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## Regulation (EC) No 2596/97 on drinking milk \*

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*Key to symbols used*

*	Consultation procedure
** I	Cooperation procedure: first reading
** II	Cooperation procedure: second reading
***	Assent procedure
*** I	Codecision procedure: first reading
*** II	Codecision procedure: second reading
*** III	Codecision procedure: third reading

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

*Information relating to voting time*

Unless stated otherwise, the rapporteurs informed the Chair in writing, before the vote, of their position on the amendments.

*Abbreviations used for Parliamentary Committees*

AFET	Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy
BUDG	Committee on Budgets
CONT	Committee on Budgetary Control
LIBE	Committee on Citizens' Freedoms and Rights, Justice and Home Affairs
ECON	Committee on Economic and Monetary Affairs
JURI	Committee on Legal Affairs and the Internal Market
ITRE	Committee on Industry, External Trade, Research and Energy
EMPL	Committee on Employment and Social Affairs
ENVI	Committee on the Environment, Public Health and Consumer Policy
AGRI	Committee on Agriculture and Rural Development
PECH	Committee on Fisheries
RETT	Committee on Regional Policy, Transport and Tourism
CULT	Committee on Culture, Youth, Education, the Media and Sport
DEVE	Committee on Development and Cooperation
AFCO	Committee on Constitutional Affairs
FEMM	Committee on Women's Rights and Equal Opportunities
PETI	Committee on Petitions

*Abbreviations used for Political Groups*

PPE-DE	Group of the European People's Party (Christian Democrats) and European Democrats
PSE	Group of the Party of European Socialists
ELDR	Group of the European Liberal, Democrat and Reform Party
Verts/ALE	Group of the Greens/European Free Alliance
GUE/NGL	Confederal Group of the European United Left/Nordic Green Left
UEN	Union for a Europe of Nations Group
EDD	Group for a Europe of Democracies and Diversities
NI	Non-attached Members

Wednesday 8 October 2003

**I***(Information)***EUROPEAN PARLIAMENT**

2003-2004 SESSION

Sittings of 8 and 9 October 2003

BRUSSELS

(2004/C 81 E/01)

**MINUTES****PROCEEDINGS OF THE SITTING**

IN THE CHAIR: Pat COX

*President***1. Resumption of session**

The sitting opened at 15.00.

**2. Approval of Minutes of previous sitting**

Colette Flesch had informed the Chair that on 3 September 2003 she had wished to vote against amendment 1 to the Lambert report (A5-0226/2003).

Giorgio Calò had informed the Chair that on 24 September 2003 he had wished to vote for amendment 23 to the Gil-Robles/Tsatsos report (A5-0299/2003).

The Minutes of the previous sitting were approved.

**3. Official welcome**

On behalf of Parliament, the President welcomed Dr Jong-Wook Lee, the recently-elected Director-General of the World Health Organization, who had taken his seat in the official gallery.

**4. Membership of Parliament**

Kathleen Van Brempt had given notice of her appointment as Secretary of State in the Belgian Government.



**Wednesday 8 October 2003**

Since, pursuant to Rule 8(4) of its Rules of Procedure and Article 6(1) of the Act concerning the election of representatives of the European Parliament by direct universal suffrage, this office was incompatible with that of Member of the European Parliament, Parliament established, pursuant to Article 12(2), second subparagraph, of the aforementioned Act, that the vacancy would take effect from 29 September 2003.

The competent authorities in Belgium had given notice of the appointment of Saïd El Khadraoui to replace Kathleen Van Brempt as Member of Parliament, with effect from 7 October 2003.

The competent authorities in the Netherlands had given notice of the appointment of Cornelis Bremmer to replace Hanja Maij-Weggen as Member of Parliament, with effect from 1 October 2003.

The President drew attention to the provisions of Rule 7(5).

Arlindo Cunha had given notice in writing of his resignation as Member of Parliament, with effect from 1 October 2003.

Pursuant to Rule 8 of its Rules of Procedure and Article 12(2), second subparagraph, of the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, Parliament established the vacancy and informed the Member State concerned accordingly.

The competent authorities in Cyprus had given notice that Eleni Theocharous had replaced Demetris Syllouris as observer with effect from 6 October 2003.

## **5. Documents received**

The following documents had been received:

*1) from the Council and Commission:*

- Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2320/2002 of the European Parliament and of the Council establishing common rules in the field of civil aviation security (COM(2003) 566 – C5-0424/2003 – 2003/0222(COD))  
referred to responsible: RETT  
legal basis: Article 80(2) EC
- Proposal for a Council regulation amending Regulation (EC) No 973/2001 laying down certain technical measures for the conservation of certain stocks of highly migratory species (COM(2003) 421 – C5-0429/2003 – 2002/0189(CNS))  
referred to responsible: PECH  
legal basis: Article 37 EC
- Proposal for a Council Regulation on the European Monitoring Centre on Racism and Xenophobia (Recast version) (COM(2003) 483 – C5-0436/2003 – 2003/0185(CNS))  
referred to responsible: LIBE  
opinion: EMPL, CULT, FEMM  
legal basis: Articles 13(1), 284 and 308 EC
- Proposal for a Directive of the European Parliament and of the Council on the protection of groundwater against pollution (COM(2003) 550 – C5-0447/2003 – 2003/0210(COD))  
referred to responsible: ENVI  
opinion: ITRE, AGRI  
legal basis: Article 175(1) EC
- Proposal for a directive of the European Parliament and of the Council on the use of vehicles hired without drivers for the carriage of goods by road (codified version) (COM(2003) 559 – C5-0448/2003 – 2003/0221(COD))  
referred to responsible: JURI  
opinion: RETT  
legal basis: Article 71(1) EC

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- Draft amending budget No 5 for the financial year 2003 – Section III – Commission (13014/2003 – C5-0449/2003 – 2003/2144(BUD))  
referred to responsible: BUDG  
opinion: all committees concerned  
legal basis: Article 272 EC, Article 177 Euratom
- Draft Council Decision amending the Protocol on the Statute of the Court of Justice to lay down the conditions and limits for review by the Court of Justice of decisions delivered by the Court of First Instance (12464/2003 – C5-0450/2003 – 2003/0820(CNS))  
referred to responsible: JURI  
legal basis: Articles 225(2-3) and 245, second subparagraph EC
- Opinion of the Council on transfer of appropriations 21/2003 between Chapters in Section III – Commission – Part B – of the General Budget for the European Union for the financial year 2003 (C5-0451/2003 – 2003/2169(GBD))  
referred to responsible: BUDG  
legal basis: Article 274 EC
- Opinion of the Council on transfer of appropriations 22/2003 between Chapters in Section III – Commission – Part B – of the General Budget for the European Union for the financial year 2003 (C5-0452/2003 – 2003/2170(GBD))  
referred to responsible: BUDG  
legal basis: Article 274 EC
- Opinion of the Council on transfer of appropriations 23/2003 between Chapters in Section III – Commission – Part B – of the General Budget for the European Union for the financial year 2003 (C5-0453/2003 – 2003/2177(GBD))  
referred to responsible: BUDG  
legal basis: Article 274 EC
- Opinion of the Council on transfer of appropriations 26/2003 between Chapters in Section III – Commission – Part B – of the General Budget for the European Union for the financial year 2003 (C5-0454/2003 – 2003/2176(GBD))  
referred to responsible: BUDG  
legal basis: Article 274 EC
- Proposal for a Decision of the European Parliament and of the Council on the mobilisation of the flexibility instrument in favour of the rehabilitation and reconstruction of Iraq according to point 24 of the Interinstitutional Agreement of 6 May 1999 (COM(2003) 576 – C5-0455/2003 – 2003/0225(COD))  
referred to responsible: BUDG  
opinion: AFET
- Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (Recast version) (COM(2003) 522 – C5-0456/2003 – 2003/0205(COD))  
referred to responsible: ENVI  
opinion: ITRE  
legal basis: Article 95 EC

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- Proposal for a Council regulation on conclusion of an Agreement in the form of an exchange of letters extending to the period 1 July 2003 to 30 June 2004 the validity of the Protocol setting fishing opportunities and a financial contribution as provided for in the Agreement between the European Economic Community and the Republic of Côte d'Ivoire on fishing off the coast of Côte d'Ivoire (COM(2003) 556 — C5-0458/2003 — 2003/0219(CNS))  
referred to responsible: PECH  
opinion: BUDG, DEVE  
legal basis: Articles 37 and 300(2-3), first subparagraph EC
- Proposal for a Council Regulation setting aid rates in the seeds sector for the 2004/05 marketing year (COM(2003) 552 — C5-0459/2003 — 2003/0212(CNS))  
referred to responsible: AGRI  
opinion: BUDG  
legal basis: Article 37 EC
- Proposal for a Council Regulation amending Regulation (EEC) No 1696/71 on the common organisation of the market in hops (COM(2003) 562 — C5-0460/2003 — 2003/0216(CNS))  
referred to responsible: AGRI  
opinion: BUDG  
legal basis: Article 37 300(2-3) EC
- Proposal for a Council regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas (COM(2003) 558 — C5-0466/2003 — 2003/0217(CNS))  
referred to responsible: LIBE  
legal basis: Article 62 EC
- Proposal for a Council regulation amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (COM(2003) 558 — C5-0467/2003 — 2003/0218(CNS))  
referred to responsible: LIBE  
legal basis: Article 63 EC

**2) from committees:****2.1) reports:**

- \*\*\* I Report on the proposal for a European Parliament and Council regulation concerning Community cooperation with Asian and Latin American countries and amending Council Regulation (EC) No 2258/96 (COM(2002) 340 — C5-0368/2002 — 2002/0139(COD)) — Committee on Development and Cooperation  
Rapporteur: Mrs Sanders-ten Holte  
(A5-0312/2003)
- Report on the conclusion of the interinstitutional agreement on 'Better Law-Making' between the European Parliament, the Council and the Commission (I5-0017/2003 — C5-0407/2003 — 2003/2131(ACI)) — Committee on Constitutional Affairs  
Rapporteur: Mrs Frassoni  
(A5-0313/2003)
- Report on the proposals for decisions on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure (COM(2003) 431 — C5-0323/2003 — 2003/0166(ACI) and COM(2003) 529 — C5-0418/2003 — 2003/0206(ACI)) — Committee on Budgets  
Rapporteur: Mr Colom i Naval  
(A5-0315/2003)

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- Report on the Draft Amending Budget No 5/2003 of the European Union for the financial year 2003 (13014/2003 – C5-0449/2003 – 2003/2144(BUD) and 2003/2181(BUD)) – Section III – Commission – Committee on Budgets  
Rapporteur: Mr Färm  
(A5-0316/2003)
- \* Report on the proposal for a Council regulation amending Regulation (EC) No 2596/97 extending the period provided for in Article 149(1) of the Act of Accession of Austria, Finland and Sweden (COM(2003) 372 – C5-0324/2003 – 2003/0144(CNS)) – Committee on Agriculture and Rural Development  
Rapporteur: Mr Daul  
(A5-0317/2003)  
(Simplified procedure – Rule 158(1) of the Rules of Procedure)
- \* Report on the proposal for a Council regulation amending Regulation No 79/65/EEC of the Council setting up a network for the collection of accountancy data on the incomes and business operations of agricultural holdings in the European Economic Community (COM(2003) 472 – C5-0437/2003 – 2003/0183(CNS)) – Committee on Agriculture and Rural Development  
Rapporteur: Mr Daul  
(A5-0318/2003)  
(Simplified procedure – Rule 158(1) of the Rules of Procedure)
- \*\*\* I Report on the proposal for a European Parliament and Council regulation on quarterly financial accounts for general government (COM(2003) 242 – C5-0222/2003 – 2003/0095(COD)) – Committee on Economic and Monetary Affairs  
Rapporteur: Mrs Lulling  
(A5-0320/2003)
- \* Report on the proposal for a Council directive amending Directives 92/79/EEC and 92/80/EEC, authorising France to prolong the application of lower rates of excise duty to tobacco products released for consumption in Corsica (COM(2003) 186 – C5-0197/2003 – 2003/0075(CNS)) – Committee on Economic and Monetary Affairs  
Rapporteur: Mr Purvis  
(A5-0322/2003)
- \*\*\* I Report on the proposal for a European Parliament and Council directive amending Directive 2002/96/EC on waste electrical and electronic equipment (COM(2003) 219 – C5-0191/2003 – 2003/0084(COD)) – Committee on the Environment, Public Health and Consumer Policy  
Rapporteur: Mr Florenz  
(A5-0324/2003)
- Report on industrial policy in an Enlarged Europe (COM(2002) 714 – C5-0153/2003 – 2003/2063(INI)) – Committee on Industry, External Trade, Research and Energy  
Rapporteur: Mrs Zrihen  
(A5-0328/2003)

## 2.2) recommendations for second reading:

- \*\*\*II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council decision adopting a multi-annual programme (2004-2006) for the effective integration of Information and Communication Technologies (ICT) in education and training systems in Europe (eLearning Programme) (8642/1/2003 – C5-0293/2003 – 2002/0303(COD)) – Committee on Culture, Youth, Education, the Media and Sport  
Rapporteur: Mr Mauro  
(A5-0314/2003)

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- \*\*\*II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council directive amending Council Directive 96/48/EC on the interoperability of the trans-European high-speed rail system and Directive 2001/16/EC of the European Parliament and of the Council on the interoperability of the trans-European conventional rail system (8556/2/2003 — C5-0298/2003 — 2002/0023(COD)) — Committee on Regional Policy, Transport and Tourism  
Rapporteur: Mrs Ainardi  
(A5-0321/2003)
- \*\*\*II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council regulation on establishing a European Railway Agency (Agency Regulation) (8558/2/2003 — C5-0296/2003 — 2002/0024(COD)) — Committee on Regional Policy, Transport and Tourism  
Rapporteur: Mr Savary  
(A5-0323/2003)
- \*\*\*II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council directive on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (8557/2/2003 — C5-0297/2003 — 2002/0022(COD)) — Committee on Regional Policy, Transport and Tourism  
Rapporteur: Mr Sterckx  
(A5-0325/2003)
- \*\*\*II Recommendation for second reading on the common position adopted by the Council with a view to adopting a European Parliament and Council directive amending Council directive 91/440/EEC on the development of the Community's railways (8011/3/2003 — C5-0295/2003 — 2002/0025(COD)) — Committee on Regional Policy, Transport and Tourism  
Rapporteur: Mr Jarzembowski  
(A5-0327/2003)

### 3) *from Members:*

#### 3.1) *motions for resolution (Rule 48):*

- Roberta Angelilli, on behalf of the UEN Group, on the employment crisis at Alcatel Italia SpA (B5-0406/2003)  
referred to responsible: EMPL
- Salvador Garriga Polledo on the creation of a European Research Council (B5-0408/2003)  
referred to responsible: ITRE

#### 3.2) *proposals for recommendations (Rule 49):*

- Anna Terrón i Cusí and Gerhard Schmid, on behalf of the PSE Group, on dealing with the possible threat of biological and chemical weapon attacks (B5-0407/2003)  
referred to responsible: LIBE

## 6. Transfers of appropriations

The Committee on Budgets had considered proposal for transfer of appropriations No 21/2003 (C5-0413/2003 — SEC(2003) 941).

Having noted the opinion of the Council, it had authorised the transfer, pursuant to Articles 24(3) and 181(1) of the Financial Regulation of 25 June 2002, in accordance with the following breakdown:

Wednesday 8 October 2003

FROM:

Chapter B0-40 — Provisions

— Article B5-306 — Computerisation of the excise system (EMCS)	CA	— 3 000 000 EUR
	PA	— 1 000 000 EUR

TO:

Chapter B5-30 — Strategic implementing measures

— Article B5-306 — Computerisation of the excise system (EMCS)	CA	3 000 000 EUR
	PA	1 000 000 EUR

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\* \*

The Committee on Budgets had considered proposal for transfer of appropriations No 22/2003 (C5-0414/2003 — SEC(2003) 940).

Having noted the opinion of the Council, it had authorised the transfer, pursuant to Articles 24(3) and 181(1) of the Financial Regulation of 25 June 2002, in accordance with the following breakdown:

FROM:

Chapter B2-16 — Innovative measures and technical assistance

— Article B2-164 — Completion of earlier programmes	PA	— 189 051 EUR
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TO:

Chapter B2-60 — Other regional policy operations

— Article B2-602 — Completion of other regional measures	PA	189 051 EUR
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The Committee on Budgets had considered proposal for transfer of appropriations No 23/2003 (C5-0388/2003 — SEC(2003) 993).

Having noted the opinion of the Council, it had authorised the transfer, pursuant to Articles 24(3) and 181(1) of the Financial Regulation of 25 June 2002, in accordance with the following breakdown:

FROM:

Chapter B0-40 — Provisions

— Article B2-707 — Marco Polo programme	CA	— 15 000 000 EUR
— Article B4-106 — 'Intelligent energy for Europe' programme (2003-2006)	CA	— 47 360 000 EUR
— Article B4-106A — 'Intelligent energy for Europe' programme (2003-2006) — Expenditure on administrative management	CA	— 640 000 EUR
	PA	— 192 000 EUR
— Article B5-820 — Training, exchange and cooperation programmes in the fields of justice and home affairs	CA	— 4 000 000 EUR
	PA	— 4 000 000 EUR
— Article B5-821 — Action against illegal and harmful content on the Internet	CA	— 6 400 000 EUR

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– Article B7-841 – 'Intelligent energy for Europe' programme: external strand – Coopener	CA	– 1 970 000 EUR
– Article B7-841A – 'Intelligent energy for Europe' programme: external strand – Coopener – Expenditure on administrative management	CA PA	– 30 000 EUR – 30 000 EUR

TO:

## Chapter B2-70 – Transport

– Article B2-707 – Marco Polo programme	CA	15 000 000 EUR
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## Chapter B4-10 – Energy policy

– Article B4-106 – 'Intelligent energy for Europe' programme (2003-2006)	CA	47 360 000 EUR
– Article B4-106A – 'Intelligent energy for Europe' programme (2003-2006) – Expenditure on administrative management	CA PA	640 000 EUR 192 000 EUR

## Chapter B5-82 – Judicial and police cooperation – Measures to combat crime

– Article B5-820 – Training, exchange and cooperation programmes in the fields of justice and home affairs	CA PA	4 000 000 EUR 4 000 000 EUR
– Article B5-821 – Action against illegal and harmful content on the Internet	CA	6 400 000 EUR

## Chapter B7-84 – External aspects of transport and energy policy

– Article B7-841 – 'Intelligent energy for Europe' programme: external strand – Coopener	CA	1 970 000 EUR
– Article B7-841A – 'Intelligent energy for Europe' programme: external strand – Coopener – Expenditure on administrative management	CA PA	30 000 EUR 30 000 EUR

\*

\* \*

The Committee on Budgets had considered proposal for transfer of appropriations No 26/2003 (C5-0387/2003 – SEC(2003) 1002).

Having noted the opinion of the Council, it had authorised the transfer, pursuant to Articles 24(3) and 181(1) of the Financial Regulation of 25 June 2002, in accordance with the following breakdown:

FROM:

## Chapter B6-61 – Operating expenditure – Integrating and strengthening the European Research Area

– Article B6-613 – Nanotechnologies, knowledge-based materials and new production processes	Payments	– 9 000 000 EUR
– Article B6-615 – Food quality and safety	Payments	– 9 200 000 EUR
– Article B6-617 – Citizens and governance in a knowledge-based society	Payments	– 5 600 000 EUR
– Article B6-619 – Strengthening the foundations of the European Research Area		
– Item B6-6192 – Support for the coherent development of policies	Payments	– 1 300 000 EUR

Wednesday 8 October 2003

## Chapter B6-62 — Operating expenditure — Structuring the European Research Area

- |   |          |                  |
|---|----------|------------------|
| — Article B6-622 — Human resources          | Payments | – 26 940 000 EUR |
| — Article B6-623 — Research infrastructures | Payments | – 8 400 000 EUR  |

TO:

## Chapter B2-90 — Support measures for the common fisheries policy

- |  |          |               |
|--|----------|---------------|
| — Article B2-904 — Support for the management of fishery resources and stepping up of research (collection of basic data and improvement of scientific advice) | Payments | 6 740 000 EUR |
|--|----------|---------------|

## Chapter B6-61 — Operating expenditure — Integrating and strengthening the European Research Area

- |  |          |                |
|--|----------|----------------|
| — Article B6-616 — Sustainable development, global change and ecosystems                 | Payments | 13 500 000 EUR |
| — Article B6-618 — Specific activities covering a wider field of research                |          |                |
| — Item B6-6181 — Supporting policies and anticipating scientific and technological needs | Payments | 3 400 000 EUR  |
| — Article B6-619 — Strengthening the foundations of the European Research Area           |          |                |
| — Item B6-6191 — Support for the coordination of activities                              | Payments | 27 100 000 EUR |

## Chapter B6-62 — Operating expenditure — Structuring the European Research Area

- |  |          |               |
|--|----------|---------------|
| — Article B6-624 — Science and society | Payments | 1 900 000 EUR |
|--|----------|---------------|

## Chapter B6-63 — Operating expenditure — Research and training actions under the Euratom Treaty

- |   |          |               |
|---|----------|---------------|
| — Article B6-631 — Priority thematic areas of research                              |          |               |
| — Item B6-6312 — Management of radioactive waste                                    | Payments | 3 600 000 EUR |
| — Item B6-6313 — Radiation protection   | Payments | 2 100 000 EUR |
| — Article B6-632 — Other activities in the field of nuclear technologies and safety | Payments | 2 100 000 EUR |

**7. Action taken on Parliament's positions and resolutions**

The Commission communication on the action taken on the following resolution had been distributed:

- European Parliament resolution on the ministerial meeting of the European Space Agency (ESA) (P5\_TA(2003)0217).

**8. Agenda**

The order of business had been established (*Item 13 of Minutes of 22 September 2003*).

Klaus-Heiner Lehne spoke to request the tabling of motions for resolution to wind up the debate on the oral question on the market regulations and competition rules for the liberal professions (B5-0278/2003).

Parliament approved the request.

The President announced that the vote would take place during the next part-session.



**Wednesday 8 October 2003**

Deadlines:

- motion for resolution: Thursday 16 October at 12.00;
- amendments and joint motion for resolution: Monday 20 October at 19.00.

A corrigendum to the agenda of the sittings of 8 and 9 October 2003 had been distributed (PE 334.423/OJ/COR).

Proposed changes:

- *Wednesday*
  - the Commission communication on the full integration of cooperation with ACP states into the EU budget (*Item 46 of the Agenda*) would be made by Michael Schreyer,
  - as the Färm report (A5-0316/2003) (*Item 77*) and the Colom i Naval report (A5-0315/2003) (*Item 78*) had been adopted under Rule 110a, they would be voted, without debate, during voting time on Thursday;
- *Thursday*
  - as the Daul reports on drinking milk (A5-0317/2003) and accountancy data on agricultural holdings (A5-0318/2003) had been adopted by the AGRI Committee under Rule 158(1), they would be voted during voting time on Thursday.

\*  
\*   \*   \*

The agenda was thus established.

## **9. Official welcome**

On behalf of Parliament, the President welcomed the Swedish Riksdag's Committee on the Constitution, its Chairman, Gunnar Hökmark, and Vice-Chairman, Göran Magnusson, who had taken their seats in the official gallery.

## **10. One-minute speeches on matters of political importance**

Pursuant to Rule 121a, the following Members who wished to draw the attention of Parliament to matters of political importance spoke for one minute:

Richard Howitt, Ian Stewart Hudghton, Efstratios Korakas, Giorgio Lisi, Nuala Ahern, Linda McAvan, Myrsini Zorba, Carlos Lage and Juan Manuel Ferrández Lezaun.

## **11. Full integration of cooperation with ACP states into the budget of the European Union** (Commission statement)

Commission statement: Full integration of cooperation with ACP states into the budget of the European Union.

Michael Schreyer (Member of the Commission) made the statement.

Glenys Kinnock asked a question which Michael Schreyer answered.

The item was closed.

(The sitting, which was suspended at 15.40 pending the next item on the Agenda, resumed at 16.10.)

Wednesday 8 October 2003

**12. Market regulations and competition rules for the liberal professions**

(Oral question with debate)

Oral question by Klaus-Heiner Lehne, Othmar Karas, Giuseppe Gargani and Stefano Zappalà, on behalf of the PPE-DE Group, to the Commission, on market regulations and competition rules for the liberal professions (B5-0278/2003).

Klaus-Heiner Lehne moved the oral question.

Mario Monti (Member of the Commission) answered the oral question.

The following spoke: Giuseppe Gargani, on behalf of the PPE-DE Group, Manuel Medina Ortega, on behalf of the PSE Group, Benedetto Della Vedova, Non-attached Member, Othmar Karas, Stefano Zappalà and Mario Monti.

The following deadlines were set:

- motions for resolution: Thursday 16 October at 12.00;
- amendments and joint motions for resolution: Monday 20 October at 19.00.

**13. Preparation of the European Council (Brussels, 16/17 October 2003)**

(statement followed by debate)

Council and Commission statements on the preparation of the European Council (Brussels, 16/17 October 2003).

Roberto Antonione (President-in-Office of the Council) and Romano Prodi (President of the Commission) made the statements.

Hans-Gert Poettering spoke on behalf of the PPE-DE Group.

IN THE CHAIR: Guido PODESTÀ

*Vice-President*

The following spoke: Enrique Barón Crespo, on behalf of the PSE Group, Graham R. Watson, on behalf of the ELDR Group, Francis Wurtz, on behalf of the GUE/NGL Group, Nelly Maes, on behalf of the Verts/ALE Group, Gerard Collins, on behalf of the UEN Group, Jens-Peter Bonde, on behalf of the EDD Group, Benedetto Della Vedova, Non-attached Member, Antonio Tajani and Johannes (Hannes) Swoboda.

IN THE CHAIR: Giorgos DIMITRAKOPOULOS

*Vice-President*

The following spoke: Andrew Nicholas Duff, Ilda Figueiredo, Johannes Voggenhuber, William Abitbol, Mario Borghezio, Margie Sudre, Anna Terrón i Cusí, Sarah Ludford, Georges Berthu, Arie M. Oostlander and Roberto Antonione.

The debate closed.

Wednesday 8 October 2003

#### **14. Interinstitutional agreement on 'Better Law-Making' – Simplifying and improving Community regulation (debate)**

Report on the conclusion of the interinstitutional agreement on 'Better Law-Making' between the European Parliament, the Council and the Commission Draft interinstitutional agreement on better lawmaking [2003/2131(ACI)] – Committee on Constitutional Affairs.

Rapporteur: Monica Frassoni  
(A5-0313/2003)

Second Report on the second report on the Commission communications on simplifying and improving Community regulation [COM(2001) 726 – C5-0108/2002 – 2002/2052(COS)] – Committee on Legal Affairs and the Internal Market.

Rapporteur: Manuel Medina Ortega  
(A5-0235/2003)

Monica Frassoni and Manuel Medina Ortega introduced their reports.

The following spoke: Philippe Busquin (Member of the Commission), Roberto Antonione (President-in-Office of the Council) and Giuseppe Gargani (draftsman of the opinion of the JURI Committee).

IN THE CHAIR: Alonso José PUERTA

*Vice-President*

The following spoke: Bert Doorn, on behalf of the PPE-DE Group, Johannes (Hannes) Swoboda, on behalf of the PSE Group, Nicholas Clegg, on behalf of the ELDR Group, Neil MacCormick, on behalf of the Verts/ALE Group, Ursula Schleicher, Margrietus J. van den Berg, Elizabeth Lynne, Avril Doyle, Ioannis Koukiadis, Lord Inglewood, Richard Corbett, Arlene McCarthy and Monica Frassoni.

Richard Corbett spoke on the organisation of the debate.

The debate closed.

Vote: *Minutes of 9.10.2003, Items 16 and 17.*

#### **15. European space policy (debate)**

Report on the Green Paper on European space policy [2003/2092(INI)] – Committee on Industry, External Trade, Research and Energy.

Rapporteur: Guido Bodrato  
(A5-0294/2003)

Guido Bodrato introduced the report.

Philippe Busquin (Member of the Commission) spoke.

