

Monday, 13 February 1989

criticized the attitude of certain Commission departments with regard to a project submitted by Ireland;

— by Mr O'Malley, on the Irish Government's decision to increase excise duties which he felt was contrary to the principle of the single market;

— Mrs Dury, on the fact that the President's office had not declared admissible a motion for a resolution which she had tabled under Rule 63 concerning political prisoners in Turkey;

— Mrs Ewing, on British Press reports of a statement, which she considered defamatory, made by Mr Hutton concerning Members of the European Parliament (the President replied that he would consider the matter and make a statement on it to Parliament);

— Mrs Buchan, on the President's reply;

— Mr Hutton, on Mrs Buchan's comments.

2. Approval of minutes

The minutes of the previous sitting were approved.

The President announced that Mrs De March had confirmed in writing Mrs Le Roux's claim (*pari 1, item 1 of the minutes of 2 January 1989*) that she had wanted to vote against the motion for a resolution contained in the Prag report on the seat of Parliament (Doc. A 2-316/88).

3. Official welcome

The President welcomed a delegation from the Irish Parliament's Joint Parliamentary Committee on Secondary Legislation of the European Community, led by Mr Sean Doherty, who had taken their seats in the Official Gallery.

4. Vice-Presidents of the Commission

The President announced that Mr Andriesen, Mr Bangemann, Sir Leon Brittan, Mr Christophersen, Mr Marin and Mr Pandolfi had been appointed Vice-Presidents of the Commission. He congratulated them on their appointments.

5. Membership of Parliament

The President announced that the French authorities had informed him that Mr Robert Batailly had been

appointed Member of Parliament to replace Mrs Dupuy, who had resigned, and that the Greek authorities had informed him that Mr Spyridon Zournatzis had been appointed to replace Mr Dimopoulos, who had also resigned.

He welcomed the new members and drew attention to the provisions of Rule 6 (3).

6. Verification of credentials

On a proposal from the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, Parliament ratified the appointments of Mrs Badenes and Mr Kellett-Bowan.

7. Delegation of power of decision to committee (Rule 37)

The President informed Parliament of the committees' proposal for the application of Rule 37:

Committee on Energy:

— Report on energy and completion of the international energy market for 1989;

Committee on the Environment:

— Roelants du Vivier report on the consequences of the rapidly rising level of the sea along the coasts of Europe;

Committee on Youth:

— report on a decision instituting the Lingua programme to promote foreign language teaching in the Community,

— report on a decision to promote the teaching and study of foreign languages in the Community in the framework of the Lingua programme.

In accordance with Rule 37 (2), these proposals would be put to the vote at the beginning of Tuesday's sitting.

8. Application of the Rules of Procedure

The President informed Parliament, pursuant to Rule 131, of the following interpretation of Rule 45 (1), given by the Committee on the Rules of Procedure con-

Monday, 13 February 1989

cerning the communication of the common position of the Council (1):

'Before making the announcement, the President shall ascertain, after consulting the chairman of the committee responsible, that the text he has received is in fact a common position and that the circumstances described in Rule 42 do not apply. Failing this, the President, together with the committee responsible and, where possible, in agreement with the Council, shall seek the appropriate solution'

If this interpretation had not been contested under Rule 131 when the minutes of that sitting were approved, it would be deemed adopted.

9. Petitions

The President announced that he had received the following petitions:

- by Mr Shaw, on Kenneth Buckley, victim of a fraudulent voluntary liquidation (No 545/88);
- by Mr Hughes, on property frauds in Spain (No 546/88);
- by Mr Salvino, on attacks against the petitioner carried out by the Mafia in order to be able to exploit his industrial inventions (No 547/88);
- by the 'LEBENSILFHE' organization, on a child care allowance for nationals working abroad (No 548/88);
- by Mr Tessmann, on an application for a pension in France (No 549/88);
- by Mr Drumel, on damage caused to a vehicle following a flood in Fuengirola and liability (No 550/88);
- by the North Netherlands Human Rights Foundation, on the violation of human rights by Turkey (No 551/88);
- by Mr Thorbjorn Jensen, on the payment of tax arrears (No 552/88);
- by Mr Zuechner, on the calculation of bank charges in intra-Community trade in goods and services (No 553/88);
- by Mr Di Gennaro, on industrial injury (No 554/88);
- by Mr Leahy, on the legal acknowledgement of an EEC citizenship (No 555/88);

- by ADV — Association for the Defence of Victims of civil, criminal and administrative proceedings, calling for an end to 'judicial genocide' (No 556/88);
- by Mr Urban, on the infringement of the Basic Law (No 557/88);
- by Mr Amormino, on exemption from paying road tax in Italy whilst a vehicle is not being used (No 558/88);
- by Mr Ahrensberg, on problems associated with Community-wide taxation, etc. (No 559/88);
- by Mr Bloemhof, on unemployment benefit (No 560/88);
- by Mr Scanduzzi, on a protest against the employment of Hungarian welders in Belgium (No 561/88);
- by Sektion Bundesrepublik Deutschland der Internationalen Ärzte für die Verhütung des Atomkrieges, on the effects of A-bomb tests in Polynesia (No 562/88);
- by Mrs De Luca-Pazzanese, on an injunction concerning land intended for public services (No 563/88);
- by Mrs Schmitt, on the payment of unemployment benefit (No 564/88);
- by Inter-Environment-Wallonie ASBL, on the urgent need for a plan of action to stop the destruction of tropical forests (No 565/88);
- by Mr Cottrell, on the 'Dyke' case (No 566/88);
- by PAKOE (Panhellenic Centre for Ecological Research); on environmental pollution in the regions of Varivavas and Olympiddas in Chalhidi caused by a gold processing works (No 567/88);
- by Mr Anufantakis, on mutual recognition of tertiary level (technical) diplomas (No 568/88);
- by Mr Theophilatos, on one-off compensation payment to sacked employees (No 569/88);
- by Mr Petratos on behalf of Pector Air Conditioning, on customs clearance of air conditioning units (No 570/88);
- by Mr Kyriakou, on asphaltting a village road (No 571/88);
- by Mr Manousoudakis, on the rejection of an application for disability pension (No 572/88);
- by Mr Papamichaloupoulos, on the relaxation of regulations governing private land (No 573/88);
- by Mr Karkanis, on pension difficulties (No 574/88);

(1) This interpretation is contained in a working document, the full text of which is annexed to these minutes, in view of its importance.

Monday, 13 February 1989

- by Mr Manetas, on the problem of health at work with regard to electricians and their hours of work (No 575/88);
- by Mr Konstantilakis, on the problem of noise near his home (No 576/88);
- by Mr Mastorakis, on dual taxation on his car (No 577/88);
- by Mr Spang, on the entry into the Republic of Italy refused to a group travelling by bus (No 578/88);
- by Mr Reffel, on the handling over of a detainee to serve a sentence in the Federal Republic of Germany (No 579/88);
- by Mr Lechien, on the compulsory use in Charleroi of the bin-bags of the Societe ICDI (the Charleroi refuse collection company) (No 580/88);
- by Mr Catozzi, on the failure to implement the Universal Declaration of Human Rights (No 581/88);
- by Mr Voglino, on the ACNA-Bormida case (No 582/88);
- by Mr Prenda, on the abolition of open competitions for the recruitment of officials to the Portuguese civil service (No 583/88);
- by Mr Huber, on difficulties with the Spanish authorities in connection with the purchase of land in the province of Alicante, Spain (No 584/88);
- by Mr Godfrind, on the right of way over his property (No 585/88);
- by Ms Gerolimatos, on finding work in the plastercast sector in Athens, and recruitment for a post of guard announced by the Ministry of Culture (No 586/88);
- by Mr Skilros, on the granting of licences to pedlars and travelling photographers (No 587/88);
- by Mr Siopis, on the restitution of Greek citizenship and permanent establishment in Greece (No 588/88);
- by Mr Zindros, on his treatment as a human guinea-pig (No 589/88);
- by Mr Ferreiro Mosquera, on the chaotic situation in the Mafriesa company (La Coruna) (No 590/88);
- by Mr Obrador, on an application for EAGGF funds previously refused (No 591/88);
- by Mr Rodies, on pension payments from Italy (No 592/88);
- by Mr Gomez Gimenez, on a job application (No 593/88);
- by Mrs Bartolomeu Lopez: the petitioner is confined in a psychiatric hospital against her will (No 594/88);

- by Mr Porsinck, on sales tax on imported goods of a non-commercial nature (No 595/88);
- by Mr Berens, on the proposed siting of a very large German refuse dump in the immediate vicinity of the Dutch-German border (No 596/88);
- by Mr Janssen, on the planned siting of a very large German rubbish dump close to the German-Dutch border (No 597/88);
- by Mrs Weber, on recognition as a pediatric nurse in Luxembourg (No 598/88);
- by Dr Happel, on career and salary grading in Hesse teaching service (No 599/88);

These petitions had been entered in the register pursuant to Rule 128 (3) and had been referred to the Committee on Petitions pursuant to paragraph 4 of that rule.

Decisions on various petitions:

a) Petitions declared admissible pursuant to Rule 128 (4):

— Nos 393, 397, 421, 429 and 436/88: consideration closed, documents would be forwarded to the petitioners;

The President was asked to forward petition No 397/88 to the Committee on Transport and petitions Nos 421 and 441/88 to the Political Affairs Committee for information.

— Nos 22 (which had already been declared admissible at the committee meeting of 20 and 21 April 1988), 385, 388, 390, 396, 398, 400, 401, 402, 403, 412, 414, 416, 418, 419, 420, 423, 424, 428, 431, 432, 433, 435 and 437/88: forwarded to the Commission for additional information;

— No 422/88: the President was asked to forward this petition to the delegation for relations with Turkey and to ask that delegation to contact the representatives of the Turkish Government and members of the Turkish Grand National Assembly;

— No 425/88: the President was asked to write to the Italian authorities for more information;

b) Petitions on which examination had closed:

— Nos 72/83, 29 and 68/86, 3, 311, 386, 478 and 480/87, 5, 17, 84, 92, 96, 100, 103, 105, 106, 110 and 132/88, on the basis of information provided by the Commission (the President was asked to forward petition No 68/86 to the Political Affairs Committee for information);

Monday, 13 February 1989

— Nos 23 and 71/84, 171 and 230/85, 93, 287, 438, 453 and 458/87, 42, 46 and 123/88, on the basis of information provided by the Commission (Petition No 171/85 had been forwarded to the Political Affairs Committee for information);

— Nos 232/85, 325/87, 18, 48, 58, 68, 75, 85 and 116/88, on the basis of information provided by the Commission (the President was asked to forward petition No 58/88 to the Spanish Defensor del Pueblo);

— No 114/88, on the basis of information provided by Parliament's Legal Service (the President was asked to forward this petition to the Political Affairs Committee for information);

— No 8/87, on the basis of information provided by the Political Affairs Committee;

— No 28/87, on the basis of information provided by the national authorities concerned;

c) Petitions declared inadmissible and filed without further action pursuant to Rule 128 (5):

— Nos 383, 384, 392, 395, 399, 404, 405, 406, 413, 415, 434, 438, 439, 440, 442 and 443/88;

d) Petition referred for an opinion:

— No 113/88, to the Committee on Legal Affairs (the Committee on Youth had already been asked for an opinion);

e) Reminder:

The President has already been asked, in a special letter, to contact the French authorities in relation to petitions Nos 201/85 and 28/86 and the British authorities in relation to petition No 436/87.

f) Miscellaneous

The President was asked to contact the British Defence Minister to obtain more information in connection with petition No 435/87.

