

Friday, 16 June 1995

**MINUTES OF PROCEEDINGS OF THE SITTING OF FRIDAY, 16 JUNE 1995**

(95/C 166/05)

**PART I****Proceedings of the sitting**

IN THE CHAIR: Mrs FONTAINE

*Vice-President**(The sitting opened at 9 a.m.)***1. Approval of Minutes**

Mr Brinkhorst had informed the Chair in writing that he had been present the previous day but had not signed the attendance register.

*The following spoke:*

— Mr Bourlanges and Mr Murphy, who said they had been present the previous day but had not signed the attendance register;

— Mr Herman, on the vote on his report (A4-0129/95 — Part II, Item 9);

— Mr Truscott, who referred to the latest developments in Chechnya and asked for these to be taken into account in the recommendation adopted the previous day (Part II, Item 3), in particular the taking of civilian hostages (the President replied that the vote stood but that these points would be included in the forwarding letter);

— Mrs Thyssen who pointed out that she had intended to vote for and not against the previous day's resolution in the topical and urgent debate on nuclear testing (Part I, Item 23).

The Minutes of the previous sitting were approved.

**2. Documents received**

The President announced that she had received:

*(a) from the Council:*

*(aa) requests for opinions on the following proposals from the Commission to the Council:*

— Proposal for a Council Directive concerning the quality of water intended for human consumption (COM(94)0612 — C4-0199/95 — 95/0010(SYN))

referred to  
responsible: ENVI  
opinion: BUDG

legal basis: Art. 130s(1) EC

— Proposal for a Council Regulation amending Council Regulation (EC) No 2965/94 of 28 November 1994 setting up

a Translation Centre for bodies of the European Union (COM(95)0125 — C4-0207/95 — 95/0099(CNS))

referred to  
responsible: BUDG

legal basis: Art. 235 EC

— Proposal for a Council Regulation amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas, Regulation (EEC) No 1035/72 on the common organisation of the market in fruit and vegetables, and Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (COM(95)0114 — C4-0211/95 — 95/0084(CNS))

referred to  
responsible: AGRI  
opinion: BUDG, DEVE

legal basis: Art. 43 EC

— Draft European Parliament and Council Regulation on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters (rectification of legal basis) (4324/95 — C4-0212/95 — 00/0450(COD))

referred to  
responsible: CONT  
opinion: AGRI, ECON, LEGA

legal basis: Art. 100a EC, Art. 43 EC, Art. 113 EC

— Amended proposal for a Council Directive introducing a tax on carbon dioxide emissions and energy (COM(95)0172 — C4-0214/95 — 00/0806(CNS))

referred to  
responsible: ENVI  
opinion: ECON, RTDE, TRAN

legal basis: Art. 99 EC, Art. 130s(2) EC

— Proposal for a Council Decision adapting Decision 94/268/Euratom concerning a framework programme of Community activities in the field of research and training for the European Atomic Energy Community (1994 to 1998) following the accession to the European Union of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (COM(95)0145 — C4-0218/95 — 95/0812(CNS))

referred to  
responsible: RTDE  
legal basis: Art. 007 Euratom

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— Proposal for a Council Regulation amending Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community (COM(95)0143 — C4-0220/95 — 95/0107(SYN))

referred to  
responsible: ENVI  
opinion: RELA, LEGA, DEVE  
legal basis: Art. 130s(1) EC

— Proposal for a Council Decision establishing a Community action programme in the field of civil protection (COM(95)0155 — C4-0221/95 — 95/0098(CNS))

referred to  
responsible: ENVI  
opinion: BUDG  
legal basis: Art. 235 EC

— Proposal for a Council Regulation on common rules applicable to the transport of goods or passengers by inland waterways between Member States with a view to establishing freedom to provide such transport services (COM(95)0167 — C4-0222/95 — 95/0106(SYN))

referred to  
responsible: TRAN  
legal basis: Art. 75 EC

— Proposal for a Council Decision approving the European Convention relating to questions on copyright law and neighbouring rights in the framework of trans-frontier broadcasting by satellite (COM(95)0154 — C4-0223/95 — 95/0100(CNS))

referred to  
responsible: LEGA  
opinion: ECON, CULT

legal basis: Art. 57(2) EC, Art. 66 EC, Art. 228(2) and (3), first subparagraph EC

(ab):

— Report from the European Council to the European Parliament on the progress of European Union (pursuant to Article D of the Treaty on European Union) (6474/95 — C4-0173/95)

referred to  
responsible: INST

— Council report on the functioning of the Treaty on European Union (5082/1/95 — C4-0194/95)

referred to  
responsible: INST

(b) from the Commission:

— Proposal for European Parliament and Council Decision adopting an action programme for Community customs (Customs 2000) (COM(95)0119 — C4-0142/95 — 95/0087(COD))

referred to  
responsible: ECON  
opinion: BUDG, LEGA, SOCI, CONT

legal basis: Art. 100a EC, Art. 113 EC  
available languages: DA, EL, EN, FR, NL

— Commission staff working paper local development and employment initiatives (an investigation in European Union) (SEC(95)0564 — C4-0146/95)

referred to  
responsible: SOCI  
opinion: ECON, ENVI, CULT  
available languages: DE, ES, FR, PT

— Commission staff working paper on the current state of EC-Chile relations (SEC(95)0563 — C4-0153/95)

referred to  
responsible: RELA  
opinion: FASE  
available languages: DE, EN, FR

— White Paper presented by the Commission: Associated countries of central and eastern Europe for integration into the internal market of the Union (COM(95)0163 — C4-0166/95)

referred to  
responsible: FASE  
opinion: committees concerned  
available languages: DE, EN, FR

— Commission of the European Communities: Report on the operation of the Treaty on European Union (SEC(95)0731 — C4-0168/95)

referred to  
responsible: INST  
available languages: DE, EN, FR

— Communication from the Commission to the Council and the European Parliament on the consultation on the Green Paper on the Liberalisation of Telecommunications Infrastructure and Cable Television Networks (COM(95)0158 — C4-0172/95)

referred to  
responsible: ECON  
opinion: RTDE, LEGA, SOCI, CULT  
available languages: DE, EN, FR

— Communication from the Commission to the Council and the European Parliament: prospects for cooperation in science and technology with the New Independent States (NIS) (COM(95)0190 — C4-0192/95)

referred to  
responsible: RTDE  
opinion: FASE, BUDG, RELA, LEGA  
available languages: DE, EN, FR

— Report on the Community Charter of the fundamental social rights of workers and on the Protocol on Social Policy annexed to the Treaty establishing the European Community (COM(95)0184 — C4-0196/95)

referred to  
responsible: SOCI  
opinion: WOME

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— Commission Communication on the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries (COM(95)0216 — C4-0197/95)

referred to  
responsible: FASE  
opinion: RELA, DEVE  
available languages: FR

— Commission recommendation of 12 May 1995 on payment periods in commercial transactions (COM(95)1075 — C4-0198/95)

referred to  
responsible: ECON  
opinion: LEGA

— Amended proposal for a European Parliament and Council Decision adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health (COM(95)0209 — C4-0201/95 — 94/0222(COD))

referred to  
responsible: ENVI  
opinion: BUDG, SOCI, CULT, DEVE

legal basis: Art. 129 EC

— Proposal for the transfer of appropriations No 10/95 between chapters of Section III — Commission — Part A — of the General Budget for the European Communities for the financial year 1995 (SEC(95)0848 — C4-0203/95)

referred to  
responsible: BUDG

— Proposal for the transfer of appropriations No 11/95 between chapters of Section III — Commission — Part B — of the General Budget for the European Communities for the financial year 1995 (SEC(95)0917 — C4-0204/95)

referred to  
responsible: BUDG

— Amended proposal for a European Parliament and Council Directive amending Council Directive 79/581/EEC on consumer protection in the indication of the prices of foodstuffs as amended by Council Directive 88/315/EEC and Council Directive 88/314/EEC on consumer protection in the indication of the prices of non-food products (COM(95)0259 — C4-0205/95 — 94/0300(COD))

referred to  
responsible: ENVI  
opinion: ECON

legal basis: Art. 100a EC

— Amended proposal for a European Parliament and Council Directive on European Union credit transfers (COM(95)0264 — C4-0206/95 — 94/0242(COD))

referred to  
responsible: ECON  
opinion: LEGA, ENVI

legal basis: Art. 100a EC

— Commission of the European Communities: Green Paper on the practical arrangements for the introduction of the Single Currency (COM(95)0333 — C4-0208/95)

referred to  
responsible: ECON  
opinion: committees concerned  
available languages: DE, EN, FR

— Draft ECSC Operating Budget for 1996 (SEC(95)0834 — C4-0209/95)

referred to  
responsible: BUDG

— Commission Recommendation for Broad Guidelines of the Economic Policies of the Member States and the Community (COM(95)0228 — C4-0210/95)

referred to  
responsible: ECON  
opinion: SOCI

available languages: DE, EN, FR

— Draft Amending ECSC Operating budget for 1995 (SEC(95)0761 — C4-0213/95)

referred to  
responsible: BUDG

— Commission of the European Communities: Report to the European Council on the application of the Subsidiarity Principle — 1994 (COM(94)0533 — C4-0215/95)

referred to  
responsible: LEGA  
opinion: INST

available languages: DA, DE, EN, ES, FR, IT, NL, PT

— European Commission: Europe 2000+ — Cooperation for European Territorial Development (COM(94)0354 — C4-0216/95)

referred to  
responsible: REGI

— Communication from the Commission on the European Union and Russia: the future relationship (COM(95)0223 — C4-0217/95)

referred to  
responsible: FASE

(c) *from the Court of Justice:*

— Report of the Court of Justice on certain aspects of the application of the Treaty on European Union and contribution of the Court of First Instance for the purposes of the 1996 Inter-governmental Conference (8043/95 — C4-0189/95)

referred to  
responsible: INST

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**3. Banana imports \* (Rule 143)**

The next item was the vote on:

— proposal for a Council Regulation adapting Regulation (EEC) No 404/93 as regards the volume of the annual quota for the import of bananas into the Community following the accession of Austria, Finland and Sweden (COM(95)0115 — C4-0184/95 — 95/0086(CNS))

referred to  
responsible: AGRI  
opinion: BUDG, DEVE

PROPOSAL FOR A REGULATION COM(95)0115 — C4-0184/95 — 95/0086(CNS)

Parliament approved the Commission proposal (Part II, Item 1).

**4. Livestock farming in Portugal \* (Rule 143)**

The next item was the vote on:

— proposal for a Council Regulation amending Regulation (EC) No 1017/95 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal (COM(95)0168 — C4-0195/95 — 95/0101(CNS))

referred to  
responsible: AGRI  
opinion: BUDG

PROPOSAL FOR A REGULATION COM(95)0168 — C4-0195/95 — 95/0101(CNS)

Parliament approved the Commission proposal (Part II, Item 2).

**5. Conservation of fishery resources \* (vote)**

Report of the Committee on Fisheries on the proposal for a Council Regulation amending for the fifth time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound (COM(95)0070 — C4-0133/95 — 95/0068(CNS)) (A4-0141/95 — rapporteur: Mr Kindermann) (without debate)

PROPOSAL FOR A REGULATION COM(95)0070 — C4-0133/95 — 95/0068(CNS)

Parliament approved the Commission proposal (Part II, Item 3).

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution (Part II, Item 3).

**6. Air pollution \*\*I (vote)**

Reports by Mr Papayannakis (A4-0116/95) and Mrs Pollock (A4-0117/95)

(a) A4-0116/95

PROPOSAL FOR A DIRECTIVE COM(94)0109 — C4-0112/94 — 94/0106(SYN):

*Amendments adopted:* 1; 38; 37; 39; 3; 5 to 7, 9 to 12, and 14 to 36 collectively; 8 by EV (92 for, 57 against, 1 abstention) and 13 by EV (90 for, 61 against, 0 abstentions)

*Amendments fallen:* 2 and 4

*The following spoke during the vote:*

— the rapporteur, who pointed out that 'emission' should be replaced by 'immission' in ams 38 and 39, stressing that the original text of these two amendments was Dutch; he also pointed out that 'animals' had been omitted from am. 38 and should be added to the text of that am. (the President replied that the necessary corrections would be made);

— Mrs Oomen-Ruijten, on behalf of the PPE Group, who requested separate votes on ams. 8 and 13;

— Mrs Hardstaff, on the vote on am. 8.

Parliament approved the Commission proposal as amended (Part II, Item 4(a)).

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution (Part II, Item 4(a)).

(b) A4-0117/95

PROPOSAL FOR A DECISION COM(94)0345 — C4-0165/94 — 94/0194(CNS):

The rapporteur asked for am. 18 to be put to the vote before am. 1 and am. 19 before am. 4, as these two amendments were compromise amendments; she added that she was opposed to the amendments by the PPE Group (the President established that there was no opposition to the rapporteur's request).

*Amendments adopted:* 18; 2; 3; 19 by EV (103 for, 61 against, 0 abstentions); 5; 6 and 7 to 11 collectively

*Amendments rejected:* 12 by EV (63 for, 94 against, 3 abstentions); 15; 17; 13; 14

*Amendments fallen:* 1; 4 and 16

Parliament approved the Commission proposal as amended (Part II, Item 4(b)).

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution (Part II, Item 4(b)).

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## 7. MEDIA II — Development and Training \*/\*\*I (vote)

André-Léonard reports (A4-0143 and 0144/95)

(a) A4-0143/95 \*

PROPOSAL FOR A DECISION COM(94)0523 — C4-0158/95  
— 95/0027(CNS):

The President pointed out that am. 3 had been incorporated into am. 4 and that ams 24 and 25 had been incorporated into am. 23.