The following spoke: Brigitte Langenhagen, on behalf of the PPE-DE Group, Gilles Savary, on behalf of the PSE Group, Sylviane H. Ainardi, on behalf of the GUE/NGL Group, and Yves Piétrasanta, on behalf of the Verts/ALE Group.

*(The sitting was suspended at 20.00 and resumed at 21.00.)*

Wednesday 8 October 2003

IN THE CHAIR: José PACHECO PEREIRA

*Vice-President*

The following spoke: Rolf Linkohr, Konstantinos Alyssandrakis, Josu Ortuondo Larrea, Reino Paasilinna, Hans-Peter Martin and Philippe Busquin (Member of the Commission).

The debate closed.

Vote: *Minutes of 9.10.2003, Item 18.*

## **16. EC Merger Regulation \* (debate)**

Report on the proposal for a Council regulation on the control of concentrations between undertakings: 'The EC Merger Regulation' [COM(2002) 711 — C5-0005/2003 — 2002/0296(CNS)] — Committee on Economic and Monetary Affairs.

Rapporteur: Benedetto Della Vedova  
(A5-0257/2003)

Mario Monti (Member of the Commission) spoke.

The following spoke: Benedetto Della Vedova, who introduced his report.

The following spoke: Bert Doorn (draftsman of the opinion of the JURI Committee), on behalf of the PPE-DE Group, Luis Berenguer Fuster, on behalf of the PSE Group, Olle Schmidt, on behalf of the ELDR Group, Wolfgang Ilgenfritz, Non-attached Member, Ieke van den Burg, Othmar Karas, Manuel António dos Santos, Thomas Mann and Mario Monti.

The debate closed.

Vote: *Minutes of 9.10.2003, Item 19.*

## **17. Tunnel safety \*\*\*I (debate)**

Report on a proposal for a directive of the European Parliament and of the Council on minimum safety requirements for tunnels in the Trans-European Road Network [COM(2002) 769 — C5-0635/2002 — 2002/0309(COD)] — Committee on Regional Policy, Transport and Tourism.

Rapporteur: Reinhard Rack  
(A5-0311/2003)

Mario Monti (Member of the Commission) spoke.

Reinhard Rack introduced the report.

The following spoke: Georg Jarzembowski, on behalf of the PPE-DE Group, Johannes (Hannes) Swoboda, on behalf of the PSE Group, Helmuth Markov, on behalf of the GUE/NGL Group, Rijk van Dam, on behalf of the EDD Group, Erik Meijer, Dieter-Lebrecht Koch and Mario Monti.

IN THE CHAIR: Alejo VIDAL-QUADRAS ROCA

*Vice-President*

The debate closed.

Vote: *Minutes of 9.10.2003, Item 15.*

Wednesday 8 October 2003

## 18. Fisheries partnership agreements with third countries (debate)

Report on the Commission communication on an integrated framework for fisheries partnership agreements with third countries [COM(2002) 637 – C5-0070/2003 – 2003/2034(INI)] – Committee on Fisheries.

Rapporteur: Arlindo Cunha  
(A5-0303/2003)

Daniel Varela Suanzes-Carpegna, deputising for the rapporteur, introduced the report.

Franz Fischler (Member of the Commission) spoke.

The following spoke: Struan Stevenson, chairman of the PECH Committee, who referred in particular to remarks made by Ian Stewart Hudghton earlier that afternoon (*see Item 10*) and who subsequently spoke on behalf of the PPE-DE Group, Carlos Lage, on behalf of the PSE Group, Elspeth Attwooll, on behalf of the ELDR Group, Ilda Figueiredo, on behalf of the GUE/NGL Group, Patricia McKenna, on behalf of the Verts/ALE Group, Nigel Paul Farage, on behalf of the EDD Group, Dominique F.C. Souchet, Non-attached Member, Brigitte Langenhagen, Catherine Stihler and Franz Fischler

The debate closed.

Vote: *Minutes of 9.10.2003, Item 22.*

## 19. Agenda for next sitting

The President referred Members to the document 'Agenda' (PE 334.423/OJJE).

## 20. Closure of sitting

The sitting closed at 23.20.

Julian Priestley  
Secretary-General

Gérard Onesta  
Vice-President

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Wednesday 8 October 2003

## ATTENDANCE REGISTER

The following signed:

Aaltonen, Abitbol, Adam, Nuala Ahern, Ainardi, Alavanos, Almeida Garrett, Alyssandrakis, Andersson, Andreasen, André-Léonard, Andrews, Andria, Angelilli, Aparicio Sánchez, Arvidsson, Attwooll, Auroi, Averoff, Avilés Perea, Ayuso González, Bakopoulos, Balfe, Baltas, Banotti, Barón Crespo, Bartolozzi, Bastos, Bayona de Perogordo, Bébéar, Belder, Berend, Berenguer Fuster, van den Berg, Bergaz Conesa, Berger, Berlato, Bernié, Berthu, Bertinotti, Beysen, Bigliardo, Blak, Blokland, Bodrato, Böge, Bösch, von Boetticher, Bonde, Bonino, Boogerd-Quaak, Booth, Bordes, Borghezio, van den Bos, Boselli, Boudjenah, Boumediene-Thiery, Bourlanges, Bouwman, Bowis, Bradbourn, Bremmer, Breyer, Brie, Brunetta, Buitengeweg, Bullmann, van den Burg, Busk, Butel, Calò, Camisón Asensio, Campos, Camre, Cappato, Carlotti, Carnero González, Carraro, Carrilho, Casaca, Cashman, Caudron, Caullery, Cauquil, Cederschiöld, Celli, Cercas, Cerdeira Morterero, Cesaro, Ceyhun, Chichester, Claeys, Clegg, Cocilovo, Coelho, Cohn-Bendit, Collins, Colom i Naval, Corbett, Corbey, Cornillet, Corrie, Cossutta, Cox, Crowley, Cushnahan, van Dam, Darras, Dary, Daul, Decourrière, De Keyser, Dell'Alba, Della Vedova, De Mita, Deprez, De Rossa, De Sarnez, Descamps, Deva, De Veyrac, Dhaene, Díez González, Di Lello Finuoli, Dillen, Dimitrakopoulos, Di Pietro, Doorn, Dover, Doyle, Dührkop Dührkop, Duff, Duhamel, Duin, Dupuis, Dybkjær, Echerer, El Khadraoui, Elles, Eriksson, Esclopé, Ettl, Robert J.E. Evans, Färm, Farage, Fatuzzo, Fava, Ferber, Fernández Martín, Ferrández Lezaun, Ferrer, Ferri, Fiebiger, Figueiredo, Fiori, Fitzsimons, Flautre, Flemming, Florenz, Folias, Formentini, Frahm, Fraisse, Frassoni, Friedrich, Fruteau, Gahler, Gahrton, Galeote Quecedo, García-Margallo y Marfil, Gargani, Garot, Garriga Polledo, Gasòliba i Böhm, de Gaulle, Gawronski, Gebhardt, Gemelli, Ghilardotti, Gill, Gillig, Gil-Robles Gil-Delgado, Glante, Glase, Goebbels, Goepel, Görlach, Gollnisch, Gomolka, Gorostiaga Atxalandabaso, Graça Moura, Gröner, Gröinfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Guy-Quint, Hänsch, Hager, Hannan, Hansenne, Hatzidakis, Haug, Hedkvist Petersen, Helmer, Hermange, Hernández Mollar, Herranz García, Herzog, Hieronymi, Hortefeux, Hudghton, Hughes, Huhne, van Hulten, Hume, Hyland, Iivari, Ilgenfritz, Inglewood, Isler Béguin, Izquierdo Collado, Izquierdo Rojo, Jackson, Jarzembowski, Jöns, Jové Peres, Junker, Karas, Karlsson, Katiforis, Kauppi, Keppelhoff-Wiechert, Keßler, Khanbhai, Kindermann, Glenys Kinnock, Kirkhope, Klamt, Knolle, Koch, Konrad, Korakas, Korhola, Koukiadis, Koulourianos, Krarup, Kratsa-Tsagaropoulou, Krehl, Kreissl-Dörfler, Krivine, Kronberger, Kuckelkorn, Kuhne, Kuntz, Lage, Lagendijk, Laguiller, Lalumière, Lambert, Lang, Lange, Langen, Langenhagen, Lannoye, Laschet, Lavarra, Lechner, Lehne, Leinen, Liese, Linkohr, Lipietz, Lisi, Lombardo, Lucas, Ludford, Lulling, Lynne, Maat, Maaten, McAvan, McCarthy, McCormick, McKenna, McMillan-Scott, McNally, Maes, Malliori, Malmström, Manders, Manisco, Erika Mann, Thomas Mann, Marchiani, Marinho, Marini, Marinos, Markov, Marques, Marset Campos, Martens, David W. Martin, Hans-Peter Martin, Hugues Martin, Martínez Martínez, Mastella, Mastorakis, Mathieu, Matikainen-Kallström, Mauro, Hans-Peter Mayer, Xaver Mayer, Medina Ortega, Meijer, Mendiluce Pereiro, Menéndez del Valle, Mennea, Mennitti, Menrad, Messner, Miguélez Ramos, Miller, Miranda de Lage, Modrow, Mombaur, Monsonís Domingo, Montfort, Moraes, Morgantini, Morillon, Emilia Franziska Müller, Müller, Mulder, Murphy, Muscardini, Musotto, Musumeci, Myller, Napoletano, Nassauer, Newton Dunn, Nicholson, Nicholson of Winterbourne, Niebler, Nisticò, Nobilia, Nogueira Román, Nordmann, Ó Neachtain, Onesta, Oomen-Ruijten, Oostlander, Oreja Arburúa, Ortuondo Larrea, O'Toole, Paasilinna, Pacheco Pereira, Paciotti, Pannella, Pastorelli, Patakis, Patrie, Paulsen, Pérez Álvarez, Pérez Royo, Perry, Pesälä, Pex, Piecyk, Piétrasanta, Pirker, Piscarreta, Pisicchio, Pittella, Podestà, Poettering, Pohjamo, Poignant, Poli Bortone, Pomés Ruiz, Poos, Posselt, Prets, Procacci, Pronk, Provan, Puerta, Purvis, Queiró, Quisthoudt-Rowohl, Rack, Radwan, Randzio-Plath, Rapkay, Raschhofer, Raymond, Read, Redondo Jiménez, Ribeiro e Castro, Ries, Riis-Jørgensen, Ripoll y Martínez de Bedoya, Rocard, Rod, Rodríguez Ramos, de Roo, Roth-Behrendt, Rothe, Rothley, Roure, Rovsing, Rübig, Rühle, Ruffolo, Rutelli, Sacconi, Sacrédeus, Saint-Josse, Salafrañca Sánchez-Neyra, Sandberg-Fries, Sandbæk, Sanders-ten Holte, Santini, dos Santos, Sartori, Savary, Sbarbati, Scapagnini, Scarbonchi, Schaffner, Scheele, Schleicher, Gerhard Schmid, Herman Schmid, Olle Schmidt, Schmitt, Schnellhardt, Schörfling, Jürgen Schröder, Schroedter, Schulz, Schwaiger, Segni, Seppänen, Sichrovsky, Simpson, Sjöstedt, Skinner, Smet, Sörensen, Sommer, Sornosa Martínez, Souchet, Souladakis, Sousa Pinto, Speroni, Staes, Stauner, Sterckx, Stevenson, Stihler, Stockmann, Stockton, Sudre, Suominen, Swiebel, Swoboda, Sylla, Sørensen, Tajani, Terrón i Cusí, Theato, Theorin, Thomas-Mauro, Thorning-Schmidt, Thors, Thyssen, Titford, Titley, Torres Marques, Trakatellis, Turchi, Turco, Turmes, Vachetta, Väyrynen, Vairinhos, Valdivielso de Cué, Valenciano Martínez-Orozco, Vallvé, Van Lancker, Varela Suanzes-Carpegna, Vattimo, Vidal-Quadras Roca, Vinci, Virrankoski, Volcic, Wachtmeister, Wallis, Walter, Watson, Watts, Weiler, Wenzel-Perillo, Whitehead, Wieland, Wiersma, von Wogau, Wuermeling, Wuori, Wurtz, Wynn, Zabell, Zacharakis, Zappalà, Zimeray, Zimmerling, Zissener, Zorba, Zrihen.

**Wednesday 8 October 2003**

Observers:

Balsai István, Bastys Mindaugas, Bekasovs Martijans, Beneš Miroslav, Brejc Mihael, Chrzanowski Zbigniew, Ciemniak Grażyna, Cilevičs Boriss, Didžiokas Gintaras, Ékes József, Falbr Richard, Fazakas Szabolcs, Fenech Antonio, Figel' Jan, Filipek Krzysztof, Gadzinowski Piotr, Gałażewski Andrzej, Gawłowski Andrzej, Germič Ljubo, Grzebisz-Nowicka Zofia, Gurmai Zita, Gyürk András, Hegyi Gyula, Holář Vilém, Horvat Franc, Jakič Roman, Kacin Jelko, Kamiński Michał Tomasz, Kāposts Andis, Kelemen András, Klich Bogdan, Klukowski Waław, Kósa Kovács Magda, Kowalska Bronisława, Kreitzberg Peeter, Kriščiūnas Kęstutis, Kroupa Daniel, Kuzmickas Kęstutis, Kvietkauskas Vytautas, Lachnit Petr, Lepper Andrzej, Libicki Marcin, Lisak Janusz, Litwiniec Bogusław, Lydeka Arminas, Łyżwiński Stanisław, Macierewicz Antoni, Maldeikis Eugenijus, Mallotová Helena, Maštálka Jiří, Matsakis Marios, Palečková Alena, Pasternak Agnieszka, Pieniążek Jerzy, Plokšto Artur, Podobnik Janez, Pospíšil Jiří, Protasiewicz Jacek, Pusz Sylwia, Rouček Libor, Rutkowski Krzysztof, Sefzig Luděk, Siekierski Czesław, Smorawiński Jerzy, Surján László, Szabó Zoltán, Szájer József, Szczygło Aleksander, Tomaka Jan, Vaculík Josef, Vadai Ágnes, Valys Antanas, Vareikis Egidijus, Vastagh Pál, Vēsaitē Birutē, Wenderlich Jerzy, Widuch Marek, Wiśniowska Genowefa, Żiak Rudolf.

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Thursday 9 October 2003

(2004/C 81 E/02)

**MINUTES****PROCEEDINGS OF THE SITTING**

IN THE CHAIR: Pat COX

*President***1. Opening of sitting**

The sitting opened at 09.15.

**2. Written declarations (Rule 51)**

In accordance with Rule 51(5), written declaration No 15/2003 lapsed as it had not obtained the required number of signatures.

**3. Middle East (statement followed by debate)**

Statements by the High Representative for Common Foreign and Security Policy, and by the Commission on the Middle East.

Javier Solana, (High Representative for CFSP), and Mario Monti (Member of the Commission) made statements.

The following spoke: Hans-Gert Poettering, on behalf of the PPE-DE Group, Enrique Barón Crespo, on behalf of the PSE Group, Joan Vallvé, on behalf of the ELDR Group, Luisa Morgantini, on behalf of the GUE/NGL Group, and Daniel Marc Cohn-Bendit, on behalf of the Verts/ALE Group.

IN THE CHAIR: Alonso José PUERTA

*Vice-President*

The following spoke: Bastiaan Belder, on behalf of the EDD Group, Gianfranco Dell'Alba, Non-attached Member, Gerardo Galeote Quecedo, Emilio Menéndez del Valle, Ole Andreasen, Roseline Vachetta, Luís Queiró, Ulla Margrethe Sandbæk, Bruno Gollnisch, Karl von Wogau, Richard Howitt, Alexandros Alavanos, Florence Kuntz, Dominique F.C. Souchet, Lennart Sacrédeus, Ioannis Souladakis, François Zimeray, Per Gahrton, Javier Solana, Mario Monti and Bruno Gollnisch.

The debate closed.

IN THE CHAIR: Gérard ONESTA

*Vice-President***4. Approval of Minutes of previous sitting**

Richard Howitt had informed the Presidency that he had been present but that his name was not on the attendance register.

The Minutes of the previous sitting were approved.



Thursday 9 October 2003

## 5. Membership of Parliament

Jorge Moreira da Silva had given notice in writing of his appointment as Secretary of State for Portugal.

Pursuant to Rule 8(4) of its Rules of Procedure, Parliament established this vacancy with effect from 6 October 2003 and informed the Member State concerned accordingly.

## 6. Membership of committees and delegations

At the request of the PPE-DE Group, Parliament ratified the following appointments:

- AFCO Committee: Cornelis Bremer;
- Joint Parliamentary Assembly of the Agreement concluded between the African, Caribbean and Pacific States and the European Union (ACP-EU): Maria Martens;
- Panayotis Demetriou was nominated observer to the AFET Committee;
- Eleni Theocharous was nominated observer to the LIBE Committee.

## 7. Request for defence of parliamentary immunity

Marco Pannella had written to the President on 1 October 2003 requesting that Parliament intercede with the competent Italian authorities in defence of his parliamentary immunity in criminal proceedings in Rome.

Pursuant to Rule 6(3), the request had been referred to the committee responsible, the JURI Committee.

## 8. Documents received

The following proposal for a recommendation (Rule 49) had been tabled:

- Sarah Ludford, on behalf of the ELDR Group, Anna Terrón i Cusí, on behalf of the PSE Group, Monica Frassoni, on behalf of the Verts/ALE Group, and Marianne Eriksson, on behalf of the GUE/NGL Group, on the Guantanamo detainees' right to a fair trial (B5-0426/2003).  
referred to responsible: AFET  
opinion: LIBE

## VOTING TIME

*Details of voting (amendments, separate and split votes, etc.) appear in Annex I to the Minutes.*

## 9. Speed limitation devices of motor vehicles \*\*\*I (Rule 110a) (vote)

Report on the proposal for a European Parliament and Council directive amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles [COM(2003) 350 — C5-0272/2003 — 2003/0122(COD)] — Committee on Regional Policy, Transport and Tourism.

Rapporteur: Paolo Costa (A5-0308/2003)

(Simple majority)

(Voting record: Annex I, Item 1)

## DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P5\_TA(2003)0419).

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**10. Regulation 2596/97 on drinking milk \* (Rule 110a) (vote)**

Report on the proposal for a Council regulation amending Regulation (EC) No 2596/97 extending the period provided for in Article 149(1) of the Act of Accession of Austria, Finland and Sweden [COM(2003) 0372 – C5-0324/2003 – 2003/0144(CNS)] – Committee on Agriculture and Rural Development.

Rapporteur: Joseph Daul (A5-0317/2003)

(Simple majority)

(Voting record: Annex I, Item 2)

DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P5\_TA(2003)0420).

**11. Accountancy data on agricultural holdings \* (Rule 110a) (vote)**

Report on the proposal for a Council regulation amending Regulation No 79/65/EEC of the Council setting up a network for the collection of accountancy data on the incomes and business operations of agricultural holdings in the European Economic Community [COM(2003) 472 – C5-0437/2003 – 2003/0183(CNS)] – Committee on Agriculture and Rural Development.

Rapporteur: Joseph Daul (A5-0318/2003)

(Simple majority)

(Voting record: Annex I, Item 3)

DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P5\_TA(2003)0421).

**12. Safety of third countries aircraft using Community airports \*\*\*II (Rule 110a) (vote)**

Recommendation for second reading on the Council common position for adopting a European Parliament and Council directive on the safety of third countries aircraft using Community airports [8478/1/2003 – C5-0278/2003 – 2002/0014(COD)] – Committee on Regional Policy, Transport and Tourism.

Rapporteur: Nelly Maes (A5-0301/2003)

(Qualified majority)

(Voting record: Annex I, Item 4)

COMMON POSITION OF THE COUNCIL and AMENDMENTS

Declared approved (P5\_TA(2003)0422).

*The following spoke:*

- Before the vote, the rapporteur made a statement pursuant to Rule 110a(4).

**13. Mobilisation of the EU Solidarity Fund (Rule 110a) (vote)**

Report on the proposals for decisions on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure [COM(2003) 431 – C5-0323/2003 – 2003/0166 (ACI), COM(2003) 529 – C5-0418/2003 – 2003/0206(ACI)] – Committee on Budgets.

Rapporteur: Joan Colom i Naval (A5-0315/2003)

(Qualified majority)

(Voting record: Annex I, Item 5)

MOTION FOR A RESOLUTION and PROPOSAL FOR A DECISION

Adopted by single vote (P5\_TA(2003)0423).

Thursday 9 October 2003

#### **14. Draft Amending Budget 5/2003 (Rule 110a) (vote)**

Report on the Draft Amending Budget 5/2003 of the European Union for the financial year 2003  
Section III, Commission [13014/2003 – C5-0449/2003 – 2003/2144(BUD), 2003/2181(BUD)] –  
Committee on Budgets.

Rapporteur: Göran Färm (A5-0316/2003)

(*Qualified majority*)

(*Voting record: Annex I, Item 6*)

MOTION FOR A RESOLUTION

Adopted by single vote (P5\_TA(2003)0424).

#### **15. Tunnel safety \*\*\*I (Rule 110a) (vote)**

Report on a proposal for a directive of the European Parliament and of the Council on minimum safety requirements for tunnels in the Trans-European Road Network [COM(2002) 769 – C5-0635/2002 – 2002/0309(COD)] – Committee on Regional Policy, Transport and Tourism.

Rapporteur: Reinhard Rack (A5-0311/2003)

(*Simple majority*)

(*Voting record: Annex I, Item 7*)

COMMISSION PROPOSAL, AMENDMENTS and DRAFT LEGISLATIVE RESOLUTION

Adopted by single vote (P5\_TA(2003)0425).

#### **16. Interinstitutional agreement on 'Better Law-Making' (Rule 110a) (vote)**

Report on the conclusion of the interinstitutional agreement on 'Better Law-Making' between the European Parliament, the Council and the Commission Draft interinstitutional agreement on better lawmaking [2003/2131(ACI)] – Committee on Constitutional Affairs.

Rapporteur: Monica Frassoni (A5-0313/2003)

(*Simple majority*)

(*Voting record: Annex I, Item 8*)

PROPOSAL FOR A DECISION

Adopted by single vote (P5\_TA(2003)0426).

#### **17. Simplifying and improving Community regulation (Rule 110a) (vote)**

Second report on the Commission communications on simplifying and improving Community regulation [COM(2001) 726 – C5-0108/2002 – 2002/2052(COS)] – Committee on Legal Affairs and the Internal Market.

Rapporteur: Manuel Medina Ortega (A5-0235/2003)

(*Simple majority*)

(*Voting record: Annex I, Item 9*)

MOTION FOR A RESOLUTION

The rapporteur, on behalf of the PSE Group, requested that the report be referred back to committee, pursuant to Rule 144(1).

Monica Frassoni spoke in relation to this request.

Parliament approved the request.

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**18. European space policy** (Rule 110a) (vote)

Report on the Green Paper on European space policy [2003/2092(INI)] – Committee on Industry, External Trade, Research and Energy.

Rapporteur: Guido Bodrato (A5-0294/2003)

(Simple majority)

(Voting record: Annex I, Item 10)

MOTION FOR A RESOLUTION

Adopted by single vote (P5\_TA(2003)0427).

**19. EC Merger Regulation \*** (vote)

Report on the proposal for a Council regulation on the control of concentrations between undertakings: 'The EC Merger Regulation' [COM(2002) 711 – C5-0005/2003 – 2002/0296(CNS)] – Committee on Economic and Monetary Affairs.

Rapporteur: Benedetto Della Vedova (A5-0257/2003)

(Simple majority)

(Voting record: Annex I, Item 11)

COMMISSION PROPOSAL

Approved as amended (P5\_TA(2003)0428).

DRAFT LEGISLATIVE RESOLUTION

Adopted (P5\_TA(2003)0428).

*The following spoke:*

– Ieke van den Burg after the vote on amendment 40, wished to table an oral amendment thereto.

The President did not authorise this as the result of the vote to amendment 40 had already taken place.

**20. Transmission of personal data by airlines in the case of transatlantic flights** (vote)

Motion for a resolution submitted by Johanna L.A. Boogerd-Quaak, on behalf of the LIBE Committee, on the transmission of personal data by airlines in the case of transatlantic flights: state of the negotiations with the USA (B5-0411/2003).

The debate had taken place on 23 September 2003 (Item 27).

(Simple majority)

(Voting record: Annex I, Item 12)

MOTION FOR A RESOLUTION

Adopted (P5\_TA(2003)0429).

**21. Difficulties encountered by European beekeeping** (vote)

Motion for a resolution submitted by Astrid Lulling and Dominique F.C. Souchet, on behalf of the AGRI Committee, on the difficulties faced by the European beekeeping sector (B5-0410/2003).

The debate had taken place on 25 September 2003 (Item 22).

(Simple majority)

(Voting record: Annex I, Item 13)

MOTION FOR A RESOLUTION

Adopted (P5\_TA(2003)0430).

Thursday 9 October 2003

## 22. Fisheries partnership agreements with third countries (vote)

Report on the Commission communication on an integrated framework for fisheries partnership agreements with third countries [COM(2002) 637 — C5-0070/2003 — 2003/2034(INI)] — Committee on Fisheries.

Rapporteur: Arlindo Cunha (A5-0303/2003)

(Simple majority)

(Voting record: Annex I, Item 14)

MOTION FOR A RESOLUTION

Adopted (P5\_TA(2003)0431).

*The following spoke:*

- Elspeth Attwooll had moved an oral amendment to amendment 3.

\*

\*   \*

(From 11.30 to 12.10, a formal sitting of Parliament was held, chaired by Pat Cox, on the occasion of the visit by Vaira Vike-Freiberga, President of the Republic of Latvia.)

\*

\*   \*

## 23. Explanations of vote

*Written explanations of vote:*

Explanations of vote submitted in writing under Rule 137(3) appear in the verbatim report of proceedings for this sitting.

*Oral explanations of vote:*

Report Joan Colom i Naval — A5-0315/2003: Sebastiano (Nello) Musumeci.

## 24. Corrections to votes

Voting corrections were submitted by the following Members:

Report: Paolo Costa — A5-0308/2003

- single vote

*for:* Marianne L.P. Thyssen, Rodi Kratsa-Tsagaropoulou, Gilles Savary, Arlene McCarthy and Christa Randzio-Plath

*against:* Daniel J. Hannan, Caroline F. Jackson, James Nicholson and Charles Tannock

Report: Bodrato — A5-0294/2003

- single vote

*for:* Hélène Flautre, Arlene McCarthy, Gilles Savary, Marianne L.P. Thyssen and Mark Francis Watts

*abstentions:* Caroline F. Jackson, Roy Perry and Philip Claey

Motion for a resolution B5-0411/2003

- resolution (as a whole)

*for:* Gianfranco Dell'Alba and Ilda Figueiredo

*against:* Charles Tannock

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Motion for a resolution B5-0410/2003

- amendment 3  
for: Danielle Darras, Gianfranco Dell'Alba, Philip Bushill-Matthews, Caroline F. Jackson and Olga Zrihen

Report: Cunha — A5-0303/2003

- paragraph 1  
for: Gianfranco Dell'Alba

\*  
\*   \*   \*

Christian Foldberg Rovsing declared that he had not participated to the vote on the Bodrato Report — A5-0294/2003 — because of a financial interest.