10. Documents received

The President announced that he had received:

(a) from the Council, requests for opinions on proposal from the Commission of the European Communities to the Council for:

— a regulation amending Regulation (EEC) No 486/85 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories (Doc. C 2-276/88 — COM(88) 679 final)

committee responsible: Development,
asked for opinions: Agriculture, Budgets;

— a directive on batteries and accumulators containing dangerous substances (Doc. C 2-279/88 — COM(88) 672 final — SYN 170)

committee responsible: Environment,
asked for an opinion: Economic;

— a directive on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionizing radiation (Doc. C 2-280/88 — COM(88) 654 final — SYN 169)

committee responsible: Environment;

— a Council decision extending certain provisions on the supply of milk and milk products at a reduced price to cover Portugal (Doc. C 2-281/88 — COM(88) 716 final)

committee responsible: Agriculture,
asked for an opinion: Budgets;

Monday, 13 February 1989

— a regulation amending Regulation (EEC) No 797/85 as regards extensification of production (Doc. C 2-282/88 — COM(88) 745 final)

committee responsible: Agriculture,
asked for an opinion: Budgets;

— a decision empowering the Commission to borrow under the New Community Instrument to stabilize the level of debt outstanding for the purpose of promoting investment within the Community NCI V (Doc. C 2-283/88 — COM(88) 661 final)

committee responsible: Economic,
asked for an opinion: Budgets;

— a decision on a Community financial contribution towards expenditure incurred by Member States for the purpose of ensuring respect of the Community system for the conservation and management of fishery resources (Doc. C 2-284/88 — COM(88) 703 final)

committee responsible: Agriculture,
asked for an opinion: Budgets;

— a directive amending Directive 75/106/EEC on the approximation of the laws of the Member States relating to the making-up by volume of certain pre-packaged liquids (Doc. C 2-285/88 — COM(88) 750 final — SYN 172)

committee responsible: Environment,
asked for an opinion: Economic;

— a decision introducing a Community financial measure for the eradication of Contagious Bovine Pleuropneumonia (CBPP) in Portugal (Doc. C 2-286/88 — COM(88) 797 final)

committee responsible: Agriculture,
asked for an opinion: Budgets;

— a directive on the approximation of the laws of the Member States relating to active implantable electro-medical equipment (Doc. C 2-287/88 — COM(88) 717 final — SYN 173)

committee responsible: Economic,
asked for an opinion: Budgets;

— a directive on the driving licence (Doc. C 2-288/88 — COM(88) 705 final)

committee responsible: Transport,
asked for an opinion: Legal;

— a regulation amending Regulation (EEC) No 2511/69 laying down special measures for improving the production and marketing of Community citrus fruit (Doc. C 2-289/88 — COM(88) 741 final)

committee responsible: Agriculture,
asked for an opinion: Budgets;

— a regulation instituting an exceptional emergency measure for less-favoured areas in Portugal (Doc. C 2-290/88 — COM(88) 774 final)

committee responsible: Agriculture,
asked for opinions: Budgets, Regional;

— a regulation introducing a specific measure for certain grain legumes (Doc. C 2-291/88 — COM(88) 832 final)

committee responsible: Agriculture,
asked for an opinion: Budgets;

— a third directive on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (Doc. C 2-292/88 — COM(88) 644 final — SYN 165)

committee responsible: Legal;

— a directive on investment services in the security field (Doc. C 2-293/88 — COM(88) 778 final — SYN 176)

committee responsible: Legal,
asked for an opinion: Economic;

I. a decision adopting the 'Lingua programme' to encourage language training in the European Community;

II. a decision to promote foreign-language teaching and study in the European Community under the Lingua programme (Doc. C 2-294/88 — COM(88) 841 final)

Monday, 13 February 1989

committee responsible: Youth,
asked for an opinion: Budgets;

- I. a regulation on animal health conditions governing intra-Community trade in ovine and caprine animals;
- II. a directive amending Directive 72/462/EEC on health and veterinary inspection problems up on importation of bovine animals and swine and fresh meat from third countries, in order to include ovine and caprine animals

(Doc. C 2-295/88 — COM(88) 742 final)

committee responsible: Agriculture,
asked for opinions: REX, Environment;

— a decision concerning work for third parties performed by the Joint Research Centre relevant to the European Economic Community (Doc. C 2-296/88 — COM(88) 725 final)

committee responsible: Energy,
asked for an opinion: Legal;

— a directive on informing the population about health protection measures to be applied and steps to be taken in the event of the radiological emergency (Doc. C 2-297/88 — COM(88) 809 final)

committee responsible: Environment;

— a recommendation on banning smoking in public places (Doc. C 2-298/88 — COM(88) 674 final)

committee responsible: Environment;

— a directive amending, particularly as regards motor vehicle liability insurance, first Council Directive 73/239/EEC, and second Council Directive 88/357/EEC on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 73/239/EEC (Doc. C 2-299/88 — COM(88) 791 final — SYN 179)

committee responsible: Legal,
asked for an opinion: Economic;

— a directive amending Directive 80/181/EEC on the approximation of the laws of the Members States

relating to units of measurement (Doc. C 2-300/88 — COM(88) 751 final — SYN 171)

committee responsible: Economic,
asked for an opinion: Environment;

— a regulation derogating from Regulation (EEC) No 797/85 as regards certain investment aids in the pig production sector (Doc. C 2-301/88 — COM(88) 817 final)

committee responsible: Agriculture;

— a directive on the harmonization of the laws of the Member States relating to non-automatic weighing instruments (Doc. C 2-303/88 — COM(88) 780 final — SYN 174)

committee responsible: Economic,
asked for an opinion: Budgets, Environment;

— the decision amending Decision No 78/774/EEC concerning the activities of certain third countries in the field of cargo shipping (Doc. C 2-305/88 — COM(88) 748 final)

committee responsible: Transport;

— a directive on the approximation of the laws of the Member States relating to appliances burning gaseous fuels (Doc. C 2-306/88 — COM(88) 786 final — SYN 178)

committee responsible: Economic,
asked for an opinion: Environment;

— a decision establishing a medium-term Community action programme to foster the economic and social integration of the least privileged groups (Doc. C 2-307/88 — COM(88) 826 final)

committee responsible: Social,
asked for opinions: Budgets, Women;

— a directive on the limitation of noise emission from civil subsonic jet aeroplanes (Doc. C 2-308/88 — COM(88) 662 final)

committee responsible: Environment,
asked for an opinion: Transport;

— a regulation on the elimination of controls performed at the frontiers of Member States in the field of

Monday, 13 February 1989

road and inland waterway transport (Doc. C 2-309/88 — COM(88) 800 final)

committee responsible: Transport;

— a regulation instituting a certificate for dogs and cats on visits of less than one year in the Member States and introducing Community measures to set up pilot projects for the control and eradication of rabies (Doc. C 2-310/88 — COM(88) 836 final)

committee responsible: Agriculture,
asked for opinions: Budgets, Environment;

— a decision adopting a specific multannual research and training programme for the European Atomic Energy Community in the field of radiation protection (1990/91) (Doc. C 2-312/88 — COM(88) 789 final)

committee responsible: Energy,
asked for opinions: Environment, Budgets;

— a directive concerning alcohol levels for drivers (Doc. C 2-313/88 — COM(88) 707 final)

committee responsible: Transport,
asked for an opinion: Environment;

— a directive concerning speed limits for certain categories of motor vehicles in the Community (Doc. C 2-314/88 — COM(88) 706 final)

committee responsible: Transport,
asked for an opinion: Environment;

— a directive amending Directive 85/3/EEC on the weights and dimensions and certain other technical characteristics of certain road vehicles (Doc. C 2-315/88 — COM(88) 759 final)

committee responsible: Transport,
asked for opinions: Economic, Environment;

— a regulation laying down maximum values for pesticide residues on and in certain products of vegetable origin, including fruit and vegetables (Doc. C 2-316/88 — COM(88) 798 final)

committee responsible: Environment,
asked for an opinion: Agriculture;

— a second directive on the coordination of laws, regulations and administrative provisions relating to

direct life assurance, laying down provisions to facilitate the effective exercise of freedom to provide services and amending Directive 79/267/EEC (Doc. C 2-317/88 — COM(88) 729 final — SYN 177)

committee responsible: Legal,
asked for an opinion: Economic,

(b) from the committees, the following reports:

— drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on possible legal action against events involving cruelty to animals; rapporteur: Mr Schmid (Doc. A 2-356/88);

— drawn up on behalf of the REX Committee on economic and trade relations between the European Community and the People's Republic of China; rapporteur: Mr Hindley (Doc. A 2-357/88);

— drawn up on behalf of the Committee on Social Affairs and Employment on the application of the Council Recommendation of 10 December 1982 on the principles of a Community policy with regard to retirement age (82/857/EEC) (COM(86) 365 final); rapporteur: Mr Megahy (Doc. A 2-358/88);

— drawn up on behalf of the Committee on Development and Cooperation on the common agricultural policy and the developing countries; rapporteur: Mrs Focke (Doc. A 2-359/88);

— drawn up on behalf of the Committee on Social Affairs and Employment on the Commission's guidelines for the management of the European Social Fund with regard to action to combat long-term unemployment and to facilitate the occupational integration of young people (Objectives 3 and 4); rapporteur: Mr Raggio (Doc. A 2-362/88);

— *** drawn up on behalf of the REX Committee on the conclusion of a protocol to the Agreement establishing an Association between the EEC and the Republic of Malta, consequent on the accession of the Kingdom of Spain and the Portuguese Republic to the Community (Council: 8941/1/88 M3 rev.1 — C 2-252/88); rapporteur: Mr Bird (Doc. A 2-363/88);

— *** drawn up on behalf of the REX Committee on the conclusion of a supplementary protocol to the Agreement establishing an Association between the EEC and the Republic of Malta (Council: 8865/1/88

Monday, 13 February 1989

M2 rev.1 — C 2-251/88); rapporteur: Mr Bird (Doc. A 2-364/88);

— * drawn up on behalf of the Committee on Energy, Research and Technology on the proposal from the Commission to the Council (COM(88) 426 final — C 2-120/88) for a decision concerning the implementation at Community level of the main phase of the strategic programme for innovation and technology transfer — SPRINT (1989 to 1993); rapporteur: Mr Bonaccini (Doc. A 2-366/88);

— **I drawn up on behalf of the Committee on Energy, Research and Technology on the proposal from the Commission to the Council (COM(88) 587 final — C 2-223/88 — SYN 162) for a decision adopting a specific research and technological development programme in the field of Marine Science and Technology (MAST); rapporteur: Mr Sanz Fernandez (Doc. A 2-367/88);

