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Briefing Monica Frassoni

Monica Frassoni, as repporteur, presented a report evaluating the Commission's monitoring of the application of Community law in 2003-2004. This report was adopted in Plenary on 16 May 2006.

The main points of the resolution raised by the rapporteur were the following:

- the main problems with the infringement procedure (Articles 226 and 228 TEC) are its length (54 months in average since the registration of the complaint and the referral to the Court) and the limited use of Article 228 (referral to the Court of Justice);
- the Commission should seriously reassess its indulgence of Member States when it comes to the deadlines for submitting requested information to the Commission, adopting and communicating national implementing measures and correctly applying Community legislation at national, regional and local levels;
- the Commission should publish on its website the studies requested by the various Directorates General on the evaluation of the conformity of national implementation measures with Community legislation;
- the present procedures give citizens no rights beyond lodging a complaint and the Commission, in its role as guardian of the Treaty, has a broad discretion as to whether to register a complaint and start proceedings. This important and exclusive prerogative should correspond to a duty of transparency and accountability as to the reasons why decisions are taken, notably not to pursue complaints. There is nothing in the Treaty or the case law of the Court of Justice to prevent the use of appropriate legislative instruments to give further rights to complainants and therefore the Commission should take steps to adopt such instruments.
- the Commission should respect the principles stated in its Communication of 2002 to the effect that all complaints likely to denounce a real violation of the Community law received by the Commission should be registered, without any selection, unless they come under the exceptional circumstances referred to in Article 3. The Commission should submit a regular report to Parliament on cases of non-registration of complaints in line with the above-mentioned Communication.

See the whole document of the report: on the Commission's 21st and 22nd Annual reports on monitoring the application of Community law (2003 and 2004).

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