## END OF VOTING TIME

## 25. Referral to committees

The PETI Committee was asked for its opinion on:

- Follow up report on Directive 75/442/EEC on waste, (COM(2003) 250 — C5-0409/2003 — 2003/2124(INI))  
(Committee responsible: ENVI)
- Follow up report on Directive 96/61/EC concerning integrated pollution prevention and control (COM(2003) 354 — C5-0410/2003 — 2003/2125(INI))  
(Committee responsible: ENVI)
- Immigration, integration and employment (COM(2003) 336 — C5-0382/03 — 2003/2147(INI))  
(Committee responsible: EMPL)

The CULT Committee was asked for its opinion on:

- Council Directive amending Directive 77/388/EEC as regards reduced rates of value added tax (COM(2003) 397 — C5-0359/03 — 2003/0169(CNS))  
(Committee responsible: ECON)

## 26. Communication of common positions of the Council

The President announced, pursuant to Rule 74(1), that the following common positions had been received from the Council, together with the reasons which had led to their adoption, and the Commission's position on:

- a Regulation of the European Parliament and of the Council on drug precursors (C5-0462/2003 — 2002/0217(COD) — 9732/1/2003 — SEC(2003) 1073 — 11228/1/2003)  
referred to      responsible: LIBE  
asked for opinion at first reading: ENVI
- a Regulation of the European Parliament and of the Council laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (C5-0463/2003 — 2001/0252(COD) — 10949/2/2003 — SEC(2003) 1082 — 12155/1/2003)  
referred to      responsible: ENVI  
asked for opinion at first reading: AGRI, BUDG, CONT, ITRE, JURI

**Thursday 9 October 2003**

- a Directive of the European Parliament and of the Council amending Directive 2001/83/EC on the Community code relating to medicinal products for human use (C5-0464/2003 – 2001/0253(COD) – 10950/3/2003 – SEC(2003) 1082 – 12155/1/2003)  
referred to responsible: ENVI  
asked for opinion at first reading: AGRI, BUDG, CONT, ITRE, JURI
- a Directive of the European Parliament and of the Council amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products (C5-0465/2003 – 2001/0254(COD) – 10951/3/2003 – SEC(2003) 1082 – 12155/1/2003)  
referred to responsible: ENVI  
asked for opinion at first reading: AGRI, BUDG, CONT, ITRE, JURI

The three-month period available to Parliament to adopt its position would therefore begin the following day, 10 October 2003.

**27. Forwarding of texts adopted during the sitting**

Pursuant to Rule 148(2), the Minutes of that day's sitting would be submitted to Parliament for its approval at the beginning of the next sitting.

With Parliament's agreement, the texts that had been adopted would be forwarded forthwith to the bodies named therein.

**28. Dates for next sittings**

The next sittings would be held from 20 to 23 October 2003.

Rainer Wieland, referring to the statement he made on 23 September 2003 in Strasbourg (*Item 20 of that day's Minutes*), raised the question of access to Parliament's buildings, particularly in the event of demonstrations, and requested that the matter be referred to the Bureau (the President answered that he would forward this request to the quaestors and to the President of Parliament).

**29. Adjournment of session**

The session of the European Parliament was adjourned.

The sitting closed at 12.15.

Julian Priestley  
*Secretary-General*

Pat Cox  
*President*

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Thursday 9 October 2003

## ATTENDANCE REGISTER

The following signed:

Aaltonen, Abitbol, Adam, Ainardi, Alavanos, Almeida Garrett, Alyssandrakis, Andersen, Andersson, Andreasen, André-Léonard, Andrews, Andria, Angelilli, Aparicio Sánchez, Attwooll, Auroi, Averoff, Avilés Perea, Ayuso González, Bakopoulos, Balfe, Baltas, Banotti, Barón Crespo, Bartolozzi, Bastos, Bayona de Perogordo, Bébéar, Belder, Berenguer Fuster, Berès, van den Berg, Bergaz Conesa, Berger, Berlato, Bernié, Berthu, Bertinotti, Beysen, Blak, Blokland, Bodrato, Böge, Bösch, von Boetticher, Bonde, Boogerd-Quaak, Booth, Bordes, van den Bos, Boselli, Boudjenah, Boumediene-Thiery, Bourlanges, Bouwman, Bowis, Bradbourn, Bremmer, Breyer, Brie, Buitenweg, Bullmann, van den Burg, Bushill-Matthews, Busk, Butel, Callanan, Calò, Camisón Asensio, Camre, Carlotti, Carnero González, Carraro, Carrilho, Casaca, Cashman, Caudron, Caullery, Cauquil, Cederschiöld, Celli, Cercas, Cerdeira Morterero, Ceyhun, Chichester, Claeys, Clegg, Cocilovo, Coelho, Cohn-Bendit, Colom i Naval, Corbett, Corbey, Cornillet, Corrie, Cossutta, Paolo Costa, Raffaele Costa, Coûteaux, Cox, Crowley, Cushnahan, van Dam, Darras, Daul, Davies, Decourrière, De Keyser, Dell'Alba, Della Vedova, De Mita, Deprez, De Sarnez, Descamps, Désir, Deva, De Veyrac, Dhaene, Díez González, Di Lello Finuoli, Dillen, Dimitrakopoulos, Di Pietro, Doorn, Dover, Doyle, Dührkop Dührkop, Duff, Duhamel, Duin, Dupuis, Dybkjær, Echerer, El Khadraoui, Elles, Eriksson, Esclopé, Ettl, Robert J.E. Evans, Färm, Fatuzzo, Fava, Ferber, Fernández Martín, Ferrández Lezaun, Ferrer, Ferri, Fiebigler, Figueiredo, Fiori, Fitzsimons, Flautre, Flemming, Flesch, Florenz, Folias, Formentini, Fourtou, Frahm, Fraisse, Frassoni, Friedrich, Fruteau, Gahler, Gahrton, Galeote Quecedo, Garaud, García-Orcoyen Tormo, Garot, Garriga Polledo, Gasòliba i Böhm, de Gaulle, Gawronski, Gebhardt, Gemelli, Ghilardotti, Gill, Gillig, Gil-Robles Gil-Delgado, Glante, Glase, Goebbels, Goepel, Görlach, Gollnisch, Gomolka, Goodwill, Gorostiaga Atxalandabaso, Graça Moura, Gröner, Grönfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Guy-Quint, Hänsch, Hager, Hannan, Hansenne, Harbour, Hatzidakis, Haug, Hazan, Hedkvist Petersen, Helmer, Hermange, Hernández Mollar, Herranz García, Herzog, Hieronymi, Hortefeux, Howitt, Hudghton, Hughes, Huhne, van Hulten, Hume, Hyland, Iivari, Ilgenfritz, Inglewood, Isler Béguin, Izquierdo Collado, Izquierdo Rojo, Jackson, Jarzembowski, Jeggel, Jensen, Jöns, Jonckheer, Jové Peres, Junker, Karamanou, Karas, Karlsson, Katiforis, Kauppi, Keppelhoff-Wiechert, Keßler, Khanbhai, Kindermann, Glenys Kinnock, Kirkhope, Klamt, Klauf, Knolle, Koch, Konrad, Korhola, Koukiadis, Koulourianos, Krarup, Kratsa-Tsagaropoulou, Krehl, Kreissl-Dörfler, Krivine, Kronberger, Kuhne, Kuntz, Lage, Lagendijk, Laguiller, Lalumière, Lamassoure, Lambert, Lang, Lange, Langen, Langenhagen, Lannoye, de La Perrière, Laschet, Lavarra, Lechner, Lehne, Leinen, Liese, Linkohr, Lisi, Lombardo, Lucas, Ludford, Lulling, Lund, Lynne, Maat, Maaten, McAvan, McCarthy, McCartin, MacCormick, McKenna, McMillan-Scott, McNally, Maes, Malliori, Malmström, Manisco, Erika Mann, Thomas Mann, Marchiani, Marinho, Marini, Marinos, Markov, Marques, Marsset Campos, Martens, David W. Martin, Hans-Peter Martin, Hugues Martin, Martinez, Martínez Martínez, Mastorakis, Mathieu, Matikainen-Kallström, Mauro, Hans-Peter Mayer, Xaver Mayer, Medina Ortega, Meijer, Menéndez del Valle, Mennea, Mennitti, Messner, Miguélez Ramos, Miller, Miranda de Lage, Modrow, Mombaur, Monsonís Domingo, Montfort, Moraes, Morgantini, Morillon, Emilia Franziska Müller, Mulder, Murphy, Muscardini, Musotto, Musumeci, Myller, Napoletano, Naranjo Escobar, Nassauer, Newton Dunn, Nicholson, Niebler, Nisticò, Nobilia, Nogueira Román, Nordmann, Obiols i Germà, Ó Neachtain, Onesta, Oomen-Ruijten, Oreja Arburúa, Ortuondo Larrea, O'Toole, Paasilinna, Pacheco Pereira, Paciotti, Pack, Pastorelli, Patakis, Paulsen, Pérez Álvarez, Pérez Royo, Perry, Pesälä, Pex, Piecyk, Piétrasanta, Pirker, Piscarreta, Pisicchio, Pittella, Plooi-j-van Gorsel, Podestà, Poettering, Pohjamo, Poignant, Poli Bortone, Pomés Ruiz, Poos, Posselt, Prets, Procacci, Pronk, Provan, Puerta, Purvis, Queiró, Rack, Radwan, Randzio-Plath, Rapkay, Raschhofer, Raymond, Redondo Jiménez, Ribeiro e Castro, Ries, Riis-Jørgensen, Ripoll y Martínez de Bedoya, Rocard, Rod, Rodríguez Ramos, de Roo, Roth-Behrendt, Rothe, Roure, Rovsing, Rübig, Rühle, Ruffolo, Sacconi, Sacrédeus, Saint-Josse, Salafranca Sánchez-Neyra, Sandberg-Fries, Sandbæk, Sanders-ten Holte, Santini, dos Santos, Sauquillo Pérez del Arco, Savary, Sbarbati, Scallon, Scapagnini, Scarbonchi, Schaffner, Scheele, Schleicher, Herman Schmid, Olle Schmidt, Schmitt, Schnellhardt, Schörling, Jürgen Schröder, Schroedter, Schulz, Schwaiger, Segni, Seppänen, Simpson, Sjöstedt, Skinner, Smet, Sörensen, Sommer, Sornosa Martínez, Souchet, Souladakis, Sousa Pinto, Staes, Stauner, Stenmarck, Stenzel, Sterckx, Stevenson, Stihler, Stirbois, Stockton, Sturdy, Sudre, Suominen, Swiebel, Swoboda, Sørensen, Tannock, Terrón i Cusí, Theato, Theorin, Thomas-Mauro, Thorning-Schmidt, Thors, Thyssen, Titley, Torres Marques, Trakatellis, Tsatsos, Turchi, Turco, Turmes, Vachetta, Väyrynen, Vairinhos, Valenciano Martínez-Orozco, Vallvé, Van Hecke, Van Lancker, Varela Suanzes-Carpegna, Vatanen, Vattimo, de Veyrinas, Vidal-Quadras Roca, Vinci, Virrankoski, Vlasto, Voggenhuber, Volcic, Wachtmeister, Wallis, Walter, Watson, Watts, Weiler, Wenzel-Perillo, Whitehead, Wieland, Wiersma, von Wogau, Wuermeling, Wuori, Wurtz, Wyn, Wynn, Xarchakos, Zabell, Zacharakis, Zappalà, Zimeray, Zimmerling, Zissener, Zorba, Zrihen.



**Thursday 9 October 2003**

Observers:

Bagó Zoltán, Balla Mihály, Bastys Mindaugas, Beneš Miroslav, Brejc Mihael, Chronowski Andrzej, Chrzanowski Zbigniew, Ciemniak Grażyna, Cilevičs Boriss, Didžiokas Gintaras, Ékes József, Falbr Richard, Fazakas Szabolcs, Fenech Antonio, Filipek Krzysztof, Gadzinowski Piotr, Gawłowski Andrzej, Germič Ljubo, Grzebisz-Nowicka Zofia, Gurmai Zita, Gyürk András, Hegyi Gyula, Holář Vilém, Ilves Toomas Hendrik, Kacin Jelko, Kamiński Michał Tomasz, Kāposts Andis, Kelemen András, Klich Bogdan, Kłopotek Eugeniusz, Klukowski Wacław, Kowalska Bronisława, Kreitzberg Peeter, Kriščiūnas Kęstutis, Kroupa Daniel, Kuzmickas Kęstutis, Kvietkauskas Vytautas, Lachnit Petr, Landsbergis Vytautas, Lepper Andrzej, Libicki Marcin, Lisak Janusz, Lydeka Arminas, Łyżwiński Stanisław, Macierewicz Antoni, Maldeikis Eugenijus, Mallotová Helena, Matsakis Marios, Őry Csaba, Palečková Alena, Pasternak Agnieszka, Peterle Alojz, Pieniążek Jerzy, Plokšto Artur, Podgórski Bogdan, Podobnik Janez, Pospíšil Jiří, Protasiewicz Jacek, Pusz Sylwia, Rouček Libor, Sefzig Luděk, Siekierski Czesław, Smorawiński Jerzy, Szabó Zoltán, Szájer József, Szczygło Aleksander, Tomaka Jan, Vaculík Josef, Valys Antanas, Vareikis Egidijus, Vastagh Pál, Vèsaitė Birutė, Wenderlich Jerzy, Widuch Marek, Wiśniowska Genowefa, Žiak Rudolf.

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Thursday 9 October 2003

## ANNEX I

## RESULTS OF VOTES

## Abbreviations and symbols

+	adopted
-	rejected
↓	lapsed
W	withdrawn
RCV (... , ... , ...)	roll-call vote (for, against, abstentions)
EV (... , ... , ...)	electronic vote (for, against, abstentions)
split	split vote
sep	separate vote
am	amendment
CA	compromise amendment
CP	corresponding part
D	deleting amendment
=	identical amendments
§	paragraph
art	article
rec	recital
MOT	motion for a resolution
JT MOT	joint motion for a resolution
SEC	secret ballot

**1. Speed limitation devices of motor vehicles \*\*\*I***Report: COSTA (A5-0308/2003)*

Subject	RCV, etc.	Vote	RCV/EV – remarks
<b>single vote</b>	RCV	+	380, 23, 12

*Requests for roll-call votes*

PPE-DE: final vote

**2. Regulation (EC) No 2596/97 on drinking milk \****Report: DAUL (A5-0317/2003)*

Subject	RCV, etc.	Vote	RCV/EV – remarks
<b>single vote</b>		+	

Thursday 9 October 2003

### 3. Accountancy data on agricultural holdings \*

Report: DAUL (A5-0318/2003)

Subject	RCV, etc.	Vote	RCV/EV — remarks
<b>single vote</b>		+	

### 4. Safety of third countries aircraft using Community airports \*\*\*II

Recommendation for second reading: MAES (A5-0301/2003)

Subject	RCV, etc.	Vote	RCV/EV — remarks
<b>single vote</b>		+	<b>qualified majority</b>

### 5. Mobilisation of the EU Solidarity Fund

Report: COLOM i NAVAL (A5-0315/2003)

Subject	RCV, etc.	Vote	RCV/EV — remarks
<b>single vote</b>		+	<b>qualified majority</b>

### 6. Amending Budget 5/2003

Report: FÄRM (A5-0316/2003)

Subject	RCV, etc.	Vote	RCV/EV — remarks
<b>single vote</b>		+	<b>qualified majority</b>

### 7. Tunnel safety \*\*\*I

Report: RACK (A5-0311/2003)

Subject	RCV, etc.	Vote	RCV/EV — remarks
<b>single vote</b>		+	

Thursday 9 October 2003

## 8. Interinstitutional agreement on 'Better Law-Making'

Report: FRASSONI (A5-0313/2003)

Subject	RCV, etc.	Vote	RCV/EV – remarks
<b>single vote</b>		+	

## 9. Simplifying and improving Community regulation

Report: MEDINA ORTEGA (A5-0235/2003)

Subject	RCV, etc.	Vote	RCV/EV – remarks
<b>single vote</b>		referred back to committee	<b>Rule 144(1)</b>

## 10. European space policy

Report: BODRATO (A5-0294/2003)

Subject	RCV, etc.	Vote	RCV/EV – remarks
<b>single vote</b>	RCV	+	394, 41, 54

Requests for roll-call votes

PPE-DE: final vote

## 11. EC Merger Regulation \*

Report: DELLA VEDOVA (A5-0257/2003)

Subject	Amendment No	Author	RCV, etc.	Vote	RCV/EV – remarks
<b>amendments by committee responsible – block vote</b>	1-21 23-34	<b>committee</b>		+	
art 2, § 1	37	PSE	EV	-	221, 256, 5
art 8, § 2	38	PSE		-	
art 10, § 3	39	PSE		-	
	22	<b>committee</b>		+	
art 11, § 6	40	PSE		-	
art 18, § 4	41	PSE		-	
after rec 20	42	ELDR		+	
rec 33	35	PSE		-	
rec 42	36	PSE		-	
<b>vote: amended proposal</b>				+	
<b>vote: legislative resolution</b>				+	

Thursday 9 October 2003

## 12. Transmission of personal data by airlines in the case of transatlantic flights

*Motion for a resolution: B5-0411/2003*

Subject	Amendment No	Author	RCV, etc.	Vote	RCV/EV – remarks
<b><i>motion for a resolution B5-0411/2003</i></b> <b><i>(LIBE Committee)</i></b>					
§ 2		<b><i>original text</i></b>	split		
			1	+	
			2	+	
§ 9		<b><i>original text</i></b>	sep	+	
<b><i>vote: resolution (as a whole)</i></b>			RCV	+	445, 31, 21

*Requests for roll-call votes*

PPE-DE: final vote  
Verts/ALE: final vote

*Requests for separate vote*

PSE: § 9

*Requests for split votes*

HEATON-HARRIS and others  
§ 2  
1st part: up to 'Article 11 thereof'  
2nd part: remainder

## 13. Difficulties encountered by European beekeeping

*Motion for a resolution: B5-0410/2003*

Subject	Amendment No	Author	RCV, etc.	Vote	RCV/EV – remarks
<b><i>motion for a resolution B5-0410/2003</i></b> <b><i>(AGRI Committee)</i></b>					
after § 11	3	GUE/NGL	RCV	+	371, 72, 54
rec E	2	GUE/NGL		-	
after rec I	1/rev	PPE-DE + PSE + Souchet		+	
<b><i>vote: resolution (as a whole)</i></b>				+	

*Requests for roll-call votes*

GUE/NGL: am 3

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## 14. Fisheries partnership agreements with third countries

Report: CUNHA (A5-0303/2003)

Subject	Amendment No	Author	RCV, etc.	Vote	RCV/EV – remarks
§ 1		<i>original text</i>	RCV	+	423, 65, 12
after § 4	2	ELDR	EV	+	277, 202, 7
§ 5		<i>original text</i>	split		
			1	+	
			2	+	
§ 7	1	ELDR		-	
	§	<i>original text</i>	sep	+	
§ 8	5	PSE		+	
	§	<i>original text</i>	sep	↓	
§ 11	3	ELDR	EV	+	257, 207, 38 <i>amended orally</i>
	§	<i>original text</i>	sep	↓	
§ 12		<i>original text</i>	sep	+	
§ 19		<i>original text</i>	sep	+	
rec A		<i>original text</i>	sep	+	
rec B		<i>original text</i>	sep	+	
rec H		<i>original text</i>	split		
			1	+	
			2/RCV	+	368, 79, 52
rec K	4	ELDR		+	
	§	<i>original text</i>		↓	
rec M		<i>original text</i>	sep	+	
<b>vote: resolution (as a whole)</b>				+	

Requests for roll-call votes

EDD: § 1, rec H [2nd part], rec K [2nd part]

Requests for separate vote

ELDR: § 19

Verts/ALE: recs A, B, M, §§ 1, 7, 8, 11, 12

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*Requests for split votes*

Verts/ALE, EDD

rec H

*1st part:* up to 'third countries'

*2nd part:* remainder

Verts/ALE

§ 5

*1st part:* text without the word 'preferably'

*2nd part:* that word

*Other information*

On behalf of the ELDR Group, Mrs Attwooll moved an oral amendment to amendment 3, to read as follows:

11. Calls on the Commission to draw up a sound financial chapter concerning the financing of the fisheries agreements which should take into consideration the possible budgetary consequences of **any** increase of the number of agreements in the near future and the **equitable** sharing of cost between the Community and the vessel owners in payment for the fishing rights, regardless of the third country with which the agreement has been concluded, bearing in mind that the EU contribution should be considered as a contribution to a commercial agreement and as development aid;

The President established that there was no objection to the oral amendment which was adopted.

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## ANNEX II

## RESULT OF ROLL-CALL VOTES

## 1. Costa report A5-0308/2003

## Resolution

For: 380

**EDD:** Belder, Bernié, Blokland, Bonde, Butel, van Dam, Esclopé, Sandbæk

**ELDR:** Andreassen, André-Léonard, Attwooll, Boogerd-Quaak, Busk, Calò, Clegg, Costa Paolo, De Clercq, Di Pietro, Duff, Dybkjær, Flesch, Formentini, Gasòliba i Böhm, Huhne, Jensen, Lynne, Maaten, Malmström, Manders, Monsonís Domingo, Mulder, Newton Dunn, Nordmann, Pesälä, Plooi-j-van Gorsel, Pohjamo, Procacci, Ries, Sanders-ten Holte, Sbarbati, Schmidt, Sterckx, Sørensen, Väyrynen, Vallvé, Van Hecke, Virrankoski, Wallis

**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulos, Bergaz Conesa, Blak, Bordes, Boudjenah, Caudron, Cauquil, Cossutta, Eriksson, Fiebigier, Figueiredo, Frahm, Herzog, Jové Peres, Koulourianos, Krivine, Laguiller, Manisco, Markov, Marset Campos, Meijer, Modrow, Patakis, Puerta, Schmid Herman, Seppänen, Sjöstedt, Vachetta, Wurtz

**NI:** Berthu, Beysen, Cappato, Garaud, Hager, Ilgenfritz, Kronberger, de La Perriere, Mennea, Souchet, Turco

**PPE-DE:** Almeida Garrett, Andria, Averoff, Avilés Perea, Bastos, Bayona de Perogordo, Bodrato, Böge, von Boetticher, Camisón Asensio, Cocilovo, Coelho, Cornillet, Daul, Decourrière, Deprez, De Sarnez, Descamps, De Veyrac, Dimitrakopoulos, Doorn, Doyle, Fatuzzo, Fernández Martín, Ferrer, Fiori, Florenz, Folias, Fourtou, Friedrich, Gahler, Galeote Quecedo, García-Orcóyen Tormo, Gargani, Garriga Polledo, Gawronski, Gemelli, Glase, Goepel, Gomolka, Goodwill, Grossetête, Gutiérrez-Cortines, Hannan, Hansenne, Hermange, Hernández Mollar, Herranz García, Hieronymi, Hortefeux, Inglewood, Jackson, Jarzembowski, Karas, Kauppi, Keppelhoff-Wiechert, Klamt, Klauf, Koch, Konrad, Korhola, Langen, Lechner, Lehne, Liese, Lisi, Lombardo, Lulling, Maat, McCartin, Marinos, Martin Hugues, Mastella, Matikainen-Kallström, Mauro, Mayer Xaver, Méndez de Vigo, Mennitti, Mombaur, Morillon, Müller Emilia Franziska, Musotto, Naranjo Escobar, Nassauer, Nicholson, Ojeda Sanz, Oomen-Ruijten, Oostlander, Oreja Arburúa, Pack, Pastorelli, Pérez Álvarez, Pex, Pirker, Piscarreta, Pisicchio, Podestà, Poettering, Pomés Ruiz, Pronk, Quisthoudt-Rowohl, Rack, Radwan, Ripoll y Martínez de Bedoya, Rovsing, Sacrédeus, Salafranca Sánchez-Neyra, Schaffner, Schleicher, Schmitt, Schnellhardt, Schröder Jürgen, Schwaiger, Smet, Sommer, Stockton, Sturdy, Suominen, Tajani, Tannock, Theato, Trakatellis, Valdivielso de Cué, Varela Suanzes-Carpegna, de Veyrinas, Vidal-Quadras Roca, Vlasto, Wenzel-Perillo, von Wogau, Wuermeling, Xarchakos, Zabell, Zacharakis, Zappalà, Zimmerling

**PSE:** Adam, Andersson, Aparicio Sánchez, Baltas, Berenguer Fuster, van den Berg, Berger, Bösch, Bullmann, van den Burg, Carlotti, Carnero González, Carraro, Cashman, Cercas, Ceyhun, Colom i Naval, Corbett, Corbey, De Keyser, Désir, Díez González, Dührkop, Duhamel, Guin, El Khadraoui, Ettl, Färm, Fava, Fruteau, Ghilardotti, Gill, Gillig, Glante, Goebbels, Görlach, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Howitt, Hughes, van Hulten, Hume, Iivari, Izquierdo Collado, Izquierdo Rojo, Jöns, Karlsson, Katiforis, Keßler, Kindermann, Kinnock, Koukiadis, Krehl, Kreissl-Dörfler, Kuhne, Lage, Lavarra, Lund, McAvan, McNally, Malliori, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Miller, Miranda de Lage, Moraes, Murphy, Myller, Napoletano, Obiols i Germà, O'Toole, Paasilinna, Paciotti, Piecyk, Poignant, Rapkay, Rocard, Roth-Behrendt, Rothley, Roure, Ruffolo, Sacconi, dos Santos, Sauquillo Pérez del Arco, Schmid Gerhard, Simpson, Skinner, Sornosa Martínez, Souladakis, Sousa Pinto, Stihler, Theorin, Thorning-Schmidt, Titley, Torres Marques, Vairinhos, Valenciano Martínez-Orozco, Van Lancker, Walter, Weiler, Whitehead, Wynn, Zorba, Zrihen

**UEN:** Andrews, Camre, Hyland, Marchiani, Muscardini, Nobilia, Poli Bortone, Queiró, Ribeiro e Castro, Turchi

**Verts/ALE:** Aaltonen, Auroi, Boumediene-Thiery, Bouwman, Buitenweg, Celli, Cohn-Bendit, Dhaene, Echerer, Ferrández Lezaun, Frassoni, Gahrton, Hudghton, Jonckheer, Lagendijk, Lambert, Lipietz, McCormick, McKenna, Nogueira Román, Onesta, Ortuondo Larrea, Piétrasanta, Rod, de Roo, Schörling, Sörensen, Staes, Turmes, Voggenhuber, Wynn



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**Against: 23**

**EDD:** Farage

**PPE-DE:** Arvidsson, Bowis, Bradbourn, Bushill-Matthews, Callanan, Cederschiöld, Chichester, Corrie, Deva, Dover, Grönfeldt Bergman, Harbour, Helmer, Khanbhai, Kirkhope, McMillan-Scott, Perry, Provan, Purvis, Stenmarck, Stevenson, Wachtmeister

**Abstention: 12**

**EDD:** Abitbol

**NI:** Claeys, Dillen, de Gaulle, Gollnisch, Gorostiaga Atxalandabaso, Lang, Stirbois

**PPE-DE:** Kratsa-Tsagaropoulou, Langenhagen, Posselt, Rübig

**2. Bodrato report A5-0294/2003**

**Resolution**

**For: 394**

**EDD:** Bernié, Butel, Esclopé, Mathieu, Raymond

**ELDR:** Andreassen, André-Léonard, Attwooll, Boogerd-Quaak, van den Bos, Busk, Clegg, Costa Paolo, De Clercq, Di Pietro, Duff, Dybkjær, Flesch, Formentini, Gasòliba i Böhm, Huhne, Jensen, Ludford, Lynne, Maaten, Malmström, Manders, Monsonís Domingo, Mulder, Newton Dunn, Nordmann, Olsson, Paulsen, Pesälä, Plooi-jan Gorsel, Pohjamo, Procacci, Ries, Riis-Jørgensen, Sanders-ten Holte, Sbarbati, Schmidt, Sterckx, Sørensen, Väyrynen, Vallvé, Van Hecke, Virrankoski, Wallis, Watson