*Amendments adopted:* 1 (legal basis); 2 as amended orally by the rapporteur; 4 (1st part); 5 to 35 collectively; 59; 36 and 38 collectively; 37 as amended orally by the rapporteur; 39 as amended orally by the rapporteur; 60; 40 to 58 collectively

*Amendments rejected:* 4 (2nd part)

*Amendments fallen:* 3; 24; 25

*Amendment withdrawn:* 61

*Amendment cancelled:* 21

*The following spoke during the vote:*

— the rapporteur, who proposed deleting from am. 2 the words 'so as not to exacerbate trends towards concentration' (the President established that this modification was not opposed by a minimum of 12 Members as required by Rule 124(6)); the amendment was therefore put to the vote as amended;

— before the vote on am. 37, the rapporteur, who asked for the sum of ECU 343 million to be removed from the financial statement (the President established that there was no opposition to this request);

— the rapporteur, who asked for the words 'professional experts' in am. 39 to be replaced by 'representatives of the profession' (the House did not oppose the request);

— Mrs Castellina, chairman of the Committee on Culture, who pointed out that am. 60 just adopted also applied to report A4-0144/95 (the President agreed).

*Separate and/or split votes:*

am. 4 (PPE):

1st part: up to 'stepped up'  
2nd part: remainder

Parliament approved the Commission proposal as amended (Part II, Item 5(a)).

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution by RCV (PPE):

Members voting:	172
For:	169
Against:	0
Abstentions:	3

(Part II, Item 5(a)).

(b) A4-0144/95 \*\*I

PROPOSAL FOR A DECISION COM(94)0523 — C4-0171/95  
— 95/0026(SYN):

*Amendments adopted:* 1 to 8 collectively; 9; 10; 11; 12; 13; 14 (1st and 3rd parts); 29 as amended orally by the rapporteur; 17 and 18 collectively; 19; 20 to 25 collectively

*Amendments rejected:* 27; 14 (2nd part); 15 by EV (24 for, 143 against, 4 abstentions); 26 by EV (67 for, 102 against, 5 abstentions)

*Amendments fallen:* 16 and 28

*The following spoke during the vote:*

— the rapporteur, who asked for the words 'professional experts' in am. 29 to be replaced by 'representatives of the profession' (the House did not oppose the request).

*Separate and/or split votes:*

am. 14 (PPE):

1st part: 1st paragraph  
2nd part: 2nd paragraph  
3rd part: 3rd paragraph

Parliament approved the Commission proposal as amended (Part II, Item 5(b)).

DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution (Part II, Item 5(b)).

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*Explanations of vote:*

Papayannakis report (A4-0116/95)

— *in writing:* Mrs Díez de Rivera Icaza, Mr Teverson

Pollack report (A4-0117/95)

— *in writing:* Mr Rovsing

## 8. Duties and VAT \* (debate and vote)

Mr Cassidy introduced his report, drawn up on behalf of the Committee on Economic and Monetary Affairs and Industrial Policy, on the proposals for:

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- I. a Council Regulation setting out the cases where relief from import duties or export duties shall be granted (COM(94)0232 – C4-0274/94 – 94/0140(CNS));
- II. a Council Directive amending Directive 77/388/EEC and determining the scope of Article 14(1)(d) as regards exemption from value added tax on the final importation of certain goods (COM(94)0370 – C4-0167/94 – 94/0197(CNS)) (A4-0124/95).

The following spoke: Mr Miller, on behalf of the PSE Group, Mr de Brémond d'Ars, on behalf of the PPE Group, Mr Schreiner, Non-attached Member, Mr Nußbaumer, Mr Liikanen, Member of the Commission, and Mr von Wogau, chairman of the Committee on Economic Affairs.

The President closed the debate.

#### VOTE

PROPOSAL FOR A REGULATION COM(94)0232 – C4-0274/94 – 94/0140(CNS)

*Amendments adopted:* 1; 2 by EV (45 for, 30 against, 0 abstentions); 3 by EV (46 for, 34 against, 0 abstentions); 4; 6 and 7 collectively; 5 by split vote

*Amendments rejected:* 8 by EV (38 for, 44 against, 0 abstentions)

*The following spoke during the vote:*

— Mr Herman, Mrs d'Ancona, the rapporteur and Mr Miller, before the vote on am. 8, on the concept of 'public' linked to 'galleries', 'museums' and 'institutions'

*Separate and/or split votes:*

am. 5 (EDN):

1st part: 1st subparagraph  
2nd part: 2nd subparagraph

Parliament approved the Commission proposal as amended (Part II, Item 6).

#### I. DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution by EV (48 for, 34 against, 1 abstentions) (Part II, Item 6).

#### II. PROPOSAL FOR A DIRECTIVE COM(94)0370 – C4-0167/94 – 94/0197(CNS)

Parliament approved the Commission proposal (Part II, Item 6).

#### DRAFT LEGISLATIVE RESOLUTION:

Parliament adopted the legislative resolution (Part II, Item 6).

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*Explanations of vote:*

— *in writing:* Mr Berthu

### 9. Potato starch \* (debate and vote)

Mrs Hardstaff introduced her report, drawn up on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council Regulation amending Regulation (EEC) No 1766/92 on the common organization of the market in cereals and Regulation (EC) No 1868/94 establishing a quota system in relation to the production of potato starch (COM(95)0024 – C4-0111/95 – 95/0024(CNS)) (A4-0127/95).

The following spoke: Mr Rehder, on behalf of the PSE Group, Mrs Keppelhoff-Wiechert, on behalf of the PPE Group, Mr Cunha, on behalf of the ELDR Group, Mr Graefe zu Baringdorf, on behalf of the V Group, and Mr Blokland, on behalf of the EDN Group.

IN THE CHAIR: Sir Jack STEWART-CLARK

*Vice-President*

The following spoke: Mr Reichhold, Non-attached Member, Mr Hallam, Mr Mulder, Mr Kreissl-Dörfner, Mr Liikanen, Member of the Commission, Mr Provan, on the rapporteur's position on the amendments and to ask whether a rapporteur had the right to table, on behalf of his group, amendments to his own report (the President replied that this practice was not new), and the rapporteur.

The President closed the debate.

#### VOTE

The rapporteur spoke on the amendments.

PROPOSAL FOR A REGULATION COM(95)0024 – C4-0111/95 – 95/0024(CNS)

*Amendments adopted:* 2 by EV (44 for, 40 against, 0 abstentions); 3 by EV (45 for, 43 against, 0 abstentions);

(Part II, Item 7)

*Amendment rejected:* 10 by RCV

*Amendment cancelled:* 7

*The following spoke during the vote:*

— Mr Jacob, chairman of the Committee on Agriculture, who protested, after the adoption of am. 2, at the rapporteur's support for amendments rejected in committee; Mr Rehder then spoke on Mr Jacob's remarks.

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Result of RCV:

am. 10 (PPE)	
Members voting:	86
For:	41
Against:	44
Abstentions:	1

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\* \* \*

After the vote on am. 3, Mr Jacob asked for the quorum to be checked pursuant to Rule 112(3). The request was supported by more than 29 Members.

The President established that a quorum was not present.

The remainder of the vote would be placed on the agenda of the next part-session.

The following spoke:

- Mr Falconer, who pointed out that in his opinion a request for the quorum to be checked had never been made after the vote had begun (the President replied that this was allowed under the Rules);
- Mr Hallam, who asked whether votes already taken stood (the President replied that they did).

### 10. Veterinary measures for fishing industry (debate and vote)

The next item was the oral question by Mr Arias Cañete on behalf of the Committee on Fisheries to the Commission on the implementation of costly veterinary measures for the fishing industry without consultation of the European Parliament (B4-0516/95).

Mr Macartney asked the Commission if it was prepared to withdraw its proposal (the President pointed out to Mr Macartney that, as the debate had not yet begun, the Commission had not yet been able to give its position).

Mrs Fraga Estévez moved the oral question.

Mr Liikanen, Member of the Commission, answered the question.

The following spoke: Mr Baldarelli, on behalf of the PSE Group, Mrs Langenhagen, on behalf of the PPE Group, Mr Teverson, on behalf of the ELDR Group, Mr Macartney, on behalf of the ARE Group, Mr Provan, Mr Cushnahan, Mr Cassidy and Mr Liikanen.

The President announced that he had received a motion for a resolution pursuant to Rule 40(5) from the following Members:

- Baldarelli, on behalf of the PSE Group, Langenhagen and Provan, on behalf of the PPE Group, Teverson, on behalf of the ELDR Group, Ligabue, on behalf of the FE Group, Gallagher, on behalf of the RDE Group, Macartney, on behalf of

the ARE Group, Jové Peres, on behalf of the GUE/NGL Group, on excessive and costly veterinary measures to be applied in the fisheries sector without consultation of the European Parliament (B4-0938/95).

The President closed the debate.

VOTE

MOTION FOR A RESOLUTION B4-0938/95:

Parliament adopted the resolution (Part II, Item 8).

### 11. Motor vehicle distribution and servicing agreements (statement by the Commission)

Mr Liikanen, Member of the Commission, made a statement on motor vehicle distribution and servicing agreements.

The following spoke: Mr Kuckelkorn, on behalf of the PSE Group, Mr Cassidy, on behalf of the PPE Group, Mr Cox, on behalf of the ELDR Group, Mr Hallam and Mr Liikanen.

The President announced that the motion for a resolution pursuant to Rule 37(2) by Mrs Riis-Jørgensen, on behalf of the ELDR Group, on motor vehicle distribution and servicing agreements (B4-0939/95) had been withdrawn.

The President closed the debate.

### 12. Membership of committees, ACP-EU Joint Assembly and interparliamentary delegations

At the request of the ELDR and RDE Groups, Parliament ratified the following appointments:

- Mr Giansily as member of the Committee on Budgets,
- Mr Nordmann as member of:
  - the Committee on Development and Cooperation
  - the ACP-EU Joint Assembly
  - the Delegation for Relations with Japan.

### 13. Written declarations (Rule 48)

Pursuant to Rule 48(3), the President announced the number of signatures to these declarations:

No	Author	Signatures
5/95	Kaklamanis	21
6/95	Langer	38

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**14. Forwarding of resolutions adopted during the sitting**

The President informed Parliament, pursuant to Rule 133(2), that the Minutes of that day's sitting would be submitted to Parliament for its approval at the beginning of its next sitting.

With Parliament's agreement, he stated that he would forward the texts that had just been adopted forthwith to the bodies named therein.

**15. Dates for next part-session**

The President announced that the next part-session would be held from 27 to 29 June 1995.

**16. Adjournment of session**

The session was adjourned.

*(The sitting closed at 11.30 a.m.)*

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Enrico VINCI  
*Secretary-General*

Nicole FONTAINE  
*Vice-President*

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PART II

Texts adopted by the European Parliament

**1. Banana imports \* (Rule 143)**

**Proposal for a Council Regulation adapting Regulation (EEC) No 404/93 as regards the volume of the annual quota for the import of bananas into the Community following the accession of Austria, Finland and Sweden (COM(95)0115 -C4-0184/95 – 95/0086(CNS))**

The proposal was approved.

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**2. Livestock farming in Portugal \* (Rule 143)**

**Proposal for a Council Regulation amending Regulation (EC) No 1017/94 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal (COM(95)0168 – C4-0195/95 – 95/0101(CNS))**

The proposal was approved.

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**3. Conservation of fishery resources \***

**A4-0141/95**

**Proposal for a Council Regulation amending for the fifth time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound (COM(95)0070 – C4-0133/95 – 95/0068(CNS))**

The proposal was approved.

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**Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation amending for the fifth time Regulation (EEC) No 1866/86 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound (COM(95)0070 – C4-0133/95 – 95/0068(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(95)0070 – 95/0068 (CNS) <sup>(1)</sup>, and the amended proposal, COM(95)0211,

<sup>(1)</sup> OJ C 91, 12.4.1995, p. 5.

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- having been consulted by the Council pursuant to Article 43 of the EC Treaty (C4-0133/95),
  - having regard to Rule 58 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries (A4-0141/95),
1. Approves the Commission proposal;
  2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
  3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  4. Instructs its President to forward this opinion to the Council and Commission.

#### 4. Air pollution **\*\*I**

(a) A4-0116/95

#### **Proposal for a Council Directive on ambient air quality assessment and management (COM(94)0109 – C4-0112/94 – 94/0106(SYN))**

The proposal was approved with the following amendments:

TEXT PROPOSED  
BY THE COMMISSION (\*)

AMENDMENTS  
BY PARLIAMENT

(Amendment 1)

*Article 2(6)*

6. 'limit value' means a quality objective fixed with the aim of preventing harmful effects on environment and/or health which shall not be exceeded and beyond which actions shall be taken by the Member States as laid down in this Directive;

6. 'limit value' means a quality objective fixed with the aim of preventing harmful effects on environment and/or health, **according to the 'critical load concept'**, which shall not be exceeded and beyond which actions shall be taken by the Member States as laid down in this Directive;

(Amendment 38)

*Article 2(6a) (new)*

**6a. 'maximum allowable immission level' means the level of a certain pollutant, the effects of which when ingested or deposited are not detrimental to humans, animals, plants or goods, according to the 'critical load concept';**

(Amendment 37)

*Article 2(6b) (new)*

**6b. 'critical load concept' means either: The highest load that will not cause chemical changes leading to long-term harmful effects on the most sensitive ecological systems for acid deposition, or, for gaseous pollutants,**

(\*) OJ C 216, 6.8.1994, p. 4.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

**the concentration of pollutants in the atmosphere above which direct adverse effects on receptors, such as plants, ecosystems or materials, may occur, according to present knowledge;**

(Amendment 3)

*Article 3, second paragraph (new)*

**At the same time as informing the Commission as above, the Member States shall also make all the above information available to the public by every appropriate means.**

(Amendment 39)

*Article 4(1)*

1. For those substances listed in Annex I, the Commission, after consultations with the advisory Committee referred to in Article 12, shall submit to the Council proposals for the setting of the ambient air quality objectives according to the following timetable:

- no later than 31 December 1996 for substances *1 to 5*;
- in accordance with Article 8 of the Council Directive 92/72/EEC for ozone;
- as soon as possible and no later than 31 December 1999 for substances *7 to 14*.

