11/12/2002	Non-legislative basic document published	COM(2002)0725	Summary
16/01/2003	Committee referral announced in Parliament		
24/02/2004	Vote in committee		
24/02/2004	Committee report tabled for plenary	A5-0109/2004	
09/03/2004	Decision by Parliament	T5-0139/2004	Summary
09/03/2004	End of procedure in Parliament		

Technical information

Procedure reference	2003/2008(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Implementation
Legal basis	Rules of Procedure EP P.F.
Stage reached in procedure	Procedure completed
Committee dossier	JURI/5/19100

Documentation gateway				
European Parliament				
Document type	**Committee**	**Reference**	**Date**	**Summary**
Committee report tabled for plenary, single reading		A5-0109/2004	24/02/2004	
Text adopted by Parliament, single reading		T5-0139/2004 OJ C 102 28.04.2004, p. 0030-0142 E	09/03/2004	Summary
European Commission				
Document type		**Reference**	**Date**	**Summary**
Non-legislative basic document		COM(2002)0725	11/12/2002	Summary

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2003/2008(INI) - 11/12/2002 - Non-legislative basic document

PURPOSE : to set out certain actions to improve the monitoring of Community law. CONTENT : this Communication first distinguishes preventive measures carried out in cooperation between Commission and Member States to avoid infringements. It then sets out the conditions for effective management of controls and actions against infringements. The document brings together and highlights a series of measures resulting from practical experience. According to the statistics for 2001, approximately half (49%) of the suspected infringements recorded gave rise to a letter of formal notice; slightly more than half (54%) of the letters of formal notice were followed by reasoned opinions and approximately a fifth (21%) came to court. In the end, only about a tenth (10.3%) of the suspected infringements originally recorded culminated in infringement proceedings. Registrations of new cases currently lie at around 2000 a year. The ongoing caseload is stable at around 4000 (3868 cases on 10 June 2002). This figure seems relatively small in the end in view of the number of Member States and the size of the Community acquis. The rapid turnover of cases in hand is reflected in the short handling time of procedures, three-quarters of which have either been closed or have reached the reasoned opinion stage within the first year following their registration. - Prevention of infringements. This includes improving cooperation with the Member States, monitoring the proper transposal of directives and providing more information about Community law. The actions promised by the Commission include giving consideration for a training programme in Community law for national administrations and the judiciary, publishing on-line information on transposals, assisting Member States with "package meetings" and technical assistance, and proposals for a directive to include a "concordance table" with the communication of transposal measures. - Action against infringements. The Commission ranks the following infringements as serious: infringements that undermine the foundations of the rule of law, those that undermine the smooth functioning of the Community legal system and the failure to transpose directives. A series of actions are proposed. The report also highlights the importance of complaints as a vital means of detecting infringements. Complainants will be given clear information about the action taken. In particular, the grounds for decisions taken on the investigation of a breach of the law will be given on the most transparent basis. A clear administrative distinction will be drawn between correspondence likely to give rise to the opening of an infringement file and other correspondence. The Commission proposes certain actions to deal with infringements. Where Member States fail to take measures to ensure fulfilment of their obligations or is reluctant to cooperate in infringement proceedings, more systematic and effective recourse will be had to Article 10 EC in conjunction with other relevant legal bases in the Treaty. The document emphasises the importance of applying legislation properly and complying with it after enlargement. For the moment, the Commission's plan with this Communication is to prompt a change of enforcement culture. Merely enforcing the law against infringements is not enough; there is a need for prevention also.But cooperation will not release the Commission as guardian of the Treaties from its duty to remind the Member States of their commitments and to seek the best instruments at all times.

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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.