— **I drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on the proposal from the Commission to the Council (COM(88) 41 final — C 2-24/88 — SYN 122) for a directive on package travel, including package holidays and package tours; rapporteur: Mrs Jackson (Doc. A 2-368/88);

— **I drawn up on behalf of the Committee on Energy, Research and Technology on the proposal from the Commission to the Council (COM(88) 386 final/2 — C 2-124/88 — SYN 147) for a decision concerning a Community programme in the field of strategic analysis, forecasting and evaluation in matters of research and technology (MONITOR) (1988 to 1992); rapporteur: Mr Adam (Doc. A 2-369/88);

— **I drawn up on behalf of the Committee on Energy, Research and Technology on the proposal from the Commission to the Council (COM(88) 424 final — C 2-119/88 — SYN 146) for a decision adopting a specific research programme in the field of health: Predictive medicine: human genome analysis (1989 to 1991); rapporteur: Mr Haerlin (Doc. A 2-370/88);

— * drawn up on behalf of the REX Committee on the proposal from the Commission to the Council (COM(88) 673 final — C 2-261/88) for a decision on the conclusion of the Agreement between the EEC and the Czechoslovak Socialist Republic on trade in industrial products; rapporteur: Mr Zarges (Doc. A 2-371/88);

— drawn up on behalf of the Committee on Legal Affairs and Citizens' Rights on artificial insemination 'in vivo' and 'in vitro'; rapporteur: Mr Casini (Doc. A 2-372/88);

— drawn up on behalf of the Committee on Regional Policy and Regional Planning on regional development

companies and their role in regional policy; rapporteur: Mr Santos Machado (Doc. A 2-373/88);

— drawn up on behalf of the Committee on Political Affairs on the political situation in the Western Sahara; rapporteur: Mr Christiansen (Doc. A 2-374/88);

— drawn up on behalf of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on the amendment of Rule 51 concerning the admissibility of amendments to common positions of the Council; rapporteur: Mr Herman (Doc. A 2-375/88);

— * drawn up on behalf of the Committee on Energy, Research and Technology on the proposal from the Commission to the Council (COM(88) 416 final — C 2-233/88) for a decision adopting a programme of research and training for the European Atomic Energy Community in the field of telemanipulation in dangerous and disordered nuclear environments (1989 to 1993) — TELEMAN; rapporteur: Mr Turner (Doc. A 2-376/88);

— drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection on wolf conservation; rapporteur: Mr Graziani (Doc. A 2-377/88);

— second report drawn up by the REX Committee on the role of multinational companies in the European Community and in its foreign trading; rapporteur: Mr Blumenfeld (Doc. A 2-378/88);

— drawn up on behalf of the Committee on Youth, Culture, Education, Information and Sport on analphabetism and the teaching of children whose parents have no fixed abode; rapporteur: Mr Marck (Doc. A 2-379/88);

— drawn up on behalf of the Committee on Youth, Culture, Education, Information and Sport on the final report from the Commission on the second Community action programme (1982 to 1987) on the transition of young people from education to working life (COM(87) 705 final), and on the essential priorities of a vocational training policy in preparation for the internal market in 1992; rapporteur: Mrs Duerkop Duerkop (Doc. A 2-380/88);

— * drawn up on behalf of the Committee on Energy, Research and Technology on the proposal from the Commission to the Council (COM(88) 415 final — C 2-145/88) for a decision adopting a research and technological development programme for the European Atomic Energy Community in the field of the decommissioning of nuclear installations (1989 to 1993); rapporteur: Mr Ippolito (Doc. A 2-384/88);

— * drawn up on behalf of the Committee on Economic and Monetary Affairs and Industrial Policy on the proposal from the Commission to the Council

Monday, 13 February 1989

(COM(88) 731 final — C 2-277/88) for a directive further amending Directive 69/169/EEC as regards a derogation granted to the Kingdom of Denmark relating to the rules governing travellers' allowances on imports; rapporteur: Mr Cassidy (Doc. A-2-385/88);

— * drawn up on behalf of the Committee on Agriculture, Fisheries and Food on the proposal from the Commission to the Council (COM(88) 597 final — C 2-216/88) for a regulation implementing specific measures for nuts and amending Regulation (EEC) No 1035/72 on the common organization of the markets in the fruit and vegetable sector; rapporteur: Mr De Pasquale (Doc. A 2-386/88);

— * drawn up on behalf of the Committee on Economic and Monetary Affairs and Industrial Policy on the proposal from the Commission to the Council (COM(88) 523 final — C 2-185/88) for a decision amending Decision 87/499/EEC implementing a Community programme relating to trade electronic data interchange systems (TEDIS); rapporteur: Mr O'Malley (Doc. A 2-387/88);

— * drawn up on behalf of the Committee on Transport on the proposal from the Commission to the Council (COM(88) 748 final — C 2-305/88) for a decision amending Decision 78/774/EEC concerning the activities of certain third world countries in the field of maritime transport; rapporteur: Mr Anastassopoulos (Doc. A 2-388/88);

— drawn up on behalf of the Committee on Agriculture, Fisheries and Food on monitoring of the application of the common fisheries policy; rapporteur: Mr Woltjer (Doc. A 2-389/88);

— * drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection of the proposals from the Commission to the Council (COM(88) 71 final — C 2-18/88) for:

- I. a directive on the prevention of atmospheric pollution from new municipal waste incineration plants;
- II. a directive on the reduction of atmospheric pollution from existing municipal waste incineration plants;

rapporteur: Mr Ulburghs (Doc. A 2-391/88);

— * drawn up on behalf of the Committee on Legal Affairs and Citizens' Rights on the proposal from the Commission to the Council (COM(88) 371 final — C 2-104/88) for a directive on the right of nationals of the Member States to vote in municipal elections in the Member States in which they are resident; rapporteur: Mr Vetter (Doc. A 2-392/88);

— **I drawn up on behalf of the Committee on the Environment, Public Health and Consumer Protection

on the amended proposal from the Commission to the Council (COM(88) 132 final — C 2-41/88 — SYN 43) for a directive amending for the eighth time the Directive of 23 October 1962 on the approximation of the laws of the Member States concerning colourants for use in foodstuffs intended for human consumption; rapporteur: Mrs Schleicher (Doc. A 2-393/88);

(c) from the committees, the following recommendations for the second reading (cooperation procedure):

— **II by the Committee on Economic and Monetary Affairs and Industrial Policy on the common position of the Council with a view to the adoption of a directive concerning the approximation of the laws of the Member States relating to electromagnetic compatibility (C 2-192/88 — SYN 105); rapporteur: Mr Herman (Doc. A 2-360/88);

— **II by the Committee on Economic and Monetary Affairs and Industrial Policy on the common position of the Council with a view to the adoption of a directive completing and amending Directive 71/305/EEC concerning coordination of procedures for the award of public works contracts (C 2-193/88 — SYN 71); rapporteur: Mr Beumer (Doc. A 2-361/88);

— **II by the Committee on Economic and Monetary Affairs and Industrial Policy on the common position of the Council with a view to the adoption of a directive concerning the approximation of the laws of the Member States relating to the lateral protection (side guards) of certain motor vehicles and their trailers (C 2-236/88 — SYN 87); rapporteur: Mr Beazley (Doc. A 2-365/88);

— **II by the Committee on Energy, Research and Technology on the common position of the Council with a view to the adoption of a decision relating to a specific research and technological development programme in the field of energy — non-nuclear energy and the rational use of energy — 1989 to 1992 'Joule' (C 2-265/88 — SYN 143); rapporteur: Mr Gauthier (Doc. A 2-381/88);

— **II by the Committee on Energy, Research and Technology on the common position of the Council with a view to the adoption of a decision adopting a specific research and technological development programme of the European Economic Community in the fields of industrial manufacturing technology and the application of advanced materials (BRITE/EURAM) (1989 to 1992) (C 2-268/88 — SYN 142); rapporteur: Mr Robles Piquer (Doc. A 2-382/88);

— **II by the Committee on Energy, Research and Technology on the common position of the Council

Monday, 13 February 1989

with a view to the adoption of a decision on an experimental Community plan to sustain and facilitate access to large-scale scientific installations of European interest (C 2-239/88 — SYN 93); rapporteur: Mr Pinto (Doc. A 2-383/88);

— **II by the Committee on Legal Affairs and Citizens' Rights on the common position of the Council with a view to the adoption of a directive coordinating the requirements for the drawing up, scrutiny and distribution of the prospectus to be published when transferable securities are offered for subscription or sale to the public (C 2-248/88 — SYN 19); rapporteur: Lady Elles (Doc. A 2-390/88);

(d) the following oral question with debate:

— by Mrs Pery, Mr Guermeur, Mr Garcia, Mr Cervera Cardona, Mr Vazquez Fouz, Mr Stavrou, Mr Marck and Mr Woltjer, to the Council, on the conciliation procedure and inter-institutional cooperation (Doc. B 2-1324/88);

(e) from the following members, pursuant to Rule 60, oral questions for Question Time on 14 and 15 February 1989 (Doc. B 2-1335/88):

Cot, Filinis, Squarcialupi, Hoon, Garaikoetxea Urriza, Castle, Lehideux, Valverde Lopez, Cinciari Rodano, Beumer, De Vries, Kuijpers, Marleix, Pasty, Mizzau, Ca. Jackson, Sherlock, Sapena Granell, Moorhouse, Robles Piquer, Lomas, Selva, Pantazi, Lentz-Cornette, Raftery, Kolokotronis, Vetter, Calvo Ortega, Crawley, de Courcy-Ling, Bonde, Barros Moura, Hugot, Patterson, Llorca Vilaplana, Newton Dunn, McCartin, Croux, Iversen, Cano Pinto, Romeos, Alavanos, Lemass, Dessylas, Ephremidis, Graziani, Killilea, Ewing, Pearce, O'Malley, Arbeloa Muru, Banotti, Van den Heuvel, Bloch von Blottnitz, Scott-Hopkins, Fitzsimons, Garcia Arias, Van Hemeldonck, Cassidy, Maher, Bird, Ford, Gerontopoulos, Ulburghs, Ewing, Alavanos, Ephremidis, Calvo Ortega, Dessylas, Perez Roxo, Garaikoetxea Urriza, Hutton, Schleicher, Lentz-Cornette, Bonde, Lomas, Pearce, Sherlock, Fitzsimons, Perez Royo, Selva, Garaikoetxea Urriza, Robles Piquer, Cabezon Alonso, Moorhouse, Kolokotronis, Quin, Piquet, Graziani, Ephremidis, Dury, Arbeloa Muru;

(f) the following motions for resolutions, tabled pursuant to Rule 63:

— by Mr Lomas, on European Community relations with Vietnam (Doc. B 2-1199/88)

committee responsible: Political;

— by Mr Musso on water management in the Mediterranean islands (Doc. B 2-1200/88)

committee responsible: Environment,
asked for an opinion: Regional;

— by Mr Arbeloa Muru, on the Jewish contribution to European culture (Doc. B 2-1201/88)

committee responsible: Youth;