For the other substances not listed in Annex I, the Commission shall submit to the Council proposals for limit values and alert thresholds if, on the basis of scientific progress and taking into account the guidelines in Annex II, the environment and/or human health in the European *Community* have to be protected against their effects; these proposals will be made after consultations with the advisory Committee.

1. For those substances listed in Annex I, the Commission, after consultations with the advisory Committee referred to in Article 12, shall submit to the Council **and the European Parliament** proposals for the setting of the ambient air quality objectives **and maximum allowable immission levels** according to the following timetable:

- no later than 31 December 1996 for substances **under 1**;
- in accordance with Article 8 of the Council Directive 92/72/EEC for ozone;
- as soon as possible and no later than 31 December 1999 for substances **under 2**.

For the other substances not listed in Annex I, the Commission shall submit to the Council **and the European Parliament** proposals for limit values, **maximum allowable immission levels** and alert thresholds if, on the basis of scientific progress and taking into account the guidelines in Annex II, the environment and/or human health in the European **Union** have to be protected against their effects; these proposals will be made after consultations with the advisory Committee.

(Amendment 5)

*Article 4(1a) (new)*

**1a. The Commission shall ensure that the quality objectives (limit values and alert thresholds) referred to above are reviewed at regular intervals, taking account of the most recent developments in scientific research in the relevant epidemiological fields, and the most recent advances in measuring techniques.**

(Amendment 6)

*Article 4(1b) (new)*

**1b. The Commission shall, as soon as possible, set air quality objectives in relation to other pollutants listed under the third priority in Annex I.**

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(Amendment 7)

*Article 4(1c) (new)*

**1c. The Commission shall subsequently carry out studies to analyze the combined effects of various pollutants or sources of pollution, and the effect of climate on the activity of the various pollutants examined in the context of this Directive.**

(Amendment 8)

*Article 4(2)(a), third indent a (new)*

— **the sampling techniques and sampling points**

(Amendment 9)

*Article 4(3), first subparagraph*

3. If necessary and in order to take into account the existing levels of a given pollutant at the time of setting quality objectives as well as the time needed to implement measures aiming at improving the ambient air quality, a temporary permitted margin of exceedance shall also be set by the Council for the limit value.

3. If necessary and in order to take into account the existing levels of a given pollutant at the time of setting quality objectives as well as the time needed to implement measures aiming at improving the ambient air quality, a temporary permitted margin of exceedance shall also be set by the Council for the limit value. **This shall not exceed five years.**

(Amendment 10)

*Article 4(4)*

4. When a Member State sets more stringent objectives than those agreed by the Council, it shall inform the Commission thereof.

4. When a Member State sets more stringent objectives than those agreed by the Council, it shall inform the Commission **and the European Environment Agency** thereof.

(Amendment 11)

*Article 4(5)*

5. When a Member State intends to set quality objectives for substances not covered by ambient air quality objectives of the European Community, it shall, before implementing these, inform in due time the Commission *in order to allow examination of the need to act at Community level following the guidelines in Annex II.*

5. When a Member State intends to set quality objectives for substances not covered by ambient air quality objectives of the European Community, it shall, before implementing these, inform in due time the Commission **and the European Environment Agency. The Commission, after consultations and examination with the advisory Committee referred to in Article 12, shall reply in due time, indicating the extent to which there is a need to act at Community level following the guidelines in Annex II.**

(Amendment 12)

*Article 5(2)*

2. Measurement is mandatory in the following areas:  
— agglomerations of more than 250 000 inhabitants with a population density of more than 1 000 inhabitants/km<sup>2</sup>,  
— areas of poor or improving air quality.

2. Measurement is mandatory in the following areas:  
— agglomerations of more than **100 000** inhabitants,  
— areas of poor or improving air quality,  
— **areas with a high density of industrial activity and consumption of mineral fuels.**

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 13)

*Article 7(1)*

1. Member States shall take appropriate measures to ensure that, within the time limits which will be fixed in the Acts referred to in Article 4, the limit values set at Community level are not exceeded.

1. Member States shall take appropriate measures to ensure that, within the time limits which will be fixed in the Acts referred to in Article 4, the limit values set at Community level are not exceeded. **The Member States shall take such measures in conjunction with granting permits for industrial installations, taking into account the forthcoming Directive on an integrated pollution prevention and control system.**

(Amendment 14)

*Article 7(2)*

2. Member States shall make short term plans for actions to be taken in cases when an exceedance is forecast in order to reduce the likelihood of exceedance and to limit its duration.

2. Member States shall make short term plans for actions to be taken in cases when an exceedance is forecast in order to reduce the likelihood of exceedance and to limit its duration. **Depending on the case, such plans shall include measures to suspend temporarily activities contributing to the exceedance of limit values as well as a ban on motor traffic.**

(Amendment 15)

*Article 7(3)(a), introduction*

(a) Member States shall inform the Commission about:

(a) Member States shall inform the Commission **and the European Environment Agency** about:

(Amendment 16)

*Article 7(3)(b), second subparagraph*

This plan or programme, which has to be made available to the public, shall at least specify the information listed in Annex III.

This plan or programme, which has to be made available to the public, **and to non-governmental environmental organizations** shall at least specify the information listed in Annex III.

(Amendment 17)

*Article 7(3)(c)(i)*

(i) send these plans or programmes to the Commission as soon as possible and at the latest *within two years* after the end of the year during which levels were observed;

(i) send these plans or programmes to the Commission as soon as possible and at the latest **one year** after the end of the year during which levels were observed;

(Amendment 18)

*Article 8, second paragraph*

The list of areas of improving air quality and information summarizing the levels assessed in these areas shall be transmitted to the Commission according to the requirements of Article 11.

The list of areas of improving air quality and information summarizing the levels assessed in these areas shall be transmitted to the Commission **and the European Environment Agency** according to the requirements of Article 11.

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TEXT PROPOSED  
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## (Amendment 19)

*Article 9*

Areas of good air quality shall be notified to the Commission and information summarizing the levels assessed in these areas shall be transmitted to the Commission according to the provisions of Article 11.

Areas of good air quality shall be notified to the Commission **and the European Environment Agency** and information summarizing the levels assessed in these areas shall be transmitted to the Commission **and the European Environment Agency** according to the provisions of Article 11.

## (Amendment 20)

*Article 11(1), introduction*

1. Member States shall provide to the Commission:

1. Member States shall provide to the Commission **and the European Environment Agency**:

## (Amendment 21)

*Article 12(1)*

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

1. The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission. **This committee shall consult experts in the fields and sectors concerned, including NGOs specializing in matters within its remit.**

## (Amendment 22)

*Article 12(2)*

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver *its opinion* to the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

2. The representative of the Commission shall submit **to the European Parliament and** to the committee a draft of the measures to be taken. **The European Parliament and** the committee shall deliver **their opinions on** the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

## (Amendment 23)

*Article 12(4)*

4. The Commission shall take the utmost account of the *opinion* delivered by the committee. It shall inform the committee of the manner in which *its opinion has* been taken into account.

4. The Commission shall take the utmost account of the **opinions** delivered by **the European Parliament and** the committee. It shall inform **the European Parliament and** the committee of the manner in which **their opinions have** been taken into account.

## (Amendment 24)

*Annex I(1), title*

1. Pollutants covered by EC Directives

1. Pollutants **to be considered in the first stage including the pollutants** covered by EC Directives

## (Amendment 25)

*Annex I(1)(6a) (new)*

**6a. Carbon monoxide (CO);**

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(Amendment 26)

*Annex I(1)(6b) (new)***6b. Benzene (C<sub>6</sub>H<sub>6</sub>);**

(Amendment 27)

*Annex I(1)(6c) (new)***6c. Acid deposition;**

(Amendment 28)

*Annex I(1)(6d) (new)***6d. PM10;**

(Amendment 29)

*Annex I(2)(7)*7. *Carbon monoxide (CO);***Deleted**

(Amendment 30)

*Annex I(2)(9)*9. *Acid deposition;***Deleted**

(Amendment 31)

*Annex I(2)(10)*10. *Benzine (C<sub>6</sub>H<sub>6</sub>);***Deleted**

(Amendment 32)

*Annex I(2)(14)*14. *Nickel (Ni).***14. Nickel compounds of nickel classified carcinogenic in category L by Directive 67/548/EEC.**

(Amendment 33)

*Annex I(2)(14a) (new)***14a. Butadienne 1.3**

(Amendment 34)

*Annex I(2a) (new)***2a. Pollutants to be considered at a second stage:**

- **Dioxins**
- **VOC**
- **Methane**
- **Ammonia**
- **Nitric acid**
- **Poly-aromatic hydrocarbons in general.**

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TEXT PROPOSED  
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(Amendment 35)

*Annex II, after final paragraph (new)***Risk assessment methods may also be used.**

(Amendment 36)

*Annex III(6), first indent*

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>— details of those factors responsible for the excess (transport, formation)</li> </ul> | <ul style="list-style-type: none"> <li>— details of those factors responsible for the excess (transport, <b>including cross-border transport</b>, formation)</li> </ul> |
|--|---|

**Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council Directive on ambient air quality assessment and management (COM(94)0109 – C4-0112/94 – 94/0106(SYN))**

(Cooperation procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(94)0109 – 94/0106(SYN) <sup>(1)</sup>,
  - having been consulted by the Council pursuant to Articles 189c and 130s(1) of the EC Treaty (C4-0112/94),
  - having regard to Rule 58 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Budgets (A4-0116/95),
1. Approves the Commission proposal subject to Parliament's amendments;
  2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
  3. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 189c(a) of the EC Treaty;
  4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
  5. Instructs its President to forward this opinion to the Council and Commission.

<sup>(1)</sup> OJ C 216, 6.8.1994, p. 4.



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(b) A4-0117/95

**Proposal for a Council Decision establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States (COM(94)0345 – C4-0165/94 – 94/0194(SYN))**

The proposal was approved with the following amendments:

TEXT PROPOSED BY THE COMMISSION (*)	AMENDMENTS BY PARLIAMENT
(Amendment 18)	
<i>Title</i>	
<p>Proposal for a Council Decision <i>establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States</i></p>	<p>Proposal for a Council Decision <b>on the measurement of and exchange of information on ambient air pollution</b></p>
(Amendment 2)	
<i>Article 2</i>	
<p>The reciprocal exchange shall cover the pollutants listed in Annex I to the extent that they are measured in <i>the</i> Member States.</p>	<p>The reciprocal exchange shall cover all the pollutants listed in Annex I. <b>Member States shall be obliged to supply data and information covered by the Ambient Air Quality Directive and listed in Annex I.1. Member States shall be requested to supply data and information for the pollutants in Annex I.2</b> to the extent that they are <b>currently</b> measured in Member States.</p>
<p><b>This Article shall be reviewed in two years to ascertain whether the measurement of the pollutants listed in Annex I,2 should be made compulsory.</b></p>	
(Amendment 3)	
<i>Article 4(2)</i>	
<p>2. The Commission <i>will</i> make available to the Member States computer files containing the information already collected by its departments on the subject and software enabling them to be used and updated.</p>	<p>2. The Commission <b>shall</b> make available to the Member States <b>and the general public</b> computer files containing the information already collected by its departments on the subject and software enabling them to be used and updated.</p>
(Amendment 19)	
<i>Article 4(3)</i>	
<p>3. The Member States shall correct, amend and/or supplement that information. The updated computer files shall be sent to the Commission each year by 1 October at the latest; the first sending shall take place by 1 October <i>1994</i>.</p>	<p>3. The Member States shall correct, amend and/or supplement that information. The updated computer files shall be sent to the Commission each year by 1 October at the latest; the first sending shall take place by 1 October <b>1995</b>.</p>

(\*) OJ C 281, 7.10.1994, p. 9.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 5)

*Article 5(1)(a)*

(a) raw data and statistics corresponding to the recommended averaging times indicated in Annex I for *at least 30% of* the stations referred to in Article 3 (a); those stations must be distributed over the entire national territory;

(a) raw data and statistics corresponding to the recommended averaging times indicated in Annex I for **all** the stations referred to in Article 3 (a); those stations must be distributed over the entire national territory;

(Amendment 6)

*Article 5(6)*

6. The Commission shall prepare each year a technical report on the results collected and shall make available to the Member States the updated 'results' data base.

6. The Commission shall prepare each year a technical report on the results collected and shall make available to the Member States the updated 'results' data base. **This data shall be available to the public on request by computer link.**

(Amendment 7)

*Article 5(7a)(new)*

**7a. The Commission or the European Environment Agency shall prepare a general report for public consumption summarising the collected data and outlining the underlying trends in the EU for air quality. The report shall also contain data summaries analysing the number of times, days and locations in which EU limits are breached per annum.**

(Amendment 8)

*Article 9*

This Decision shall apply with effect from 1 October 1994.