**GUE/NGL:** Ainardi, Caudron, Cossutta, Fraisse, Herzog

**NI:** Beysen, Garaud, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger, de La Perriere, Mennea, Souchet

**PPE-DE:** Almeida Garrett, Andria, Arvidsson, Averoff, Avilés Perea, Ayuso González, Bartolozzi, Bastos, Bayona de Perogordo, Bébér, Bodrato, Böge, von Boetticher, Bourlanges, Camisón Asensio, Cederschiöld, Chichester, Cocilovo, Coelho, Cornillet, Costa Raffaele, Daul, Decourrière, De Mita, Deprez, De Sarnez, Descamps, De Veyrac, Dimitrakopoulos, Doorn, Doyle, Fatuzzo, Ferber, Fernández Martín, Ferrer, Fiori, Flemming, Florenz, Folias, Fourtou, Friedrich, Gahler, Galeote Quecedo, Gargani, Garriga Polledo, Gawronski, Gemelli, Gil-Robles Gil-Delgado, Glase, Goepel, Gomolka, Goodwill, Grönfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Hansenne, Hatzidakis, Hermange, Hernández Mollar, Hieronymi, Hortefeux, Inglewood, Jackson, Jarzembowski, Jeggle, Karas, Kauppi, Keppelhoff-Wiechert, Klamt, Klauf, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Lamassoure, Langen, Langenhagen, Lechner, Lehne, Liese, Lisi, Lombardo, Lulling, Maat, McCartin, Mann Thomas, Marini, Marinos, Martens, Martin Hugues, Mastella, Matikainen-Kallström, Mauro, Mayer Hans-Peter, Mayer Xaver, Méndez de Vigo, Mennitti, Mombaur, Morillon, Müller Emilia Franziska, Musotto, Naranjo Escobar, Nassauer, Niebler, Ojeda Sanz, Oomen-Ruijten, Oostlander, Oreja Arburúa, Pack, Pastorelli, Pérez Álvarez, Pex, Pirker, Piscarreta, Pisicchio, Podestà, Poettering, Pomés Ruiz, Posselt, Pronk, Quisthoudt-Rowohl, Rack, Radwan, Ripoll y Martínez de Bedoya, Rübig, Salafranca Sánchez-Neyra, Santini, Schaffner, Schleicher, Schmitt, Schnellhardt, Schröder Jürgen, Schwaiger, Smet, Sommer, Stenmarck, Sudre, Suominen, Tajani, Theato, Trakatellis, Valdivielso de Cué, Varela Suanzes-Carpegna, Vatanen, de Veyrinas, Vidal-Quadras Roca, Vlasto, Wachtmeister, Wenzel-Perillo, Wieland, von Wogau, Wuermeling, Xarchakos, Zabell, Zacharakis, Zappalà, Zimmerling, Zissener

**PSE:** Adam, Andersson, Aparicio Sánchez, Baltas, Berenguer Fuster, van den Berg, Berger, Bösch, Bullmann, van den Burg, Carlotti, Carnero González, Carraro, Carrilho, Cashman, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Corbey, De Keyser, Désir, Díez González, Dührkop Dührkop, Duhamel, Duin, El Khadraoui, Ettl, Evans Robert J.E., Färm, Fava, Fruteau, Garot, Gebhardt, Ghilardotti, Gill, Gillig, Glante, Goebbels, Görlach, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Howitt, Hughes, van Hulten, Hume, Ivari, Izquierdo Collado, Izquierdo Rojo, Jöns, Junker, Karamanou, Karlsson, Katiforis, Keßler, Kindermann, Kinnock, Koukiadis, Krehl, Kreissl-Dörfler, Kuhne, Lage, Lalumière, Lange, Lavarra, Leinen, Linkohr, Lund, McAvan, McNally, Malliori, Marinho, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Miller, Miranda de Lage, Moraes, Murphy, Myller, Napoletano, Obiols i Germà, O'Toole, Paasilinna, Paciotti, Piecyk, Pittella, Poignant, Prets, Randzio-Plath, Rapkay, Rocard, Rodríguez Ramos, Roth-Behrendt, Rothe,

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Rothley, Roure, Ruffolo, Sacconi, dos Santos, Sauquillo Pérez del Arco, Savary, Scheele, Schmid Gerhard, Simpson, Skinner, Sornosa Martínez, Souladakis, Sousa Pinto, Stihler, Swiebel, Terrón i Cusí, Theorin, Thorning-Schmidt, Titley, Torres Marques, Vairinhos, Valenciano Martínez-Orozco, Van Lancker, Vattimo, Walter, Weiler, Whitehead, Wiersma, Wynn, Zimeray, Zorba, Zrihen

**UEN:** Andrews, Camre, Hyland, Muscardini, Musumeci, Nobilia, Ó Neachtain, Poli Bortone, Queiró, Ribeiro e Castro, Turchi

**Verts/ALE:** Aaltonen, Boumediene-Thiery, Bouwman, Buitenweg, Celli, Cohn-Bendit, Dhaene, Echerer, Ferrández Lezaun, Frassoni, Hudghton, Jonckheer, Lagendijk, Lipietz, MacCormick, Messner, Onesta, Ortuondo Larrea, Piétrasanta, Rod, de Roo, Rühle, Sörensen

#### **Against: 41**

**EDD:** Andersen, Belder, Blokland, Bonde, van Dam, Farage, Sandbæk

**GUE/NGL:** Alavanos, Alyssandrakis, Blak, Bordes, Cauquil, Eriksson, Figueiredo, Frahm, Korakas, Laguiller, Manisco, Meijer, Patakis, Schmid Herman, Seppänen, Sjöstedt, Vinci

**NI:** Claeys

**PPE-DE:** Perry, Sacrédeus

**Verts/ALE:** Flautre, Gahrton, Lambert, Lannoye, Lucas, McKenna, Nogueira Román, Schörling, Schroedter, Staes, Turmes, Voggenhuber, Wuori, Wyn

#### **Abstention: 54**

**EDD:** Abitbol, Kuntz

**GUE/NGL:** Bakopoulos, Bergaz Conesa, Boudjenah, Di Lello Finuoli, Fiebiger, Jové Peres, Koulourianos, Krivine, Markov, Marset Campos, Modrow, Morgantini, Puerta, Vachetta, Wurtz

**NI:** Berthu, Cappato, Dillen, Dupuis, de Gaulle, Gollnisch, Lang, Martinez, Stirbois, Turco

**PPE-DE:** Balfe, Bowis, Bradbourn, Bushill-Matthews, Callanan, Corrie, Deva, Dover, Elles, Hannan, Harbour, Helmer, Khanbhai, Kirkhope, McMillan-Scott, Nicholson, Provan, Purvis, Scallon, Stevenson, Stockton, Sturdy, Tannock

**UEN:** Caullery, Marchiani, Thomas-Mauro

**Verts/ALE:** Auroi

### **3. B5-0411/2003 — Transmission of personal data by airlines in the case of transatlantic flights**

#### **Resolution**

#### **For: 445**

**EDD:** Andersen, Bernié, Bonde, Butel, Esclopé, Mathieu, Raymond, Saint-Josse, Sandbæk

**ELDR:** Andreasen, André-Léonard, Attwooll, Boogerd-Quaak, van den Bos, Busk, Calò, Clegg, Costa Paolo, De Clercq, Di Pietro, Duff, Dybkjær, Flesch, Formentini, Gasöliba i Böhm, Huhne, Jensen, Ludford, Lynne, Maaten, Malmström, Manders, Mulder, Newton Dunn, Nordmann, Olsson, Paulsen, Pesälä, Plooi-j-van Gorsel, Pohjamo, Procacci, Ries, Riis-Jørgensen, Sanders-ten Holte, Sbarbati, Schmidt, Sterckx, Sørensen, Väyrynen, Vallvé, Van Hecke, Virrankoski, Wallis, Watson

**GUE/NGL:** Ainardi, Bakopoulos, Bergaz Conesa, Blak, Bordes, Boudjenah, Caudron, Cauquil, Cossutta, Di Lello Finuoli, Eriksson, Fiebiger, Frahm, Fraisse, Herzog, Jové Peres, Koulourianos, Krivine, Laguiller, Manisco, Markov, Marset Campos, Meijer, Modrow, Morgantini, Puerta, Schmid Herman, Seppänen, Sjöstedt, Vachetta, Vinci

**NI:** Beysen, Cappato, Della Vedova, Dupuis, Hager, Ilgenfritz, Kronberger, Mennea, Turco

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**PPE-DE:** Almeida Garrett, Andria, Arvidsson, Averoff, Avilés Perea, Ayuso González, Bartolozzi, Bastos, Bayona de Perogordo, Bébéar, Bodrato, Böge, von Boetticher, Bourlanges, Camisón Asensio, Cederschiöld, Cocilovo, Coelho, Cornillet, Costa Raffaele, Daul, Decourrière, De Mita, Deprez, De Sarnez, Descamps, De Veyrac, Dimitrakopoulos, Doorn, Doyle, Fatuzzo, Ferber, Fernández Martín, Ferrer, Fiori, Flemming, Florenz, Folias, Fournou, Friedrich, Gahler, Galeote Quecedo, García-Orcyoyen Tormo, Gargani, Garriga Polledo, Gawronski, Gemelli, Gil-Robles Gil-Delgado, Glase, Goepel, Gomolka, Grönfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Hansenne, Hatzidakis, Hermange, Hernández Mollar, Herranz García, Hieronymi, Hortefeux, Jarzembowski, Jeggel, Karas, Kauppi, Keppelhoff-Wiechert, Klamt, Klauf, Knolle, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Lamassoure, Langen, Langenhagen, Lechner, Lehne, Liese, Lisi, Lombardo, Lulling, Maat, McCartin, Mann Thomas, Marini, Marinos, Marques, Martens, Martin Hugues, Mastella, Matikainen-Kallström, Mauro, Mayer Hans-Peter, Mayer Xaver, Méndez de Vigo, Mennitti, Menrad, Mombaur, Morillon, Müller Emilia Franziska, Musotto, Naranjo Escobar, Nassauer, Ojeda Sanz, Oomen-Ruijten, Oostlander, Oreja Arburúa, Pack, Pastorelli, Pérez Álvarez, Pex, Pirker, Piscarreta, Pisicchio, Podestà, Poettering, Pomés Ruiz, Posselt, Pronk, Provan, Purvis, Quisthoudt-Rowohl, Rack, Ripoll y Martínez de Bedoya, Røvsing, Rübig, Sacrédeus, Salafranca Sánchez-Neyra, Santini, Schaffner, Schleicher, Schmitt, Schnellhardt, Schröder Jürgen, Schwaiger, Smet, Sommer, Stauner, Stenmarck, Sudre, Suominen, Tajani, Tannock, Theato, Thyssen, Trakatellis, Valdivielso de Cué, Varela Suanzes-Carpegna, Vatanen, de Veyrinas, Vidal-Quadras Roca, Vlasto, Wachtmeister, Wenzel-Perillo, Wieland, von Wogau, Wuermeling, Xarchakos, Zabel, Zacharakis, Zappalà, Zimmerling, Zissener

**PSE:** Adam, Andersson, Aparicio Sánchez, Baltas, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Bösch, Bullmann, van den Burg, Carlotti, Carnero González, Carraro, Cashman, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Corbey, De Keyser, Désir, Díez González, Duhamel, Duin, El Khadraoui, Evans Robert J.E., Färm, Fava, Fruteau, Garot, Gebhardt, Ghilardotti, Gillig, Glante, Goebbels, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Howitt, Hughes, van Hulten, Hume, Iivari, Izquierdo Rojo, Jöns, Junker, Karamanou, Karlsson, Katiforis, Keßler, Kindermann, Kinnock, Koukiadis, Krehl, Kreissl-Dörfler, Kuhne, Lalumière, Lange, Lavarra, Leinen, Lund, McAvan, McCarthy, McNally, Malliori, Marinho, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Miller, Miranda de Lage, Moraes, Müller Rosemarie, Murphy, Myller, Napoletano, Obiols i Germà, O'Toole, Paasilinna, Paciotti, Piecyk, Pittella, Poignant, Prets, Randzio-Plath, Rapkay, Rocard, Rodríguez Ramos, Roth-Behrendt, Rothe, Rothley, Roure, Ruffolo, Sacconi, dos Santos, Sauquillo Pérez del Arco, Savary, Scheele, Schmid Gerhard, Simpson, Skinner, Sornosa Martínez, Souladakis, Sousa Pinto, Stihler, Swiebel, Terrón i Cusí, Theorin, Thorning-Schmidt, Titley, Torres Marques, Vairinhos, Valenciano Martínez-Orozco, Van Lancker, Vattimo, Volcic, Walter, Watts, Weiler, Whitehead, Wynn, Zimeray, Zorba, Zrihen

**UEN:** Andrews, Berlato, Camre, Caullery, Hyland, Marchiani, Muscardini, Musumeci, Nobilia, Ó Neachtain, Poli Bortone, Queiró, Ribeiro e Castro, Segni, Thomas-Mauro, Turchi

**Verts/ALE:** Aaltonen, Auroi, Bouwman, Breyer, Buitenweg, Celli, Cohn-Bendit, Dhaene, Echerer, Ferrández Lezaun, Flautre, Frassoni, Gahrton, Hudghton, Jonckheer, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, McCormick, Maes, Messner, Onesta, Ortuondo Larrea, Piétrasanta, Rod, de Roo, Rühle, Schörling, Schroedter, Sörensen, Staes, Turmes, Wuori, Wyn

**Against: 31**

**EDD:** Belder, Blokland, van Dam, Farage

**GUE/NGL:** Alyssandrakis, Korakas, Patakis

**NI:** de La Perriere

**PPE-DE:** Balfe, Bowis, Bradbourn, Bushill-Matthews, Callanan, Chichester, Corrie, Deva, Dover, Goodwill, Hannan, Harbour, Helmer, Jackson, Khanbhai, Kirkhope, McMillan-Scott, Nicholson, Perry, Scallon, Stevenson, Stockton, Sturdy

**Abstention: 21**

**EDD:** Abitbol, Kuntz

**GUE/NGL:** Alavanos, Figueiredo

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**NI:** Berthu, Claeyss, Dillen, Garaud, de Gaulle, Gollnisch, Gorostiaga Atxalandabaso, Lang, Martinez, Souchet, Stirbois

**PPE-DE:** Elles, Inglewood, Niebler, Radwan

**Verts/ALE:** Boumediene-Thiery, McKenna

#### 4. B5-0410/2003 – Beekeeping

##### Amendment 3

**For:** 371

**EDD:** Abitbol, Kuntz

**ELDR:** Nordmann, Plooi-j-van Gorsel

**GUE/NGL:** Ainardi, Alavanos, Alyssandrakis, Bakopoulos, Bergaz Conesa, Blak, Bordes, Boudjenah, Caudron, Cauquil, Cossutta, Di Lello Finuoli, Fiebiger, Figueiredo, Fraisse, Herzog, Jové Peres, Korakas, Koulourianos, Krivine, Laguiller, Manisco, Markov, Marset Campos, Meijer, Modrow, Morgantini, Patakis, Puerta, Vachetta, Vinci, Wurtz

**NI:** Berthu, Beysen, Garaud, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger, de La Perriere, Mennea, Souchet

**PPE-DE:** Almeida Garrett, Andria, Arvidsson, Averoff, Avilés Perea, Ayuso González, Bartolozzi, Bastos, Bayona de Perogordo, Bébéar, Bodrato, Böge, von Boetticher, Bourlanges, Camisón Asensio, Cederschiöld, Cocilovo, Coelho, Cornillet, Corrie, Costa Raffaele, Daul, Decourrière, De Mita, Deprez, De Sarnez, Descamps, De Veyrac, Dimitrakopoulos, Doorn, Doyle, Fatuzzo, Ferber, Fernández Martín, Ferrer, Fiori, Flemming, Florenz, Folias, Fourtoul, Friedrich, Gahler, Galeote Quecedo, García-Orcóyen Tormo, Garriga Polledo, Gawronski, Gemelli, Gil-Robles Gil-Delgado, Glase, Goepel, Gomolka, Grönfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Hannan, Hansenne, Harbour, Hatzidakis, Helmer, Hermange, Hernández Mollar, Herranz García, Hieronymi, Hortefeux, Jarzembowski, Jeggel, Karas, Kauppi, Keppelhoff-Wiechert, Klamt, Klauf, Knolle, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Lamassoure, Langen, Langenhagen, Lechner, Lehne, Liese, Lisi, Lombardo, Lulling, Maat, McCartin, Mann Thomas, Marini, Marinos, Marques, Martens, Martin Hugues, Mastella, Matikainen-Kallström, Mauro, Mayer Hans-Peter, Mayer Xaver, Méndez de Vigo, Mennitti, Menrad, Mombaur, Morillon, Müller Emilia Franziska, Musotto, Naranjo Escobar, Nassauer, Niebler, Ojeda Sanz, Oomen-Ruijten, Oostlander, Oreja Arburúa, Pack, Pastorelli, Pérez Álvarez, Perry, Pírker, Piscarreta, Pisicchio, Podestà, Pomés Ruiz, Posselt, Pronk, Provan, Purvis, Quisthoudt-Rowohl, Rack, Radwan, Ripoll y Martínez de Bedoya, Rovsing, Rübig, Sacrédeus, Salafranca Sánchez-Neyra, Santini, Schaffner, Schleicher, Schmitt, Schnellhardt, Schröder Jürgen, Schwaiger, Smet, Sommer, Stauner, Stenmarck, Stockton, Sturdy, Sudre, Suominen, Tajani, Theato, Thyssen, Trakatellis, Valdivielso de Cué, Varela Suanzes-Carpegna, Vatanen, de Veyrinas, Vidal-Quadras Roca, Vlasto, Wenzel-Perillo, Wieland, von Wogau, Wuermeling, Xarchakos, Zabell, Zacharakis, Zappalà, Zimmerling, Zissener

**PSE:** Adam, Andersson, Aparicio Sánchez, Baltas, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Bösch, Bullmann, van den Burg, Carlotti, Carnero González, Carraro, Carrilho, Cashman, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Corbey, De Keyser, Désir, Díez González, Duhamel, Duin, El Khadraoui, Ettl, Evans Robert J.E., Färm, Fava, Fruteau, Garot, Gebhardt, Ghilardotti, Gill, Gillig, Glante, Goebbels, Görlach, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Howitt, Hughes, van Hulten, Hume, Iivari, Izquierdo Collado, Izquierdo Rojo, Jöns, Junker, Karamanou, Karlsson, Katiforis, Keßler, Kindermann, Koukiadis, Krehl, Kreissl-Dörfler, Kuhne, Lage, Lalumière, Lange, Lavarra, Leinen, Linkohr, Lund, McAvan, McNally, Malliori, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Miller, Miranda de Lage, Moraes, Müller Rosemarie, Murphy, Myller, Napoletano, Obiols i Germà, O'Toole, Paasilinna, Paciotti, Piecyk, Pittella, Poignant, Prets, Randzio-Plath, Rapkay, Rocard, Rodríguez Ramos, Roth-Behrendt, Rothe, Rothley, Roure, Ruffolo, Sacconi, dos Santos, Sauquillo Pérez del Arco, Savary, Scheele, Schmid Gerhard, Schulz, Simpson, Skinner, Sornosa Martínez, Soulidakis, Sousa Pinto, Stihler, Swiebel, Terrón i Cusi, Theorin, Thorning-Schmidt, Titley, Torres Marques, Vairinhos, Valenciano Martínez-Orozco, Van Lancker, Vattimo, Volcic, Walter, Watts, Weiler, Whitehead, Wiersma, Wynn, Zimeray, Zorba

**UEN:** Andrews, Berlato, Camre, Caullery, Hyland, Marchiani, Muscardini, Musumeci, Nobilia, Ó Neachtain, Poli Bortone, Queiró, Ribeiro e Castro, Segni, Thomas-Mauro, Turchi

**Verts/ALE:** MacCormick

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**Against: 72**

**EDD:** Andersen, Belder, Blokland, Bonde, van Dam, Farage, Sandbæk

**ELDR:** Andreasen, André-Léonard, Attwooll, Boogerd-Quaak, van den Bos, Busk, Calò, Clegg, Costa Paolo, De Clercq, Di Pietro, Duff, Dybkjær, Flesch, Formentini, Gasòliba i Böhm, Huhne, Jensen, Ludford, Lynne, Maaten, Malmström, Manders, Monsonís Domingo, Mulder, Newton Dunn, Olsson, Paulsen, Pesälä, Pohjamo, Procacci, Ries, Riis-Jørgensen, Sanders-ten Holte, Sbarbati, Schmidt, Sterckx, Sørensen, Väyrynen, Vallvé, Van Hecke, Virrankoski, Wallis, Watson

**GUE/NGL:** Eriksson, Frahm, Schmid Herman, Seppänen, Sjöstedt

**PPE-DE:** Balfe, Bowis, Bradbourn, Bushill-Matthews, Callanan, Chichester, Deva, Dover, Elles, Gargani, Jackson, Khanbhai, Kirkhope, McMillan-Scott, Stevenson

**Verts/ALE:** Breyer

**Abstention: 54**

**EDD:** Bernié, Butel, Esclopé, Mathieu, Raymond, Saint-Josse

**NI:** Cappato, Claeys, Della Vedova, Dillen, Dupuis, de Gaulle, Gollnisch, Lang, Martinez, Stirbois, Turco

**PSE:** Zrihen

**Verts/ALE:** Aaltonen, Auroi, Boumediene-Thiery, Bouwman, Buitenweg, Celli, Cohn-Bendit, Dhaene, Echerer, Ferrández Lezaun, Flautre, Gahrton, Hudghton, Jonckheer, Lagendijk, Lambert, Lannoye, Lipietz, Lucas, McKenna, Maes, Messner, Onesta, Ortuondo Larrea, Piétrasanta, Rod, de Roo, Rühle, Schörling, Schroedter, Sørensen, Staes, Turmes, Voggenhuber, Wuori, Wyn

**5. Cunha report A5-0303/2003**

**Paragraph 1**

**For: 423**

**EDD:** Abitbol, Bernié, Butel, Esclopé, Kuntz, Mathieu, Raymond, Saint-Josse

**ELDR:** Andreasen, André-Léonard, Attwooll, Boogerd-Quaak, van den Bos, Busk, Calò, Clegg, Costa Paolo, Davies, De Clercq, Di Pietro, Duff, Dybkjær, Flesch, Formentini, Gasòliba i Böhm, Huhne, Jensen, Ludford, Lynne, Maaten, Malmström, Manders, Monsonís Domingo, Mulder, Newton Dunn, Nordmann, Olsson, Paulsen, Pesälä, Plooi-jan Gorsel, Pohjamo, Procacci, Ries, Riis-Jørgensen, Sanders-ten Holte, Sbarbati, Schmidt, Sterckx, Sørensen, Väyrynen, Vallvé, Van Hecke, Virrankoski, Wallis, Watson

**GUE/NGL:** Ainardi, Alavanos, Bakopoulos, Bergaz Conesa, Blak, Boudjenah, Caudron, Cossutta, Di Lello Finuoli, Fiebigler, Figueiredo, Fraisse, Herzog, Jové Peres, Korakas, Koulourianos, Krivine, Markov, Marset Campos, Meijer, Modrow, Morgantini, Patakis, Puerta, Vachetta, Vinci, Wurtz

**NI:** Berthu, Beysen, Claeys, Dillen, Garaud, de Gaulle, Gollnisch, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Kronberger, Lang, de La Perriere, Martinez, Mennea, Souchet, Stirbois

**PPE-DE:** Almeida Garrett, Andria, Arvidsson, Averoff, Avilés Perea, Ayuso González, Bartolozzi, Bastos, Bayona de Perogordo, Bébéar, Bodrato, Böge, von Boetticher, Bourlanges, Camisón Asensio, Cederschiöld, Cocilovo, Coelho, Costa Raffaele, Daul, Decourrière, De Mita, Deprez, De Sarnez, Descamps, De Veyrac, Dimitrakopoulos, Doorn, Doyle, Fatuzzo, Ferber, Fernández Martín, Ferrer, Fiori, Flemming, Florenz, Folias, Fourtou, Friedrich, Gahler, Galeote Quecedo, García-Orcoyen Tormo, Gargani, Garriga Polledo, Gawronski, Gemelli, Gil-Robles Gil-Delgado, Glase, Goepel, Gomolka, Grönfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Hansenne, Hatzidakis, Hermange, Hernández Mollar, Herranz García, Hieronymi, Hortefeux, Jarzembowski, Jeggler, Karas, Kauppi, Keppelhoff-Wiechert, Klamt, Klauf, Knolle, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Lamassoure, Langenhagen, Lehne, Lisi, Lombardo, Lulling, Maat, McCartin, Mann Thomas, Marini, Marinos, Marques, Martens, Martin Hugues, Mastella, Matikainen-Kallström, Mauro, Mayer Hans-Peter, Mayer Xaver, Méndez de Vigo, Mennitti, Menrad, Mombaur, Morillon, Müller Emilia Franziska, Musotto, Naranjo Escobar, Nassauer, Niebler, Ojeda Sanz, Oomen-Ruijten, Oostlander, Oreja Arburúa, Pack, Pastorelli, Pérez Álvarez, Pex, Pirker, Piscarreta, Pisicchio, Podestà, Poettering, Pomés Ruiz, Posselt, Pronk, Provan, Quisthoudt-Rowohl, Rack, Radwan, Ripoll y Martínez de Bedoya, Rovsing, Rübig, Sacrédeus, Salafranca Sánchez-Neyra, Santini, Schaffner, Schleicher, Schmitt, Schnellhardt, Schröder Jürgen,

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Schwaiger, Smet, Sommer, Stauner, Stenmarck, Stevenson, Stockton, Sturdy, Sudre, Suominen, Tajani, Theato, Thyssen, Trakatellis, Valdivielso de Cué, Varela Suanzes-Carpegna, Vatanen, de Veyrinas, Vidal-Quadras Roca, Vlasto, Wachtmeister, Wenzel-Perillo, Wieland, von Wogau, Wuermeling, Xarchakos, Zabell, Zacharakis, Zappalà, Zimmerling, Zissener

**PSE:** Adam, Andersson, Aparicio Sánchez, Baltas, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Bösch, Bullmann, van den Burg, Carlotti, Carnero González, Carraro, Carrilho, Cashman, Cercas, Cerdeira Morterero, Colom i Naval, Corbett, Corbey, De Keyser, Désir, Díez González, Dührkop Dührkop, Duhamel, Duin, El Khadraoui, Evans Robert J.E., Färm, Fava, Fruteau, Garot, Gebhardt, Ghilardotti, Gill, Gillig, Glante, Goebbels, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Howitt, Hughes, van Hulten, Hume, Iivari, Izquierdo Collado, Izquierdo Rojo, Jöns, Junker, Karamanou, Karlsson, Katiforis, Keßler, Kindermann, Kinnock, Koukiadis, Krehl, Kreissl-Dörfler, Kuhne, Lage, Lalumière, Lavarra, Leinen, Linkohr, McAvan, McCarthy, McNally, Malliori, Marinho, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Miller, Miranda de Lage, Moraes, Müller Rosemarie, Murphy, Myller, Napoletano, Obiols i Germà, O'Toole, Paasilinna, Paciotti, Piecyk, Pittella, Poignant, Prets, Randzio-Plath, Rapkay, Rocard, Rodríguez Ramos, Roth-Behrendt, Rothe, Rothley, Roure, Ruffolo, Sacconi, dos Santos, Sauquillo Pérez del Arco, Savary, Scheele, Schmid Gerhard, Schulz, Simpson, Skinner, Sornosa Martínez, Souladakis, Sousa Pinto, Stihler, Swiebel, Theorin, Thorning-Schmidt, Titley, Torres Marques, Vairinhos, Valenciano Martínez-Orozco, Van Lancker, Vattimo, Volcic, Walter, Watts, Weiler, Whitehead, Wiersma, Wynn, Zimeray, Zorba, Zrihen

**UEN:** Andrews, Berlato, Camre, Caullery, Hyland, Marchiani, Muscardini, Musumeci, Nobilia, Ó Neachtain, Poli Bortone, Queiró, Ribeiro e Castro, Segni, Thomas-Mauro, Turchi

**Verts/ALE:** Celli, Jonckheer, Nogueira Román, Ortuondo Larrea, Staes, Turmes

#### **Against: 65**

**EDD:** Andersen, Bonde, Farage, Sandbæk

**GUE/NGL:** Eriksson, Frahm, Schmid Herman, Seppänen, Sjöstedt

**PPE-DE:** Balfe, Bowis, Bradbourn, Bushill-Matthews, Chichester, Corrie, Deva, Dover, Elles, Goodwill, Hannan, Harbour, Helmer, Inglewood, Jackson, Khanbhai, Kirkhope, McMillan-Scott, Nicholson, Perry, Purvis, Scallan, Tannock