— by Mr Arguelles Salaverria, on the promotion of exports from small and medium-sized undertakings through the sale of goods on consignment (Doc. B 2-1202/88)

committee responsible: Economic;

— by Mrs Lehideux, on behalf of the ER Group, on the failure to carry out food aid programmes effectively (Doc. B 2-1203/88)

committee responsible: Development;

— by Mrs Lentz, Mrs Braun-Moser, Mrs Fontaine, Mrs De Backer-Van Ocken, Mrs Majj-Weggen, Mr Croux, Mrs Cassanmagnago Cerretti, Mrs Theato, Mrs Boot, Mrs Giannakou-Koutsikou, Mrs Banotti, Mrs Lentz-Cornette, Mrs Ferrer, Mr Clinton, Mr Brok, Mr Lucas Pires and Mr Klepsch, on behalf of the EPP Group, on family and working life in the Member States of the Community (Doc. B 2-1204/88)

committee responsible: Social,
asked for opinions: Economic, Legal, Youth, Women;

— by Mr Wolff, on the draft Convention on the Rights of the Child, due to be adopted by the UN Commission on Human Rights in November 1988 (Doc. B 2-1205/88)

committee responsible: Legal,
asked for an opinion: Women;

— by Mrs Braun-Moser, on standardized road signs in Europe (Doc. B 2-1206/88)

committee responsible: Transport;

— by Mrs Lehideux, on behalf of the ER Group, on the AIDS epidemic (Doc. B 2-1207/88)

committee responsible: Environment,
asked for an opinion: Legal;

— by Mr Pordea, on Serbian agitation on the subject of the territory of Kosovo (Doc. B 2-1209/88)

committee responsible: Political;

— by Mr Pordea, on a radical new turn in the Armenian crisis (Doc. B 2-1210/88)

committee responsible: Political;

Monday, 13 February 1989

— by Mr Fraga Iribarne, Mr Arguelles Salaverria, Mr Cabanillas Gallas, Mr Diaz Del Rio Jaudenes and Mr Garriga Polledo, on encouraging an increase in the size of parcels of land in northern and north-western Spain (Doc. B 2-1211/88)

committee responsible: Agriculture,
asked for opinions: Regional, Budgets;

— by Mrs Squarcialupi, on the massacre of the Yanomani Indians (Doc. B 2-1212/88)

committee responsible: Political;

— by Mr Vandemeulebroucke and Mr Kuijpers, on the situation in the refugee camps in Sudan (Doc. B 2-1213/88)

committee responsible: Political,
asked for an opinion: Development;

— by Mrs Giannakou-Koutsikou, on atmospheric pollution in Athens (Doc. B 2-1214/88)

committee responsible: Environment,
asked for an opinion: Budgets;

— by Mr Martin, Mr Collins, Mr Ford, Mr McMahon, Mr Tomlinson, Ms Tongue and Mr Bird, on the 'democratic deficit' (Doc. B 2-1215/88)

committee responsible: Institutional;

— by Mr Pordea, on behalf of the ER Group, on a Human Rights Conference in Moscow (Doc. B 2-1216/88)

committee responsible: Political;

— by Mr M. Alvarez De Eulate Penaranda, on the removal of shanty towns from the European Community (Doc. B 2-1217/88)

committee responsible: Social,
asked for opinions: Regional, Budgets;

— by Mr Arguelles Salaverria, on fostering cooperative action among small and medium-sized undertakings (SMUs) (Doc. B 2-1218/88)

committee responsible: Economic,
asked for an opinion: Regional;

— by Mr Lafuente Lopez, on the Community statute for the European associations (Doc. B 2-1219/88)

committee responsible: Legal;

— by Mr Ephremidis, Mr Alavanos and Mr Dessylas, on the increase in the guaranteed ceiling for cotton production (Doc. B 2-1220/88)

committee responsible: Agriculture,
asked for an opinion: Budgets;

— by Mrs De Backer-Van Ocken, Mrs Simons, Mr Vergeer, Mrs Dury and Mr Simpson, on the status of the staff at the Lomé Convention's two joint centres: the CID and the TCA (Doc. B 2-1221/88)

committee responsible: Development,
asked for an opinion: Legal;

— by Mrs Dury, on human rights in North Korea (Doc. B 2-1222/88)

committee responsible: Political;

— by Mr Le Chevallier, on behalf of the ER Group, on the 40th anniversary of the Universal Declaration of Human Rights in Tibet (Doc. B 2-1223/88)

committee responsible: Political;

— by Mr Hughes, on the UK Immigration Bill (Doc. B 2-1224/88)

committee responsible: Political,
asked for an opinion: Legal;

— by Mr Langes, Mr Janssen van Raay, Mrs Theato, Mrs Lentz-Cornette, Mr von Wogau, Mr Stauffenberg, Mr Bardong, Mr Klepsch, Mr Alvarez de Eulate Penaranda, Mr Navarro Velasco, Mr Garcia Amigo, Mr Diaz Del Rio Jaudenes, Mr Robles Piquer, Mr Valverde Lopez, Mr Garriga Polledo, Mr Arguelles Salaverria, Mr Lafuente Lopez and Mrs Llorca Vilaplana, on behalf of the EPP Group, on the creation of an Academy of European Law for the European Community (Doc. B 2-1225/88)

committee responsible: Youth.

— by Mrs Dury, on the introduction of the RU 486 onto the Community market in pharmaceutical products (Doc. B 2-1226/88)

committee responsible: Environment;

— by Mr Aberlin, Mr Mallet and Mr Vanlerenberghe, on the harmonization of rules governing the dispensing of stimulants (Doc. B 2-1227/88)

committee responsible: Environment;

— by Mr Roelants du Vivier, on the general reorganization of the market in honey produced in the EEC and a guaranteed quality for 'European honey' (Doc. B 2-1228/88)

committee responsible: Agriculture;

(g) the following written declaration, for entry in the register, tabled pursuant to Rule 65:

— by Mr Arbeloa Muru, on a directive to combat terrorism in Europe (No 24/88);

Monday, 13 February 1989

(h) from the Council:

— Annual report from the Council of the European Communities on progress towards European Union (Doc. C 2-302/88)

committees responsible: Political, Institutional,
asked for an opinion: all committees concerned;

— letter from the Council of the European Communities concerning the appointment of a Member of the Court of Auditors (Doc. C 2-311/88)

committee responsible: Control;

(i) from the Commission

— communication from the Commission of the European Communities to the Council and the European Parliament on participation by the Commission of the European Communities in the Seville World Fair to be held in Spain in 1992 (Doc. C 2-304/88)

committee responsible: REX,
asked for opinions: Budgets, Youth.

11. Texts of treaties forwarded by the Council

The President announced that he had received certified true copies of the following documents:

— Act of Notification of the approval by the Community of the Montreal Protocol on substances that deplete the ozone layer;

— Act of Notification of provisional application by the Community of the International Natural Rubber Agreement, 1987;

— Cooperation Agreement between the European Economic Community and the Republic of Finland on research in the field of wood, including cork, as a renewable raw material;

— Minutes of the corrections to the Protocol laying down the conditions and procedures for the implementation of the second stage of the Agreement establishing an Association between the European Economic Community and the Republic of Cyprus and adapting certain provisions of the Agreement;

— Supplementary Protocol to the Agreement establishing an association between the European Economic Community and Malta;

— Protocol to the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia consequent on the

accession of the Kingdom of Spain and the Portuguese Republic to the Community;

— Agreement in the form of an exchange of letters between the European Economic Community and the Republic of Austria on the reciprocal establishment of tariff quotas for certain quality wines.

12. Order of business

The next item was the order of business.

The President pointed out that the draft agenda for the part-session (PE 130.556) had been distributed and that the following changes had been proposed or made to it (Rules 73 and 74).

Monday, 13 February 1989

no change.

Tuesday, 14 February 1989

the recommendation for the second reading on lateral protection devices for of motor vehicles (rapporteur: Mr P. Beazley — Doc. A 2-365/88) had been included in the agenda;

the Socialist Group had asked for the Rothley and Casini reports (Doc. A 2-327 and 372/88) to be referred back to committee.

Mr Arndt spoke on behalf of the Socialist Group and Mr Groux on behalf of the EPP Group.

Referral back to committee was agreed to by RCV (EPP):

Members voting: 217,
For: 113,
Against: 101,
Abstentions: 3

the Jackson report on the beef and veal sector (item No 468) had not been adopted in committee as the Commission had modified its proposal. The report had therefore been withdrawn from the agenda (the Commission had, however, asked for urgent procedure on its new text).

the recommendation for the second reading on the prospectus for the sale of securities (rapporteur: Lady Elles — Doc. A 2-390/88) had been placed on the agenda after the joint debate (items Nos 465 to 467);

the Focke report (Doc. A 2-359/88), initially scheduled to be taken on Friday, 17 February, was placed at the end of Tuesday's agenda.

Monday, 13 February 1989

In answer to a question from Mr Lagakos, the President stated that the Jackson report on package travel (Doc. A 2-368/88) remained on the agenda.

Wednesday, 15 February

the EPP Group has asked for the Saridakis report (Doc. A 2-313/88) to be postponed to Friday's sitting

Mr Klepsch spoke on behalf of the EPP Group.

Parliament agreed to this.

The Saridakis report was placed on Friday's agenda immediately after the possible continuation of Thursday's agenda.

Thursday, 16 February

the President of the Commission's statement on the Commission's guidelines for 1989 would be followed by one hour of statements to give the political groups the opportunity to express their initial reactions; the debate proper and the vote on any motions for resolutions would be taken during the part-session in March.

Speaking time for these statements would be as follows:

Socialist Group: 15 minutes

EPP Group: 11 minutes

ED Group: 7 minutes

Communist Group: 6 minutes

Liberal Group: 6 minutes

EDA Group: 4 minutes

Rainbow Group: 4 minutes

ER Group: 3 minutes

Non-attached: 4 minutes

Friday, 17 February

the Ebel report on behalf of the Committee on Transport on the MARPOL convention (Doc. A 2-336/88) had been placed on the agenda.

At Mr Klepsch's suggestion it would be taken in joint debate with the Lagakos report (Doc. A 2-358/88).

the O'Malley report (Doc. A 2-387/88) on trade electronic data interchange systems (TEDIS) had also been placed on the agenda.

Requests for urgent procedure (Rule 75)

(a) from the Council in respect of:

— a directive on the prevention of air pollution from new municipal waste incineration plants (Doc. C 2-18/88)

Justification: the Council was required to take a decision on this proposal at its meeting of 2 March 1989.

— an amending regulation introducing arrangements for movement within the Community of goods sent from one Member State for temporary use in one or more other Member States (Doc. C 2-253/88)

Justification: as the regulation was due to expire on 30 June, a new regulation needed to be brought into force on 1 July to avoid creating a legal vacuum.

— a directive on the derogation granted to Denmark as regards travellers' allowances on imports (Doc. C 2-277/88)

Justification: the Council was required to take a decision quickly as the directive in question had been due to expire on 31 December 1988.

(b) from the Commission in respect of:

— an amendment of the decision concerning maritime transport (Doc. C 2-305/88)

Justification: as the decision was due to expire it had to be renewed for a further year to avoid a legal vacuum.