This Decision shall apply with effect from 1 October 1995. **It shall be reviewed two years after this date.**

(Amendment 9)

*Annex I, title and table*

List of pollutants, *recommended averaging times, statistical parameters and units of measurement*

POLLUTANT	AVERAGE OVER	EXPRESSED AS
1. SO <sub>2</sub> sulphur dioxide	24h	
2. AF strong acidity	24h	SO <sub>2</sub> equivalent.
3. SPM suspended particulates (total)	24h	
4. PM10 suspended part. (<10µm)	24h	
5. BS black smoke	24h	
6. O <sub>3</sub> ozone	1h	
7. NO <sub>2</sub> nitrogen dioxide	1h	
8. NO <sub>x</sub> nitrogen oxides	1h	NO <sub>2</sub> equivalent.
9. CO carbon monoxide	1h	
10. H <sub>2</sub> S hydrogen sulphide	24h	
11. Pb lead	24h	
12. Hg mercury	24h	

1. List of pollutants **covered by the Ambient Air Quality Directive in which measurement and the reciprocal exchange of information are compulsory**

POLLUTANT	AVERAGE OVER	EXPRESSED AS
SO <sub>2</sub> sulphur dioxide	24h	
SPM suspended particulate <b>matter</b>	24h	
PM10 suspended part. (<10µm)	24h	
BS black smoke	24h	
O <sub>3</sub> ozone	1h	
NO <sub>2</sub> nitrogen dioxide	1h	
NO <sub>x</sub> nitrogen oxides	1h	NO <sub>2</sub> equivalent.
CO carbon monoxide	1h	
Pb lead	24h	

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TEXT PROPOSED BY THE COMMISSION		AMENDMENTS BY PARLIAMENT	
13. Cd cadmium	24h	Cd cadmium	24h
14. Ni nickel	24h	Ni nickel	24h
15. Cr chromium	24h		
16. Mn manganese	24h		
17. As arsenic	24h	As arsenic	24h
18. CS <sub>2</sub> carbon disulphide	1h		
19. C <sub>6</sub> H <sub>6</sub> benzene	24h	C <sub>6</sub> H <sub>6</sub> benzene	24h
20. C <sub>6</sub> H <sub>5</sub> -CH <sub>3</sub> toluene	24h		
21. C <sub>6</sub> H <sub>5</sub> -CH-CH <sub>2</sub> styrene	24h		
22. CH <sub>2</sub> -CH-CN acrylonitrile	24h		
23. HCHO formaldehyde	1h		
24. C <sub>2</sub> HCl <sub>3</sub> trichloroethylene	24h		
25. C <sub>2</sub> Cl <sub>4</sub> tetrachloroethylene	24h		
26. CH <sub>2</sub> Cl <sub>2</sub> dichloromethane	24h		
27. BaP benzo(a)pyrene	24h		
28. PAH polyaromatic hydrocarbons	24h	PAH polyaromatic hydrocarbons ( <b>Benzo-a-Pyrene (BaP) as indicator</b> ) <b>Fluoride</b>	<b>24h</b>
29. VC vinyl chloride	24h		
30. COV (NM) vol. org. comp. (total non-methane)	24h		
31. COV (T) vol. org. comp. (total)	24h		
32. PAN peroxyacetyl nitrate	1h		
33. N-dep. wet nitrogen deposition	1 month	N equivalent.	
34. S-dep. wet sulphur deposition	1 month	S equivalent.	

(Amendment 10)

Annex I, after table, second table (new)

**2. List of pollutants in which measurement and the reciprocal exchange are requested to the extent that they are currently measured in Member States**

POLLUTANT	AVERAGE OVER	EXPRESSED AS
AF strong acidity	24h	SO <sub>2</sub> equivalent.
H <sub>2</sub> S hydrogen sulphide	24h	
Hg mercury	24h	
Cr chromium	24h	
Mn manganese	24h	
CS <sub>2</sub> carbon disulphide	1h	
C <sub>6</sub> H <sub>5</sub> -CH <sub>3</sub> toluene	24h	
C <sub>6</sub> H <sub>5</sub> -CH-CH <sub>2</sub> styrene	24h	
CH <sub>2</sub> -CH-CN acrylonitrile	24h	
HCHO formaldehyde	1h	
C <sub>2</sub> HCl <sub>3</sub> trichloroethylene	24h	
C <sub>2</sub> Cl <sub>4</sub> tetrachloroethylene	24h	
CH <sub>2</sub> Cl <sub>2</sub> dichloromethane	24h	
BaP benzo(a)pyrene	24h	
VC vinyl chloride	24h	
COV (NM) vol. org. comp. (total non-methane)	24h	
COV (T) vol. org. comp. (total)	24h	
PAN peroxyacetyl nitrate	1h	
N-dep. wet nitrogen deposition	1 month	N equivalent.
S-dep. wet sulphur deposition	1 month	S equivalent.
butadienne	24 h	

(Amendment 11)

Annex II, II.2.1, first three indents

— wide street with

— wide street with

— heavy volume of traffic (in excess of 30 000 vehicles a day)

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TEXT PROPOSED BY THE COMMISSION	AMENDMENTS BY PARLIAMENT
<ul style="list-style-type: none"> <li>— large volume of traffic (<i>in excess of</i> 10 000 vehicles a day)</li> <li>— moderate volume of traffic (between 2 000 and 10 000 vehicles a day)</li> <li>— low volume of traffic (less than 2 000 vehicles a day)</li> <li>— pedestrian area</li> </ul>	<ul style="list-style-type: none"> <li>— large volume of traffic (<b>between 10 000 and 30 000</b> vehicles a day)</li> <li>— moderate volume of traffic (between 2 000 and 10 000 vehicles a day)</li> <li>— low volume of traffic (less than 2 000 vehicles a day)</li> <li>— pedestrian area</li> </ul>
<ul style="list-style-type: none"> <li>— narrow street with           <ul style="list-style-type: none"> <li>— large volume of traffic (<i>in excess of</i> 10 000 vehicles a day)</li> <li>— moderate volume of traffic (between 2 000 and 10 000 vehicles a day)</li> <li>— low volume of traffic (less than 2 000 vehicles a day)</li> <li>— pedestrian area</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>— narrow street with           <ul style="list-style-type: none"> <li>— <b>heavy volume of traffic (in excess of 30 000 vehicles a day)</b></li> <li>— large volume of traffic (<b>between 10 000 and 30 000</b> vehicles a day)</li> <li>— moderate volume of traffic (between 2 000 and 10 000 vehicles a day)</li> <li>— low volume of traffic (less than 2 000 vehicles a day)</li> <li>— pedestrian area</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>— canyon street with           <ul style="list-style-type: none"> <li>— large volume of traffic (<i>in excess of</i> 10 000 vehicles a day)</li> <li>— moderate volume of traffic (between 2 000 and 10 000 vehicles a day)</li> <li>— low volume of traffic (less than 2 000 vehicles a day)</li> <li>— pedestrian area</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>— canyon street with           <ul style="list-style-type: none"> <li>— <b>heavy volume of traffic (in excess of 30 000 vehicles a day)</b></li> <li>— large volume of traffic (<b>between 10 000 and 30 000</b> vehicles a day)</li> <li>— moderate volume of traffic (between 2 000 and 10 000 vehicles a day)</li> <li>— low volume of traffic (less than 2 000 vehicles a day)</li> <li>— pedestrian area</li> </ul> </li> </ul>

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Decision establishing a reciprocal exchange of information and data from networks and individual stations measuring ambient air pollution within the Member States (COM(94)0345 — C4-0165/94 — 94/0194(SYN))**

(Cooperation procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(94)0345 — 94/0194(SYN) (1),
- having been consulted by the Council pursuant to Articles 189c and 130s(1) of the EC Treaty (C4-0165/94),
- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (A4-0117/95),

1. Approves the Commission proposal, subject to Parliament's amendments;
2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 189a(2) of the EC Treaty;
3. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 189c(a) of the EC Treaty;
4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
5. Instructs its President to forward this opinion to the Council and Commission.

(1) OJ C 281, 7.10.1994, p. 9.

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**5. MEDIA II – Development and training** \*/\*\*I

(a) A4-0143/95

**Proposal for a Council Decision on a programme to promote the development and distribution of European audiovisual works (MEDIA II – Development and Distribution) (1996 to 2000) (COM(94)0523 – C4-0158/95 – 95/0027(CNS))**

The proposal was approved with the following amendments:

TEXT PROPOSED BY THE COMMISSION (*)	AMENDMENTS BY PARLIAMENT
(Amendment 1)	
<i>Citation 1</i>	
Having regard to the Treaty establishing the European Community, and in particular <i>Article</i> 130(3) thereof,	Having regard to the Treaty establishing the European Community, and in particular <b>Articles</b> 130(3) <b>and 128</b> thereof,
(Amendment 2)	
<i>Recital 12</i>	
Whereas experience from the MEDIA programme has shown that action is needed both before and after production; whereas companies in the sector, in particular small and medium-sized businesses, should be strengthened <i>and</i> cooperation between distributors/broadcasters and producers should be encouraged;	Whereas experience from the MEDIA programme has shown that action is needed both before and after production, <b>that the main challenge facing the European film industry is reaching the cinema screen and that the showing of European films in cinemas should be promoted further;</b> whereas companies in the sector, in particular small and medium-sized businesses, should be strengthened <b>by encouraging distributors to increase their budgets for promotion and making copies;</b> whereas cooperation between distributors/broadcasters and producers should be encouraged, <b>with due consideration being given to the specific situation of independent producers, group producers and producers in the public sector;</b>
(Amendment 4)	
<i>Recital 12a (new)</i>	
	<b>Whereas the process of opening up the MEDIA programme to Cyprus, Malta and the Central and Eastern European countries must be continued and stepped up;</b>
(Amendment 5)	
<i>Recital 12b (new)</i>	
	<b>Whereas cooperation between distributors, broadcasters and producers should be encouraged and support should be given to concerted action to promote common programming measures at national and European levels;</b>

(\*) OJ C 108, 29.4.1995, p. 8.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 6)

*Recital 12c (new)*

**Whereas the Community principles of cohesion and affirmation of Europe's identity and diversity call for positive discrimination in favour of countries with a low production capacity or minority languages;**

(Amendment 7)

*Recital 13*

Whereas the emergence of a European audiovisual market requires the development of 'European works', which means works from Member States of the European Union as defined in Article 6 of Directive 89/552/EEC;

Whereas the emergence of a European audiovisual market requires the development of 'European works', which means works from Member States of the European Union as defined in Article 6 of Directive 89/552/EEC, **including works produced under cooperation agreements between Member States of the European Union and other European countries, based on the provisions of bilateral co-production agreements and trilateral financial co-production agreements;**

(Amendment 8)

*Recital 14*

Whereas the competitiveness of the audiovisual programme industry requires utilization of new technologies at the programme development stage;

Whereas the competitiveness of the audiovisual programme industry requires utilization of new technologies **and new know-how** at the programme development stage **and when defining transmission arrangements;**

(Amendment 9)

*Recital 15a (new)*

**Whereas, in response to competition from the USA, it is necessary to ensure that European films are screened widely and almost simultaneously in all European countries (including the Central and Eastern European countries);**

(Amendment 10)

*Recital 16*

*(This recital has been omitted in the English version of the Official Journal)*

Whereas there is a need for improvement in the television broadcasting prospects of European works;

Whereas there is a need for improvement in the television broadcasting **and cinema screening** prospects of European works, **with particular attention being paid to works from Member States with a low production capacity and/or a limited geographical and language area, and, in the cases of co-productions, steps being taken to ensure that operating rights are distributed in such a way as to reflect the financial contribution of the individual television companies concerned;**

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 11)

*Recital 16a (new)*

**Whereas public and private broadcasting stations play a fundamental role in the production, distribution and, above all, circulation of European works;**

(Amendment 12)

*Recital 17a (new)*

**Whereas the profitability and competitiveness of the audiovisual industry on the European and world market depends to a substantial degree on the compilation of catalogues of rights to European works, which may be exploited on the cinema market, on TV and video and on all the new media created through the development of multimedia technology;**

(Amendment 13)

*Recital 17b (new)*

**Whereas this should also take the form of support for small, local, independent cinemas which mainly offer a European programme;**

(Amendment 14)

*Recital 17c (new)*

**Whereas the effectiveness of film archives and their ability to respond to the requirements of the programme market should be improved;**

(Amendment 15)

*Recital 17d (new)*

**Whereas there is a need for audiovisual producers to be assisted with high-risk investment in the development of audiovisual programmes;**

(Amendment 16)

*Recital 18*

*Whereas the development of the European audiovisual industry requires mechanisms capable of attracting public and private resources;*

**Deleted**

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 17)

*Recital 19*

Whereas support for development and distribution should take account of structural objectives such as developing the independent production industry, in particular small and medium-sized businesses, and developing potential where audiovisual production capacity is low, such as in small countries or regions with less widely spoken languages;

Whereas support for development, distribution **and screening** should take account of structural objectives such as developing the independent production industry, in particular small and medium-sized businesses, developing potential where audiovisual capacity is low, such as in small countries or regions with less widely spoken languages, **and ensuring that the population of Europe has access to cinemas which are committed to screening a high proportion of European films;**

(Amendment 18)

*Recital 19a (new)*

**Whereas, with a view to protecting Europe's cultural diversity, due account must be taken of the specific needs of the Union's smaller Member States, *inter alia* by aiding producers and distributors with the dubbing and subtitling of films, the purchase of rights and the compilation of catalogues;**

(Amendment 19)

*Recital 19b (new)*

**Whereas a *modus vivendi* between the European Parliament, the Council and the Commission as regards measures to implement acts adopted in accordance with the procedure laid down in Article 189b of the EC Treaty was adopted on 20 December 1994;**

(Amendment 20)

*Recital 19c (new)*

**Whereas this Decision establishes for the complete duration of the programme a financial framework which shall constitute the principal point of reference for the budgetary authority during the annual budgetary procedure, within the meaning of the declaration by the European Parliament, the Council and the Commission of 6 March 1995;**

(Amendment 22)

*Article 1*

A programme to promote the development and distribution of European audiovisual works (hereinafter referred to as 'the programme'), to run for five years from 1 January 1996, is hereby adopted for the purpose of strengthening the European audiovisual industry, in particular in the areas of development and distribution.