**PSE:** Lund

**Verts/ALE:** Aaltonen, Auroi, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Cohn-Bendit, Dhaene, Echerer, Flautre, Frassoni, Gahrton, Hudghton, Lambert, Lannoye, Lipietz, Lucas, McCormick, McKenna, Maes, Messner, Onesta, Piétrasanta, Rod, de Roo, Rühle, Schörling, Schroedter, Sörensen, Voggenhuber, Wuori, Wynn

#### **Abstention: 12**

**EDD:** Belder, Blokland, Coûteaux, van Dam

**GUE/NGL:** Bordes, Cauquil, Laguiller

**NI:** Cappato, Della Vedova, Dupuis, Turco

**Verts/ALE:** Ferrández Lezaun

### **6. Cunha report A5-0303/2003**

#### **Recital H, 2nd part**

#### **For: 368**

**EDD:** Abitbol, Bernié, Butel, Coûteaux, Esclopé, Kuntz, Mathieu, Raymond, Saint-Josse

**ELDR:** Manders

**GUE/NGL:** Ainardi, Alavanos, Bakopoulos, Bergaz Conesa, Boudjenah, Caudron, Cossutta, Di Lello Finuoli, Figueiredo, Fraisse, Herzog, Jové Peres, Korakas, Koulourianos, Krivine, Manisco, Markov, Maset Campos, Modrow, Morgantini, Patakis, Puerta, Vachetta, Vinci, Wurtz

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**NI:** Berthu, Beysen, Claeys, Dillen, Garaud, de Gaulle, Gollnisch, Gorostiaga Atxalandabaso, Hager, Ilgenfritz, Lang, de La Perriere, Martinez, Mennea, Souchet, Stirbois

**PPE-DE:** Almeida Garrett, Andria, Arvidsson, Averoff, Avilés Perea, Ayuso González, Bartolozzi, Bastos, Bayona de Perogordo, Bébéar, Bodrato, Böge, von Boetticher, Bourlanges, Camisón Asensio, Cederschiöld, Coelho, Cornillet, Costa Raffaele, Daul, Decourrière, De Mita, Deprez, De Sarnez, Descamps, Dimitrakopoulos, Doorn, Doyle, Fatuzzo, Ferber, Fernández Martín, Ferrer, Fiori, Flemming, Florenz, Folias, Fourtou, Friedrich, Gahler, Galeote Quecedo, García-Orcóyen Tormo, Gargani, Garriga Polledo, Gawronski, Gemelli, Gil-Robles Gil-Delgado, Glase, Goepel, Gomolka, Grönfeldt Bergman, Grosch, Grossetête, Gutiérrez-Cortines, Hansenne, Hatzidakis, Hermange, Hernández Mollar, Herranz García, Hieronymi, Jarzembowski, Jeggle, Karas, Kauppi, Keppelhoff-Wiechert, Klamt, Klaß, Knolle, Koch, Konrad, Korhola, Kratsa-Tsagaropoulou, Lamassoure, Langen, Langenhagen, Lechner, Lehne, Liese, Lisi, Lombardo, Lulling, Maat, McCartin, Mann Thomas, Marini, Marinos, Marques, Martens, Martin Hugues, Matikainen-Kallström, Mauro, Mayer Hans-Peter, Mayer Xaver, Méndez de Vigo, Mennitti, Menrad, Mombaur, Morillon, Müller Emilia Franziska, Musotto, Naranjo Escobar, Nassauer, Niebler, Ojeda Sanz, Oomen-Ruijten, Oostlander, Oreja Arburúa, Pack, Pastorelli, Pérez Álvarez, Pex, Pirker, Piscarreta, Pisicchio, Podestà, Poettering, Pomés Ruiz, Posselt, Pronk, Quisthoudt-Rowohl, Rack, Radwan, Ripoll y Martínez de Bedoya, Rovsing, Rübig, Sacrédeus, Salafranca Sánchez-Neyra, Santini, Schaffner, Schleicher, Schmitt, Schnellhardt, Schröder Jürgen, Schwaiger, Smet, Sommer, Stauer, Stenmarck, Stevenson, Sudre, Suominen, Theato, Thyssen, Trakatellis, Valdivielso de Cué, Varela Suanzes-Carpegna, Vatanen, de Veyrinas, Vidal-Quadras Roca, Vlasto, Wachtmeister, Wenzel-Perillo, Wieland, von Wogau, Wuermeling, Xarchakos, Zabell, Zacharakis, Zappalà, Zimmerling, Zissener

**PSE:** Adam, Andersson, Aparicio Sánchez, Baltas, Barón Crespo, Berenguer Fuster, Berès, van den Berg, Berger, Bösch, van den Burg, Carlotti, Carnero González, Carraro, Carrilho, Casaca, Cashman, Cercas, Cerdeira Morterero, Ceyhun, Colom i Naval, Corbett, Darras, De Keyser, Désir, Díez González, Dührkop Dührkop, Duhamel, Duin, El Khadraoui, Ettl, Evans Robert J.E., Färm, Fava, Fruteau, Garot, Gebhardt, Ghilardotti, Gillig, Glante, Goebbels, Görlach, Gröner, Guy-Quint, Hänsch, Haug, Hazan, Hedkvist Petersen, Howitt, Hughes, van Hulten, Hume, Iivari, Izquierdo Collado, Izquierdo Rojo, Jöns, Junker, Karamanou, Karlsson, Katiforis, Keßler, Kindermann, Kinnock, Koukiadis, Krehl, Kreissl-Dörfler, Kuhne, Lage, Lalumière, Lange, Lavarra, Leinen, Linkohr, McAvan, McCarthy, McNally, Malliori, Martin David W., Martin Hans-Peter, Martínez Martínez, Mastorakis, Medina Ortega, Menéndez del Valle, Miguélez Ramos, Miller, Miranda de Lage, Moraes, Müller Rosemarie, Murphy, Myller, Napoletano, Obiols i Germà, Paciotti, Piecyk, Pittella, Poignant, Prets, Randzio-Plath, Rapkay, Rocard, Roth-Behrendt, Rothe, Rothley, Roure, Ruffolo, Sacconi, dos Santos, Sauquillo Pérez del Arco, Savary, Scheele, Schmid Gerhard, Schulz, Simpson, Skinner, Souladakis, Sousa Pinto, Stihler, Swiebel, Terrón i Cusí, Theorin, Thorning-Schmidt, Titley, Torres Marques, Vairinhos, Valenciano Martínez-Orozco, Van Lancker, Vattimo, Volcic, Walter, Watts, Weiler, Wiersma, Wynn, Zimeray, Zorba, Zrihen

**UEN:** Andrews, Berlato, Camre, Caullery, Fitzsimons, Marchiani, Muscardini, Nobilia, Ó Neachtain, Poli Bortone, Queiró, Ribeiro e Castro, Segni, Thomas-Mauro, Turchi

**Verts/ALE:** Ferrández Lezaun, Lagendijk, Nogueira Román, Ortuondo Larrea, Schroedter, Voggenhuber

**Against: 79**

**EDD:** Andersen, Bonde, Farage, Sandbæk

**ELDR:** Vallvé, Virrankoski

**GUE/NGL:** Blak, Eriksson, Frahm, Meijer, Schmid Herman, Seppänen, Sjöstedt

**PPE-DE:** Balfe, Bowis, Bradbourn, Bushill-Matthews, Callanan, Chichester, Corrie, Deva, De Veyrac, Dover, Elles, Goodwill, Hannan, Harbour, Helmer, Hortefeux, Inglewood, Jackson, Khanbhai, Kirkhope, McMillan-Scott, Nicholson, Perry, Provan, Purvis, Scallon, Stockton, Sturdy, Tannock

**PSE:** Lund

**UEN:** Angelilli, Musumeci

**Verts/ALE:** Aaltonen, Auroi, Boumediene-Thiery, Bouwman, Breyer, Buitenweg, Celli, Cohn-Bendit, Dhaene, Echerer, Flautre, Frassoni, Gahrton, Hudghton, Jonckheer, Lambert, Lannoye, Lipietz, Lucas, McCormick, McKenna, Maes, Messner, Onesta, Piétrasanta, Rod, de Roo, Rühle, Schörling, Sörensen, Staes, Turmes, Wuori, Wyn

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***Abstention: 52*****EDD:** Belder, Blokland, van Dam**ELDR:** Andreasen, André-Léonard, Attwooll, Boogerd-Quaak, van den Bos, Busk, Calò, Clegg, Costa Paolo, Davies, De Clercq, Di Pietro, Duff, Dybkjær, Flesch, Formentini, Gasòliba i Böhm, Jensen, Ludford, Lynne, Maaten, Malmström, Monsonís Domingo, Mulder, Newton Dunn, Nordmann, Olsson, Paulsen, Pesälä, Plooi-j-van Gorsel, Pohjamo, Procacci, Ries, Riis-Jørgensen, Sanders-ten Holte, Schmidt, Sterckx, Väyrynen, Van Hecke, Wallis, Watson**GUE/NGL:** Bordes, Cauquil, Laguiller**NI:** Dell'Alba, Della Vedova, Dupuis, Kronberger, Turco

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## TEXTS ADOPTED

P5\_TA(2003)0419

### **Speed limitation devices of motor vehicles \*\*\*I**

**European Parliament legislative resolution on the proposal for a European Parliament and Council directive amending Council Directive 92/24/EEC relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (COM(2003) 350 – C5-0272/2003 – 2003/0122(COD))**

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 350) <sup>(1)</sup>,
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0272/2003),
  - having regard to Rule 67 and Rule 158(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0308/2003),
1. Approves the Commission proposal;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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<sup>(1)</sup> Not yet published in OJ.

P5\_TA(2003)0420

### **Regulation (EC) No 2596/97 on drinking milk \***

**European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 2596/97 extending the period provided for in Article 149(1) of the Act of Accession of Austria, Finland and Sweden (COM(2003) 372 – C5-0324/2003 – 2003/0144(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2003) 372) <sup>(1)</sup>,
- having regard to Article 149(2) of the Act of Accession of Austria, Finland and Sweden, pursuant to which the Council consulted Parliament (C5-0324/2003),

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<sup>(1)</sup> Not yet published in OJ.

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- having regard to Rules 67 and 158(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A5-0317/2003),
1. Approves the Commission proposal;
  2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  4. Instructs its President to forward its position to the Council and the Commission.
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**P5\_TA(2003)0421****Accountancy data on agricultural holdings \***

**European Parliament legislative resolution on the proposal for a Council regulation amending Regulation No 79/65/EEC of the Council setting up a network for the collection of accountancy data on the incomes and business operations of agricultural holdings in the European Economic Community (COM(2003) 472 – C5-0437/2003 – 2003/0183(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2003) 472) <sup>(1)</sup>,
  - having regard to Article 37(2) of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0437/2003),
  - having regard to Rule 67 and Rule 158(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A5-0318/2003),
1. Approves the Commission proposal;
  2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  3. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  4. Instructs its President to forward its position to the Council and the Commission.

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<sup>(1)</sup> Not yet published in OJ.

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Thursday 9 October 2003

P5\_TA(2003)0422

## **Safety of third countries aircraft using Community airports \*\*\*II**

**European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council directive on the safety of third countries aircraft using community airports (8478/1/2003 – C5-0278/2003 – 2002/0014(COD))**

(Codecision procedure: second reading)

*The European Parliament,*

- having regard to the Council common position (8478/1/2003 – C5-0278/2003) <sup>(1)</sup>,
- having regard to its position at first reading <sup>(2)</sup> on the Commission proposal to Parliament and the Council (COM(2002) 8) <sup>(3)</sup>,
- having regard to the Commission's amended proposal (COM(2002) 664) <sup>(4)</sup>,
- having regard to Article 251(2) of the EC Treaty,
- having regard to Rule 80 of its Rules of Procedure,
- having regard to the recommendation for second reading of the Committee on Regional Policy, Transport and Tourism (A5-0301/2003),

1. Amends the common position as follows;
2. Instructs its President to forward its position to the Council and the Commission.

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<sup>(1)</sup> OJ C 233 E, 30.9.2003, p. 12.

<sup>(2)</sup> *Texts adopted*, 3.9.2002, P5\_TA(2002)0395.

<sup>(3)</sup> OJ C 103 E, 30.4.2002, p. 351.

<sup>(4)</sup> Not yet published in OJ.

**P5\_TC2-COD(2002)0014**

**Position of the European Parliament adopted at second reading on 9 October 2003 with a view to the adoption of European Parliament and Council Directive 2003/.../EC on the safety of third-country aircraft using Community airports**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the Opinion of the European Economic and Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(3)</sup>,

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<sup>(1)</sup> OJ C 103 E, 30.4.2002, p. 351.

<sup>(2)</sup> OJ C 241, 7.10.2002, p. 33.

<sup>(3)</sup> *Position of the European Parliament of 3 September 2002* (not yet published in the Official Journal), *Council Common Position of 13 June 2003* (OJ C 233 E, 30.9.2003, p. 12) and *the position of the European Parliament 9 October 2003*.

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Whereas:

- (1) The Resolution on the air disaster off the coast of the Dominican Republic adopted by the European Parliament on 15 February 1996 <sup>(1)</sup> highlights the need for the Community to take a more active stance and develop a strategy to improve the safety of its citizens travelling by air or living near airports.
- (2) The Commission has issued a Communication to the European Parliament and the Council entitled 'Defining a Community Aviation Safety Improvement Strategy'.
- (3) That Communication clearly states that safety may be effectively enhanced by ensuring that aircraft comply fully with the international safety standards contained in the Annexes to the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 ('the Chicago Convention').
- (4) In order to establish and maintain a high uniform level of civil aviation safety in Europe, a harmonised approach to the effective enforcement of international safety standards within the Community should be introduced. To that end, it is necessary to harmonise the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.
- (5) A harmonised approach to the effective enforcement of international safety standards by the Member States will avoid distortions of competition. A common stance on third-country aircraft that fail to comply with international safety standards will be of benefit to the position of the Member States.
- (6) Aircraft landing in the Member States should undergo an inspection when it is suspected that they do not comply with international safety standards.
- (7) Inspections may also be carried out in accordance with a spot-check procedure in the absence of any particular suspicion, provided that Community and international law is observed. In particular, the inspections should be carried out in a non-discriminatory way.
- (8) Inspections could be stepped up in the case of aircraft in which defects have already been identified frequently in the past, or on aircraft belonging to airlines whose aircraft have frequently attracted attention.
- (9) Information gathered in each Member State should be made available to all the other Member States and the Commission in order to ensure the most efficient monitoring of the compliance of *third-country* aircraft with international safety standards.
- (10) For these reasons there is a need to establish, at Community level, a procedure for the assessment of third-country aircraft and related cooperation mechanisms between the competent authorities of the Member States to exchange information.
- (11) The sensitive nature of *safety-related* information requires that Member States should take necessary measures, in accordance with their national law, to ensure appropriate confidentiality of the information received by them.
- (12) Without prejudice to the public's right of access to the Commission's documents as laid down in Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(2)</sup>, the Commission should adopt measures for the dissemination to interested parties of such information and the associated conditions.
- (13) Aircraft on which corrective measures are required should, where the identified deficiencies are clearly hazardous to safety, be grounded until the non-compliance with international safety standards has been rectified.

<sup>(1)</sup> OJ C 65, 4.3.1996, p. 172.

<sup>(2)</sup> OJ L 145, 31.5.2001, p. 43.

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- (14) The facilities in the airport of inspection may be such that the competent authority will be obliged to authorise the aircraft to transfer to an appropriate airport, provided that conditions for a safe transfer are complied with.
- (15) In order to carry out its tasks under this Directive, the Commission should be assisted by the committee instituted by Article 12 of Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation <sup>(1)</sup>.
- (16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(2)</sup>.
- (17) The Commission should place at the disposal of the committee instituted by Article 12 of Regulation (EEC) No 3922/91 statistics and information collected in compliance with other Community measures concerning specific incidents that could be relevant to uncovering deficiencies representing a threat to civil aviation safety.
- (18) It is necessary to take into account the cooperation and information exchanges occurring within the framework of the Joint Aviation Authorities (JAA) and the European Civil Aviation Conference (ECAC). Moreover, the greatest possible use should be made of existing expertise in procedures of Safety Assessment of Foreign Aircraft (SAFA).
- (19) Account should be taken of the role of the European Aviation Safety Agency (EASA) in civil aviation safety policy, including the establishment of procedures that aim to establish and maintain a high uniform level of civil aviation safety in Europe.
- (20) Arrangements for greater cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the Ministers of Foreign Affairs of the two countries, and such arrangements have yet to come into operation,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Scope and objective

1. Within the framework of the Community's overall strategy to establish and maintain a high uniform level of civil aviation safety in Europe, this Directive introduces a harmonised approach to the effective enforcement of international safety standards within the Community by harmonising the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.
2. This Directive shall be without prejudice to the Member States' right to carry out inspections not covered by this Directive and to ground, ban, or impose conditions on any aircraft landing at its airports in accordance with Community and international law.
3. State aircraft, as defined in the Chicago Convention, and aircraft of a maximum take-off weight of less than 5 700 kg not engaged in commercial air transport are excluded from the scope of this Directive.
4. The application of this Directive to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

<sup>(1)</sup> OJ L 373, 31.12.1991, p. 4. Regulation as last amended by Commission Regulation (EC) No 2871/2000 (OJ L 333, 29.12.2000, p. 47).

<sup>(2)</sup> OJ L 184, 17.7.1999, p. 23.

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5. The application of this Directive to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 have come into operation. The Governments of Spain and the United Kingdom will inform the Council of such date of entry into operation.

## Article 2

### Definitions

For the purpose of this Directive:

- (a) 'grounding' means the formal prohibition of an aircraft to leave an airport, and the taking of such steps as are necessary to detain it;
- (b) 'international safety standards' means the safety standards contained in the Chicago Convention and its Annexes, as in force at the time of the inspection;
- (c) 'ramp inspection' means the examination of third-country aircraft in accordance with Annex II;
- (d) 'third-country aircraft' means an aircraft which is not used or operated under the control of a competent authority of a Member State.

## Article 3

### Collection of information

Member States shall put in place a mechanism to collect any information deemed useful for the fulfilment of the objective stated in Article 1, including:

- (a) important safety information accessible, especially through:
  - pilot reports,
  - maintenance organisation reports,
  - incident reports,
  - other organisations, independent from the competent authorities of the Member States,
  - complaints;
- (b) information on action taken subsequent to a ramp inspection, such as:
  - aircraft grounded,
  - aircraft or operator banned from the Member State concerned,
  - corrective action required,
  - contacts with operator's competent authority;
- (c) follow-up information concerning the operator, such as:
  - corrective action implemented,
  - recurrence of discrepancy.

This information shall be kept, using a standard report form containing the items described, in the form set out in Annex I.

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#### Article 4

##### Ramp inspection

1. Each Member State shall put in place the appropriate means to ensure that third-country aircraft suspected of non-compliance with international safety standards landing at any of its airports open to international air traffic shall be subject to ramp inspections. In implementing such procedures, particular attention shall be given by the competent authority to aircraft:
  - where information has been received indicating poor maintenance condition or obvious damage or defects;
  - which have been reported as performing abnormal manoeuvres since entering the airspace of a Member State such as to give rise to serious safety concerns;
  - in respect of which a previous ramp inspection has revealed deficiencies which give rise to serious concern that the aircraft does not comply with international safety standards and where the Member State is concerned that the defects may not have been corrected;
  - where there is evidence that the competent authorities of the country of registration may not be exercising proper safety oversight; or
  - where information collected under Article 3 gives cause for concern about the operator or where a previous ramp inspection of an aircraft used by the same operator has revealed deficiencies.
2. Member States may establish rules in order to carry out ramp inspections in accordance with a spot-check procedure in the absence of any particular suspicion, provided that such rules comply with Community and international law. Such a procedure shall, however, be carried out in a non-discriminatory way.
3. Member States shall ensure that appropriate ramp inspections and other surveillance measures as decided within the framework of Article 8(3) will be implemented.
4. The ramp inspection shall be performed in accordance with the procedure described in Annex II and using a ramp inspection report form containing at least the items described in the form appended to Annex II. On completion of the ramp inspection, the commander of the aircraft or a representative of the aircraft operator shall be informed of the ramp inspection findings and, if significant defects have been found, the report shall be sent to the operator of the aircraft and to the competent authorities concerned.
5. When performing a ramp inspection under this Directive, the competent authority concerned shall make all possible efforts to avoid an unreasonable delay of the aircraft inspected.

#### Article 5

##### Exchange of information

1. The competent authorities of the Member States shall participate in a mutual exchange of information. Such information shall at the request of a competent authority include a list of airports of the Member State concerned that are open to international air traffic, with an indication, for each calendar year, of the number of ramp inspections performed and the number of movements of third-country aircraft at each airport on that list.
2. All standard reports referred to in Article 3 and the ramp inspection reports referred to in Article 4(4) shall be made available without delay **to the European Aviation Safety Agency (EASA)**, to the Commission and, at their request, to the competent authorities of the Member States.
3. Whenever a standard report shows the existence of a potential safety threat, or a ramp inspection report shows that an aircraft does not comply with international safety standards and may pose a potential safety threat, the report will be communicated without delay to each competent authority of the Member States and the Commission.

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## Article 6

## Protection and dissemination of information

1. Member States shall, in accordance with their national legislation, take the necessary measures to ensure appropriate confidentiality of the information received by them under Article 5. They shall use this information solely for the purpose of this Directive.
2. The Commission shall publish yearly an aggregated information report available to the public **and industry stakeholders** containing an analysis of **all** information received in accordance with Article 5. **That analysis shall be simple, easy to understand and open to only one interpretation, and shall indicate whether particular aircraft types, operators or States of registration, or States responsible for the operation of aircraft, are associated with an increased safety risk to air travellers.** In the analysis, the source of that information shall be disidentified.
3. Without prejudice to the public's right of access to the Commission's documents as laid down in Regulation (EC) No 1049/2001, the Commission shall adopt on its own initiative and, in accordance with the procedure referred to in Article 10(2), measures for the dissemination to interested parties of the information referred to in paragraph 1 and the associated conditions. These measures, which may be general or individual, shall be based on the need:
  - to provide persons and organisations with the information they need to improve civil aviation safety;
  - to limit the dissemination of information to what is strictly required for the purposes of its users, in order to ensure appropriate confidentiality of that information.
4. Whenever information concerning aircraft deficiencies is given voluntarily, the ramp inspection reports referred to in Article 4(4) shall be disidentified regarding the source of such information.

## Article 7

## Grounding of aircraft

1. Where non-compliance with international safety standards is clearly hazardous to flight safety, measures should be taken by the aircraft operator to rectify the deficiencies before flight departure. If the competent authority performing the ramp inspection is not satisfied that corrective action will be carried out before the flight, it shall ground the aircraft until the hazard is removed and shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft.
2. The competent authority of the Member State performing the ramp inspection may, in coordination with the State responsible for the operation of the aircraft concerned or the State of registration of the aircraft, prescribe the necessary conditions under which the aircraft can be allowed to fly to an airport at which the deficiencies can be corrected. If the deficiency affects the validity of the Certificate of Airworthiness for the aircraft, the grounding may only be lifted if the operator obtains permission from the State or States which will be overflown on that flight.

## Article 8

## Safety improvement and implementation measures

1. Member States shall report to the Commission on the operational measures taken to implement the requirements of Articles 3, 4 and 5.
2. On the basis of the information collected under paragraph 1, the Commission may, in accordance with the procedure laid down in Article 10(2), take any appropriate measures to facilitate the implementation of Articles 3, 4 and 5 such as:
  - establish the list of information to be collected;
  - detail the content of, and procedures for, ramp inspections;



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- define the format for the storage and dissemination of data;
- create or support the appropriate bodies for managing or operating the tools necessary for the collection and exchange of information.

3. On the basis of the information received under Articles 3, 4 and 5, and in accordance with the procedure laid down in Article 10(2), a decision may be taken on appropriate ramp inspection and other surveillance measures, in particular those of a specific operator or of operators of a specific third country, pending the adoption by the competent authority of that third country of satisfactory arrangements for corrective measures.

4. The Commission may take any appropriate measures to cooperate with and assist third countries to improve their aviation safety oversight capabilities.

#### Article 9

##### Imposition of a ban or conditions on operation

If a Member State decides to ban from its airports or impose conditions on the operation of a specific operator or operators of a specific third country from its airports pending the adoption by the competent authority of that third country of satisfactory arrangements for corrective measures:

- (a) that Member State shall notify the Commission of the measures taken, which shall transmit the information to the other Member States;
- (b) the Commission, acting in accordance with the procedure referred to in Article 10(3), may issue **such recommendations and take such action as it considers necessary; it may, moreover**, extend the measures **referred to** under (a) to the **whole Community**.

#### Article 10

##### Committee procedure

1. The Commission shall be assisted by the committee set up by Article 12 of Regulation (EEC) No 3922/91.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4. The Committee shall adopt its rules of procedure.

5. The Committee may furthermore be consulted by the Commission on any other matter concerning the application of this Directive.

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## Article 11

## Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ...<sup>(\*)</sup>. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

## Article 12

## Amendment of Annexes

The Annexes to this Directive may be amended in accordance with the procedure referred to in Article 10(2).

## Article 13

## Report

By ...<sup>(\*\*)</sup> the Commission shall **submit** a report **to the European Parliament and the Council** on the application of the Directive, and in particular on Article 9, which, inter alia, takes into account developments in the Community and in international fora. The report may be accompanied by proposals for an amendment of this Directive.

## Article 14

## Entry into force

This Directive shall enter into force on the day of its publication in the Official Journal of the European Union.

## Article 15

This Directive is addressed to the Member States.

Done at ..., on ...

For the European Parliament  
*The President*

For the Council  
*The President*

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<sup>(\*)</sup> **Two years** after the *date of* entry into force of this Directive.

<sup>(\*\*)</sup> **Four years** after the *date of* entry into force of this Directive.

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- I. The ramp inspection should cover all or a selection of the following aspects, according to the time available.
  1. Check for presence and validity of the documents necessary for international flights such as: registration certificate, log book, certificate of Airworthiness, crew licences, radio licence, list of passengers and freight.
  2. Check that flight crew composition and qualifications comply with the requirements of Annex 1 and Annex 6 to the Chicago convention (ICAO annexes).
  3. Check of operational documentation (flight data, operational flight plan, technical log), and of flight preparation necessary to show that the flight is prepared in accordance with ICAO Annex 6.
  4. Check for presence and status of items required for international navigation in accordance with ICAO Annex 6:
    - Air operator certificate,
    - Noise and Emission Certificate.

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- Operation manual (including Minimum Equipment List) and flight manual,
  - Safety equipment,
  - Security cabin equipment,
  - Equipment necessary for the specific flight including radio communication and radio navigation equipment,
  - Flight data recorders.
5. Check that the condition of the aircraft and its equipment (including damage and repairs) ensures continuous compliance with ICAO Annex 8 standards.
- II. An inspection report must be drawn up after the ramp inspection and must include standard general information described above and a list of items checked, together with an indication of any deficiencies found for each of these items and/or any specific remark that may be necessary.



National Aviation Authority (Name)  
(State)

SAFA

Ramp Inspection Report

<sup>1</sup> No: \_\_\_\_\_

<sup>2</sup> Source: ..... RI

<sup>3</sup> Date: ..... <sup>4</sup> Place: .....

<sup>5</sup> Local time: .....

<sup>6</sup> Operator: ..... <sup>7</sup> AOC number: .....

<sup>8</sup> State: .....

<sup>9</sup> Route: from ..... <sup>10</sup> Flight number: .....

<sup>11</sup> Route: to ..... <sup>12</sup> Flight number: .....

<sup>13</sup> Chartered by operator ('): ..... <sup>14</sup> Charterer's State: .....  
(') where applicable

<sup>15</sup> Aircraft type: ..... <sup>16</sup> Registration mark: .....

<sup>17</sup> Construction number: .....

<sup>18</sup> Flight crew: State of licensing: .....

<sup>19</sup> Remarks:  
Code/ Std / Remark

.....

.....

.....

.....

.....

.....

.....

.....

<sup>20</sup> Action taken: .....

.....

.....

<sup>21</sup> Inspectors' names: .....