(c) from the Council and the Commission in respect of:

— two proposals for regulations concerning the beef and veal sector (Doc. C 2-240/88)

Justification: these basic regulations required implementing regulations and management and control measures which had to be adopted before 3 April 1989.

Parliament would be consulted on these requests for urgent procedure at the beginning of Tuesday's sitting.

Monday, 13 February 1989

13. Deadline for tabling amendments

The President pointed out that the deadline for tabling amendments to reports on the agenda had expired.

The deadline for the two recommendations for the second reading (Docs A 2-365 and 390/88), the Ebel report (Doc. A 2-336/88) and the O'Malley report (Doc. A 2-387/88) was set at 12 noon on Tuesday.

14. Speaking time

Speaking time for the part-session was allocated as follows pursuant to Rule 83:

Speaking time for debates on Monday

Rapporteurs: 25 minutes (5 × 5 minutes);

Draftsmen: 6 minutes in all;

Commission: 15 minutes in all;

Members: 90 minutes broken down as follows:

Socialist Group: 24 minutes,

Group of the European People's Party: 18 minutes,

European Democratic Group: 11 minutes,

Communist and Allies Group: 8 minutes,

Liberal and Democratic Reformist Group: 8 minutes,

Group of the European Democratic Alliance: 6 minutes,

Rainbow Group: 5 minutes,

Group of the European Right: 4 minutes,

Non-attached members: 6 minutes.

Speaking time for debates on Tuesday

Rapporteur: 105 minutes (21 × 5 minutes);

Draftsmen: 58 minutes in all;

Commission: 105 minutes in all;

Members: 210 minutes broken down as follows:

Socialist Group: 61 minutes,

Group of the European People's Party: 43 minutes,

European Democratic Group: 26 minutes,

Communist and Allies Group: 19 minutes,

Liberal and Democratic Reformist Group: 18 minutes,

Group of the European Democratic Alliance: 13 minutes,

Rainbow Group: 9 minutes,

Group of the European Right: 8 minutes,

Non-attached members: 13 minutes.

Speaking time for debates on Wednesday

Rapporteurs: 30 minutes (6 × 5 minutes);

Draftsmen: 14 minutes in all;

Commission: 30 minutes in all;

Members: 180 minutes broken down as follows:

Socialist Group: 52 minutes,

Group of the European People's Party: 37 minutes,

European Democratic Group: 22 minutes,

Communist and Allies Group: 17 minutes,

Liberal and Democratic Reformist Group: 15 minutes,

Group of the European Democratic Alliance: 11 minutes,

Rainbow Group: 8 minutes,

Group of the European Right: 7 minutes,

Non-attached members: 11 minutes.

Speaking time for debates on Thursday (with the exception of topical and urgent debate)

A. Statement by the Commission on its guidelines for 1989

Commission: 30 minutes in all;

Members: 60 minutes broken down as follows:

Socialist Group: 15 minutes,

Group of the European People's Party: 11 minutes,

European Democratic Group: 7 minutes,

Communist and Allies Group: 6 minutes,

Liberal and Democratic Reformist Group: 6 minutes,

Group of the European Democratic Alliance: 4 minutes,

Monday, 13 February 1989

Rainbow Group: 4 minutes,

Group of the European Right: 3 minutes,

Non-attached members: 4 minutes.

B. Other items

Rapporteurs: 25 minutes (5 × 5 minutes);

Commission: 25 minutes in all;

Members: 60 minutes broken down as follows:

Socialist Group: 15 minutes,

Group of the European People's Party: 11 minutes,

European Democratic Group: 7 minutes,

Communist and Allies Group: 6 minutes,

Liberal and Democratic Reformist Group: 6 minutes,

Group of the European Democratic Alliance: 4 minutes,

Rainbow Group: 4 minutes,

Group of the European Right: 3 minutes,

Non-attached members: 4 minutes.

IN THE CHAIR: MR MUSSO

Vice-President

15. Sending of a commission of experts to French Polynesia (continuation of vote)

The next item, pursuant to Rule 89 (3), was the continuation of the vote on the second Hughes report (Doc. A 2-283/88) (*part I, item 12 of the minutes of 20 January 1989*).

Recital G:

Amendment 12: rejected by electronic vote after the rapporteur had spoken ⁽¹⁾

Recital G: adopted

Recital H:

Amendment 11: rejected

Recital H was adopted

Recital I: adopted

Recital J:

Amendment 10: rejected by electronic vote

Recital J: adopted by electronic vote

Recitals K and L: adopted by electronic vote

Recital M:

Amendment 9: adopted by electronic vote

After recital M:

The rapporteur pointed out that his amendment 4 was to be considered as a new recital after recital M.

Amendment 4 was adopted by electronic vote

Paragraph 1: adopted

Paragraph 2:

Amendment 8: The following spoke: the rapporteur, Mr Arndt, Mr Saby, Mr Seal and the rapporteur: rejected by electronic vote

Amendment 3: rejected by electronic vote

Paragraph 2 adopted by electronic vote

Paragraph 3:

Amendment 7: rejected

Paragraph 3: adopted by electronic vote

After paragraph 3:

Amendment 6: rejected

Paragraph 4:

Amendment 1: adopted by electronic vote

After paragraph 4:

Amendment 2: adopted by electronic vote

Paragraphs 5 and 6: adopted

Explanations of vote:

The following spoke: Mr Mallet, on behalf of the French members of the EPP Group, Mrs Charzat, Mr

⁽¹⁾ The rapporteur spoke on all the amendments.

Monday, 13 February 1989

Nordmann, Mr Saby, on behalf of the French members of the Socialist Group, Mrs Lentz-Cornette, Mr Cot and the rapporteur.

Mr Zahorka spoke.

The EDA, Socialist and Rainbow Groups had requested an RCV on the motion for a resolution as a whole:

Members voting: 256,
For: 106,
Against: 136,
Abstentions: 14

The motion for a resolution was thus rejected.

The following spoke: Mr Arndt, on Mr Nordmann's explanation of vote, and Mr Bangemann, *Vice-President of the Commission*.

16. Racism and xenophobia (joint debate)

The next item was the joint debate on two reports.

Mr van der Lek introduced his report, drawn up on behalf of the Political Affairs Committee, on the joint declaration against racism and xenophobia and an action programme by the Council of Ministers (Doc. A 2-261/88).

Mr Medina Ortega introduced his report, drawn up on behalf of the Committee on Legal Affairs and Citizens' Rights, on the proposal from the Commission to the Council (COM(88) 318 final — Doc. C 2-102/88) on a resolution concerning the fight against racism and xenophobia (Doc. A 2-265/88); he pointed out that '16 January 1988' in recital D should read '16 January 1986'.

The following spoke: Mr Ford, on behalf of the Socialist Group, Mr Estgen, on behalf of the EPP Group, Mr Garcia Amigo, on behalf of the ED Group, Mrs Marinaro, on behalf of the Communist Group, Mr De Vries, on behalf of the Liberal Group, Mr Coste-Floret, on behalf of the EDA Group, Mr Von Nostitz, Rainbow Group, Mr Le Pen, on behalf of the ER Group, Mr Ulburghs, non-attached member, Mrs Vayssade, Mrs Maij-Weggen, Mr Wurtz, Mr van der Lek, rapporteur, Mr Plaskovitis, Mr Croux, Mr Gutierrez Diaz, Mrs Van Hemeldonck, Mr Ephremidis, Mr Filinis, Mr Medina Ortega, on the comments made by Mr Croux, Mr Croux, who asked the Presidency to look into certain procedural problems connected with the Medina Ortega report, Mr Benhamou, draftsman of the opinion of the Committee on Youth, Mr Ramirez Heredia, on

the comments made by the previous speaker, and Mrs Papandreou, *Member of the Commission*.

The President declared the debate closed.

He announced that the vote would be taken at 12 noon the following day (*part I, item 15 of minutes of 14 February 1989*).

17. ESF and measures to combat unemployment (debate)

Mr Barros Moura, deputizing for the rapporteur, introduced the report drawn up by Mr Raggio, on behalf of the Committee on Social Affairs and Employment, on the Commission's guidelines for the management of the European Social Fund with regard to action to combat long-term unemployment and to facilitate the occupational integration of young people (Objectives 3 and 4) (Doc. A 2-362/88).

The following spoke: Mr Gomes, on behalf of the Socialist Group, Mr Brok, on behalf of the EPP Group, Mr Tuckman, on behalf of the ED Group, Mr Condesso, on behalf of the Liberal Group, Mr Fitzgerald, on behalf of the EDA Group, Mr Calvo Ortega, non-attached member, Mrs d'Ancona, Mr McCartin, Mr Megahy and Mrs Papandreou, *Member of the Commission*.

The President declared the debate closed.

He announced that the vote would be taken at 12 noon the following day (*part I, item 16 of minutes of 14 February 1989*).

18. Agenda for next sitting

The President announced the following agenda for the sitting on Tuesday, 14 February 1989:

9 a.m. to 1 p.m., 3 p.m. to 7 p.m. and 9 p.m. to midnight:

- urgent debate (announcement of motions for resolutions tabled);
- decision on urgent procedure;
- Herman report on the confidentiality of certain documents;
- Donnez report on an amendment to the Rules of Procedure;
- Beumer recommendation for the second reading on public works contracts **II;
- Herman recommendation for the second reading on electromagnetic compatibility **II;
- P. Beazley recommendation for the second reading on lateral protection devices for certain vehicles **II;

Monday, 13 February 1989

- De Vries report on the film industry;
- joint debate on three recommendations for second readings:
Pinto report on large-scale scientific installations **II,
Gauthier report on the JOULE programme **II,
Robles Piquer report on the BRITE/EURAM programme **II,

and four reports:

- Bonaccini report on the SPRINT programme *,
- Adam report on the MONITOR programme **I,
- Sanz Fernandez report on the MAST programme **I,
- Ippolito report on the decommissioning of nuclear installations *;

- Haerlin report on human genome analysis **I;

- Lady Elles recommendation for the second reading on transferable securities offered to the public **II;

- Jackson report on package tours **I;

- Bloch von Blottnitz report on exports of food-stuffs *;

— Joint debate on five reports:

- Schmid report on events involving cruelty to animals,

Tongue report on the use of animals for experimental purposes,
Jackson report on the leghold trap,
Lentz-Cornette report on brown bears,
Graziani report on wolves;

- Focke report on the CAP and developing countries.

12 noon:

- vote on motions for resolutions on which the debate has closed (excluding votes under the Single Act).

3 p.m.:

- urgent debate (list of subjects to be included).

5.15 p.m. to 6.45 p.m.:

- Question Time (Questions to the Commission).

6.45 p.m. to 7 p.m.:

- action taken by the Commission on the opinions of Parliament.

(The sitting closed at 8.10 p.m.)