A programme to promote the development, distribution **and screening** of European audiovisual works (hereinafter referred to as 'the programme'), to run for five years from 1 January 1996, is hereby adopted for the purpose of strengthening the European audiovisual industry, in particular in the areas of development, distribution **and screening, with special attention being paid to structures originating in regions with a low production capacity and projects promoting cultural diversity, and with particular regard to cinema films.**



Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 23)

*Article 2(1)*

1. as regards development:

- to promote the development of production projects aimed at the European and world market and to support companies capable of developing such projects;
- to develop production projects that make use of new creative techniques and to support companies capable of developing such projects;

1. as regards development:

- to promote the development of production projects aimed at the European and world market and to support companies capable of developing such projects, **particularly SMEs**;
- to **promote the development of projects in the animation sector and** production projects that make use of new creative techniques, **including multimedia**, and to support companies capable of developing such projects, **principally SMEs, and to encourage their networking**;
- **to promote projects to conserve and restore collections of European films for use on the programme market and to support organizations capable of developing such projects**;
- **to promote projects to restore, catalogue and exploit existing European audiovisual works and to support institutions and companies capable of developing such projects**;

(Amendment 26)

*Article 2(2)*

2. as regards distribution:

- to encourage European distributors to invest in cinema film production and to set up cross-border structures *to distribute the films*;
- to encourage television *companies* to cooperate in investing in the production of works aimed at the European and world market and to set up cross-border structures to transmit those works;
- to support linguistic diversity of programmes;
- to stimulate access to commercial events promoting European productions, in particular independent ones.

2. as regards distribution **and in conjunction with the existing instruments**:

- **to promote the buy-back of distribution rights and encourage European distributors to invest, by virtue of Community and trans-European distribution strategies, in European cinema film production (fiction, documentaries, animation, full-length and short films) and to set up cross-border structures and networks (including cinemas), principally SMEs, to transmit those works simultaneously throughout the countries of Europe, including Central and Eastern Europe, as soon as they are issued**;
- **to provide support for cinemas and to encourage operators to disseminate information on European cinematography to the general public and achieve a significant level of European programming, inter alia through the simultaneous or programmed release of judiciously selected works**;
- **to support small local and independent cinemas which are not part of a chain or complex and which show mainly European films**;
- to encourage television **channels** to cooperate in investing in the production of works, **including TV fiction, series and cinema films**, aimed at the European and world market and to set up cross-border structures to transmit those works;

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

- to support linguistic diversity of programmes;
- to stimulate access to commercial events promoting European productions, **in particular access to productions by SMEs and cinema film productions, as well as a distribution company in the form of an SME**, in particular independent ones, **and productions from Member States with a small production capacity or minority languages;**
- to encourage and maintain the European cinema network by promoting trans-European distribution and majority programming of European works; to give support to the modernization of existing cinemas, possibly by financing infrastructures from the Structural Funds;
- to support the establishment of a network of European databases and catalogues of archived works so as to facilitate the distribution of such works on European and world markets;
- to encourage television companies to distribute works produced in another European country taking part in the MEDIA II programme;

(Amendment 27)

*Article 2(2), indent 4a (new)*

- to introduce measures to encourage distributors to coordinate releases at European level by intervening:
  - at the production stage, to enable them to come together to purchase the rights to a film prior to its release onto the market;
  - at the transmission stage, to encourage coordinated promotion campaigns and associations between several distribution companies based in different countries.

(Amendment 28)

*Article 2(2), indent 4b (new)*

- to encourage distributors to increase the budgetary resources allocated to promotion and the making of copies with a view to supplying as many cinemas as possible within the first week of a film's release;

(Amendment 29)

*Article 2(2), indent 4c (new)*

- to make provision for a system of support to be provided to distributors' networks and to be re-invested in the distribution of new European films with a view to their promotion (marketing, copying etc.);

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 30)

*Article 2(2), indent 4d (new)*

- **to promote television broadcasts in several countries through subsidies for the resale of production rights to the producers and to television broadcasters;**

(Amendment 31)

*Article 2(2), indent 4e (new)*

- **to provide support for the initial outlay for distribution, and to promote the making of copies and advertising or marketing measures for film productions from small countries;**

(Amendment 32)

*Article 2(2), indent 4f (new)*

- **to promote a European cinema network to support harmonized distribution measures;**

(Amendment 33)

*Article 2(2), indent 4g (new)*

- **to promote the creation of European data networks and catalogues to facilitate access to the European and international market for preserved works;**

(Amendment 34)

*Article 2(2), indent 4h (new)*

- **to develop the potential of the small countries or regions with less widely spoken languages, where audiovisual production capacity is low.**

(Amendment 35)

*Article 2, second paragraph (new)*

**For the achievement of the aims defined above particular attention should be paid to the specific needs of the small countries or regions with less widely spoken languages, where audiovisual production capacity is low.**

(Amendment 59)

*Article 2, third paragraph (new)*

**Programmes or projects must be European works within the definition of Article 6 of the Television Without Frontiers Directive (89/552/EEC). They may be from any provider, so long as there is appropriate and due regard to the EU's policies on:**

- **plurality of production sourcing**
- **regional policy**

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

- **development of SMEs**
- **encouragement of countries and areas of low audiovisual production capacity or restricted language area.**

**Preference shall be given to programmes or projects which, while contributing to the increased circulation of programmes within Europe and thereby reducing the dependence on imports from outside the EU, can also be shown to have potential for earning export revenue in non-EU markets.**

(Amendment 36)

*Article 3a (new)***Article 3a**

**When implementing the programme the Community shall endeavour to help promote cooperation with audiovisual professionals in Cyprus and Malta and in the Central and Eastern European countries.**

(Amendment 37)

*Article 4*

As a rule, beneficiaries of Community support working on the implementation of the measures laid down in Article 3 must provide a significant proportion of the funding; Community funding shall not exceed 50% of the cost of operations.

As a rule, beneficiaries of Community support working on the implementation of the measures laid down in Article 3 must provide a significant proportion of the funding; Community funding shall not exceed 50% of the cost of operations, **with the exception of Member States with a low production capacity and a limited geographical and/or language area, where it shall not exceed 75%.**

**The budgetary authority shall determine the appropriations available for each financial year in accordance with the principle of sound management laid down in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.**

(Amendment 38)

*Article 5*

Financial support under the Programme may be granted in the form of loans, repayable advances or subsidies. The repayments under the Programme, together with the repayments from operations under MEDIA (1991 to 1995), will provide the funds for financial instruments to mobilize public and private financing for European audiovisual production.

Financial support under the Programme may be granted in the form of loans, repayable advances, **guarantees on receipts** or subsidies. The repayments under the Programme, together with the repayments from operations under MEDIA (1991 to 1995), will provide the funds for financial instruments to mobilize public and private financing for European audiovisual production **in addition to the initial Community allocation.**

(Amendment 39)

*Article 6*

1. The Commission shall *be responsible for implementation* of the programme.

1. The Commission shall **implement and monitor** the Programme **being conducted in a decentralized form.**

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSION

2. The Commission shall be assisted by a committee of an advisory nature composed of *the* representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft, within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each *Member State* shall have the right to ask *to have its opinion* recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The draft proposals for measures to be taken by the Commission, as referred to in paragraph 2, shall principally cover the following:

- arrangements for *budget implementation for the programme*,
- arrangements for implementation of the operations set out in the Annex,
- arrangements for monitoring and evaluating the operations.

(Amendment 60)

*Article 6a (new)***Article 6a**

**During the setting-up stage of the programme, the Commission shall ensure that the most effective use is made of the experience acquired with the 1990 to 1995 MEDIA programme.**

**When the public and transparent procedures for implementing the programme are opened, the participation of all projects meeting the aims set forth in the MEDIA II programme in the selection will be ensured.**

(Amendment 40)

*Article 7(-1) (new)*

**Prior to the commencement of the Programme, the Commission shall notify the European Parliament of the projects selected with a view to its execution.**

(Amendment 41)

*Article 7*

*Within the six months* following the first three years of the Programme's implementation, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the results achieved, with proposals if appropriate.

AMENDMENTS  
BY PARLIAMENT

2. The Commission shall be assisted by a committee of an advisory nature composed of representatives of the Member States **representing their cultural diversity and of representatives of the profession**, and chaired by the representative of the Commission.

**In accordance with the provisions laid down in the *modus vivendi* of 20 December 1994 and the associated procedures**, the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each **member of the Committee** shall have the right to ask **for his position to be** recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

3. The draft proposals for measures to be taken by the Commission, as referred to in paragraph 2, shall principally cover the following:

- arrangements for **monitoring compliance with basic financial rules**,
- arrangements for implementation of the operations set out in the Annex,
- arrangements for monitoring and evaluating the operations.

Following the first three years of the Programme's implementation, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the results achieved, with proposals if appropriate.

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

When the Programme has run its full term, the Commission shall submit a report on the implementation and results of the Programme to the European Parliament and the Economic and Social Committee.

When the Programme has run its full term, the Commission shall submit a report on the implementation and results of the Programme to the European Parliament and the Economic and Social Committee.

**This report shall in particular show the added value created on the basis of the financial support provided by the Community and the impact on the creation of jobs.**

(Amendment 42)

*ANNEX (1), first paragraph*

The Programme is intended to enhance the competitiveness of the European audiovisual industry on the European and world market by supporting the development of works with genuine commercial potential and the creation and strengthening of cross-border distribution and transmission networks.

The Programme is intended to enhance the competitiveness of the European audiovisual industry on the European and world market by supporting the development of works with genuine commercial **and artistic** potential and the creation and strengthening of cross-border distribution and transmission networks, **principally through SMEs.**

(Amendment 43)

*ANNEX (1.1)*

Improving development opportunities (preproduction) for drama, animation and documentaries with a view to access to the European and world market by:

- supporting the development of drama, documentaries and animation (cinema and television) aimed at a European and world audience, *in particular by promoting improvement in screenplay techniques;*
- supporting companies that have development project packages with European and world market potential;
- encouraging networking of companies with joint development projects aimed at the European and world market.

Improving development opportunities (preproduction) for drama, animation and documentaries with a view to access to the European and world market, **principally through SMEs**, by:

- supporting the development of drama, documentaries and animation (cinema and television) aimed at a European and world audience **through the provision of technical assistance in respect of writing techniques (workshops, team of screenplay writers, etc.) and financing;**
- supporting companies that have development project packages with European and world market potential **without confusing commercial viability with definition of the work;**
- encouraging networking of companies **in particular in the animation and new technologies sector** with joint development projects aimed at the European and world market;
- **encouraging the conservation and restoration of collections of European films taking account of their potential use in European and world markets.**

(Amendment 44)

*ANNEX (1.2.1)*

Improving film and video distribution for European works with high circulation potential on the European and world market by:

Improving film and video distribution for European works with high circulation potential on the European and world market, **principally through SMEs**, by:

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSION

- supporting the introduction of European distribution mechanisms encouraging *distributors to contribute to funding production of works with commercial potential on the European and world market*;
- *promoting networking of European distributors with joint commercial strategies on the European and world market.*

AMENDMENTS  
BY PARLIAMENT

- supporting the introduction of European distribution mechanisms encouraging **producers, distributors and operators to improve the prospects for cross-border release of cinema films (copying, promotion and marketing of European films) and cinema screening of European films**;
- **supporting linguistic diversity (dubbing and subtitling), particularly with a view to supporting audiovisual production in countries with a low production capacity and/or a limited geographical and language area**;
- **encouraging the establishment of databases and catalogues to facilitate the distribution of European works on European and world markets**;
- **supporting small, local independent cinemas which do not belong to a chain or group of cinemas and which mainly show European productions.**

(Amendment 45)

ANNEX (1.2.2), *indents*

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>— introducing a mechanism encouraging television companies to contribute to the financing of works with high circulation potential made by independent production companies and to distribute them on the European market,</li> <li>— supporting linguistic diversity by means of dubbing, subtitling and multilingual production;</li> </ul> | <ul style="list-style-type: none"> <li>— introducing a mechanism encouraging television companies to contribute to the financing of works with high circulation potential made by independent production companies and to distribute them on the European market. <b>These incentives may be achieved through the participation of television companies in the financial aid provided through the MEDIA II programme, while at the same time maintaining the possibility of a contractual agreement for an appropriate distribution of rights</b>;</li> <li>— supporting linguistic diversity by means of dubbing, subtitling and multilingual production;</li> <li>— <b>supporting the financing of works with high circulation potential produced by independent production companies</b>;</li> <li>— <b>encouraging the purchase of rights held by independent companies, with a view to compiling catalogues</b>;</li> <li>— <b>introducing a mechanism encouraging television companies to broadcast such works</b>;</li> <li>— <b>introducing a mechanism for the broadcasting of non-national European works by the television companies</b>;</li> <li>— <b>introducing a mechanism encouraging television companies to broadcast works produced in another European state involved in the MEDIA II programme.</b></li> </ul> |
|--|--|

(Amendment 46)

## ANNEX (1.2.3)

Improving access for independent producers and distributors to the European and world market by operating services and promotional activities at commercial events, such as markets, fairs and festivals, organized at European and international level.