*This report represents an indication of what was found on this occasion and must not be construed as a determination that the aircraft is fit for the intended flight.*

<sup>22</sup> National coordinator's name: .....

<sup>23</sup> Signature: .....

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National Aviation Authority (Name)

(STATE)

Item	Checked	Remark
<b>A. Flight Deck</b>		
<b>General</b>		
1. General condition .....	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Emergency exit .....	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. Equipment .....	3 <input type="checkbox"/>	3 <input type="checkbox"/>
<b>Documentation</b>		
4. Manuals .....	4 <input type="checkbox"/>	4 <input type="checkbox"/>
5. Checklists .....	5 <input type="checkbox"/>	5 <input type="checkbox"/>
6. Radio navigation charts .....	6 <input type="checkbox"/>	6 <input type="checkbox"/>
7. Minimum equipment list .....	7 <input type="checkbox"/>	7 <input type="checkbox"/>
8. Certificate of registration .....	8 <input type="checkbox"/>	8 <input type="checkbox"/>
9. Noise certificate (where applicable) .....	9 <input type="checkbox"/>	9 <input type="checkbox"/>
10. AOC or equivalent .....	10 <input type="checkbox"/>	10 <input type="checkbox"/>
11. Radio licence .....	11 <input type="checkbox"/>	11 <input type="checkbox"/>
12. C of A .....	12 <input type="checkbox"/>	12 <input type="checkbox"/>
<b>Flight data</b>		
13. Operational flight plan .....	13 <input type="checkbox"/>	13 <input type="checkbox"/>
14. Load distribution .....	14 <input type="checkbox"/>	14 <input type="checkbox"/>
<b>Safety Equipment</b>		
15. Hand fire extinguishers .....	15 <input type="checkbox"/>	15 <input type="checkbox"/>
16. Life jackets/flotation device .....	16 <input type="checkbox"/>	16 <input type="checkbox"/>
17. Harness .....	17 <input type="checkbox"/>	17 <input type="checkbox"/>
18. Oxygen equipment .....	18 <input type="checkbox"/>	18 <input type="checkbox"/>
19. Flash light .....	19 <input type="checkbox"/>	19 <input type="checkbox"/>
<b>Flight Crew</b>		
20. Flight crew .....	20 <input type="checkbox"/>	20 <input type="checkbox"/>
<b>Journey Log Book/Technical Log or equivalent</b>		
21. Journey log book .....	21 <input type="checkbox"/>	21 <input type="checkbox"/>
22. Maintenance release .....	22 <input type="checkbox"/>	22 <input type="checkbox"/>
23. Deferred defect rectification .....	23 <input type="checkbox"/>	23 <input type="checkbox"/>
24. Preflight inspection .....	24 <input type="checkbox"/>	24 <input type="checkbox"/>

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Item	Checked	Remark
<b>B. Safety/Cabin</b>		
1. General internal condition .....	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Cabin attendant's seat .....	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. First aid kit/Emergency medical kit .....	3 <input type="checkbox"/>	3 <input type="checkbox"/>
4. Hand fire extinguishers .....	4 <input type="checkbox"/>	4 <input type="checkbox"/>
5. Life jackets/Flotation devices .....	5 <input type="checkbox"/>	5 <input type="checkbox"/>
6. Seat belts .....	6 <input type="checkbox"/>	6 <input type="checkbox"/>
7. Emergency exit, lighting and marking, torches .....	7 <input type="checkbox"/>	7 <input type="checkbox"/>
8. Slides /Life-rafts (as required) .....	8 <input type="checkbox"/>	8 <input type="checkbox"/>
9. Oxygen supply (crew and passengers) .....	9 <input type="checkbox"/>	9 <input type="checkbox"/>
10. Safety instructions .....	10 <input type="checkbox"/>	10 <input type="checkbox"/>
11. Sufficient number of cabin crew members .....	11 <input type="checkbox"/>	11 <input type="checkbox"/>
12. Access to emergency exits .....	12 <input type="checkbox"/>	12 <input type="checkbox"/>
13. Safety of passenger baggage .....	13 <input type="checkbox"/>	13 <input type="checkbox"/>
14. Sufficient seat capacity .....	14 <input type="checkbox"/>	14 <input type="checkbox"/>
<b>C. Aircraft condition</b>		
1. General external condition .....	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Doors and hatches .....	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. Flight controls .....	3 <input type="checkbox"/>	3 <input type="checkbox"/>
4. Wheels and tyres .....	4 <input type="checkbox"/>	4 <input type="checkbox"/>
5. Undercarriage .....	5 <input type="checkbox"/>	5 <input type="checkbox"/>
6. Wheel well .....	6 <input type="checkbox"/>	6 <input type="checkbox"/>
7. Intake and exhaust nozzle .....	7 <input type="checkbox"/>	7 <input type="checkbox"/>
8. Fan blades .....	8 <input type="checkbox"/>	8 <input type="checkbox"/>
9. Propellers .....	9 <input type="checkbox"/>	9 <input type="checkbox"/>
10. Obvious repairs .....	10 <input type="checkbox"/>	10 <input type="checkbox"/>
11. Obvious unrepaired damage .....	11 <input type="checkbox"/>	11 <input type="checkbox"/>
12. Leakage .....	12 <input type="checkbox"/>	12 <input type="checkbox"/>
<b>D. Cargo</b>		
1. General condition of cargo compartment .....	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Dangerous goods .....	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. Security of cargo on board .....	3 <input type="checkbox"/>	3 <input type="checkbox"/>

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## Mobilisation of the EU Solidarity Fund

**European Parliament resolution on the proposals for decisions on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure (COM(2003) 431 – C5-0323/2003 – 2003/0166 (ACI) and COM(2003) 529 – C5-0418/2003 – 2003/0206(ACI))**

*The European Parliament,*

- having regard to the Commission proposal for a decision of the European Parliament and of the Council (COM(2003) 431 – C5-0323/2003),
  - having regard to the Commission proposal for a decision of the European Parliament and of the Council (COM(2003) 529 – C5-0418/2003),
  - having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure <sup>(1)</sup>,
  - having regard to the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure <sup>(2)</sup>,
  - having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund <sup>(3)</sup>,
  - having regard to its position of 10 October 2002 on the proposal for a Council regulation establishing the European Union Solidarity Fund <sup>(4)</sup>,
  - having regard to the results of the triilogue of 23 September 2003,
  - having regard to the report of the Committee on Budgets (A5-0315/2003),
- A. whereas the European Union has set up the appropriate institutional and budgetary instruments to cover the victims of damage caused by major natural disasters,
- B. whereas Italy and Spain have introduced a request to cover the damage resulting from the sinking of the 'Prestige' oil tanker, an earthquake in Molise and Apulia, and the eruption of Mount Etna at the end of 2002,
- C. whereas Portugal has introduced a request to cover the damage caused by the fires resulting from the exceptional drought of summer 2003,
1. Calls on the Commission to present a concise quantitative and qualitative assessment of the initial instances of Solidarity Fund intervention, particularly the implementation criteria, pursuant to Article 12 of Regulation (EC) No 2012/2002, so that the European Parliament can evaluate the Fund's operation;
2. Notes that the damage caused by the natural disasters could have been wholly or partly prevented and should give incentives for the development and implementation of prevention policies and adequate legislation on conservation and appropriate land use;

<sup>(1)</sup> OJ C 172, 18.6.1999.

<sup>(2)</sup> OJ C 283, 20.11.2002, p. 1.

<sup>(3)</sup> OJ L 311, 14.11.2002, p. 3.

<sup>(4)</sup> P5\_TA(2002)0464.

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**Concerning the damage caused by the Prestige oil tanker, by the earthquake in Molise and Apulia, and by the eruption of Mount Etna (COM(2003) 431),**

3. Wonders whether the long presentation deadlines for certain requests for assistance are due to excessively complex provisions in the Fund's regulations, or to poor coordination between national and Community administrations; asks the Commission, therefore, for information on these time delays;

**Concerning the fires in Portugal (COM(2003) 529),**

4. Calls on the Commission to report on the use of existing Community subsidies for the protection of the Community's woodlands;

5. Asks the Council to agree the demands of European Parliament on the Forest-Focus programme currently under conciliation;

\*  
\*   \*   \*

6. Approves the decisions annexed to this resolution on the mobilisation of the EU Solidarity Fund in accordance with point 3 of the abovementioned Interinstitutional Agreement of 7 November 2002;

7. Instructs its President to forward this resolution, including the Annexes, to the Council and Commission.

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ANNEX I

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 9 OCTOBER 2003  
on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional  
Agreement of 7 November 2002 between the European Parliament, the Council and the  
Commission on the financing of the European Union Solidarity Fund, supplementing the  
Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement  
of the budgetary procedure (damage caused by the 'Prestige' oil tanker, by the  
earthquake in Molise and Apulia, and by the eruption of Mount Etna)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure<sup>(1)</sup>, and in particular point 3 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund<sup>(2)</sup>,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the 'Fund') to show solidarity with the population of regions struck by disasters.
- (2) The Interinstitutional Agreement of 7 November 2002 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.

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<sup>(1)</sup> OJ C 283, 20.11.2002, p. 1.

<sup>(2)</sup> OJ L 311, 14.11.2002, p. 3.



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- (3) Regulation (EC) No 2012/2002 contains the provisions whereby the Fund may be mobilised.
- (4) The damage caused by the 'Prestige' oil tanker, by the earthquake in Molise and Apulia, and by the eruption of Mount Etna meets the conditions for mobilising the Fund,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2003, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 56 250 million in commitment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at ..., on ...

For the European Parliament  
*The President*

For the Council  
*The President*

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ANNEX II

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 9 OCTOBER 2003  
on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional  
Agreement of 7 November 2002 between the European Parliament, the Council and the  
Commission on the financing of the European Union Solidarity Fund, supplementing  
the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and  
improvement of the budgetary procedure (fires in Portugal)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure <sup>(1)</sup>, and in particular point 3 thereof,

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund <sup>(2)</sup>,

Having regard to the proposal from the Commission,

Whereas:

- (1) The European Union has created a European Union Solidarity Fund (the 'Fund') to show solidarity with the population of regions struck by disasters.
- (2) Portugal submitted an application to mobilise the Fund on 13 August 2003, concerning a fire-related disaster.

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<sup>(1)</sup> OJ C 283, 20.11.2002, p. 1.

<sup>(2)</sup> OJ L 311, 14.11.2002, p. 3.

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- (3) The Interinstitutional Agreement of 7 November 2002 allows the mobilisation of the Fund within the annual ceiling of EUR 1 billion.
- (4) The fire-related disaster in Portugal meets the conditions for mobilising the Fund;

HAVE DECIDED AS FOLLOWS:

#### Article 1

For the general budget of the European Union for the financial year 2003, the European Union Solidarity Fund shall be mobilised to provide the sum of EUR 48 539 million in commitment appropriations.

#### Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at ..., on ...

For the European Parliament  
*The President*

For the Council  
*The President*

P5\_TA(2003)0424

### Draft Amending Budget 5/2003

**European Parliament resolution on the Draft Amending Budget N° 5/2003 of the European Union for the financial year 2003, Section III – Commission (13014/2003 – C5-0449/2003 – 2003/2144(BUD) and 2003/2181(BUD))**

*The European Parliament,*

- having regard to Article 272 of the EC Treaty and Article 177 of the Euratom Treaty,
- having regard to Council Regulation (EC, Euratom) No 1605 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities<sup>(1)</sup>, and particularly Articles 37 and 38 thereof,
- having regard to the final adoption of the general budget of the European Union for the financial year 2003 on 19 December 2002<sup>(2)</sup>,
- having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure<sup>(3)</sup>,
- having regard to the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure<sup>(4)</sup>,
- having regard to the preliminary Draft Amending Budgets No 5/2003 and 6/2003 of the European Union for the financial year 2003, which the Commission presented on 30 July and 25 September 2003 (SEC(2003) 886 and SEC(2003) 1059),

<sup>(1)</sup> OJ L 248, 16.9.2002.

<sup>(2)</sup> OJ L 54, 28.2.2003.

<sup>(3)</sup> OJ C 172, 18.6.1999.

<sup>(4)</sup> OJ C 283, 20.11.2002, p. 1.

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- having regard to the Draft Amending Budget No 5/2003 of the European Union for the financial year 2003, which the Council established on 7 October 2003 (13014/2003 – C5-0449/2003),
  - having regard to the decisions of the European Parliament and of the Council of 9 October 2003<sup>(1)</sup> to mobilise the flexibility mechanism relating to the European Union Solidarity Fund for amounts of EUR 56,25 million and EUR 48 539 million respectively,
  - having regard to Rule 92 of and Annex IV to its Rules of Procedure,
  - having regard to the report of the Committee on Budgets (A5-0316/2003),
- A. whereas the European Union should give a response of solidarity to assist in the work resulting from the sinking of the 'Prestige' oil tanker, the earthquake in Molise and Apulia and the eruption of Mount Etna, at the end of 2002, as well as the forest fires in Portugal in 2003,
- B. whereas the appropriate budgetary resources have been mobilised in accordance with the provisions of Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund<sup>(2)</sup>, and the Interinstitutional Agreement of 7 November 2002 relating to its financing,
- C. whereas the purpose of AB 5/2003 is to formally enter these budgetary resources into the 2003 budget,
1. Expresses its satisfaction with AB 5/2003, the purpose of which is to enter, without delay, into the budgetary resources mobilised as part of the European Union Solidarity Fund in the 2003 budget so that those affected by these natural disasters may be assisted;
  2. Welcomes the fact that the adoption of AB 5/2003 in one single reading (as well as the decision of the European Institutions to merge the two procedures initially foreseen into one) has ensured the most rapid assistance possible from the EU budget, following the applications presented, to the countries and regions concerned;
  3. Approves unamended Draft Amending Budget No 5/2003;
  4. Instructs its President to forward this resolution to the Council and the Commission.

<sup>(1)</sup> P5\_TA-PROV(2003)0423.

<sup>(2)</sup> OJ L 311, 14.11.2002, p. 3.

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**P5\_TA(2003)0425**

**Tunnel safety \*\*\*I**

**European Parliament legislative resolution on the proposal for a European Parliament and Council directive on minimum safety requirements for tunnels in the Trans-European Road Network (COM(2002) 769 – C5-0635/2002 – 2002/0309(COD))**

(Codecision procedure: first reading)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2002) 769)<sup>(1)</sup>,
- having regard to Article 251(2) and Article 71(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0635/2002),

<sup>(1)</sup> Not yet published in OJ.

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- having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Regional Policy, Transport and Tourism (A5-0311/2003),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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**P5\_TC1-COD(2002)0309****Position of the European Parliament adopted at first reading on 9 October 2003 with a view to the adoption of European Parliament and Council Directive 2003/.../EC on minimum safety requirements for tunnels on the Trans-European Road Network**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(3)</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(4)</sup>,

Whereas:

- (1) In its White Paper *on transport policy* <sup>(5)</sup>, the Commission *announced* that it would propose minimum safety requirements for tunnels belonging to the Trans-European Road Network.
- (2) The transport system, notably the Trans-European Transport Network defined in Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the Trans-European *Transport* Network <sup>(6)</sup>, is of paramount importance in supporting European integration and ensuring a high level of well-being among Europe's citizens. *The Community* has the responsibility to guarantee a high, uniform and constant level of security, service and *user-friendliness* on the Trans-European Road Network.
- (3) Long tunnels of over 500 m in length are important structures which facilitate communication between large areas of Europe and play a decisive role in the functioning and development of regional economies.
- (4) The European Council *has* on several occasions, and notably on 14 and 15 December 2001 in *Laeken*, *underlined* the *urgent need* to take measures in order to improve tunnel safety.
- (5) On 30 November 2001, the Transport Ministers of Austria, France, Germany, Italy and Switzerland met in Zurich and adopted a Common Declaration recommending the alignment of national legislation on the most recent harmonised requirements for improving safety in long tunnels.

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<sup>(1)</sup> OJ ...

<sup>(2)</sup> OJ C 220, 16.9.2003, p. 26.

<sup>(3)</sup> OJ ...

<sup>(4)</sup> *Position of the European Parliament of 9 October 2003.*

<sup>(5)</sup> Commission White Paper of 12 September 2001: 'European transport policy for 2010: time to decide', COM(2001) 370.

<sup>(6)</sup> OJ L 228 of 9.9.1996, p. 1. Decision as amended by Decision No 1346/2001/EC (OJ L 185, 6.7.2001, p. 1).

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- (6) Since the *objective* of the proposed action, namely the achievement of a *suitable common safety level in tunnels on the Trans-European Road Network*, cannot be sufficiently achieved by the Member States and can therefore, by reason of the level of harmonisation required, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that article, this Directive does not go beyond what is necessary in order to achieve *that objective*.
- (7) Recent accidents in tunnels emphasise their importance in human, economic and cultural terms.
- (8) Some tunnels in Europe, put into operation a long time ago, were designed at a time when the technical possibilities and the conditions of transport were very different from today's. There are thus disparate safety levels and these need to be improved.
- (9) Safety in tunnels requires a number of measures relating, among others, to the geometry of the tunnel and its design, safety equipment, including road signs, traffic management, training of the emergency services, incident management, information to users on how best to behave in tunnels, and better communication between the authorities in charge and emergency services such as the police, fire-brigades and rescue teams.
- (10) As the work of the United Nations Economic Committee for Europe (UNECE) has already made clear, the conduct of road users is a decisive aspect of tunnel safety. That aspect is addressed only to a limited extent in this Directive, since it is, or will be, the subject of other rules and regulations applicable across Europe, such as Directive 2003/59/EC<sup>(1)</sup>.**
- (11) In order to implement a balanced approach, and *having regard* to the high cost of the measures, minimum safety equipment should be set taking into account the type and the expected traffic volume of each tunnel. To this *end*, progressive equipment classes should be defined.
- (12) International bodies such as the World Road Association and the UNECE have for a long time been making invaluable recommendations to help improve and harmonise safety equipment and traffic rules in road tunnels. However, as these recommendations are not binding, their full potential can only be maximised if the requirements they identify are made obligatory through legislation.
- (13) Maintaining a high safety level requires proper maintenance of the safety facilities in tunnels. An exchange of information on modern safety techniques and accident/incident data between the Member States should be systematically organised.
- (14) In order to ensure that the requirements of this Directive are properly applied **by Tunnel Supervisory Bodies**, Member States should designate one or more authorities at national, regional or local level **that monitor compliance with the requirements of this Directive and thereby take** responsibility for tunnel safety.
- (15) A flexible and progressive timescale is needed for implementation of this Directive. This will allow for completion of the most urgent works without creating major disturbances in the transport system or bottlenecks in public works in the Member States.
- (16) The cost of refurbishing existing tunnels varies considerably from one Member State to another, particularly for geographical reasons, and Member States should be allowed to spread any refurbishment works needed to meet the requirements of this Directive where the density of tunnels on their territories is well in excess of the European average.
- (17) It will be necessary to determine the extent to which the structural alterations required by this Directive to affected tunnels on the Trans-European Road Network will be eligible for supplementary TEN-financing. Revenue from tolls should also be used in this connection.**

<sup>(1)</sup> Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

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- (18) For tunnels already in operation or tunnels which have not been opened to the public within 18 months following the entry into force of this Directive, Member States should be allowed to accept the adoption of risk reduction measures as an alternative to the requirements of the Directive, where the tunnel does not allow for structural solutions to be implemented at reasonable cost.
- (19) ***With the forthcoming enlargement of the Community in view, efforts should also be aimed at ensuring the prompt introduction of this Directive in the applicant countries.***
- (20) Further technical progress is still necessary to improve tunnel safety. A procedure should be introduced to allow the Commission to adapt the requirements of this Directive to technical progress. That procedure should also be used to adopt a harmonised risk analysis method.
- (21) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(1)</sup>.
- (22) Member States should submit a report to the Commission on the measures they plan to adopt to meet the requirements of this Directive, with a view to synchronising works at Community level in order to reduce traffic disturbances.
- (23) ***Member States should be encouraged to implement comparable safety standards for road tunnels located in their territory that do not form part of the Trans-European Road Network and consequently do not fall within the scope of this Directive,***

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

##### Objective and scope

1. This Directive ***aims to achieve a suitable common safety level*** in tunnels ***on*** the Trans-European Road Network.
2. It shall apply to all tunnels on the Trans-European Road Network with lengths of over 500 m, whether they are in operation, under construction or at the design stage.

#### Article 2

##### Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) 'Trans-European Road Network' means the road network identified in Section 2 of Annex I to Decision No 1692/96/EC and illustrated by maps. The maps relate to the corresponding sections mentioned in the enacting terms and/or Annex II to that ***Decision***.
- (2) '***Emergency*** services' means all local services, whether public or private, or part of the tunnel staff, which intervene in the event of an accident, including police services, fire brigades and rescue teams.

#### Article 3

##### Safety Measures

1. Member States shall ensure that tunnels in their territory meet the minimum safety requirements laid down in Annex I. ***Particular consideration should be given to the safety of the disabled. It should in particular be possible for wheelchair users to negotiate the first door leading to an emergency exit.***

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

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2. Where certain structural requirements laid down in Annex I can only be satisfied through technical solutions which are substantially more expensive than for equivalent new tunnels, **and where the alternative measures will result in equivalent or improved protection, the Administrative Authority set up pursuant to Article 4** may accept the implementation of risk reduction measures as an alternative to those requirements. The efficiency of these measures shall be demonstrated through a risk analysis in conformity with the provisions of Article 13. Member States shall inform the Commission of the risk reduction measures accepted as an alternative and *shall* provide justification therefor. This paragraph shall not apply in respect of tunnels at the design stage as defined in *Article 9*.

3. Member States may specify stricter requirements, provided they do not contravene the requirements of this Directive.

#### Article 4

##### Administrative authority

1. Member States shall designate (an) Administrative Authority(ies), hereinafter referred as 'the Administrative Authority', which shall **satisfy itself of the observance of** all aspects of the safety of a tunnel, in particular compliance with the provisions of this Directive, and be the contact point for the Commission and the other Member States.

2. The Administrative Authority may be set up at national, regional or local level.

3. **All** tunnels located on the territory of a single Member State shall fall under the responsibility of a single Administrative Authority. For tunnels located on the territory of two Member States, each Member State may designate an Administrative Authority. **In such cases, a protocol on cooperation shall be established between the two authorities.**

4. The Administrative Authority shall take the necessary measures to ensure compliance with this Directive of all tunnels **falling within its area of competence.**

5. Prior authorisation of the Administrative Authority is required for the commissioning of a new tunnel or re-building of a tunnel.

6. The Administrative Authority shall have *the* power to suspend or restrict the operation of a tunnel if safety conditions are not met. It shall specify the conditions under which normal traffic conditions may be re-established. Where bodies designated as Administrative Authorities existed prior to this designation, those Administrative Authorities may continue to exercise their previous responsibilities provided they comply with this Directive.

#### Article 5

##### Inspection Body

1. Member States shall **ensure that inspections, evaluations and tests are carried out by inspection entities.** The Administrative Authority may perform this function. **Any entity performing the inspections, evaluations and tests must have a high level of competence and quality of procedure and must be functionally independent of the Tunnel Supervisory Body.**

2. **For tunnels located on the territory of two Member States, the Member States shall designate joint Inspection Bodies to carry out the tasks under paragraph 1.**

#### Article 6

##### Tunnel Supervisory Body

1. For each tunnel, a single Tunnel **Supervisory Body** shall be recognised by the Administrative Authority. The Tunnel **Supervisory Body shall be** the public or private body responsible for **the safety**

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of the tunnel. **It shall in particular be responsible for the design, completion, acceptance and operation of the tunnel. It may itself take on the management of the tunnel or assign it to a third party, but shall at all times hold full ultimate responsibility for the duties stated, irrespective of the manner of their execution.**

For tunnels located on the territory of two Member States, the two Administrative Authorities shall recognise one and the same Tunnel **Supervisory** Body.

2. Any significant incident or accident occurring in a tunnel shall be the subject of an explanatory report prepared by the Tunnel **Supervisory** Body **which shall include the opinion of the Safety Coordinator referred to in Article 7.** This report shall be forwarded to the **Administrative Authority** and to the emergency services within a maximum period of **two months**.

#### Article 7

##### Safety **Coordinator**

1. For each tunnel, the Tunnel **Supervisory Body** shall nominate one Safety **Coordinator** who shall, **under the authority of the former**, supervise **and ensure the consistency of** all preventive and *safeguard* measures to ensure the safety of users and *operational* staff. **The Safety Coordinator shall ensure coordination with the emergency services.** The Safety **Coordinator** may be a member of the tunnel **staff**. **The Safety Coordinator** may be responsible for several tunnels in a region.

2. The Safety **Coordinator** shall:

- (a) **assist with** the organisation **of operational** schemes;
- (b) **assist with drawing up safety programmes;**
- (c) **assist with** the definition of **equipment requirements both for new tunnels and in the modernisation of existing tunnels;**
- (d) **assist with the training of operational staff and in organising** drills at regular **intervals**.

#### Article 8

##### Notification of the Administrative Authority and the Inspection Body

The Member States shall notify the Commission of the names and addresses of the Administrative Authority and the Inspection Body by ... (\*) They shall notify within three months any subsequent changes to this information when they occur. The Commission may ask Member States to provide further information on these organisations where appropriate.

#### Article 9

##### Tunnels at the design stage

- 1. Any tunnel whose design has not been approved by the Administrative Authority by ... (\*) shall be subject to the requirements of this Directive.
- 2. The tunnel shall be commissioned in accordance with the procedure laid down in Annex II.

#### Article 10

##### **Tunnels not yet open**

1. *If a tunnel has not been opened to public traffic by ... (\*)*, the Administrative Authority shall **assess** its compliance with the requirements of this **Directive**.

(\*) *Eighteen months after the entry into force of this Directive.*



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2. Where the Administrative Authority finds that a tunnel does not comply with the provisions of this Directive, it shall notify the Tunnel **Supervisory Body** that ***the relevant measures necessary to increase safety must be taken.***

3. The tunnel shall then be commissioned in accordance with the procedure laid down in Annex II.

#### Article 11

##### Tunnels already in operation

1. If a tunnel is open to public traffic by ...<sup>(\*)</sup>, the **Administrative Authority** shall, within **18 months**, assess its compliance with the requirements of **Annex I**.

2. The Tunnel **Supervisory Body** shall, **if necessary, propose** to the Administrative Authority **a plan for adapting the tunnel to the provisions of this Directive**.

3. The Administrative Authority shall give its approval to the remedial measures or **ask for them to be modified**.

4. Thereafter, the tunnel shall be re-commissioned in accordance with the procedure laid down in Annex II.

5. Member States shall, *not later than ...*<sup>(\*\*)</sup>, submit a report to the Commission on how they plan to meet the requirements of this Directive, on planned measures, and, where appropriate, on the consequences of opening or closing the main access roads to the tunnels. In order to minimise disturbances to traffic at European level, the Commission may comment on the timetable of the work intended to ensure that tunnels comply with the requirements of this Directive.

6. The refurbishment of tunnels shall be carried out according to a schedule, which shall not exceed ten years. At least 10 % of all tunnels in operation in each Member State shall comply with the requirements of this Directive *within three years following its entry into force*, 50 % of all tunnels in operation within six years and 100 % within 10 years.

7. Where the total bore length of existing tunnels divided by the total length of the part of the Trans-European Road Network located on their territories exceeds the European average, Member States may extend the periods stipulated in paragraph 6 by 50 %.

#### Article 12

##### Periodic inspections

1. The **Administrative Authority** shall **arrange** regular inspections to ensure that all tunnels falling within the scope of this Directive comply with its provisions. **A first inspection of** all these tunnels **shall be conducted** *not later than ...*<sup>(\*\*\*)</sup>.

2. The period between two consecutive inspections of a given tunnel shall not exceed five years.

3. Where, **on the basis of the results of the inspection**, the Administrative Authority finds that a tunnel does not comply with the provisions of this Directive, it shall notify the Tunnel **Supervisory Body** that **measures to increase tunnel safety must be adopted**.

4. After refurbishing, the tunnel shall be re-commissioned in accordance with the procedure laid down in Annex II.

<sup>(\*)</sup> Eighteen months after the entry into force of this Directive.