Enrico VINCI
Secretary-General

Nicole PERY
Vice-President

Monday, 13 February 1989

ATTENDANCE REGISTER

13 February 1989

ABELIN, ABENS, ADAM, ALBER, ÁLVAREZ DE EULATE, ÁLVAREZ DE PAZ, AMADEI, AMARAL, AMBERG, ANASTASSOPOULOS, d'ANCONA, ANGLADE, ANTONIOZZI, ANTONY, ARBELOA MURU, ARIAS CAÑETE, ARNDT, AVGERINOS, BADENÈS, BAILLOT, BARÓN CRESPO, BARROS MOURA, BAUDOUIN, BAUR, BEAZLEY Ch., BEAZLEY P., BECKMANN, BENHAMOU, DE BREMOND D'ARS, BERSANI, BEUMER, BIRD, VON BISMARCK, BJØRNVIG, BLOCH VON BLOTTNITZ, BLUMENFELD, BOMBARD, BONACCINI, BONDE, BONIVER, BOUTOS, BROK, BRU PURON, BUCHOU, BUENO VICENTE, BURON, CAAMAÑO BERNAL, CABANILLAS GALLAS, CABEZÓN ALONSO, CABRERA BAZÁN, CALVO ORTEGA, CANO PINTO, CANTALAMESSA, CAROSSINO, CARVALHO CARDOSO, CASINI, CASSIDY, CASTELLINA, CASTLE, CATHERWOOD, CERVERA CARDONA, CHANTERIE, CHARZAT, CHOPIER, CHRISTENSEN, CHRISTIANSEN, CLINTON, COHEN, COIMBRA MARTINS, COLINO SALAMANCA, COLOM I NAVAL, COLUMBU, COMPASSO, CONDESSO, COSTE-FLORET, COT, CRAWLEY, CROUX, DANKERT, DE BACKER-VAN OCKEN, DEBATISSE, DEL DUCA, DE PASQUALE, DEPREZ, DESAMA, DESSYLAS, DEVEZE, DE VRIES, DE WINTER, DÍAZ DEL RÍO JAUDENES, DI BARTOLOMEI, DIEZ DE RIVERA ICAZA, VAN DIJK, DIMOPOULOS, DONNEZ, DÜHRKOP DÜHRKOP, BURY, EBEL, LADY ELLES, ELLIOTT, EPHREMIDIS, ESCUDERO LOPÉZ, ESTGEN, EWING, EYRAUD, FAITH, FALCONER, FICH, FILINIS, FITZGERALD, FLANAGAN, FOCKE, FONTAINE, FORD, FOURÇANS, FRAGA IRIBARNE, FRÜH, FUILLET, GADIOUX, GALLO, GAMA, GARAIKOETXEA URRIZA, GARCIA, GARCÍA AMIGÓ, GARCÍA ARIAS, GARCÍA RAYA, GARRIGA POLLEDO, GAUCHER, GAUTHIER, GERONTOPOULOS, GIANNAKOU-KOUTSIKOU, GUIMMARRA, GLINNE, GOMES, GRAZIANI, GRIMALDOS GRIMALDOS, GUERMEUR, GUTIÉRREZ DÍAZ, HABSBURG, HACKEL, HÄNSCH, HÄRLIN, HAPPART, HERMAN, HERSANT, HINDLEY, HITZIGRATH, HOFF, HUCKFIELD, HUGHES, HUGOT, HUME, HUTTON, IVERSEN, JACKSON CA., JACKSON CH., JANSSEN VAN RAAY, JEPSEN, KILBY, KILLILEA, KLEPSCH, KOLOKOTRONIS, KRISTOFFERSEN, LACERDA DE QUEIROZ, LAGAKOS, LALOR, LAMBRIAS, LANGES, LATAILLADE, LEHIDEUX, LENTZ-CORNETTE, LE PEN, LIMA, LINKOHR, LLORCA VILAPLANA, LOMAS, LOO, LUSTER, MCCARTIN, MCGOWAN, MCMAHON, MADEIRA, MAFFRE-BAUGÉ, MAHER, MAIJ-WEGGEN, MALAUD, DE LA MALÈNE, MARINARO, MARINHO, MARLEIX, MARQUES MENDES, MARSHALL, MARTIN D., MARTIN S., MEDEIROS FERREIRA, MEDINA ORTEGA, MEGAHY, MERTENS, METTEN, MIHR, MIRANDA DA SILVA, MOORHOUSE, MORODO LEONCIO, MOTCHANE, MOUCHEL, MÜHLEN, MÜLLER, MUNTINGH, MUSSO, NAVARRO VELASCO, NEGRI, NEUGEBAUER, NEWENS, NEWMANN, NEWTON DUNN, NIELSEN J., NIELSEN T., NORD, NORDMANN, NORMANTON, O'MALLEY, PALMIERI, PANNELLA, PAPAKYRIASZIS, PAPON, PAPOUTSIS, PASTY, PATTERSON, PEARCE, PELIKAN, PENDERS, PEREIRA M., PÉREZ ROYO, PERINAT ELIO, PERY, PETERS, PETRONIO, PEUS, PFLIMLIN, PIMENTA, PINTASILGO, PINTO, PIQUET, PIRKL, PISONI N., PLANAS PUCHADES, POETSCHKI, POETTERING, PONIATOWSKI, PONS GRAU, PORDEA, PRAG, PRICE, PROUT, PROVAN, PUNSET I CASALS, RABBETGHE, RAFTERY, RAGGIO, RAMÍREZ HEREDIA, REMACLE, RINSCHÉ, ROBERTS, ROBLES PIQUER, ROELANTS DU VIVIER, ROGALLA, ROMEOS, ROMERA I ALCÁZAR, ROSSETTI, ROSSI, ROTHLEY, RUBERT DE VENTOS, SABY, SAKELLARIOU, DOS SANTOS MACHADO, SANZ FERNANDEZ, SAPENA GRANELL, SCHIAVINATO, SCHLEICHER, SCHMIDBAUER, SCHÖN, SCHREIBER, SCOTT-HOPKINS, SEAL, SEEFELD, SEIBEL-EMMERLING, SELIGMAN, SHERLOCK, SIERRA BARDAJÍ, SIMONS, SMITH, STAES, STAUFFENBERG, STEWART, SUÁREZ GONZÁLES, TAYLOR, TELKÄMPER, THAREAU, THEATO, THOME-PATENÔTRE, TOMLINSON, TONGUE, TOPMANN, TOURRAIN, TRAVAGLINI, TRIVELLI, TUCKMAN, TURNER, TZOUNIS, VON UEXKÜLL, ULBURGH, VALVERDE LOPEZ, VANDEMEULEBROUCKE, VAN HEMELDONCK, VANLERENBERGHE, VANNECK, VAYSSADE, VAZQUEZ FOUZ, VERDE I ALDEA, VERGEER, VERGES, VERNIMMEN, VIEHOFF, VITALE, VITTINGHOFF, VON DER VRING, VAN DER WAAL, WAWRZIK, WEBER, WEST, WIJSENBECK, VON WOGAU, WOHLFART, WOLTJER, WURTZ, ZAHORKA, ZARGES, ZOURNATZIS.

Monday, 13 February 1989

ANNEX I

Result of roll-call votes

(+) = For

(-) = Against

(O) = Abstention

Order of business

Request for referral back

Rothley (Doc. A 2-327/88) and Casini (Doc. A 2-372/88)

(+)

ADAM, ÁLVAREZ DE PAZ, AMBERG, ARBELOA MURU, ARNDT, BARÓN CRESPO, BAUR, BECKMANN, BIRD, BLOCH VON BLOTTNITZ, BOMBARD, DE BREMOND D'ARS, BUCHAN, BUENO VICENTE, BURON, CAAMAÑO BERNAL, CABRERA BAZÁN, CALVO ORTEGA, CANO PINTO, CASTELLINA, CASTLE, CHARZAT, CHOPIER, CHRISTIANSEN, COHEN, COIMBRA MARTINS, COLINO SALAMANCA, COLLINS, COLOM I NAVAL, COT, CRAWLEY, DANKERT, DESAMA, DIEZ DE RIVERA ICAZA, VAN DIJK, DÜHRKOP DÜHRKOP, DURY, ELLIOTT, FILINIS, FOCKE, FORD, FUILLET, GADIOUX, GALLO, GARCÍA ARIÁS, GARCÍA RAYA, GRAZIANI, GREDAL, GRIMALDOS GRIMALDOS, GUTIÉRREZ DÍAZ, HÄNSCH, HAPPART, HINDLEY, HITZIGRATH, HUGHES, KOLÖKOTRONIS, LAGAKOS, LINKOHR, LOMAS, LOO, MARINARO, MARTIN D., MCGOWAN, McMAHÓN, MEDINA ORTEGA, MEGAHY, NEUGEBAUER, NEWENS, NEWMAN, NIELSEN T., NORD, VON NOSTITZ, OLIVA GARCÍA, PAPAKYRIAZIS, PEREIRA M., PÉREZ ROYO, PERY, PETERS, PINTASILGO, PLANAS PUCHADES, PLASKOVITIS, PONIATOWSKI, RAMÍREZ HEREDIA, ROELANTS DU VIVIER, ROGALLA, ROMEOS, ROTHLEY, RUBERT DE VENTOS, SABY, SAKELLARIOU, SCHIAVINATO, SCHMIDBAUER, SEAL, SEEFELD, SEIBEL-EMMERLING, STAES, STEWART, SUTRA DE GERMA, TELKÄMPER, THAREAU, TOMLINSON, TONGUE, TOPMANN, VON UEXKÜLL, ULBURGHES, VAN HEMELDONCK, VAYSSADE, VAZQUEZ FOUZ, VERDE I ALDEA, VIEHOFF, VITTINGHOFF, VON DER VRING, WEBER, WEST, WIJSENBECK, WOLTJER.

(-)

ÁLVAREZ DE EULATE, ANASTASSOPOULOS, ANGLADE, ANTONY, ARIAS CAÑETE, BADENÈS, BANOTTI, BAUDOUIN, BEAZLEY C., BEAZLEY P., BEUMER, VON BISMARCK, BLUMENFELD, BROK, BOUCHOU, CABANILLAS GALLAS, CARVALHO CARDOSO, CASSIDY, CATHERWOOD, CHANTERIE, COSTE-FLORET, CROUX, DÍAZ DEL RÍO JAUDENE, DONNEZ, EBEL, ELLES LADY, ESTGEN, EWING, FAITH, FONTAINE, FRAGA IRIBARNE, FRÜH, GAMA, GARCÍA AMIGÓ, GARRIGA POLLEDO, GAUTHIER, GIANNAKOU-KOUTSIKOU, HABSBURG, HERMAN, HOFFMANN K. H., HUGOT, JACKSON M., JANSSEN VAN RAAY, JEPSEN, KELLETT-BOWMAN, KILBY, KLEPSCH, LAFUENTE LOPEZ, LAMBRIAS, LATAILLADE, LE PEN, LENTZ-CORNETTE, LLORCA VILAPLANA, MAIJ-WEGGEN, MCCARTIN, MALAUD, DE LA MALÈNE, MALLET, MARLEIX, MARSHALL, MERTENS, MOORHOUSE, MOUCHEL, MÜHLEN, MÜLLER, MUNTINGH, MUSSO, NAVARRO VELASCO, NORMANTON, OPPENHEIM, PALMIERI, PAPON, PASTY, PATTERSON, PEARCE, PENDERS, PERINAT ELIO, PFLIMLIN, POETSCHKI, PORDEA, PRAG, PROUT, PROVAN, RABBETHGE, RAFTERY, ROBERTS, ROBLES PIQUER, ROMERA I ALCÁZAR, SANTOS MACHADO, SCHLEICHER, SCOTT-HOPKINS, STAVROU, SUÁREZ GONZÁLEZ, THEATO, TOURRAIN, TUCKMAN, TURNER, TZOUNIS, VALVERDE LOPEZ, VANLERENBERGHE, VANNACK, WAWRZIK, VON WOGAU, ZAHORKA, ZARGES.

