

EUROPEAN PARLIAMENT

Working Documents

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MOTION FOR A RESOLUTION

tabled by Mr von WOGAU, Mr WEDEKIND, Mr NOTENBOOM,
Mr BLUMENFELD, Mr CHANTERIE, Mr LANGES, Mr BARBAGLI,
Mr Konrad SCHÖN, Mr BEUMER, Mr KLEPSCH, Mr ANTONIOZZI,
Mr PÖTTERING, Mr JONKER, Mr MÜLLER-HERMANN, Mr GIAVAZZI,
Mr AIGNER, Mr MALANGRE, Mr FRANZ and Mr TRAVAGLINI

on behalf of the Group of the European People's
Party (CD Group)

pursuant to Rule 47 of the Rules of Procedure

on the creation of subsidiary powers of harmonization
for the European Parliament

The European Parliament,

- A. whereas violations by the Member States of Community law as set out in the Treaty and in particular of the ban on measures having an equivalent effect to quantitative restrictions in intra-Community trade (Article 30 of the EEC Treaty) are increasing,
- B. whereas the Commission of the European Communities is hampered in the investigation and prosecution of these violations of the Treaty by the fact that the governments of the Member States do not reply to the Commission's requests for information,
- C. whereas the possibility for collaboration between national courts, including lower courts and the Court of Justice of the European Communities within the meaning of Article 177 of the EEC Treaty has helped significantly in the achievement and consolidation of the legal integration of the Community,
- D. having regard to Article 5, first paragraph, of the EEC Treaty, which provides that the Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community and that they shall facilitate the achievement of the Community's tasks,
- E. firmly convinced that under Article 5 of the EEC Treaty even the lower authorities of a Member State are required to reply directly to requests for information addressed to them by the Commission and that this article therefore forms the basis for a general obligation to provide administrative assistance at European level,¹
1. Requests the Commission in future, if the government of a particular Member State fails to provide information or if the information it provides is inadequate, to address requests to the competent national authorities direct;
 2. Requests the Commission, if the lower national authority to whom the request is addressed fails to reply within the prescribed time limit, to bring an action before the Court of Justice of the European Communities to have the infringement established pursuant to Article 169 of the EEC Treaty, under which the Member State in question, as a result of the failure by its lower authority to reply to the Commission's request for information, has failed to fulfil its obligation under Article 5 of the EEC Treaty;
 3. Instructs its President to forward this resolution to the Commission and the Court of Justice.

¹ In its judgment of 13 July 1972 in Case 48/71 (Reports 1972, page 527), the Court of Justice of the European Communities ruled that bans arising out of the EEC Treaty - in this instance Article 30 thereof - are directly applicable not only to the governments but also to the competent authorities of the Member States.