<sup>(\*\*)</sup> Three years after the entry into force of this Directive.

<sup>(\*\*\*)</sup> Five years after the entry into force of this Directive.

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## Article 13

## Risk analysis

1. Risk analyses shall be carried out by **a body that is independent of the Tunnel Supervisory Body**, at the request and under the responsibility of the Administrative Authority. A risk analysis is an analysis of risk for a given tunnel, taking into account all design factors and traffic conditions that affect safety, notably traffic characteristics, tunnel length, type of traffic and tunnel geometry, as well as the forecast number of heavy goods vehicles per day.
2. Member States shall ensure that, **at national level**, a detailed and well-defined methodology, corresponding to the best available practices, is used and shall inform the Commission and the other Member States of the methodology applied.
3. *Not later than ... (\*)*, the Commission shall establish a report on the practice applied in the Member States. Where necessary, it shall make proposals for the adoption of a common harmonised risk analysis methodology in accordance with the procedure referred to in Article 16(2).

## Article 14

## Derogation for innovative techniques

1. In order to allow the installation of innovative safety equipment or the use of innovative safety procedures, which provide **an equivalent or higher** protection level **and have a better cost/benefit ratio** than current technologies, as prescribed in this Directive, an Administrative Authority may grant a derogation from the requirements of the Directive on the basis of a duly documented request from the Tunnel **Supervisory Body**.
2. If the Administrative Authority intends to grant the derogation, the Member State shall first submit a derogation application to the Commission containing the initial request and the opinion of the Inspection Body.
3. The Commission shall give a reply in accordance with the procedure referred to in Article 16(2). Where the decision is negative, the Administrative Authority shall not grant the derogation.

## Article 15

## Adaptation to technical progress

The Commission shall adapt the Annexes to this Directive to technical progress, in accordance with the procedure referred to in Article 16(2).

## Article 16

## Committee procedure

1. The Commission shall be assisted in these tasks by a Committee composed of representatives of the Member States and chaired by the Commission.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. The period laid down in Article 5(6) of Decision 1999/468/EC shall be three months.
4. The Committee shall adopt its rules of procedure.

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(\*) Five years after the entry into force of this Directive.

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Article 17

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... (\*). They shall forthwith inform the Commission thereof.
2. The provisions adopted by the Member States shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 18

Entry into force

This Directive shall enter into force on the twentieth day following the day of its publication in the Official Journal of the European Union.

Article 19

This Directive is addressed to the Member States.

Done at ..., on ...

For the European Parliament  
The President

For the Council  
The President

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(\*) Eighteen months after the date of publication of the Directive in the Official Journal.

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ANNEX I

MEASURES

1. Infrastructure measures

***The Annex contains the minimum safety requirements for tunnels on the Trans-European Road Network with lengths of over 500 m.***

1.1. ***Safety parameters***

- 1.1.1. ***A risk analysis in accordance with Article 13 shall be carried out when required taking into consideration safety-related tunnel parameters such as:***

- ***tunnel length,***
- ***number of tubes,***
- ***number of lanes,***
- ***cross-sectional geometry,***
- ***vertical and horizontal alignment – and in any case where the maximum gradient in the tunnel is more than 3 %,***
- ***type of construction,***
- ***uni-directional or bi-directional traffic,***

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- *traffic volume per tube (including its time distribution),*
- *risk of congestion (daily or seasonal),*
- *access time of the emergency services,*
- *presence and percentage of heavy goods vehicles — and in any case where the number of heavy goods vehicles over 3,5 t exceeds 15 % of the annual average daily traffic volume,*
- *presence, percentage and type of dangerous goods traffic,*
- *characteristics of the access roads,*
- *lane width — and in any case when this is less than 3,5 m.*

*The risk analysis shall establish whether additional safety measures and/or supplementary equipment are necessary to ensure a high level of tunnel safety.*

1.1.2. *'Traffic volume' means the average daily transit traffic through a tunnel per lane, as calculated at the beginning of each year over a rolling three-year period. For the purposes of determining the traffic volume, each motor vehicle shall be counted as one unit.*

1.2. *Number of tubes and lanes*

1.2.1. *The main criteria in deciding whether to build a single or a twin-tube tunnel shall be projected traffic volume and safety, taking into account aspects such as percentage of heavy goods vehicles, gradient and length.*

1.2.2. *In any case, where, for tunnels at the design stage, a 15-year forecast shows that the traffic volume will exceed 10 000 vehicles per day and per lane, a twin-tube tunnel with unidirectional traffic shall be in place at the time when this value will be exceeded.*

1.2.3. *With the exception of the emergency lane, the same number of lanes shall be maintained inside and outside the tunnel. Any change in the number of lanes shall occur at a sufficient distance in front of the tunnel portal; this distance shall be at least the distance travelled in 10 seconds by a vehicle at the maximum allowed speed. Where geographic circumstances do not allow this distance to be respected, additional and/or reinforced measures shall be taken to enhance safety.*

1.3. *Tunnel gradients*

1.3.1. *Longitudinal gradients above 5 % shall not be permitted in new tunnels, unless no other solution is geographically possible.*

1.3.2. *In tunnels with gradients higher than 3 %, additional and/or reinforced measures shall be taken to enhance safety.*

1.4. *Escape routes and emergency exits*

1.4.1. *In new tunnels without an emergency lane, emergency walkways to be used by tunnel users in the event of a breakdown or accident shall be provided.*

1.4.2. *In existing tunnels where there is neither an emergency lane nor an emergency walkway, additional and/or reinforced measures shall be taken to provide for safety.*

1.4.3. *Emergency exits shall be so designed as to enable tunnel users to leave the tunnel without their vehicles and reach a safe place in the event of an accident or fire, and also to provide an access on foot to the tunnel for emergency services through:*

- *direct exits from the tunnel to the outside,*
- *cross-connections between twin-tube tunnels,*

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- exits to an emergency gallery,
- shelters with an escape route separate from the tunnel tube.

1.4.4. Shelters without an exit leading to escape routes to the open shall not be built.

1.4.5. Where emergency exits are provided, the distance between any two emergency exits shall not exceed 500 m.

1.4.6. Emergency exits shall be provided if the smoke extension and spreading velocity under local conditions show, following an analysis of relevant risks in accordance with Article 13, that the ventilation and other safety provisions are insufficient to ensure the safety of road users.

1.4.7. In any case, in new tunnels, emergency exits shall be provided where the traffic volume is higher than 2 000 vehicles per lane.

1.4.8. In existing tunnels longer than 1 000 m with a traffic volume higher than 2 000 vehicles per lane, the feasibility and effectiveness of providing new emergency exits shall be evaluated.

1.4.9. Appropriate means, such as doors behind the emergency exit, shall prevent the propagation of smoke and heat into the escape routes, so that tunnel users can reach the outside safely and emergency services can have access to the tunnel.

1.5. Emergency passages for emergency services

1.5.1. In twin-tube tunnels a cross-connection, at least every 1 500 m, shall be provided for the use of emergency services.

1.5.2. Wherever geographically possible, crossing of the central reserve (median strip) shall be made possible outside each portal of a twin- or multi-tube tunnel. This measure will allow emergency services to gain immediate access to either tube.

1.6. Lay-bys

1.6.1. For new bi-directional tunnels longer than 1 500 m where the traffic volume is higher than 2 000 vehicles per lane, lay-bys shall be provided at distances which do not exceed 1 000 m, if emergency lanes are not foreseen.

1.6.2. In existing bi-directional tunnels longer than 1 500 m with a traffic volume higher than 2 000 vehicles per lane, which do not have emergency lanes, the feasibility and effectiveness of providing lay-bys shall be evaluated.

1.6.3. Lay-bys shall include an emergency station.

1.7. Drainage

1.7.1. Drainage of flammable and toxic liquids shall be possible through well-designed slot gutters or other measures within the tunnel cross-sections, where the transport of dangerous goods is permitted. Additionally, this drainage system shall be designed and maintained to prevent fire and flammable and toxic liquids from spreading inside a tube and between tubes.

1.7.2. If in existing tunnels such requirements cannot be met, this shall be taken into consideration when deciding whether to allow the transport of dangerous goods in accordance with point 2.7.

1.8. Fire resistance of structures

The main structure of all tunnels where a local collapse of the structure can have catastrophic consequences, e.g. immersed tunnels or tunnels which can cause the collapse of important neighbouring structures, shall ensure a sufficient level of fire resistance.

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**1.9. Lighting**

- 1.9.1.** *In tunnels with a traffic volume higher than 2 000 vehicles per lane, normal lighting shall be permanently provided so as to ensure appropriate visibility for drivers. Where there is no permanent normal lighting, measures such as signs about the use of headlights, speed limits or marker lights shall be taken to ensure safety.*
- 1.9.2.** *In tunnels which are lit, safety lighting shall be provided to allow a minimum visibility for tunnel users in the event of a breakdown of the power supply.*
- 1.9.3.** *In tunnels which are lit, evacuation lighting, at a height of no more than 1,5 m, shall guide tunnel users evacuating the tunnel on foot, in case of emergency.*

**1.10. Ventilation**

- 1.10.1.** *The design, construction and operation of the ventilation system shall take into account:*
- the control of pollutants emitted by road vehicles, under normal and peak traffic flow,*
  - the control of the pollutants emitted by road vehicles, where traffic is stopped due to an incident or an accident,*
  - the control of heat and smoke in case of fire.*
- 1.10.2.** *A mechanical ventilation system shall be installed in all tunnels longer than 1 000 m with a traffic volume higher than 2 000 vehicles per lane.*
- 1.10.3.** *In tunnels with bi-directional and/or congested unidirectional traffic, longitudinal ventilation shall be used only if a risk analysis in accordance with Article 13 shows it is acceptable and/or specific measures are taken, such as better traffic management, lower emergency exit distances and smoke exhausts at intervals.*
- 1.10.4.** *Transverse or semi-transverse ventilation systems shall be used in tunnels where a mechanical ventilation system is necessary and longitudinal ventilation is not allowed in accordance with point 1.10.3. These systems shall be able to exhaust smoke in case of fire.*
- 1.10.5.** *For tunnels with bi-directional traffic, longer than 3 000 m and with a control centre and transverse and/or semi-transverse ventilation, the following minimum measures shall be taken as regards ventilation:*
- air and smoke extraction dampers shall be installed which can be operated separately or in groups,*
  - the longitudinal air velocity shall be monitored constantly and the steering process of the ventilation system (dampers, fans, etc.) adjusted accordingly.*
- 1.11. Emergency stations** (*Safety recesses*)
- 1.11.1.** *Emergency stations can consist of a box on the sidewall or preferably a recess in the sidewall. They shall be equipped with at least an emergency telephone and two fire extinguishers.*
- 1.11.2.** *For existing tunnels, emergency stations shall be provided at the portals and inside at intervals which do not exceed 250 m. If emergency stations are located at intervals of more than 150 m, additional and/or reinforced measures shall be taken to enhance safety.*
- 1.11.3.** *For new tunnels, emergency stations shall be provided at the portals and inside at intervals which do not exceed 150 m.*

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1.12. *Water supply*

1.12.1. *A water supply shall be provided for all tunnels and hydrants shall be provided at the portals and inside at intervals which do not exceed 150 m. If a water supply is not available, it is mandatory to verify that sufficient water is provided otherwise.*

1.12.2. *In existing tunnels, intervals longer than 250 m shall not be allowed.*

1.13. *Road signs*

*Specific signs shall be used for all safety facilities provided for tunnel users. Signs, panels and pictograms for use in tunnels are given in Annex III.*

1.14. *Control centre*

1.14.1. *A control centre shall be provided for all tunnels longer than 3 000 m with a traffic volume higher than 2 000 vehicles per lane.*

1.14.2. *Surveillance of several tunnels may be centralised in a single control centre.*

1.15. *Monitoring systems*

1.15.1. *Video monitoring systems and a system able to automatically detect traffic incidents (such as stopping vehicles) and/or fires shall be installed in all tunnels with a control centre.*

1.15.2. *Automatic fire detection systems shall be installed in all tunnels without a control centre and longer than 1 000 m.*

1.16. *Equipment to close the tunnel*

1.16.1. *In all tunnels longer than 1 000 m, traffic lights shall be installed before the entrances so that the tunnel can be closed in case of emergency. Additional means, such as variable message signs and barriers, can be provided to ensure appropriate obedience.*

1.16.2. *Inside all tunnels longer than 2 000 m, with a control centre and a traffic volume higher than 2 000 vehicles per lane, equipment to stop vehicles in case of emergency is recommended at intervals not exceeding 1 000 m. This equipment shall consist of traffic lights and possibly additional means, such as loudspeakers, variable message signs and barriers.*

1.17. *Communication systems*

1.17.1. *Radio re-broadcasting equipment shall be installed in all tunnels longer than 1 000 m with a traffic volume higher than 2 000 vehicles per lane for emergency service use.*

1.17.2. *Where there is a control centre, it shall be possible to interrupt radio re-broadcasting of channels intended for tunnel uses, if available, in order to give emergency messages.*

1.17.3. *Shelters and other facilities where evacuating tunnel users must wait before they can reach the outside shall be equipped with loudspeakers in order to inform users.*

1.18. *Power supply and electrical circuits*

1.18.1. *All tunnels shall have an emergency power supply able to ensure the functioning of safety equipment until all users have evacuated the tunnel.*

1.18.2. *Electrical, measurement and control circuits shall be designed in such a way that a local failure, such as that due to a fire, does not affect unimpaired circuits.*

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**1.19. Fire resistance of equipment**

*The level of fire resistance of all tunnel equipment shall take into account the technological possibilities and aim at maintaining the necessary safety functions in case of fire.*

**1.20. Table related to minimum equipment**

*The minimum equipment is laid down in the following table.*

MINIMUM EQUIPMENT TABLE

Equipment category	Equipment type	Traffic Volume	Tunnel length	Remarks
Structural Measures	escape routes (walkways)	higher than 2 000 veh/d/lane		only for new tunnels, if there are no emergency lanes
	emergency exits	higher than 2 000 veh/d/lane	for existing tunnels longer than 1 000 m	at least every 500 m
	emergency passages for vehicles of emergency services		for new twin-tube tunnels longer than 2 000 m	at least every 1 500 m
	lay-bys	higher than 2 000 veh/d/lane	for new tunnels longer than 1 500 m	at least every 1 000 m
	fire resistance of structure			where local failures may cause catastrophic events
Lighting	normal lighting	higher than 2 000 veh/d/lane		
	safety lighting	higher than 2 000 veh/d/lane		
	evacuation lighting	higher than 2 000 veh/d/lane		
Ventilation		higher than 2 000 veh/d/lane	for tunnels longer than 1 000 m	
Semi-transverse Ventilation		higher than 2 000 veh/d/lane	for bi-directional tunnels longer than 3 000 m	
Emergency stations	emergency telephone	higher than 2 000 veh/d/lane		at least every 150 m (exceptions)
	fire extinguishers	higher than 2 000 veh/d/lane		at least every 150 m (exceptions)
	manual alarm facilities			
Water supply		higher than 2 000 veh/d/lane	for tunnels longer than 1 000 m	at least every 150 m (exceptions)
Control centre		higher than 2 000 veh/d/lane	for tunnels longer than 3 000 m	
Monitoring systems	CCTV closed circuit television			only for tunnels which have a control centre
	automatic incident detection			for tunnels which have no control centre
	fire detection systems			for tunnels which have no control centre
Equipment to close the tunnel	outside the tunnel		only for tunnels above 1 000 m	
	equipment to stop vehicles inside the tunnel	recommended higher than 2 000 veh/d/lane	for tunnels longer than 2 000 m	only for tunnels which have a control centre
	variable message signs	recommended higher than 2 000 veh/d/lane		only for tunnels above 1 000 m



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Equipment category	Equipment type	Traffic Volume	Tunnel length	Remarks
Communications systems	radio re-broadcasting	higher than 2 000 veh/d/lane	for tunnels longer than 2 000 m	
Power supply		higher than 2 000 veh/d/lane		
Fire resistance of equipment		higher than 2 000 veh/d/lane		

## 2. Measures concerning operations

### 2.1. Operating means

*The operation shall be organised and have appropriate means so as to ensure the continuity and safety of traffic through the tunnel. The personnel involved in the operation as well as the emergency services shall receive appropriate initial and continuous training.*

### 2.2. Emergency planning

*Emergency response plans shall be available for all tunnels. In tunnels starting and finishing in different Member States, a single bi-national emergency response plan shall involve the two countries.*

### 2.3. Role of the Administrative Authority

At organisational level the Administrative Authority shall, for the purposes of co-ordinating and supervising accident/incident management in road tunnels, draw up **the** requirements for the inspection of tunnels from the point of view of **safety**.

### 2.4. Works in tunnels

2.4.1. Complete or partial closure of lanes due to construction or maintenance works planned in advance shall always begin and end outside the **tunnel**.

2.4.2. The closure of lanes shall be indicated before the road enters the **tunnel**.

### 2.5. Accident management

2.5.1. In the event of a serious incident, the Tunnel **Supervisory Body** shall immediately close the tunnel (all tubes). This shall be done by simultaneous activation not only of the above-mentioned equipment before the portals, but also of variable message signs, traffic lights and mechanical barriers inside the tunnel, if available, so that all the traffic can be stopped as soon as possible outside and inside the tunnel.

2.5.2. The access time for emergency services in the event of an incident in a tunnel shall be measured during periodic exercises. *It shall be kept to a minimum, due regard being had to locally prevailing conditions. Its trend shall be monitored, and proposals submitted for its reduction to the extent possible.*

### 2.6. Activity of the control centre

2.6.1. *Where a control centre is provided for it shall, as a single control centre, have full control at any given time, including for tunnels starting and finishing in different Member States.*

2.6.2. In particular, distances between vehicles and the speed of vehicles in tunnels shall be subject to greater control in order to achieve a regular traffic flow and greater safety in tunnels.

2.6.3. Traffic shall be managed in such a way that, after an incident, unaffected vehicles which are not blocked can quickly leave the tunnel.

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## 2.7. Tunnel closure

- 2.7.1. In the event of tunnel closure (long or short-term), Member States shall inform users of the best alternative itineraries, by means of easily accessible information systems.
- 2.7.2. Such alternative itineraries shall form part of systematic contingency plans. They should aim to maintain traffic flow as far as possible and minimise secondary safety effects on the surrounding areas.
- 2.7.3. In the event of an incident in a twin-tube tunnel, traffic shall be stopped and diverted in both tubes so that the tube free of incident can be used as an escape and rescue route.

## 2.8. Transport of dangerous goods

- 2.8.1. Member States and their Administrative Authorities shall apply the following measures concerning access to tunnels of vehicles transporting dangerous goods:
- **place signs** at tunnel entrances, **and at the last possible turn-off before the road enters the tunnel**, indicating which groups of dangerous goods are permitted/prohibited;
  - perform a risk analysis in accordance with Article 13 before deciding on tunnel requirements regarding dangerous goods;
  - consider operating measures designed to reduce the risks of transporting dangerous goods in tunnels, such as declaration before entering or escort, on a case by case basis; this may require the formation of convoys and accompanying vehicles for the transport of some types of particularly dangerous goods;
  - improve traffic management for the transport of dangerous goods, e.g. with the introduction of automatic detection systems.

## 2.9. Overtaking in tunnels

***A risk analysis shall be carried out in order to decide whether heavy goods vehicles should be allowed to overtake in tunnels.***

## 2.10. Distance between vehicles

Road users shall maintain a minimum distance of 50 m for passenger cars and 100 m for heavy goods vehicles, at the maximum authorised speed, from the vehicle in front of **them**.

- 2.10.1. Half of the above distances at least shall be maintained in a tunnel when traffic stops.

## 2.11. Transport Policy

***Member States shall in general be required, alternatively and additionally, to place traffic-management measures at the service of tunnel safety.***

## 2.12. Derogations

***For tunnels in urban road networks falling within the scope of this Directive, the Administrative Authority may grant a derogation from the requirements thereof, in particular regarding the closure of lanes outside the tunnel and the distance between vehicles.***

## 3. Measures concerning vehicles in road tunnels

- 3.1. All heavy goods vehicles, buses and coaches driving through road tunnels shall be equipped with fire **extinguishers**.
- 3.2. **Member** States shall conduct random controls in order to enforce *this rule*.

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4. Measures designed to inform road users of the attitude to adopt
  - 4.1. Information campaigns
    - 4.1.1. Information campaigns regarding safety in tunnels shall be regularly organised by the Member States and implemented in conjunction with interested parties on the basis of the harmonised work of international organisations.
    - 4.1.2. These information campaigns shall cover the correct behaviour of road users when approaching and driving through tunnels, especially in connection with vehicle breakdown, congestion, accidents and fires. Information on the safety equipment available and proper road user behaviour in tunnels shall be displayed in rest areas before tunnels and at tunnel entrances *where* the traffic is stopped (for example at tolls).
  - 4.2. Communications
    - 4.2.1. Tunnels shall be equipped to ensure continuity of the functioning of on-board vehicle communication equipment (i.e. radios, navigation and positioning systems, mobile phones).
    - 4.2.2. When a user calls the emergency number 112 by mobile phone from a tunnel, the information shall be instantly available to the tunnel operator and the emergency services.

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## ANNEX II

### APPROVAL OF THE DESIGN, SAFETY DOCUMENTATION, COMMISSIONING OF A TUNNEL, MODIFICATIONS AND PERIODIC EXERCISES

1. Approval of the design
  - The provisions of this Directive shall be applied from the preliminary design stage onward.
  - The Tunnel **Supervisory Body** shall consult the Safety **Coordinator** at the design stage of a structure. On receiving a positive opinion from the Safety **Coordinator**, the Tunnel **Supervisory Body** shall submit the design to the Administrative Authority for approval.
  - The Administrative Authority may consult the Inspection Body.
  - The design, as appropriate, shall be approved by the Administrative Authority, which shall inform the Tunnel **Supervisory Body** of its decision.
2. Safety documentation
  - The Tunnel **Supervisory Body** shall at all times keep safety documentation for each tunnel. He shall provide a copy of the safety documentation to the Safety **Coordinator**.
  - **The** safety documentation shall include the preventive and safeguard measures needed to ensure the safety of persons, taking into account the nature of the route, **as well as accessible routes for people with reduced mobility, including disabled people**, the configuration of the structure, its surroundings, the nature of the traffic and the scope for action by the external emergency services.
  - The safety documentation for a tunnel at the design stage shall include:
    - a description of the planned structure and access to it, together with the plans necessary for understanding its design and anticipated operating arrangements;
    - a traffic forecast study specifying and justifying the conditions expected for the transport of hazardous goods, together with a comparative analysis of the hazards arising from different possible arrangements for performing this type of transport;

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- a specific hazard investigation describing accidents of any kind which might occur during the operating stage and the nature and magnitude of their possible consequences; this investigation must specify and substantiate measures for reducing the likelihood of accidents and their consequences;
- an opinion on safety from an expert or organisation specialising in this field.
- For a tunnel which is under construction, the safety documentation shall also include any measures designed to ensure the safety of persons working at the construction site.
- The safety documentation for a tunnel which is in operation shall include:
  - a description of the tunnel as built and the access to it, together with the plans necessary for an understanding of its design and operating arrangements;
  - an analysis of existing traffic and foreseeable changes, including the conditions applicable to the movement of hazardous goods;
  - a specific investigation into hazards, describing accidents of any kind which might arise in the course of operation and the nature and magnitude of any possible consequences; this investigation must specify and substantiate measures for reducing the likelihood of accidents and their consequences;
  - a description of the organisation, human and material resources and instructions specified by the Tunnel **Supervisory Body** to ensure operation and maintenance of the tunnel;
  - an action and safety plan **which includes emergency rescue procedures for people with reduced mobility, including disabled people**, drawn up jointly with the emergency services;
  - a description of the system of permanent feedback of experience through which significant incidents and accidents can be recorded and analysed;
  - a report and analysis on significant incidents and accidents;
  - a list of the safety exercises carried out and an analysis of the lessons learned from them.

### 3. Commissioning

- The initial opening of a tunnel to public traffic shall be subject to authorisation by the Administrative Authority (commissioning) in accordance with the following procedure.
- This procedure also applies to the opening of a tunnel to public traffic after any major change in construction and operation or any substantial modification work on the tunnel which might significantly alter any of the constituent components of the safety documentation.
- For this purpose the Tunnel **Supervisory Body** shall compile complete safety documentation. This documentation shall include:
  - a description of the tunnel as built and the access to it, together with the plans necessary for an understanding of its design and operating arrangements;
  - an updated traffic forecast investigation;
  - a specific investigation into hazards, describing accidents of any kind which might arise in the course of operation and the nature and magnitude of any possible consequences; this investigation must specify and substantiate measures for reducing the likelihood of accidents and their consequences;

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- a description of the organisation, human and material resources and instructions specified by the Tunnel **Supervisory Body** to ensure operation and maintenance of the tunnel;
  - an action and safety plan drawn up jointly with the emergency services;
  - a description of the system of permanent feedback of experience through which significant incidents and accidents can be recorded and analysed;
  - an analysis by an expert or an organisation specialising in road tunnel safety approving the measures included in this documentation as regards safety requirements.
- The Tunnel **Supervisory Body** shall transmit this safety documentation to the Safety **Coordinator**, who shall give his opinion on the opening of the tunnel to public traffic.
- **The Tunnel Supervisory Body** shall forward this safety documentation, **with the opinion of the Safety Coordinator**, to the Administrative Authority, which may decide to consult the Inspection Body. After receiving the comments of the Inspection Body, the Administrative Authority shall decide whether or not to authorise the opening of the tunnel to public traffic, or whether to do so with restrictive conditions, and shall notify this to the Tunnel **Supervisory Body**. A copy of this decision shall be forwarded to the emergency services.

#### 4. Modifications

- The Tunnel **Supervisory Body** shall inform the Safety **Coordinator** of any change in construction and operation which might call into question any of the constituent components of the safety documentation. Furthermore, prior to any modification work on the tunnel, the Tunnel **Supervisory Body** shall provide the Safety **Coordinator** with descriptive documentation.
- The Safety **Coordinator** shall examine the consequences of the modification and in any event notify the Tunnel **Supervisory Body** of his conclusions. **Copies shall be forwarded** to the emergency services **and the Administrative Authority**.
- **The** Administrative Authority **may if necessary** request the Tunnel **Supervisory Body** to re-commission the tunnel in accordance with the procedure laid down in point 3 on '**Commissioning**'.

#### 5. Periodic exercises

At least once every year, the Tunnel **Supervisory Body** shall, in co-operation with the Safety **Coordinator**, organise periodic exercises for tunnel staff and the emergency services.

Exercises:

- should be as realistic as possible and should correspond to the defined incident scenarios;
- should yield clear results;
- should be carried out in conjunction with experts from the maintenance and emergency services in order to prevent any damage to the tunnel and keep interference with traffic flow to a minimum;
- may also, in part, be conducted as table top or computer simulation exercises for complementary results.

**The Safety Coordinator shall supervise these exercises, draw up a report and make appropriate proposals, where necessary, to the Tunnel Supervisory Body for further action.**

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## ANNEX III

## ROAD SIGNING FOR TUNNELS

## 1. General requirements

Road signs mentioned in this section are described in the Vienna Convention on Road Signs and Signals unless specified.

## 1.1. Road signs shall be used to designate the following escape routes and safety facilities in tunnels:

Safety exits: the same sign shall be used at the entrance of direct exits to the outside, connections to the other tunnel tube or to a safety gallery;

Escape routes to safety exits: the two nearest escape exits shall be signed on the sidewalls, *at least every 25 m*, at a height of 1,1 to 1,5 m, with indication of the distances;

Safety recesses (*Emergency stations*): with indication of the presence of an emergency phone and a fire extinguisher, *at least every 150 m*;

Lay-bys: at least every 1 000 m; they shall be systematically signed in advance; this shall imply, by definition, the presence of an emergency phone and of at least two fire extinguishers;

Radio frequencies: the sign shall be placed at the entrance of tunnels and every 1 000 m in long tunnels.