(O)

DESSYLAS, ESCUDERO LOPÉZ, MAFFRE-BAUGÉ.

Monday, 13 February 1989

*Hughes report (Doc. A 2-283/88)**Polynesia*

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ABENS, ADAM, ÁLVAREZ DE PAZ, AMBERG, d'ANCONA, ARBELOA MURU, ARNDT, BANOTTI, BECKMANN, BIRD, BJØRNVIG, BLOCH VON BLOTTNITZ, BONDE, BUCHAN, CAAMAÑO BERNAL, CABRERA BAZÁN, CALVO ORTEGA, CASINI, CASTELLINA, CASTLE, CHRISTENSEN, CHRISTIANSEN, CLINTON, COHEN, COLINO SALAMANCA, COLLINS, CRAWLEY, DANKERT, DE BACKER-VAN OCKEN, DESAMA, DESSYLAS, DIEZ DE RIVERA ICAZA, VAN DIJK, DURY, EBEL, ELLIOTT, EPHREMDIS, FALCONER, FICH, FILINIS, FITZGERALD, FLANAGAN, FOCKE, FORD, FRÜH, GRAZIANI, GUTIÉRREZ DÍAZ, HINDLEY, HITZIGRATH, HOFF, HUCKFIELD, HUGHES, IVERSEN, KLEPSCH, KOLOKOTRONIS, LAGAKOS, LALOR, LAMBRIAS, VAN DER LEK, LINKOHR, LOMAS, MAHER, MAIJ-WEGGEN, MARINARO, MARTIN D., MCCARTIN, MCGOWAN, MCMAHON, MEGAHY, METTEN, MIHR, MUNTINGH, NEGRI, NEUGEBAUER, NEWENS, NEWMAN, VON NOSTITZ, PANNELLA, PETERS, POETSCHKI, ROELANTS DU VIVIER, ROGALLA, ROMEOS, ROSSI, ROTHLEY, SAKELLARIOU, SCHMIDBAUER, SCHREIBER, SEAL, SEEFELD, SEIBEL-EMMERLING, STAES, STEWART, TELKÄMPER, TOMLINSON, TONGUE, TOPMANN, VON UEXKÜLL, ULBURGHS, VAN HEMELDONCK, VIEHOFF, VITTINGHOFF, VON DER VRING, WEBER, WOHLFART, WOLTJER.

(-)

ÁLVAREZ DE EULATE, ANGLADE, ANTONY, ARIAS CAÑETE, BADENÈS, BARÓN CRESPO, BAUDOUIN, BAUR, BEAZLEY C., BEAZLEY P., VON BISMARCK, BOMBARD, BONACCINI, DE BREMOND D'ARS, BRU PURÓN, BUCHOU, BUENO VICENTE, BURON, CABANILLAS GALLAS, CANO PINTO, CARVALHO CARDOSO, CASSIDY, CATHERWOOD, CHARZAT, CHOPIER, CHRISTODOULOU, COIMBRA MARTINS, COLOM I NAVAL, COSTE-FLORET, COT, DEBATISSE, DEPREZ, DEVEZE, DÍAZ DEL RÍO JAUDENE, DONNEZ, ELLES D.L., FAITH, FONTAINE, FOURÇANS, FRAGA IRIBARNE, FUILLET, GADIOUX, GALLO, GAMA, GARCÍA AMIGÓ, GARCÍA ARIAS, GARCÍA RAYA, GAUCHER, GAUTHIER, GRIMALDOS GRIMALDOS, GUERMEUR, HABSBURG, HERMAN, HOFFMANN K.H., HUGOT, HUTTON, JACKSON F., JACKSON M., JANSSEN VAN RAAY, JEPSEN, KELLETT-BOWMAN, KILBY, KRISTOFFERSEN, LAFUENTE LOPÉZ, LATAILLADE, LE PEN, LEHIDEUX, LLORCA VILAPLANA, LOO, MALAUD, DE LA MALÈNE, MALLET, MARLEIX, MARSHALL, MARTIN S., MEDINA ORTEGA, MERTENS, MOORHOUSE, MOTCHANE, MOUCHEL, MUSSO, NAVARRO VELASCO, NEWTON DUNN, NIELSEN T., NORDMANN, NORMANTON, OLIVA GARCÍA, OPPENHEIM, PALMIERI, PAPON, PASTY, PATTERSON, PEARCE, PEREIRA M., PERINAT ELIO, PERY, PETRONIO, PFLIMLIN, PLANAS PUCHADES, PLASKOVITIS, PONIATOWSKI, PONS GRAU, PORDEA, PRAG, PRICE, PROUT, PROVAN, RABBETHGE, RAMÍREZ HEREDIA, RINSCHÉ, ROBERTS, ROBLES PIQUER, SABY, SANTOS MACHADO, SANZ FERNÁNDEZ, SAPENA GRANELL, SCHLEICHER, SCOTT-HOPKINS, SELIGMAN, SHERLOCK, SIERRA BARDAJÍ, SUÁREZ GONZÁLEZ, SUTRA DE GERMA, TAYLOR, THAREAU, TOURRAIN, TUCKMAN, TURNER, TZOUNIS, VALVERDE LOPEZ, VALERENBERGHE, VANNECK, VAYSSADE, VAZQUEZ FOUZ, ZAHORKA, ZARGES.

(0)

ANASTASSOPOULOS, BAILLOT CROUX, DÜHRKOP DÜHRKOP, ESTGEN, GIANNAKOU-KOUTSIKOU, HAPPART, LANGES, LENTZ-CORNETTE, MAFFRE-BAUGÉ, NORD, PELIKAN, PINTASILGO, WURTZ.

Monday, 13 February 1989

ANNEX II

COMMITTEE ON THE RULES OF PROCEDURE, THE VERIFICATION OF CREDENTIALS
AND IMMUNITIES

Working document

on the possibility of requesting reconsultation of Parliament under the cooperation procedure and on a draft
interpretation of Rule 45 (1) of the Rules of Procedure

6 December 1988

Rapporteur: Mr R. Barzanti

1. In a letter dated 30 November 1987 to the President of the European Parliament, Mrs Beate Weber raised a number of questions concerning the interpretation and application of the Rules of Procedure.

The second of these questions, concerning Rule 45 (1), was worded as follows:

'The problem has arisen of where a long delay has occurred between the submission of an original Commission proposal and Parliament's report thereon (now regarded as the "first reading") and the Council's adoption of its common position. In such cases, intervening events may have significantly changed the issue in question, and the Council's common position may deviate significantly from the original Commission proposal. We think that the Council should be obliged to explain in such cases why it has deviated from the original Commission and Parliament positions.

This raises also the larger question of whether in such circumstances the Parliament should be entitled to deliver a new first reading, perhaps based on a renewed consultation on the basis of Rule 42. It is not clear to us if Rule 42 can be applied at the second reading stage, to request a new first reading.'

2. The above text raises three separate questions:

- (a) Is the Council obliged to explain why it has deviated from the original positions of the Commission and the Parliament?
- (b) Can the European Parliament, in such circumstances, 'be entitled to deliver a new opinion on first reading' on the basis of Rule 42 of the Rules of Procedure?
- (c) Can Rule 42 (renewed consultation) 'be applied at the second-reading stage' of the cooperation procedure?

3. The answer to the first question is simple: we can confirm that the Council is indeed obliged to explain the reasons underlying its common position, especially where that position deviates from the previous positions set out in the Commission and Parliament documents. This obligation derives from Article 149 (2) (b) of the EEC Treaty, which stipulates that the Council shall inform Parliament fully of the reasons which led it to adopt its common position. Moreover, it is reiterated in Rule 45 (1) of the Rules of Procedure which states that, in order to announce the communication of the common position in Parliament, the President must have received... the common position itself and the reasons which led the Council to adopt its common position'. It is clearly essential that prominence should be given to those reasons which led the Council to deviate from the positions of the Commission and the Parliament.

4. Before providing a detailed answer to question (b), it should be pointed out that Parliament's position after the first stage of the cooperation procedure is already made difficult by the fact that Parliament is not present at the Council meetings during which its amendments, and in particular those amendments approved by the Commission, are discussed. As a result, Parliament's position is often out of alignment with the changes that have been made to the original proposals, and its influence on the shaping of the act is thwarted, or at least weakened. In this connection, it would be useful to improve contacts between the Parliament and the Commission and urge the Commission to stick more closely to its original proposal.

In addition to this institutional aspect, it should be recalled that the delivery of an opinion on a Commission proposal is the means that allows Parliament to take part in the Community's legislative pro-

Monday, 13 February 1989

cess. The purpose of the consultation procedure — and, above all, of the first-reading stage of the cooperation procedure — is to enable the Council to be apprised of Parliament's views on the substance of the proposal (cf. judgments in Cases Nos 138 and 139/79 (isoglucose) — Reports of Cases before the Court, 1980, pp. 3333 and 3360).

5. As far as the *consultation procedure* is concerned, the implication is that where the substance of the original proposal is modified after Parliament has been consulted, especially by the addition of new sections on which it necessarily had no opportunity to comment, Parliament should be given the opportunity to express its opinion on the proposal as substantially amended. Parliament has expressed its. Consequently, following the last general review of the Rules of Procedure, opinion in this way on several occasions ⁽¹⁾, and also following judgments by the Court of Justice ⁽²⁾, Rule 42 now stipulates that:

'The President shall, at the request of the committee responsible, call on the Council to reconsult Parliament:

— where the Commission withdraws its initial proposal after Parliament has delivered its opinion in order to replace it with another text; or

— where the Commission or the Council substantially amend or intend to amend the proposal on which Parliament originally delivered an opinion; or

— where, through the passage of time or changes in circumstances, the nature of the problem with which the proposal is concerned substantially changes.

The President shall also request reconsultation in the circumstances defined in this Rule where Parliament so decides on a proposal from a political group or at least 23 members.'

6. Moreover, this principle is accepted by the Council itself, which has already reconsulted (the expression 'reconsultation', which is now commonly used, appears to be preferable to that of 'renewed consultation' which is used in the Rules of Procedure) the European Parliament on several occasions. One example of this was the modified proposal for a directive concerning limit values for discharges of aldrin, dieldrin and endrin, on which Parliament has expressed an opinion in June 1980, and on which it was reconsulted by the Council on 24 April 1987 ⁽³⁾.