Improving access for independent producers and distributors to the European and world market by operating services and promotional activities at commercial events, such as markets, fairs and festivals, organized at European and international level, **particularly by means of SMEs, and supporting preliminary distribution costs and distribution networks with a view to joint trans-European distribution strategies.**

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 47)

*ANNEX (2.1)*

In implementing the Programme, the Commission will work closely with the public authorities that handle support for the audiovisual industry in the Member States of the Union in order to ensure that the operations complement each other fully in accordance with the principle of subsidiarity. The Commission will see to it that there is a good geographical spread among the professionals participating in the Programme and that Europe's cultural diversity is reflected.

In implementing the Programme, the Commission will work closely with the public authorities that handle support for the audiovisual industry in the Member States of the Union in order to ensure that the operations complement each other fully in accordance with the principle of subsidiarity. **It shall consult the parties concerned.** The Commission will see to it that there is a good geographical spread among the professionals participating in the Programme and that Europe's cultural diversity is reflected, **paying particular attention to the specific needs of countries with a small production capacity and a limited language and geographical area and to the development of the independent production sector and in particular SMEs.** The Commission shall also ensure that **the MEDIA II programme is complementary to the operation of a European guarantee fund to be set up which will serve to promote the production of cinema and television films to be marketed on a European scale.**

(Amendment 48)

*ANNEX (2.2), second subparagraph*

In either instance, Community outlay shall not exceed 50% of the costs and shall be granted in the form of repayable advances. The remainder will be provided by the industry.

In either instance, Community outlay shall not exceed 50% **(or in some cases, 75%, for productions from Member States with a limited geographical and/or language area)** of the costs and shall be granted in the form of repayable advances. The remainder will be provided by the industry.

(Amendment 49)

*ANNEX (2.2), second subparagraph a (new)*

**Community support for the linguistic diversity and conservation and restoration of works will be granted in the form of subsidies.**

(Amendment 50)

*ANNEX (2.3), subparagraphs 1 and 2*

In implementing the programme the Commission will be assisted by *two contractors capable of coordinating* the performance of the tasks laid down in the action plan.

*One contractor will handle development, the other distribution as follows:*

Development:

- development of drama, animation films and series, and documentaries; and support to companies;

In implementing the programme the Commission will be assisted by **decentralized projects, which will coordinate** the performance of the tasks laid down in the action plan.

**These projects will operate in the areas of development and distribution:**

Development:

- development of drama, animation films and series, and documentaries; and support to companies;



Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSION

- development of programmes using advanced creative technologies;

## Distribution:

- film and video distribution on the European market;
- broadcasting of television programmes on the European market;
- promotion of access for independent productions to the European and world market.

AMENDMENTS  
BY PARLIAMENT

- development of programmes using advanced creative technologies;

- **development of projects to conserve and restore film collections;**

## Distribution:

- film and video distribution on the European market;
- broadcasting of television programmes on the European market;
- promotion of access for independent productions to the European and world market;
- **establishment of and support for European networks of cinemas promoting trans-European circulation and majority programming of European works, with bonuses for programming of non-national works;**
- **support for the establishment of networks of European databases and catalogues.**

(Amendment 51)

*ANNEX (2.3) subparagraph 2,  
indent 3a (new)*

- **establishment of European data bases and catalogues,**

(Amendment 52)

*ANNEX (2.3), subparagraph 2,  
indent 3b (new)*

- **support for operators who organize meetings between film makers, actors and audiences in cinemas, to promote closer links between film makers and audiences and Europe and its citizens.**

(Amendment 53)

*ANNEX (2.3), subparagraph 3*

*The contractors* will be selected by tender.

**The projects** will be selected by tender.

(Amendment 54)

*ANNEX (2.3), subparagraph 4*

The Commission will draw up terms and conditions for *each of the contractors* specifying how the tasks laid down in the action plan are to be implemented.

The Commission will draw up terms and conditions for **the projects** specifying how the tasks laid down in the action plan are to be implemented.

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 55)

ANNEX (2.3), subparagraph 5

*The contractors* will manage, on behalf of the Commission, the resources allocated to them for the purpose of stimulating development and distribution in the audio-visual industry. Resources will be conveyed to *audiovisual project promoters* in the form of repayable advance or of loans.

**The projects** will manage, on behalf of the Commission, the resources allocated to them for the purpose of stimulating development and distribution in the audio-visual industry. Resources will be conveyed to **the recipients** in the form of repayable advance or of loans.

(Amendment 56)

ANNEX (2.3), subparagraph 6

*The contractors* must be general-interest non-profit-making bodies.

**The projects** must be general-interest non-profit-making bodies.

(Amendment 57)

ANNEX (2.3), subparagraph 7, introduction

Selection of *contractors* will be based on the following criteria:

Selection of **projects** will be based on the following criteria:

(Amendment 58)

ANNEX (2.3), subparagraph 7, indent 5a (new)

- **establishment and support of European cinema networks promoting trans-European circulation and majority programming of European works.**

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Decision on a programme to promote the development and distribution of European audiovisual works (MEDIA II – Development and Distribution) (1996 to 2000) (COM(94)0523 – C4-0158/95 – 95/0027(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(94)0523 – 95/0027(CNS) <sup>(1)</sup>,
- having been consulted by the Council pursuant to Article 130(3) of the EC Treaty (C4-0158/95),
- whereas the legal basis is incomplete; whereas reference should also be made to Article 128 of the EC Treaty,
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Culture, Youth, Education and the MEDIA and the opinions of the Committee on Budgets, the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Legal Affairs and Citizens' Rights (A4-0143/95),

1. Approves the Commission proposal, subject to Parliament's amendments;
2. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
3. Calls for the conciliation procedure to be opened should the Council intend to depart from the text approved by Parliament;
4. Instructs its President to forward this opinion to the Council and Commission.

<sup>(1)</sup> OJ C 108, 29.4.1995, p. 8.

Friday, 16 June 1995

(b) A4-0144/95

**Proposal for a Council Decision on a training programme for professionals in the European audiovisual programme industry (MEDIA II – Training) (1996 to 2000) (COM(94)0523 – C4-0171/95 – 95/0026(SYN))**

The proposal was approved subject to the following amendments:

TEXT PROPOSED BY THE COMMISSION (*)	AMENDMENTS BY PARLIAMENT
	(Amendment 1) <i>Recital 13a (new)</i> <b>Whereas there is a need to support general training measures and programmes which take into account the cultural aspects of the audiovisual sector in all its forms;</b>
	(Amendment 2) <i>Recital 19a (new)</i> <b>Whereas a <i>modus vivendi</i> between the European Parliament, the Council and the Commission as regards measures to implement acts adopted in accordance with the procedure laid down in Article 189b of the EC Treaty was adopted on 20 December 1994;</b>
	(Amendment 3) <i>Recital 19b (new)</i> <b>Whereas the present Decision lays down a financial framework for the entire duration of the programme, which amount shall constitute the principal point of reference, within the meaning of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, for the Budgetary Authority during the current budgetary procedure;</b>
	(Amendment 4) <i>Recital 19c (new)</i> <b>Whereas, in accordance with the principle of subsidiarity, action taken by the Community should support and supplement action taken by the relevant authorities in the Member States;</b>
	(Amendment 5) <i>Recital 19d (new)</i> <b>Whereas it is vital to provide the means towards a better understanding of audiovisual language, in particular by young people, and encourage the forging of strong links between specialist audiovisual centres and schools of all kinds and at all levels;</b>

(\*) OJ C 108, 29.4.1995, p. 4.

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 6)

*Recital 20a (new)*

**Whereas the rules, programmes and investment incentives should be coordinated with institutions such as the Council of Europe and Unesco; whereas special consideration should be given to the interests of the countries of Central and Eastern Europe;**

(Amendment 7)

*Recital 20b (new)*

**Whereas, alongside the concluding report on MEDIA I, the Commission should present an assessment of its success, including a review of the structural and financial development of the audiovisual industry;**

(Amendment 8)

*Article 1*

A training programme (hereinafter referred to as 'the programme') is hereby established to run for five years from 1 January 1996, with the aim of supplementing the action taken by Member States and thereby providing professionals in the European audiovisual industry with the skills they need, particularly as regards economic and commercial management and the use of new technologies, to exploit the European dimension of the market to the full.

**A professional training programme (hereinafter referred to as 'the programme') is hereby established to run for five years from 1 January 1996 until 31 December 2000, with the aim of supporting and supplementing the action taken by Member States, while respecting to the full the responsibility which the latter bear for the content and organization of professional training and the cultural diversity of countries and regions, and thereby providing professionals in the European audiovisual industry with the skills they need, particularly as regards production-related economic and commercial management, to exploit the European dimension of the market and the use of new technologies to the full.**

(Amendment 9)

*Article 2, introduction and (1)**The aims of the Programme are:*

1. to meet the needs of the industry and bolster its competitiveness by *contributing to the development of* initial and *continuous* training of audiovisual professionals *on* the know-how and skills they need in order to take account of the European market in developing businesses and projects, in particular in the field of:

— economic and commercial management, including legal aspects;

**In order to achieve the aims set out below, particular attention must be paid to the specific needs of the SMUs and countries with a low production capacity and/or a small linguistic and geographical area:**

1. to meet the needs of the industry and bolster its competitiveness by **improving the** initial and **particularly, the continuing professional** training of audiovisual professionals **in** the know-how and skills they need in order to take account of the European market **and other markets, in view of its transnational dimension**, in developing businesses and projects **designed to bring about the convergence of business practices**, in particular in the field of:

— economic and commercial management, including legal aspects;

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TEXT PROPOSED BY THE COMMISSION	AMENDMENTS BY PARLIAMENT
<ul style="list-style-type: none"> <li>— utilization and development of new technologies for the production of programmes with high value added;</li> </ul>	<ul style="list-style-type: none"> <li>— utilization and development of new <b>multimedia, cinema and television</b> technologies for the production of programmes with high value added, <b>supplementing basic training in the audiovisual professions;</b></li> <li>— <b>writing of screenplays and exchanges of information and experience in the areas of linear and interactive narration.</b></li> </ul>

**Participation in schemes run by those bodies implementing the measures laid down in Article 3 shall be open to all European audiovisual professionals, although due regard may be had to Union policies on the development of SMEs, regional policy, and the encouragement of countries and areas of low audiovisual production capacity or restricted language area.**

(Amendment 10)

*Article 2(2)*

2. to encourage cooperation and exchange of know-how between the parties involved in training, namely training establishments, the industry and businesses.

2. to encourage cooperation and exchange of know-how **by establishing networks** between the parties involved in training, namely training establishments, the industry and businesses, **and by developing teacher training, taking into account those aspects likely to encourage a better understanding of audiovisual language and stimulate creativity and taking into account appropriate links with all levels of the education system.**

**These networks must give priority to exchanges of persons in order to improve knowledge of the market and firms working in the cinematographic industry in Europe.**

(Amendment 11)

*Article 2(2a) (new)*

**2a. to ensure that together with the initiatives taken by the audiovisual industry, a skill base adequate to the industry's needs and offering reasonable opportunity to those wishing to enrol on training courses is established in each Member State.**

(Amendment 12)

*Article 2(2b) (new)*

**2b. to help create the conditions needed to set up a European centre for training in the audiovisual arts and professions, taking other existing bodies as the model.**

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 13)

*Article 3a (new)***Article 3a**

**The following may take part in this programme: Cyprus and Malta, and the countries of Central and Eastern Europe (with the aid of funding under the PHARE and TACIS programmes).**

(Amendment 14)

*Article 4*

As a rule, recipients of Community support working on implementation of the measures laid down in *Article 3* must provide a proportion of the funding. *Community funding shall not exceed 75% of the cost of operations.*

As a rule, recipients of Community support working on implementation of the measures laid down in **the annex** must provide a **substantial** proportion of the funding (**at least 50%**). **Exceptions to this principle may be considered in order to encourage cooperation and exchanges of know-how between the partners involved in training. Community funding shall be determined in accordance with the costs and nature of each of the planned measures. The ceilings shall be laid down in the annex.**

**The budgetary authority shall determine the annual appropriations, taking into account the principles of sound financial management referred to in Article 2 of the Financial Regulation applicable to the general budget of the European Communities.**

(Amendment 29)

*Article 5*

1. The Commission shall *be responsible for implementation of the Programme.*

The Commission shall *also be assisted by the Advisory Committee set up by Council decision 95/./EC of .. 1995 on a programme to promote the development and distribution of European audiovisual works (MEDIA II – Development and Distribution) (1996 to 2000).*

1. The Commission shall **implement and monitor the programme being conducted in a decentralized form.**

**1a.** The Commission shall be assisted by a **committee of an advisory nature composed of the representatives of the Member States representing their cultural diversity and of representatives of the profession and chaired by the representative of the Commission.**

**In accordance with the provisions laid down in the *modus vivendi* of 20 December 1994 and the associated procedures, the representative of the Commission shall submit to the committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.**

**The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account. The opinion shall be recorded in the minutes; in addition, each member of the Committee shall have the right to ask for his position to be recorded in the minutes.**

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

2. The draft measures taken by the Commission *and the procedure for consulting the Committee on that draft shall be the same as those laid down in Article 6(2) and (3) of the Decision referred to in paragraph 1.*

2. The draft **proposals for measures to be taken by the Commission, as referred to in paragraph 2, shall principally cover the following:**

- **the arrangements for monitoring compliance with basic financial rules;**
- **arrangements for implementation of the operations set out in the Annex;**
- **arrangements for monitoring and evaluating the operations.**

(Oral amendment)

*Article 5a (new)***Article 5a**

**During the setting-up stage of the programme, the Commission shall ensure that the most effective use is made of the experience acquired with the 1990 to 1995 MEDIA programme.**

**When the public and transparent procedures for implementing the programme are opened, the participation of all projects meeting the aims set forth in the MEDIA II programme in the selection will be ensured.**

(Amendment 17)

*Article 6*

**Prior to the commencement of the Programme, the Commission shall notify the European Parliament of the projects selected with a view to its execution.**

*Within the six months following the first three years of the Programme's implementation, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the results achieved, with proposals if appropriate.*

Following the first three years of the Programme's implementation, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee an evaluation report on the results achieved, with proposals if appropriate.

