

EUROPEAN PARLIAMENT

Working Documents

1981 - 1982

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DOCUMENT 1-1046/81

MOTION FOR A RESOLUTION

tabled by Mr von WOGAU, Mr PÖTTERING, Mr FRANZ,
Mr PFLIMLIN, Mr MALANGRE, Mr NOTENBOOM, Mr van AERSSEN
Mr PFENNIG, Mr BOCKLET, Mr Konrad SCHÖN, Mr GIAVAZZI,
Mr TRAVAGLINI, Mrs RABBETHGE, Mr HERMAN, Mr DIANA,
Mr ADONNINO and Mr GONELLA

pursuant to Rule 47 of the Rules of Procedure

on the maintenance of the internal European
market as the market of a Community ruled by law

PE 77.393

The European Parliament,

- having regard to its resolution on the responsibility of the Court of Justice of the European Communities for the uniform application of Community law in the Member States¹,
 - having regard to the decisions of courts in some Member States, which jeopardize the complete and uniform application of Community law throughout the Community²,
 - having regard, in particular, to the decisions of courts in two Member States, which specifically reject the rulings of the Court of Justice of the European Community as to the direct effect of Community directives within the Member States³,
 - whereas a further instance has now occurred⁴ of a Member State refusing to adopt the measures consequent upon a judgement by the Court of Justice⁵,
1. Expresses deep concern at the present state of the European Communities as a Community ruled by law;
 2. Points out that the complete and uniform application of Community law throughout the Community is indispensable for the establishment within the Common Market of conditions analogous to those of a domestic market;
 3. Draws attention once again to the key position which the Court of Justice assumes through its responsibility for upholding the law in the interpretation and application of Community law;

.../...

¹OJ No. C 287, 9.11.1981, p. 47

²Decision of the German Federal Constitutional Court of 29.5.1974, II BvL 52/71; judgment No. 232 of the Italian Constitutional Court of (22) 30.10.1975.

³Decision No. 11604 of the French Council of State of 22.12.1978; decision of the German Federal Fiscal Court of 16.7.1981, V B 51/80; judgment of the Federal Administrative Court of 13.11.1980, III C 138/79.

⁴Court of Justice, judgment of 25.9.1979 in Case 232/78, ECR 1979, p. 2729; Court of Justice, order of 28.3.1980 in Joined Cases 24 and 97/80 R, ECR 1980, p. 1319.

⁵Court of Justice, judgment of 7.7.1981 in Case 158/80.

4. Urges the Member States to apply Community law at all times and without exception, as it emanates from the decisions of the Court of Justice;
5. Believes firmly that when the Commission decides whether to bring an action for infringement of the Treaties, pursuant to Article 169 of the EEC Treaty, the safeguarding of the rule of law in the Community must have absolute priority over considerations of political expedience, regardless of which body in a Member State is in breach of Community law;
6. Calls on the Commission to bring actions without delay for infringement of the Treaties, pursuant to Article 169 of the EEC Treaty, against Member States which ignore the decisions of the Court of Justice;
7. Instructs its President to forward this resolution to the Council, the Commission and the Court of Justice, and to the parliaments and Ministers of Justice of the Member States.