

Editorial News

Application of EU law

Opening the debate in the European Parliament on 13 February on the Commission's annual report on the application of EU legislation (*The Week*, 12-16 February) Georgios Anastassopoulos (Gr, Epp) was worried that national constitutional challenges to Community legislative acts could jeopardise the uniform application and interpretation of Community law. He said that challenges like the one by the German Constitutional Court to the Maastricht Treaty raised fundamental questions about legal certainty. Mr Anastassopoulos urged the Commission to achieve a dynamic interpretation of EU law in order to prevent such uncertainty.

Council's practice of appending declarations to EU decisions was also raised by Mr Anastassopoulos, who called for the Council's 'code of conduct' to be replaced with an inter-institutional agreement so as to guarantee greater transparency in decision-making.

Another concern for Mr Anastassopoulos was the failure by some Member States, notably France and Belgium to implement Court of Justice judgements.

In his report, he also highlights the fact that some Member States were reluctant to request preliminary rulings from the Court of Justice. In 1994, Italy referred 46 cases, Germany 44 and France 36 but, on the other hand, Greece, Portugal, Ireland and Denmark referred less than five cases each.

Finally, Mr Anastassopoulos stressed the need to improve the teaching of EU law at universities.

On behalf of the petitions committee, Giorgios Dimitrakopoulos (Gr, EPP) expressed concern about the infringements of EU law in the areas of the free movement of persons and the environment, while Graham Watson (Somerset and North Devon, ELDR), for the economic affairs committee, criticised the length of time taken by the Commission to chase up recalcitrant Member States for non-implementation of EU rules. He also supported the criticism of certain Member States for their statements to the Intergovernmental Conference, which appeared to jeopardise the principle of Community legislation. Mr Watson also backed the report's call on the Commission to draw up a guide on improving access to justice. On the single market, he warned against any back-peddalling on this main objective of the EU.

Patricia McKenna (Dublin, Greens) was another speaker to call on the Commission to get tough with Member States. She said Ireland had delayed implementing EU rules on equal treatment in respect of social welfare and on the protection of pregnant women at work until the EU had enacted legal proceedings. On the environment, she took the view that Ireland expected EU funds for projects which were "at the best dubious" and then criticised the EU for interfering when it raised doubts, citing the row over the Mutton Island sewage plant in Galway Bay as an example.

Ian Wright (Bristol, PES) complained that the annual report made no reference to the role of petitions and MEPs' questions in revealing infringements of EU legislation. He also urged the

Commission to release correspondence between itself and a Member State in cases of Article 169 complaints, where the complainant waives the confidentiality rule.

While acknowledging that the implementation of EU legislation was not as it could be, Padraig Flynn, replying for the Commission, believed progress had been made in 1994. Furthermore, the next annual report for 1995 would show a considerable advance, he said, as the Commission entered into a consolidation phase after completing the regulatory base for establishing the single market.

On the question of the use of Article 171, Mr Flynn said the Commission had taken the final decision to pursue this particular option but the appropriate level of fines required careful consideration. He added that 15 letters had been sent out to Member States in 1995 warning of fines.

The resolution was approved with amendments seeking to enhance the role of national Parliaments.

European Commission Submission on IGC

Following the submission of ideas for the future of the European Union from the Member States, the Commission has now sent its own suggestions to be considered by the Intergovernmental Conference which opens in Turin on 29 March. In presenting these to the European Parliament, President Jacques Santer said it was vital to present clear objectives and provide the right tools to lead a Union which might be enlarged to as many as 30 members in the foreseeable future.

The IGC had to show real political will. If enlargement was to be successful without dilution of European integration, the European model had to be adapted and reinforced.

The Commission's suggestions set out practical guidelines; A Citizens' Europe, based on the rule of law and social justice; simplifying decision making; less use of the veto; more power for the European Parliament; closer involvement of national Parliaments; extension of the Commission's power of initiative in foreign and home affairs hitherto restricted to Governments under the Maastricht arrangements; extending foreign and security policies to common defence.

Among other highlights, the Commission suggests the Parliament should have fewer members and the number of Commissioners should be reduced to one per Member State. In the area of foreign and security policy, it should be possible for action to be taken by a limited number of States when the others do not oppose it though they need not participate.