When the Programme has run its full term, the Commission shall submit a report on the implementation and results of the Programme to the European Parliament and the Economic and Social Committee.

When the Programme has run its full term, the Commission shall submit a report on the implementation and results of the Programme to the European Parliament and the Economic and Social Committee.

**This report shall in particular show the added value created on the basis of the financial support provided by the Community and the impact on the creation of jobs.**

(Amendment 18)

*Annex (1)**second paragraph*

The operations will cover both initial and continuing training.

**It will foster the participation of the small countries or regions with less widely spoken languages, where audiovisual production capacity is low.**

The operations will cover both initial and **particularly** continuing training.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 19)

*Annex (1.-1) (new) and (1.1)***1.-1. Training in production, direction and writing**

**This training should pave the way for exchanges of know-how and experience between audiovisual industry professionals (producers, directors and screenplay writers).**

1.1. Training *on* economic and commercial management

This aims to develop the ability of people in the industry to conceptualize and exploit the European dimension in development, production, distribution and broadcasting of audiovisual programmes.

The operations will cover the following:

- promoting the definition and updating of training modules on management to supplement national and regional initiatives by giving them a European angle (initial and continuing training);
- encouraging incorporation of the modules into existing syllabuses;
- networking of training programmes; facilitating exchanges of teachers and students/professionals by providing grants and organizing work-experience placements in companies in other Member States and contributing to teacher training.

1.1. Training **in** economic and commercial management

This aims to develop the ability of people in the industry to conceptualize and exploit the European dimension in development, production, distribution and broadcasting of audiovisual programmes.

The operations will cover the following:

- promoting the definition and updating of training modules on management to supplement national and regional initiatives by giving them a European angle (initial and continuing training);
- encouraging incorporation of the modules into existing syllabuses;
- networking of training programmes; facilitating exchanges of teachers and students/professionals by providing grants and organizing work-experience placements in companies in other Member States and contributing to teacher training, **and distance teaching, by encouraging exchanges and partnerships involving countries and regions with a low audiovisual production capacity and/or with less widely spoken languages and a small geographical area.**

(Amendment 20)

*Annex (1.2), second paragraph*

The operations will cover the following:

- promoting the *definition* and updating of training modules on new audiovisual technologies, to complement *national and regional operations*;
- encouraging incorporation of the modules into existing syllabuses;
- networking of training programmes; facilitating exchanges of teachers and students/professionals by providing grants and organizing work-experience placements in companies in other Member States and contributing to teacher training (initial and continuing training).

The operations will cover the following:

- promoting the **design** and updating **and/or harmonization** of training modules on new audiovisual technologies (to complement **Member States' measures**);
- encouraging incorporation of the modules into existing syllabuses;
- networking of training programmes; facilitating exchanges of teachers and students/professionals by providing grants **and study loans** and organizing work-experience placements in companies in other Member States and contributing to teacher training (initial and continuing training), **in particular distance teaching, by encouraging exchanges and partnerships involving countries and regions with a low audiovisual production capacity and/or with less widely spoken languages and a small geographical area.**



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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 21)

*Annex (1.2a) (new)***1.2a. Training in production, direction and writing**

**This training should take into account the different narrative modes and structures used in the various national cinema traditions; it should improve knowledge of the history of national cinema traditions and image semiology and facilitate exchanges of know-how between audiovisual industry professionals (producers, directors, screenplay writers, cameramen, editors, etc.).**

(Amendment 22)

*Annex (1.2b) (new)***1.2b. Training in a European cultural perspective**

**This training aims to develop the ability of professionals to understand the European cultural dimension to audiovisual works in order to develop their ability to address a European, rather than simply a national, audience.**

(Amendment 23)

*Annex (1.2c) (new)***1.2c. Continuing training via practical participation in production projects**

**Professionals should be given the means to facilitate entry into the European audiovisual industry for graduates of professional training institutes.**

**The operations will cover the following:**

- **promoting programmes and training institutes in which students cooperate with European audiovisual firms;**
- **promoting the networking of training measures and the mobility of graduates of audiovisual training institutes by carrying out practical work with firms in other Member States.**

(Amendment 24)

*Annex (2.1)*

In implementing the programme the Commission will work closely with *all* parties concerned, *such as training centres, professional associations and businesses*. The Commission will see to it that there is a good geographical spread among the professionals participating in the programme and that Europe's cultural diversity is reflected.

In implementing the programme the Commission will work closely with **the Member States**. It will also consult the parties concerned. It will see to it that there is a good geographical spread among the professionals participating in the programme, **that their selection is made on the basis of equal opportunities criteria (full monitoring and evaluation procedures also)** and that Europe's cultural diversity is well reflected.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

**It will foster the collaboration of the training institutions with the modules' creators as soon as they are elaborated.**

**It will facilitate the participation of trainees and professionals coming from the small countries or regions with less widely spoken languages, where audiovisual production capacity is low.**

(Amendment 25)

*Annex (2.3)*

In implementing the *training* programme the Commission will be assisted by a contractor capable of coordinating the performance of the tasks laid down in the action plan.

The contractor will be selected by invitation to tender.

The Commission will draw up terms and conditions for the contractor specifying how the tasks laid down in the action plan are to be implemented.

The contractor must be a general-interest non-profit-making body.

Selection will be based largely on the following criteria:

- professional experience in the training business, particularly economic and commercial management training and training *on* new technologies;
- contacts with the relevant parties at national, regional and European level;
- depth of familiarity with the European audiovisual industry and the Union's policy on it;
- experience of cross-border or European management;
- calibre of staff and soundness of management infrastructure.

In implementing the programme the Commission will be assisted by a contractor capable of coordinating the performance of the tasks laid down in the **above-mentioned** action plan.

The contractor will be selected by invitation to tender **organized in accordance with the provisions of the Financial Regulation.**

The Commission will draw up terms and conditions for the contractor specifying how the tasks laid down in the action plan are to be implemented. **These terms and conditions will be published separately in the C series of the Official Journal.**

The contractor must be a general-interest non-profit-making body **having its headquarters on the territory of one of the European Union Member States.**

Selection will be based largely on the following criteria:

- professional experience in the training business, particularly economic and commercial management training and training **in** new technologies;
- contacts with the relevant parties at national, regional and European level;
- depth of familiarity with the European audiovisual industry and the Union's policy on it;
- experience of cross-border or European management;
- calibre of staff and soundness of management infrastructure.

**The budget allocated to the contractor shall not exceed 2% of the total funding for the programme.**

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**Legislative resolution embodying the opinion of the European Parliament on the proposal for a Council Decision (EC) on a training programme for professionals in the European audiovisual programme industry (MEDIA II – Training) (1996 to 2000) (COM(94)0523 – C4-0171/95 – 95/0026(SYN))**

(Cooperation procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(94)0523 – 95/0026(SYN) <sup>(1)</sup>,
- having been consulted by the Council pursuant to Article 189c and Article 127 of the EC Treaty (C4-0171/95),
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Culture, Youth, Education and the Media and the opinions of the Committee on Budgets and the Committee on Economic and Monetary Affairs and Industrial Policy (A4-0144/95),

1. Approves the Commission proposal, subject to Parliament's amendments;
2. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 189c(a) of the EC Treaty;
3. Calls for the conciliation procedure to be opened should the Council intend to depart from the text approved by Parliament;
4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
5. Instructs its President to forward this opinion to the Council and Commission.

<sup>(1)</sup> OJ C 108, 29.4.1995, p. 4.

## **6. Duties and VAT \***

**A4-0124/95**

### **I.**

**Proposal for a Council Regulation setting out the cases where relief from import duties or export duties shall be granted (COM(94)0232 – C4-0274/94 – 94/0140(CNS))**

The proposal was approved with the following amendments:

TEXT PROPOSED  
BY THE COMMISSION (\*)

AMENDMENTS  
BY PARLIAMENT

(Amendment 1)

*Recital 7a (new)*

**Whereas vigorous action must be taken against irregularities and fraud on the system of reliefs on the basis of the rules currently in force;**

(\*) OJ C 197, 19.7.1994, p. 1.

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## (Amendment 2)

## Article 34(1), Table (b) and (ba) (new)

(b) alcohol and alcoholic beverages: — distilled beverages and spirituous beverages of an alcoholic strength by volume of more than 22% vol.; undenatured ethyl alcohol of 80% vol or more	1 litre, or	1 litre, or
	a proportional assortment of these different products and	
— spirituous distilled beverages, aperitifs based on wine or alcohol, taffia, sake or similar beverages, of an alcoholic strength by volume not exceeding 22% vol; <i>sparkling wine</i> , dessert wine	1 litre, or	2 litres, or
— still wine	2 litres	2 litres

(b) alcohol and alcoholic beverages: — distilled beverages and spirituous beverages of an alcoholic strength by volume of more than 22% vol.; undenatured ethyl alcohol of 80% vol or more	1 litre, or	1 litre, or
	a proportional assortment of these different products and	
— spirituous distilled beverages, aperitifs based on wine or alcohol, taffia, sake or similar beverages, of an alcoholic strength by volume not exceeding 22% vol; <i>dessert wine</i>	1 litre, or	2 litres, or
— still wine <b>and sparkling wine</b>	2 litres	2 litres
(c) — perfume	50 grams	
— toilet water	0,25 litre	

## (Amendment 3)

## Article 42

The educational, scientific and cultural articles listed in Annex II shall be admitted free of import duties provided they are intended:

- for public educational, scientific or cultural establishments or organisations, or
- for the establishments or organisations specified opposite each article in column 3 of the said Annex on condition that they have been approved by the customs authorities of the Member State to receive such articles duty-free.

**1. Collectors' pieces and works of art, not intended for sale imported by galleries, museums and other institutions approved by the customs authorities of the Member States shall be admitted free of import duties.**

2. The educational, scientific and cultural articles listed in Annex II shall be admitted free of import duties provided:

- they are produced by the United Nations or any of its specialized agencies, whoever the consignee and whatever the intended use of such materials may be, or
- they are intended:
  - (i) for public educational, scientific or cultural establishments or organizations or
  - (ii) for any organization (including broadcasting and television organizations), institution or association approved by the customs authorities of the Member state to receive such articles duty-free.

Friday, 16 June 1995

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

(Amendment 4)

*Article 116*

1. Where relief from import duties is dependent upon the goods being put to a particular use, *then the customs authorities who may grant this relief shall be those of the Member State where the goods are to be used.*

2. Those authorities shall take all the appropriate measures to ensure that these goods are not to be used for other purposes without the appropriate import duties being paid, unless such alternative use is in conformity with the conditions laid down by this Regulation.

1. Where relief from import duties is dependent upon the goods being put to a particular use, **the customs authorities shall notify the customs authorities** of the Member State where the goods are to be used **so as to enable them to check that the goods are put to the stated use.**

2. Those authorities shall take all the appropriate measures to ensure that these goods are not to be used for other purposes without the appropriate import duties being paid, unless such alternative use is in conformity with the conditions laid down by this Regulation.

**2a. The necessary provisions for implementing paragraph 1 shall be adopted under the procedure laid down in Article 249 of the Code.**

(Amendment 5)

*Article 118(2a) (new)*

**2a. Within three years of the date of entry into force of this Regulation, the Commission shall forward to Parliament and the Council a report including an estimate of the cost of the reliefs covered by the Regulation.**

**The report shall also include an appraisal of the control systems established by the Member States and, possibly, recommendations in this area.**

(Amendment 6)

*Annex I*

**Educational, scientific and cultural articles referred to in Article 41**

*(Section A: Taric numbers to be allocated in table)*

*(Section B: Deleted)*

(Amendment 7)

*Annex II*

A. *Visual and audio materials of an educational, scientific or cultural nature*

**Educational, scientific and cultural articles referred to in Article 42(2)**

*(Section A: Taric numbers to be allocated in table and column 3 to be deleted)*

*(Section B: Deleted)*

Friday, 16 June 1995

**Legislative resolution embodying Parliament's opinion on the proposal for a Council Regulation setting out the cases where relief from import duties or export duties shall be granted (COM(94)0232 – C4-0274/94 – 94/0140(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(94)0232 – 94/0140(CNS),
- having been consulted by the Council pursuant to Article 28 of the EC Treaty (C4-0274/94),
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs and Industrial Policy and the opinions of the Committee on Budgets and the Committee on External Economic Relations (A4-0124/95),

1. Approves the Commission proposal, subject to Parliament's amendments;
2. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
3. Instructs its President to forward this opinion to the Council and Commission.

