

**Answer given by Mr Prodi on behalf of the Commission**

(31 January 2003)

The fact that the Commission decided to review the conditions for implementing Article 228 of the EC Treaty in connection with the case referred to by the Honourable Member cannot be regarded as an admission of inadequate resources but rather a demonstration of the desire to seek the most appropriate ways under the EC Treaty of ensuring that Court of Justice judgments are implemented.

Recently, in connection with the White Paper on Governance as regards better monitoring of the application of Community law <sup>(1)</sup>, the Commission stressed that it intended to give priority to infringement proceedings under Article 228. Likewise, in its contribution to the work of the Convention <sup>(2)</sup>, it proposed reinforcing the machinery at its disposal for performing its general task of ensuring that Union law is properly implemented.

<sup>(1)</sup> COM(2002) 725 final.

<sup>(2)</sup> COM(2002) 728 final.

(2003/C 280 E/027)

**WRITTEN QUESTION E-3860/02**

**by Mogens Camre (UEN) to the Commission**

(10 January 2003)

*Subject:* Minority Commission decision to draw up a draft treaty

As we are all aware, the Commission is a collegiate body which, outwardly, takes its decisions unanimously. This presupposes that the President and individual members do not act on their own initiative. If, however, they do, any proposal that may be made must be regarded as void.

Commissioner Vitorino referred to Montesquieu's principles concerning a three-way division of power, which is completely incomprehensible since the division of power into separate legislative, executive and judicial powers does not entitle civil servants to act on their own initiative.

How can a minority of the Commission's members decide to initiate the drafting of a treaty without the matter having been put before the Commission as a whole?

(2003/C 280 E/028)

**WRITTEN QUESTION E-3902/02**

**by Mogens Camre (UEN) to the Commission**

(14 January 2003)

*Subject:* Commission funding of production of an unofficial draft treaty

On 4 December 2002 the contribution of three Commissioners to a future draft treaty was published under the title: 'Feasibility Study – Contribution to a preliminary draft Constitution of the European Union'. It is clear from the working document that it was drawn up at the request of Commission President Romano Prodi in agreement with Commissioners Barnier and Vitorino. It is also stated that the document does not necessarily represent the Commission's views. Nonetheless, the document is printed on the Commission's official headed paper with the Commission logo – the EU flag – on the front page.

It would therefore be of great interest to the general public to be informed of the following: what did it cost for Commission President, Romano Prodi, to have a working party set up to draw up an unofficial draft treaty on his own behalf and on behalf of a couple of other Commissioners, who carried out this work and where is it entered in the Commission's accounts?