

From the Editors

An important topic in this issue of *REALaw* is the enforcement of European law in the Member States. This topic is highly important because, despite the priority given to the enforcement of Community law over past decades, Europe is still facing a huge enforcement deficit. Major enforcement difficulties occur in the area of European environmental law. In 'European influence on national environmental law enforcement: Towards an integrated approach', Aletta Blomberg discusses the question whether the European influence on national enforcement of European environmental law is adequate and sufficient. To answer this question she evaluates the present European influence exercised by means of specific enforcement requirements on inspections and sanctions in European legislation, infringement proceedings and information obligations of the Member States. She concludes that a more integrated European approach is needed. The European standards for national enforcement of environmental law should be clarified and expanded.

The article of Paul Adriaanse and others 'Implementation of EU Enforcement Provisions: Between European Control and National Practice' presents the results of a research into the implementation of EU enforcement provision in the Netherlands, conducted by researchers of Leiden University and Utrecht University. The research group explored in depth European enforcement provisions in ten areas (from media policy and combating terrorism to fish quota policy and customs). According to the group in the areas examined no structural problems in the practice of the implementation of European enforcement provisions appear to exist in the Netherlands.

In his article 'The European Ombudsman and the Applications of EU Law' the European Ombudsman P. Nikiforos Diamandouros analyses the two main ways by which the European Ombudsman promotes the correct application of EU law by the Member States. First, the EO deals with complaints against the European Commission in its role as 'guardian of the Treaty'. The main achievement of the EO's work in this field has been to persuade the Commission to commit itself to the certain procedural guarantees. Second, the EO cooperates closely with national and regional ombudsmen, who have power to tackle problems of incorrect implementation of EU law by public authorities of the Member States.

Jenny Davidson, 'The Full Effect of Community Law – An Increasing Encroachment upon National Law and Principles', discusses the recent Court judgment in case *Vereniging Nationaal Overlegorgaan Sociale Werkvoorziening and others*. To her opinion this case means a serious infringement of the national principle of legality and limits considerably the level of protection provided by the national principles of legitimate expectation and legal certainty.

The case of *Willy Kempter v. Hauptzollamt Hamburg-Jonas* is analysed by Mathias Ruffert in his article 'The Stability of Administrative Decisions in the Light of EC Law. Refining the Case Law'. In *Kempter* the earlier case of *Kühne & Heitz* is given greater precision in two ways. First, the case clarifies that the review of a final administrative decision under *Kühne & Heitz* is not subject to the requirement that party concerned relied on Community law when contesting the administrative decision before the national court. Second, the Court underlines that there is no general European deadline for claiming the review of a final administrative decision.

Finally Mariolina Eliantonio 'The Application of EC law *ex Officio* – Some News from the Italian Administrative Courts', provides an overview of the case law of the Italian administrative courts on the duty to apply Community law of their own motion. Her analysis shows that, in an initial phase, the Italian courts in several cases applied EC law *ex officio*. Subsequently however, the courts became more cautious and upheld the principle of party autonomy.