7. There is no reason why the same principle should not apply to the *first stage of the cooperation procedure*, in which Parliament has a much more important role. It is explicitly stated in the text of Rule 44 (1), of the Rules of Procedure, which stipulates that the provisions of Rules 36 to 43 shall apply to the first reading. Moreover, there was a recent case, which had important political repercussions, in which Parliament requested — and was granted — the opportunity to express a second opinion at the first-reading stage in special circumstances.

This case involved the proposal for a second directive on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life insurance (Doc. C 2-1/88). On 17 January 1978, Parliament had delivered its opinion on the original 1975 proposal. On 7 March 1988, the Council sent the President of Parliament a document adopted on 9 February 1988, stating that this was a common position supported by reasons, within the meaning of Article 149 (2) (b) of the EEC Treaty.

The document, which was admittedly a special case in that it had been adopted 10 years after Parliament had delivered its opinion, was not announced, pursuant to Rule 45 of the Rules of Procedure, by the President in Parliament as a common position since he wished to refer the document to the competent committee for an opinion before deciding on the legal status of the text. The Committee on Legal

(1) Cf. in particular two resolutions adopted on the basis of reports drawn up by the Committee on Legal Affairs and Citizens' Rights:
— resolution of 12 September 1985, OJ No C 262, p. 105,
— resolution of 10 October 1985, OJ No C 288, p. 103.

(2) Cf. in particular:
— Judgment in Case No 41/69 (Chemifarma) — Reports of Cases before the Court, 1970, p. 661;
— Judgment in Case No 1253/79 (Battaglia) — Reports of Cases before the Court, 1982, p. 297.
The conclusions of Advocate-General Mancini in Case 20/85 (Roviello), setting out the circumstances in which renewed consultation of Parliament should take place, are highly significant in this regard. Unfortunately, the judgment (which has not yet been published) did not resolve the matter.

(3) Doc. C 2-37/87 — COM(86) 534 final: Parliament expressed its second opinion on the modified proposal as a whole during the part-session in April 1988 (cf. OJ No C 122, 9. 5. 1988, p. 40 *et seq.*).

Monday, 13 February 1989

Affairs and Citizens' Rights considered that the text of the original proposal had been substantially amended and that reconsultation was therefore necessary. Rather than formally request the Council to reconsult Parliament, and in view of the fact that the substance of the original proposal had clearly been modified, it was decided that the text adopted on 9 February 1988 should be considered, not as a common position, but as an amended proposal for a directive (on the basis of which the Council, acting by a qualified majority, had adopted the text). During the part-session in May 1988, Parliament adopted a report (Doc. A 2-42/88) and a draft legislative resolution which referred specifically to the first reading under the cooperation procedure.

8. It is important here to stress that the Council agreed with Parliament's stance, demonstrating this by not availing itself of the opportunity (see Rule 84 (5) of the Rules of Procedure) to speak in plenary sitting on 17 May 1988, during the debate on the report in question, objecting to the procedure being followed. Moreover, the President of Council wrote to the President of Parliament on 25 May 1988 welcoming the fact that Parliament had not proposed any amendments and stating that speedy adoption of the proposal for a directive would be a significant step towards achieving the internal market.

The Commission's position leaves no room for doubt: in a communication of 27 May 1988 (SEC(88) 722 final), the Commission referred clearly to the document transmitted to Parliament from the Council as an 'amended proposal' and not as a 'common position'.

9. In conclusion, it cannot be maintained that, since the cooperation procedure involves two stages, this precludes the possibility of reconsultation. This would make the two-reading procedure meaningless. The same view is expressed in both the explanatory statement of the report (Doc. A 2-42/88) on the amended proposal on direct insurance other than life insurance and the excellent document drawn up by the Legal Service (PE 124.082), at the request of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities, in response to the letter by Mrs Weber which has formed the basis for the present document.

However, since doubts remain as to the possibility of requesting reconsultation during the first stage of the cooperation procedure, it is important to clarify the question through an interpretation of Rule 45 (1) of the Rules of Procedure (see paragraph 11 below). In other words, it must be made clear that the President can only announce communication of the common position in Parliament after the actual nature of the text received has been established.

In practice, if the President concludes — after consulting the appropriate bodies in Parliament — that the text he has received differs substantially from the text originally submitted to Parliament for an opinion, he must ensure that Parliament is given the opportunity to express an opinion on the amended text before the second-reading stage begins. In order to do this, the President must not announce the communication of the common position, since the three month period, provided for in Article 149 (2) (b) of the EEC Treaty, within which Parliament must take a decision, would take effect from the time of the announcement. Instead, Parliament may either request reconsultation, or follow the procedure already used in the case of the proposal concerning direct insurance other than life insurance (see paragraphs 7 and 8 above), i.e. expressing a second opinion without delay during the first-reading stage. The text that has been received would therefore be considered, not as a common position, but as a kind of draft common position transmitted by the Council to enable Parliament to express its opinion on the changes made to the proposal before the common position proper is adopted. This would be in line not only with the precedent mentioned earlier but also with the jurisprudence of the Court of Justice which has on several occasions established the principle that the nature of an act is inferred from its substance and not from its description.

It should be emphasized that verification of the legal nature of the document need not necessarily entail delays, attributable to Parliament, in the conclusion of the Community's legislative process. In accordance with institutional practice, the President must have received the documents in all the official languages before announcing communication of the common position in Parliament. Verification of the text, on the otherhand, can take place even when only one language version is available. Moreover, it is clear that, in the vast majority of cases, verification will simply confirm that the document in question is indeed a common position, and it will only be disputed in very rare cases.

Monday, 13 February 1989

By its very nature, the right of Parliament to be reconsulted presupposes that the Council or the Commission has made substantial changes to the proposal. It follows that Parliament can legitimately expect to be reconsulted when it is informed of such changes, that is to say, either when it has information concerning the deliberations of the Council before it forwards the common position or, at the very latest, when it receives the Council document and, from an examination thereof, ascertains that substantial changes have been made to the previous text. Once this has been established, however, and once the President has announced in plenary that the common position has been received, Parliament can no longer claim the right to be reconsulted. It will be noted that the intermediate stage between the two readings (which, as far as action by Parliament is concerned, is covered by Rule 41 of the Rules of Procedure) ends with the President's announcement, which, for Parliament, marks the beginning of the second reading: because of the three-month time limit prescribed by Article 149 (2) (b) of the EEC Treaty, it is of the utmost importance for Parliament to be certain of the date on which the second reading begins.

It is worth noting 'en passant' that to assume that the start of the second reading coincides with the President's announcement is entirely consistent with the relevant Treaty provision, which states the 'the Council's *common position* shall be communicated to the European Parliament': the very purpose of examining the Council document (as mentioned in the preceding paragraph is to verify that it really does take the form of a common position. The Council should have no difficulty in accepting that the three-month period begins with the announcement in plenary (i.e. after the said examination), just as it has had no hesitation in accepting that before the announcement 'the President must have received the documents containing the common position and the Commission's position, duly translated into the official languages of the Community' (see Rule 45 of the Rules of Procedure): the requirement that the document be translated into the official languages has even had the effect of delaying the start of the second reading after it has been 'communicated'.

10. To return to Mrs Weber's letter, there can be no difficulty, in the light of the foregoing observations, in *answering the third question* (see paragraph 2 (c)). The President's announcement of the common position in plenary presupposes that the nature of the document has been verified. After the announcement — which, as we have said, marks the beginning of the second reading — Parliament can no longer claim the right to reconsultation, because it would then be at fault for not having noticed the substantial changes to the document before the announcement was made.

Theoretically speaking, the case might arise whereby, following the announcement of the common position in plenary, Parliament may wish to request reconsultation — for example, where it realizes, belatedly, that the original text has been substantially modified. In that case, it would always be free to request that it be allowed to express its position at first reading. However, it would be neither useful nor prudent to base the request on Rule 42, the purpose of which is to affirm a *right* which Parliament may exercise under certain conditions. Under Rule 42, the request would be more in the nature of an entreaty. Be that as it may, it is necessary to establish whether, in the unlikely event of such a request being made, and being agreed to by the Council, the procedure would be deemed to be still at the second-reading stage or whether it would revert, by agreement between the two institutions, to the first-reading stage.

It has to be realized that Rule 42 serves merely as an explanation and guide and has no binding effect on any other institution, particularly the Council. The question of whether or not Rule 42 is 'applicable' to the second-reading stage is of no practical concern. For all these reasons, we have to conclude that Rule 42 cannot be invoked at the second-reading stage.

**MINUTES OF PROCEEDINGS OF THE SITTING OF TUESDAY,
14 FEBRUARY 1989**

(89/C 69/02)

PART I

Proceedings of the sitting

IN THE CHAIR: MRS PERY

Vice-President

(The sitting was opened at 9 a.m.)

1. Approval of minutes

The following spoke:

— Lady Elles, *Chairman of the Committee on Legal Affairs*, who pointed out that Mr Arndt had actually requested the postponement of the Rothley (Doc. A 2-327/88) and Casini (Doc. A 2-372/88) reports (*item 12 of the minutes*). Mr Arndt confirmed this. These two reports were therefore postponed and not referred back to committee;

— Mrs Weber, *Chairman of the Committee on the Environment*, who asked for the proposal on the organization of pilot projects to combat and eradicate rabies (Doc. C 2-310/88), referred to the Committee on Agriculture as the committee responsible under item 10 of the minutes of 13 February 1989, to be referred to the Committee on the Environment as the committee responsible (the President replied that she would refer this request to the Bureau);

— Mr Medina Ortega, who made further comments on recital D of his report (*item 16 of the minutes of 13 February 1989*).

— Mr Ford.

The minutes of the previous sitting were approved with these changes.

2. Documents received

The President announced that she had received from the committee the following report:

— **I Report drawn up on behalf of the Committee on Economic and Monetary Affairs and Industrial Policy, on the proposal from the Commission of the European Communities to the Council (COM(88) 526 final — Doc. C 2-253/88 — SYN 166) for a regulation amending Regulation (EEC) No 3/84 introducing arrangements for movement within the Community of goods sent from one Member State for temporary use

in one or more other Member States (Doc. A 2-395/88); rapporteur: Mr Cassidy.

3. Written declaration (Rule 65)

Written declarations Nos 19/88/Corr. and 21/88/Corr. had not obtained the required number of signatures and had lapsed under the provisions of Rule 65 (5).

The President announced that written declaration No 20/88 by Mr Pannella and others on electoral laws governing the election of Members of the European Parliament had received 297 signatures and had been forwarded to the bodies mentioned in the text, i.e. the government and parliaments of the Member States, the Commission and the Council, pursuant to Rule 65 (4) (*see Annex II*).

4. Topical and urgent debate (announcement of motions for resolutions tabled)

The following spoke: Mrs Ewing, Mr Marshall, on the comments made by Mrs Ewing, and Mrs Ewing.

Key to symbols used

* : ordinary consultation (single reading)

** I : cooperation procedure (first reading)

** II : cooperation procedure (second reading)

*** : parliamentary assent

(The type of procedure is determined by the legal basis proposed by the Commission.)

Information relating to voting time

— unless stated otherwise, the rapporteurs informed the Chair beforehand in writing of their position on amendments;

— the results of roll-call votes are given in the Annex.