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**II.**

**Proposal for a Council Directive amending Directive 77/388/EEC and determining the scope of Article 14(1)(d) as regards exemption from value added tax on the final importation of certain goods (COM(94)0370 – C4-0167/94 – 94/0197(CNS))**

The proposal was approved subject to Parliament's amendments to the proposal for a Council Regulation setting out the cases where relief from import duties or export duties shall be granted (COM(94)0232 – C4-0274/94 – 94/0140(CNS))<sup>(1)</sup>.

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<sup>(1)</sup> See Part II, Item 6(1) of these Minutes.

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**Legislative resolution embodying Parliament's opinion on the proposal for a Council Directive amending Directive 77/388/EEC and determining the scope of Article 14(1)(d) as regards exemption from value added tax on the final importation of certain goods (COM(94)0370 – C4-0167/94 – 94/0197(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council, COM(94)0370 – 94/0197(CNS),
- having been consulted by the Council pursuant to Article 99 of the EC Treaty (C4-0167/94),
- having regard to Rule 58 of its Rules of Procedure,
- having regard to the report of the Committee on Economic and Monetary Affairs and Industrial Policy (A4-0124/95),

Friday, 16 June 1995

1. Approves the Commission proposal, subject to Parliament's amendments to the proposal for a Council Regulation setting out the cases where relief from import duties or export duties shall be granted (COM(94)0232 – C4-0274/94 – 94/0140(CNS));
2. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;
3. Instructs its President to forward this opinion to the Council and Commission.

## 7. Potato starch \*

A4-0127/95

**Proposal for a Council Regulation amending Regulation (EEC) No 1766/92 on the common organization of the market in cereals and Council Regulation (EC) No 1868/94 establishing a quota system in relation to the production of potato starch (COM(95)0024 – C4-0111/95 – 95/0024(CNS))**

The following amendments were adopted <sup>(1)</sup>:

TEXT PROPOSED  
BY THE COMMISSION (\*)

AMENDMENTS  
BY PARLIAMENT

(Amendment 2)

*ARTICLE 2(-1) (new)*

*Recital 5 (Regulation (EC) No 1868/94)*

**-1. Recital 5 is replaced by the following:**

**'Whereas quotas should be allocated to Denmark, Germany, Spain, France and the Netherlands for use in the marketing years 1995/1996 and 1996/1997';**

(Amendment 3)

*ARTICLE 2(1)(-a) (new)*

*Article 2 (1), introduction (Regulation (EC) No 1868/94)*

**(-a) The introductory sentence to paragraph 1 is replaced by the following:**

**'1. The following producer Member States are hereby allocated quotas for the production of potato starch within the following limits for the marketing years 1995/1996 and 1996/1997:'**

<sup>(1)</sup> The remainder of the vote was placed on the agenda of the next sitting pursuant to Rule 112(3).

Friday, 16 June 1995

## 8. Veterinary measures for fishing industry

**B4-0938/95**

### **Resolution on excessive and costly veterinary measures to be applied to the fishing industry without European Parliament consultation**

*The European Parliament,*

- having regard to the Commission proposal for a Council Directive amending the Annex to Directive 85/73/EEC on the financing of veterinary inspections and controls of animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC (COM(94)0346),
  - A. whereas it is unacceptable that the European Parliament has not been consulted on an important veterinary and financial proposal,
  - B. whereas it fully supports appropriate hygiene measures for the fisheries sector to ensure the quality of fishery products,
  - C. whereas the Commission is proposing to amend the Annexes to Directive 85/73/EEC on the financing of veterinary inspections, in order to apply fees for the inspection of fishery products covered by Directive 91/493/EEC,
  - D. whereas Directive 85/73/EEC, which originally dealt with meat only, pre-dates the Single Act and the Treaty on European Union,
  - E. whereas health conditions for the marketing of fishery products are different from those applying to meat,
  - F. whereas the fishing industry is particularly sensitive to any increase in costs,
  - G. whereas, at the Fisheries Council of 10 June 1994, the Commission recognised the need to reduce the burden of regulation on the fishing industry,
1. Calls on the Commission to consult the European Parliament on its proposal on the financing of veterinary inspections in the fisheries sector;
  2. Calls on the Council not to take a decision until it has received Parliament's opinion;
  3. Instructs its President to forward this resolution to the Commission and Council.
-



Friday, 16 June 1995

**ATTENDANCE REGISTER****16 June 1995**

The following signed:

d'Aboville, Adam, Aelvoet, Ahlqvist, Alber, Amadeo, Anastassopoulos, d'Ancona, Andersson Axel, André-Léonard, Argyros, Arias Cañete, Avgerinos, Azzolini, Baldarelli, Baldi, Balfe, Banotti, Bardong, Barros Moura, Barthelet-Mayer, Barton, Belleré, Berès, Bertens, Berthu, van Bladel, Blak, Bloch von Blottnitz, Blokland, Blot, Bösch, Boogerd-Quaak, Botz, Bourlanges, Bowe, de Brémond d'Ars, Brinkhorst, Cabezón Alonso, Caccavale, Cars, Casini Carlo, Cassidy, Castagnède, Castellina, Cederschiöld, Christodoulou, Collins Kenneth D., Colombo Svevo, Colom i Naval, Cornelissen, Corrie, Cox, Crampton, Crepez, Cunha, Cunningham, Cushnahan, Daskalaki, De Coene, De Esteban Martin, Dell'Alba, De Melo, de Vries, Díez de Rivera Icaza, van Dijk, Dillen, Elliott, Ephremidis, Estevan Bolea, Fabra Vallés, Falconer, Farthofer, Ferber, Féret, Fernández-Albor, Ferrer, Fontaine, Fraga Estévez, Funk, Furustrand, Gaigg, Gebhardt, Giansily, Gillis, Girão Pereira, Glante, Glase, Goepel, Goerens, Görlach, Gollnisch, Gomolka, Graefe zu Baringdorf, Graenitz, Graziani, Green, Grosch, Guinebertière, Gutiérrez Díaz, Haarder, von Habsburg, Hänsch, Hallam, Hardstaff, Haug, Hendrick, Herman, Hersant, Hindley, Hlavac, Hory, Hughes, Iivari, Imbeni, Izquierdo Collado, Jackson, Jacob, Jöns, Junker, Kaklamanis, Katiforis, Kellett-Bowman, Keppelhoff-Wiechert, Kittelmann, Klaß, Koch, Kofoed, Kokkola, Konrad, Kreissl-Dörfler, Kuckelkorn, Kuhn, Kuhne, Lage, Lambraki, Lambrias, Langen, Langenhagen, Larive, Le Gallou, Lehne, Lenz, Leopardi, Leperre-Verrier, Le Rachinel, Linkohr, Löow, Lulling, Macartney, McGowan, McKenna, Malangré, Malerba, Malone, Manisco, Mann Thomas, Marset Campos, Martens, Martin David W., Martin Philippe-Armand, Martinez, Meier, Miller, Miranda de Lage, Mombaur, Moniz, Moreau, Morris, Mosiek-Urbahn, Mulder, Murphy, Muscardini, Nassauer, Needle, Newman, Nordmann, Nußbaumer, Oddy, Oomen-Ruijten, Paakkinen, Pack, Pannella, Papakyriazis, Papayannakis, Parodi, Pasty, Peltari, Pérez Royo, Peter, Pettinari, Pex, Piquet, Poettering, Pollack, Pons Grau, Posch, Posselt, Provan, Rapkay, Rehder, Reichhold, Riess, Rosado Fernandes, Rothe, Ryyänen, Salafranca Sánchez-Neyra, Salisch, Samland, Sandberg-Fries, Santini, Sanz Fernández, Schäfer, Schlechter, Schleicher, Schmid, Schmidbauer, Schreiner, Schulz, Schwaiger, Segni, Seillier, Sierra González, Simpson, Sindal, Sisó Cruellas, Skinner, Smith, Soltwedel-Schäfer, Sonneveld, Sornosa Martínez, Spindelegger, Striby, Sturdy, Tajani, Tannert, Tappin, Telkämper, Teverson, Theato, Theorin, Tindemans, Titley, Toivonen, Tomlinson, Tongue, Torres Marques, Trakatellis, Truscott, Valdivielso de Cué, Valverde López, Vanhecke, Varela Suanzes-Carpegna, Vaz da Silva, Vecchi, van Velzen W.G., van Velzen Wim, Verwaerde, Vinci, Virgin, Voggenhuber, Waddington, Walter, Watson, Watts, Weiler, Wemheuer, White, Wiebenga, Wijsenbeek, Willockx, Wilson, von Wogau, Zimmermann.

Friday, 16 June 1995

## ANNEX

**Result of roll-call votes**

(+) = For

(-) = Against

(O) = Abstention

*1. André-Leonard report A4-0143/95**resolution*

(+)

**ARE:** Castagnède, Leperre-Verrier, Macartney**EDN:** Berthu, Blokland**ELDR:** André-Léonard, Boogerd-Quaak, Brinkhorst, Cars, Cox, Cunha, de Vries, Haarder, Larive, Mulder, Peltari, Ryyänen, Teverson, Vaz Da Silva, Watson, Wiebenga, Wijsenbeek**FE:** Azzolini**GUE:** Castellina, Gutiérrez Díaz, Maset Campos, Sornosa Martínez**NI:** Nußbaumer, Reichhold, Riess, Schreiner**PPE:** Alber, Anastassopoulos, Argyros, Arias Cañete, Banotti, Bardong, Bourlanges, de Bremond d'Ars, Cassidy, Christodoulou, Colombo Svevo, Estevan Bolea, Fabra Vallés, Ferber, Fernández-Albor, Ferrer, Fontaine, Fraga Estevez, Funk, Gaigg, Gillis, Gomolka, Graziani, Habsburg, Herman, Jackson, Kellett-Bowman, Keppelhoff-Wiechert, Kittelmann, Klaß, Koch, Konrad, Langen, Langenhagen, Lehne, Lenz, Mann Thomas, Martens, Mombaur, Nassauer, Oomen-Ruijten, Pack, Pex, Poettering, Posselt, Provan, Salafranca Sánchez-Neyra, Schwaiger, Sisó Cruellas, Sonneveld, Sturdy, Thyssen, Tindemans, Toivonen, Trakatellis, Valdivielso de Cué, Valverde López, Varela Suanzes-Carpegna, van Velzen W.G., Verwaerde, Virgin, von Wogau**PSE:** Ahlqvist, Andersson Axel, Avgerinos, Baldarelli, Barros-Moura, van Bladel, Blak, Botz, Crampton, Cunningham, De Coene, Díez de Rivera Icaza, Elliott, Furustrand, Glante, Graenitz, Green, Hallam, Hardstaff, Haug, Hendrick, Iivari, Imbeni, Izquierdo Collado, Jöns, Katiforis, Kokkola, Kuhne, Lambraki, Löow, McGowan, Martin David W., Meier, Miller, Murphy, Needle, Newman, Paakkinen, Papakyriazis, Pollack, Rapkay, Rehder, Samland, Sanz Fernández, Schlechter, Schmid, Schulz, Simpson, Sindal, Skinner, Smith, Tannert, Tappin, Theorin, Titley, Tomlinson, Tongue, Truscott, Vecchi, van Velzen Wim, Waddington, Watts, Wemheuer**RDE:** Aboville, Daskalaki, Giansily, Guinebertière, Hermange, Pasty, Rosado Fernandes**V:** Aelvoet, van Dijk, Kreissl-Dörfler, McKenna, Telkämper, Voggenhuber

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**NI:** Dillen, Le Gallou, Vanhecke*2. Hardstaff report A4-0127/95**amendment 10*

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**GUE:** Gutiérrez Díaz, Maset Campos**PSE:** Adam, d'Ancona, Andersson Axel, Baldarelli, Collins Kenneth D., Crepaz, Cunningham, Falconer, Furustrand, Hallam, Hardstaff, Haug, Hendrick, Hindley, Hlavac, Hughes, Katiforis, Kokkola, Kuckelkorn, Löow, McGowan, Miller, Murphy, Needle, Newman, Randzio-Plath, Rapkay, Rehder, Rothe, Schmidbauer, Skinner, Smith, Tappin, Titley, Truscott, Waddington, Watts, Wemheuer**V:** Kreissl-Dörfler

Friday, 16 June 1995

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**ARE:** Macartney

**EDN:** Blokland

**ELDR:** Boogerd-Quaak, Cox, Cunha, Mulder, Rynnänen, Teverson

**FE:** Azzolini, Malerba, Tajani

**NI:** Le Pen, Nußbaumer, Reichhold, Schreiner

**PPE:** Bardong, de Bremond d'Ars, Cassidy, Cederschiöld, Fabra Vallés, Fraga Estevez, Funk, Gaigg, Gillis, Grosch, Habsburg, Kellett-Bowman, Keppelhoff-Wiechert, Klab, Langen, Langenhagen, Martens, Nassauer, Pex, Poettering, Posselt, Provan, Salafranca Sánchez-Neyra, Sisó Cruellas, Sonneveld

**PSE:** van Bladel, Lage

**RDE:** Pasty, Rosado Fernandes

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**PSE:** Díez de Rivera Icaza

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