## 1.2. All these signs shall be designed and positioned so that they are clearly visible to all oncoming users and shall be permanently illuminated (or lit).

## 2. Description of signs, panels and pictograms

Signing should conform to the following specific rules, both in sign selection and in the materials used.

## 2.1. Vertical signing

- Compulsory vertical signing in the advance warning area of a tunnel shall include:
  - the sign 'Tunnel', as described in the Vienna Convention on Road Signs and Signals (sign E, 11a); this sign shall imply the use of dipped headlights and also include an additional panel indicating the length and the name of the tunnel, in particular for tunnels over 1 000 m;
  - the specific maximum speed limit (sign C, 14) in the tunnel;
  - the 'No overtaking' sign (C, 13a/C, 13aa/C, 13ab for all vehicles *or* C, 13b/C, 13ba/C, 13bb for heavy goods vehicles) where appropriate;
  - where necessary, other additional signs such as those prohibiting entry to vehicles carrying dangerous goods (C, 3h) or certain dangerous goods (C, 3m or C, 3n).
- Compulsory vertical signing in the tunnel shall include:
  - the 'Maximum speed limit' sign (C, 14) every 500 m, in the case of tunnels longer than 1 000 m;
  - where appropriate, the 'No overtaking' sign (C, 13a /C, 13aa/C, 13ab for all vehicles *or* C, 13b/C, 13ba/C, 13bb for heavy goods vehicles) every 500 m in the case of tunnels longer than 1 000 m;

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- Compulsory vertical signing beyond the tunnel shall include:
  - the sign (E, 11b 'end of tunnel') and appropriate signs revoking the speed limitation (C, 17b) or prohibitions (C, 17c 'end of prohibition of overtaking' or C, 17d 'end of prohibition of overtaking for heavy goods vehicles').
- Optimum conspicuity high quality retro-reflective materials shall be used in vertical signing:
  - signs inside tunnels should be made of materials with maximum retro-reflection and be internally or externally permanently illuminated to give optimum conspicuity both in day and in night-time conditions;
  - materials used both in tunnels and in their advance warning area should be of the highest level of performance in reflectivity, specified in the national standards of each country, using micro-cube technology high performing retro-reflective sheeting, granting night-time visibility in the case of electrical failure.

## 2.2. Horizontal signing (road markings)

- Horizontal delineation should be used at the roadside edge (edge lines) at a distance of between 10 and 20 cm from the carriageway limit. The line should have a width of **25 cm**. Centre lines should have a minimum width of 15 cm.
- In the case of bi-directional tunnels, retro-reflective road studs ('cats eyes') should be used on both sides of the median line (single or twin) separating the two directions at a distance ranging between 10 and 15 cm from the external edge of each line.

Retro-reflective road studs, following the national legislation concerning their maximum height and dimensions, should be used *at least every 20 m*. If the tunnel is in a road curve, this distance should be *reduced to 8 m*, for the first 10 reflectors from the tunnel entrance.

- Optimum conspicuity high quality retro-reflective materials should be used in horizontal signing:
  - road markings shall be of the highest quality to grant *24-hour* day and night-time visibility,
  - road markings shall deliver the highest possible conspicuity in wet conditions,
  - retro-reflective road studs shall be of the highest quality in order to achieve the highest visibility at night.

## 2.3. Variable Message Signs

- In tunnels under surveillance, variable message signs (VMS) shall be used at the tunnel entrance, and if possible in advance of it, to display specific messages in the *event* of an incident in the tunnel or in order to stop the traffic before entering in the *event* of an emergency.
- In long tunnels, such devices shall also be repeated inside the tunnel.
- Signs and pictograms used on variable message signs in tunnels shall be harmonised.

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## 2.4 Signs, panels and pictograms for signing of facilities

## Descriptive Panel



*The E11 sign described in the Vienna Convention will be placed at each portal of the tunnel.*

## Safety recesses (Emergency stations)

Safety recesses are intended to provide various safety equipment, in particular emergency telephones and extinguishers, but are not intended to protect road users from the effects of a fire. Signs shall indicate the equipment available to road users, such as:



Emergency telephone  
The colours are the ones defined in CEN Standard EN 12899 of January 2001



Extinguisher  
The pictogram is the one defined in ISO norm 6309

In safety recesses, a clearly legible text, written in several languages, shall indicate that the safety recess does not ensure protection in case of fire. An example is given below:

THIS ROOM DOES NOT ENSURE  
A PROTECTION  
IN CASE OF FIRE  
Please go to an emergency exit  
following the signs on the walls.



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**Lay-bys**

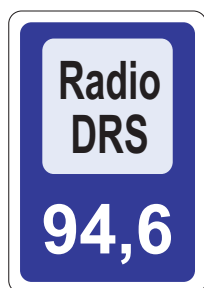
Lay-bys are widenings intended for stopping in emergencies. They shall be signed as shown below; a green background colour may also be used; a telephone and an extinguisher are essential in the lay-by and shall be indicated by an additional panel. This information may also be incorporated in the sign *itself*.

## Emergency exits

The signs to indicate 'Emergency exits' should conform to the pictograms proposed by the ISO 6309 standard or CEN Standard EN 12899 of January 2001. Its background colour is green. Examples are shown below:



It is also necessary to sign the two nearest exits on the sidewalls, about every 25 m, at a height of 1,1 to 1,5 metres. Examples are shown below.



## Radio frequency

Tune your radio to the frequency indicated.

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*Pictograms for Variable Message Signing*

The signs and pictograms shown here do not yet exist in international legal instruments

Observe traffic lights and signs (Signs can change in tunnel)



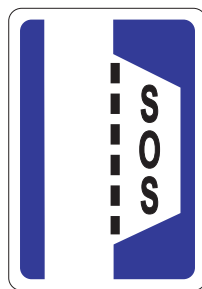
Breakdown



Accident



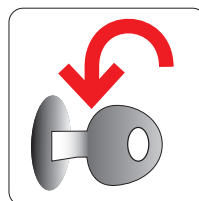
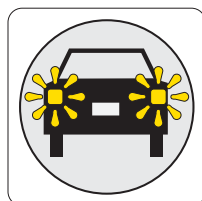
Fire in a vehicle



Try to move your vehicle to an emergency lane, a lay-by or at least to the hard shoulder or the edge of the road.

Switch on your hazard warning lights

Switch off the engine if congestion persists



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## Better lawmaking

### European Parliament decision on the conclusion of the interinstitutional agreement on Better Law-Making between the European Parliament, the Council and the Commission (2003/2131(ACI))

*The European Parliament,*

- having regard to the decision of the Conference of Presidents of 5 June 2003,
  - having regard to the letter from its President dated 17 June 2003,
  - having regard to the interinstitutional agreement on better law-making between the European Parliament, the Council and the Commission,
  - having regard to Rule 54(1) of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0313/2003),
1. Takes the view that it must undertake not to accept the adoption of legislative acts which require the application of implementing measures adopted under the co-regulation mechanism where those acts do not explicitly include the provisions relating to verification and to a call-back mechanism provided for in point 18 of the Agreement;
  2. Reserves the right, in application of the second and third paragraphs of Article 230 of the EC Treaty, to bring an action before the Court of Justice against any legal rule adopted under the self-regulation procedure which might encroach upon the prerogatives of the legislative authority and, hence, call Parliament's prerogatives into question;
  3. Approves the conclusion of the agreement annexed hereto;
  4. Instructs its President to forward this decision, for information, to the Council and Commission.

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## ANNEX

### INTERINSTITUTIONAL AGREEMENT ON BETTER LAW-MAKING

THE EUROPEAN PARLIAMENT, THE COUNCIL OF THE EUROPEAN UNION AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and, in particular, to Article 5 thereof and the Protocol on the application of the principles of subsidiarity and proportionality annexed thereto,

Having regard to the Treaty on European Union,

Drawing attention to Declaration No 18 on the estimated costs under Commission proposals and to Declaration No 19 on the implementation of Community law, both of which are annexed to the Maastricht Final Act,

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Drawing attention to the Interinstitutional Agreements of 25 October 1993 on the procedures for implementing the principle of subsidiarity<sup>(1)</sup>, of 20 December 1994 on accelerated working method for the official codification of legislative texts<sup>(2)</sup>, of 22 December 1998 on common guidelines for the quality of drafting of Community legislation<sup>(3)</sup>, and of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>(4)</sup>,

Noting the Presidency Conclusions of the meetings of the European Council held on 21 and 22 June 2002 in Seville and on 20 and 21 March 2003 in Brussels,

Emphasising that this Agreement is concluded without prejudice to the outcome of the Intergovernmental Conference which will be held following the Convention on the Future of Europe,

HAVE AGREED AS FOLLOWS:

### **Common commitments and objectives**

1. The European Parliament, the Council of the European Union and the Commission of the European Communities hereby agree to improve the quality of law-making by means of a series of initiatives and procedures set out in this interinstitutional agreement.

2. In exercising the powers and in compliance with the procedures laid down in the Treaty, and recalling the importance which they attach to the Community method, the three Institutions agree to observe general principles such as democratic legitimacy, subsidiarity and proportionality, and legal certainty. They further agree to promote simplicity, clarity and consistency in the drafting of laws and the utmost transparency of the legislative process.

They call on the Member States to ensure a proper and prompt transposition of Community law into national law within the prescribed time limits, pursuant to the Presidency Conclusions of the European Council at its Stockholm, Barcelona and Seville meetings.

### **Better coordination of the legislative process**

3. The three Institutions agree to ensure that general coordination of their legislative activity is improved, thereby providing an essential foundation for better law-making within the European Union.

4. The three Institutions agree to improve the coordination of their preparatory and legislative work in the context of the codecision procedure and to publicise it in appropriate fashion.

The Council will inform the European Parliament in good time of the draft multiannual strategic programme which it recommends for adoption by the European Council. The three Institutions will forward to each other their respective annual legislative timetables with a view to reaching agreement on joint annual programming.

In particular, the European Parliament and the Council will seek to establish, for each legislative proposal, an indicative timetable for the various stages leading to the final adoption of that proposal.

Wherever multiannual programming has an interinstitutional impact, the three Institutions will initiate cooperation through the appropriate channels.

As far as possible, the Commission's annual law-making and work programme will include indications as to the choice of legislative instrument and the legal basis envisaged for each measure to be put forward.

<sup>(1)</sup> OJ C 329, 6.12.1993, p. 135.

<sup>(2)</sup> OJ C 102, 4.4.1996, p. 2.

<sup>(3)</sup> OJ C 73, 17.3.1999, p. 1.

<sup>(4)</sup> OJ C 77, 28.3.2002, p. 1.

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5. The three Institutions will, in the interests of efficiency, ensure as far as possible a better synchronisation of the treatment of common dossiers by the preparatory bodies<sup>(1)</sup> of each branch of the legislative authority<sup>(2)</sup>.

6. The three Institutions will keep each other permanently informed about their work throughout the legislative process. This information will be based on appropriate procedures, including dialogue between the European Parliament, in committee and plenary, and the Council Presidency and the Commission.

7. The Commission will submit an annual progress report on its legislative proposals.

8. The Commission will ensure that, as a general rule, Commissioners are present for discussions at European Parliament committee meetings and plenary sittings on draft legislation for which they are responsible.

The Council will continue the practice of maintaining intensive contact with the European Parliament by means of regular participation in plenary debates, as far as possible by the Ministers concerned. The Council will also endeavour to participate regularly in the work of the parliamentary committees and in other meetings, preferably at ministerial level or at some other appropriate level.

9. The Commission will take account of requests made by the European Parliament or the Council, on the basis respectively of Article 192 or Article 208 of the EC Treaty, for the submission of legislative proposals. It will reply rapidly and appropriately to the parliamentary committees concerned and to the Council's preparatory bodies.

#### **Greater transparency and accessibility**

10. The three Institutions confirm the importance which they attach to greater transparency and to the increased provision of information to the public at every stage of their legislative work, whilst taking into account their respective rules of procedure. They will ensure in particular that public debates at political level are broadcast as widely as possible through the systematic use of new communication technologies such as, *inter alia*, satellite broadcasting and Internet video-streaming. They will also ensure that the public has greater access to EUR-Lex.

11. The three Institutions will hold a joint press conference to announce the successful outcome of the legislative process in the codecision procedure, once they have reached agreement, whether after first reading, second reading or conciliation.

#### **Choice of legislative instrument and legal basis**

12. The Commission will explain and justify to the European Parliament and to the Council its choice of legislative instrument, where possible as part of its annual work programme or of the normal dialogue procedures and, at all events, in the explanatory memoranda attached to its initiatives. It will consider any request in this connection from the legislative authority, and it will take account of the results of any consultations which it has undertaken before tabling its proposals.

It will ensure that the action it proposes is as simple as is compatible with the proper attainment of the objective of the measure and the need for effective implementation.

13. The three Institutions recall the definition of the term 'directive' (Article 249 of the EC Treaty) and the relevant provisions of the Protocol on the application of the principles of subsidiarity and proportionality. In its proposals for directives, the Commission will ensure that a proper balance is struck between general principles and detailed provisions, in a manner that avoids excessive use of Community implementing measures.

14. The Commission will provide a clear and comprehensive justification for the legal basis used for each proposal. In the event of a change being made to the legal basis after any Commission proposal has been presented, the European Parliament will be duly re-consulted by the Institution concerned, in full compliance with the case-law of the Court of Justice of the European Communities.

<sup>(1)</sup> Committee at the European Parliament; the working party and Permanent Representatives' Committee at the Council.

<sup>(2)</sup> For the purposes of this Agreement, 'legislative authority' means only the European Parliament and the Council.

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15. In the explanatory memoranda to its proposals, the Commission will, in every instance, set out the legal arrangements which currently exist at Community level in the area affected by the proposal. The Commission will also explain in its explanatory memoranda how the measures proposed are justified in the light of the principles of subsidiarity and proportionality. The Commission will also give an account of the scope and the results of the prior consultation and the impact analyses that it has undertaken.

#### **Use of alternative methods of regulation**

16. The three Institutions recall the Community's obligation to legislate only where it is necessary, in accordance with the Protocol on the application of the principles of subsidiarity and proportionality. They recognise the need to use, in suitable cases or where the Treaty does not specifically require the use of a legal instrument, alternative regulation mechanisms.

17. The Commission will ensure that any use of co-regulation or self-regulation is always consistent with Community law and that it meets the criteria of transparency (in particular the publicising of agreements) and representativeness of the parties involved. It must also represent added value for the general interest. These mechanisms will not be applicable where fundamental rights or important political options are at stake or in situations where the rules must be applied in a uniform fashion in all Member States. They must ensure swift and flexible regulation which does not affect the principles of competition or the unity of the internal market.

#### **Co-regulation**

18. Co-regulation means the mechanism whereby a Community legislative act entrusts the attainment of the objectives defined by the legislative authority to parties which are recognised in the field (such as economic operators, the social partners, non-governmental organisations, or associations).

This mechanism may be used on the basis of criteria defined in the legislative act so as to enable the legislation to be adapted to the problems and sectors concerned, to reduce the legislative burden by concentrating on essential aspects and to draw on the experience of the parties concerned.

19. The legislative act must abide by the principle of proportionality defined in the EC Treaty. Agreements between social partners must comply with the provisions laid down in Articles 138 and 139 of the EC Treaty. In the explanatory memoranda to its proposals, the Commission will explain to the competent legislative authority its reasons for proposing the use of this mechanism.

20. In the context defined by the basic legislative act, the parties affected by that act may conclude voluntary agreements for the purpose of determining practical arrangements.

The draft agreements will be forwarded by the Commission to the legislative authority. In accordance with its responsibilities, the Commission will verify whether or not those draft agreements comply with Community law (and, in particular, with the basic legislative act).

At the request of *inter alia* the European Parliament or of the Council, on a case-by-case basis and depending on the subject, the basic legislative act may include a provision for a two-month period of grace following notification of a draft agreement to the European Parliament and the Council. During that period, each Institution may either suggest amendments, if it is considered that the draft agreement does not meet the objectives laid down by the legislative authority, or object to the entry into force of that agreement and, possibly, ask the Commission to submit a proposal for a legislative act.

21. A legislative act which serves as the basis for a co-regulation mechanism will indicate the possible extent of co-regulation in the area concerned. The competent legislative authority will define in the act the relevant measures to be taken in order to follow up its application, in the event of non-compliance by one or more parties or if the agreement fails. These measures may provide, for example, for the regular supply of information by the Commission to the legislative authority on follow-up to application or for a revision clause under which the Commission will report at the end of a specific period and, where necessary, propose an amendment to the legislative act or any other appropriate legislative measure.

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### **Self-regulation**

22. Self-regulation is defined as the possibility for economic operators, the social partners, non-governmental organisations or associations to adopt amongst themselves and for themselves common guidelines at European level (particularly codes of practice or sectoral agreements).

As a general rule, this type of voluntary initiative does not imply that the Institutions have adopted any particular stance, in particular where such initiatives are undertaken in areas which are not covered by the Treaties or in which the Union has not hitherto legislated. As one of its responsibilities, the Commission will scrutinise self-regulation practices in order to verify that they comply with the provisions of the EC Treaty.

23. The Commission will notify the European Parliament and the Council of the self-regulation practices which it regards, on the one hand, as contributing to the attainment of the EC Treaty objectives and as being compatible with its provisions and, on the other, as being satisfactory in terms of the representativeness of the parties concerned, sectoral and geographical cover and the added value of the commitments given. It will, nonetheless, consider the possibility of putting forward a proposal for a legislative act, in particular at the request of the competent legislative authority or in the event of a failure to observe the above practices.

### **Implementing measures (committee procedure)**

24. The three Institutions emphasise the important role played by implementing measures in legislation. They note the outcome of the Convention on the Future of Europe relating to the establishment of rules governing the exercise by the Commission of the implementing powers conferred on it.

The European Parliament and the Council emphasise that, in accordance with their respective powers, they have begun consideration of the proposal which the Commission adopted on 11 December 2002 with a view to amending Council Decision 1999/468/EC<sup>(1)</sup>.

### **Improving the quality of legislation**

25. The three Institutions, exercising their respective powers, will ensure that legislation is of good quality, namely that it is clear, simple and effective. The Institutions consider that improvement of the pre-legislative consultation process and more frequent use of impact assessments (both ex ante and ex post) will help towards this objective. They are committed to the full application of the Interinstitutional Agreement of 22 December 1998 on common guidelines for the quality of drafting of Community legislation.

#### **(a) Pre-legislative consultation**

26. During the period preceding the submission of legislative proposals, the Commission will, having informed the European Parliament and the Council, conduct the widest possible consultations, the results of which will be made public. In certain cases, where the Commission deems it appropriate, the Commission may submit a pre-legislative consultation document on which the European Parliament and the Council may choose to deliver an opinion.

#### **(b) Impact analyses**

27. Pursuant to the Protocol on the application of the principles of subsidiarity and proportionality, the Commission will take due account in its legislative proposals of their financial or administrative implications, for the Union and the Member States in particular. Furthermore, each of the three Institutions will take into account the objective of ensuring that application in the Member States is appropriate and effective.

28. The three Institutions agree on the positive contribution of impact assessments in improving the quality of Community legislation, with particular regard to the scope and substance thereof.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

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29. The Commission will continue to implement the integrated advance impact-assessment process for major items of draft legislation, combining in one single evaluation the impact assessments relating *inter alia* to social, economic and environmental aspects. The results of the assessments will be made fully and freely available to the European Parliament, the Council and the general public. In the explanatory memorandum to its proposals, the Commission will indicate the manner in which the impact assessments have influenced them.

30. Where the codecision procedure applies, the European Parliament and Council may, on the basis of jointly defined criteria and procedures, have impact assessments carried out prior to the adoption of any substantive amendment, either at first reading or at the conciliation stage. As soon as possible after this Agreement is adopted, the three Institutions will carry out an assessment of their respective experiences and will consider the possibility of establishing a common methodology.

### **(c) Consistency of texts**

31. The European Parliament and the Council will make all appropriate arrangements for improving the scrutiny carried out by their respective departments of the wording of texts adopted under the codecision procedure, with a view to avoiding any inaccuracies or inconsistencies. To this end, the Institutions may agree on a short period of grace in order to allow such legal verification to be performed before the act is finally adopted.

### **Better transposition and application**

32. The three Institutions emphasise the need for Member States to comply with Article 10 of the EC Treaty, they call upon the Member States to ensure that Community law is properly and promptly transposed into national law within the prescribed deadlines; and they deem such transposition to be essential to the consistent and effective application of that legislation by the courts, the administrations, members of the public and economic and social operators.

33. The three Institutions will ensure that all directives include a binding time limit for the transposition of their provisions into national law. They will insert into directives a time limit for transposition that is as short as possible and that generally does not exceed two years. The three Institutions hope that the Member States will make a renewed effort as regards the transposition of directives within the time limits which they specify. In this connection, the European Parliament and the Council note that the Commission is proposing to step up cooperation with the Member States.

The three Institutions point out that, under the EC Treaty, the Commission has the power to initiate an infringement procedure in instances where a Member State fails to transpose legislation within the stipulated time limit; and the European Parliament and Council note the commitments given by the Commission on this subject<sup>(1)</sup>.

34. The Commission will draw up annual reports on the transposition of directives in the various Member States, with tables showing transposition rates. Those reports will be communicated to the European Parliament and to the Council, and will be made public.

The Council will encourage the Member States to draw up, for themselves and in the interests of the Community, their own tables which will, as far as possible, illustrate the correlation between the directives and the transposition measures and to make them public. It calls on those Member States which have not yet done so to appoint a transposition coordinator as soon as possible.

### **Simplifying and reducing the volume of legislation**

35. In order to make Community law easier to read and to apply, the three Institutions agree, firstly, to update and condense existing legislation and, secondly, significantly to simplify it. They will take the Commission's multiannual programme as a basis for this task.

Legislation will be updated and condensed *inter alia* through the repeal of acts which are no longer applied and through the codification or recasting of other acts.

<sup>(1)</sup> Commission communication of 12 December 2002 on better monitoring of the application of Community law, COM(2002) 725 final, pp. 20 and 21.



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The purpose of legislative simplification is to improve and adapt legislation by amending or replacing acts and provisions which are too unwieldy and too complex to be applied. Such simplification will be carried out through the recasting of existing acts or by means of new legislative proposals, whilst maintaining the substance of Community policies. In this connection, the Commission will select the areas of current law which are suitable for simplification, on the basis of criteria laid down once the legislative authority has been consulted.

36. Within six months of the date upon which this Agreement comes into force, the European Parliament and the Council, whose task it would be as legislative authority to adopt at the final stage the proposals for simplified acts, need to modify their working methods by introducing, for example, ad hoc structures with the specific task of simplifying legislation.

#### **Implementation and monitoring of the Agreement**

37. The implementation of this Agreement will be monitored by the High-Level Technical Group for Interinstitutional Cooperation.

38. The three Institutions will take the necessary steps to ensure that their staff have the means and resources required for the proper implementation of the provisions of this Agreement.

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### **European space policy**

#### **European Parliament resolution on European space policy – Green Paper (2003/2092(INI))**

*The European Parliament,*

- having regard to the Commission Green Paper on European Space Policy (COM(2003) 17),
- having regard to the Presidency Conclusions of the Thessaloniki European Council of 19 and 20 June 2003,
- having regard to the draft Treaty establishing a Constitution for Europe, adopted by the European Convention on 13 June 2003,
- having regard to the agreement reached by the European Space Agency (ESA) member countries at the interministerial meeting of 26 May 2003,
- having regard to the Council resolution of 13 May 2003 on 'The development of an overall European Space Policy' <sup>(1)</sup>,
- having regard to the Commission communication entitled 'Investing in research: an action plan for Europe' (COM(2003) 226),
- having regard to the Commission communication on industrial policy in an enlarged Europe (COM(2002) 714),
- having regard to the sixth framework programme for research and technological development <sup>(2)</sup>,
- having regard to its resolutions of 7 February 2002 <sup>(3)</sup>, 17 January 2002 <sup>(4)</sup> and 3 October 2001 <sup>(5)</sup>,

<sup>(1)</sup> OJ C 149, 26.6.2003, p. 10.

<sup>(2)</sup> OJ L 232, 29.8.2002, p. 1.

<sup>(3)</sup> OJ C 284 E, 21.11.2002, p. 206.

<sup>(4)</sup> OJ C 271 E, 7.11.2002, p. 66.

<sup>(5)</sup> OJ C 87 E, 11.4.2002, p. 60.

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- having regard to United Nations General Assembly Resolution 49/74, adopted on 15 December 1994, on 'Prevention of an arms race in outer space', and in particular Article 4 thereof,
  - having regard to Rule 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, External Trade, Research and Energy and the opinion of the Committee on Regional Policy, Transport and Tourism (A5-0294/2003),
- A. whereas space is strategically important for Europe, particularly in terms of its security and independent access to information, which are essential for scientific progress and political decision-making, and whereas an organised space sector is vital in order to attain the goals entailed in the knowledge-based economy, not least on account of the resulting scientific, technological, and industrial repercussions in a context that must encompass the enlarged Union,
- B. whereas the space sector as a whole is insufficiently profitable to make it into a powerful, investing and innovating industry capable of realising the strategic importance accorded it by the Commission; calling, therefore, on the Commission to carry out a more detailed analysis of this low profitability with a view to the effects it may have on Europe's position in a world context, and to take appropriate measures,
- C. whereas Europe has a fund of excellence in terms of research and productive capacity in virtually all branches of space-related activity, accumulated through the achievements of the ESA, the national agencies and European industry in particular,
- D. whereas space will continue to act as a decisive stimulus for political and technological cooperation and whereas international cooperation is implemented using the resources and skills that can be mobilised,
- E. whereas the prospects for the European space sector have been jeopardised by a slow-down in the programmes under the umbrella of the international space station (ISS), a decline in demand for telecommunications satellites, slack institutional demand and keen and distorted international competition as regards launchers,
- F. whereas the direct and indirect input of the public sector will remain central to the development of space programmes because investment in the basic infrastructure (particularly scientific, navigation, weather and observation satellites), launchers, and manned flights in particular, rests on public demand anyway,
- G. whereas there is a growing gap between the public budgets allocated to space policy in the United States and Europe in both the civil and military spheres,
- H. whereas the European Convention has proposed, in Article III-155 of its draft Treaty, that a specific role be assigned to European space policy, thus prefiguring a legal basis for a 'Community' approach that will consolidate the strategy set in motion by the Galileo programme,
- I. whereas the European Armaments, Research and Military Capabilities Agency provided for in the Convention's Article III-212 will serve to implement structured cooperation among the Member States in the defence technology sector, thereby helping to create an environment conducive to a more competitive European industry, especially in the space sector, working in collaboration with the ESA where research, technological development and boosting industrial supply, and independence as regards strategic technologies are concerned,
- J. whereas there should be no use of space for weapons of aggression, in line with the United Nations General Assembly resolution 'Prevention of an arms race in outer space', and in particular Article 4 thereof,

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- K. whereas the boost to be given to European space policy, as set out in the Green Paper, again implies a need for the Commission to redefine the relationship between the Union and the ESA by recognising:
- the role falling to the ESA as an agency which plans and manages intergovernmental measures and, as regards carrying out tasks delegated by the Union, continuing to build up an up-to-date supply of technologies and scientific and industrial know-how,
  - as well as the role falling to the Union in the sphere of international negotiations, standardisation and security, as well as joint initiatives that could take the form of a European space programme that is in keeping with Union requirements and policies reflecting the interests of the European public,
- L. having regard to the proposal for a framework agreement between the European Community and the European Space Agency, which constitutes a new, major step towards cooperation between the EC and the ESA with a view to promoting the peaceful use of space, recognising that the two parties have complementary, mutually reinforcing strengths that will prevent duplication of effort, thus bringing demand for and supply of space systems together within a strategic partnership,
1. Welcomes the efforts made by the Commission since 1999 to foster discussion on the gradual introduction of a Community space policy; welcomes in particular the speed with which the Commission has acted upon the requests made by Parliament in its resolution of 17 January 2002 and published the Green Paper; eagerly awaits the publication of the results of the consultations conducted on the basis of the Green Paper and the publication of the White Paper, scheduled to take place by the end of 2003;
  2. Welcomes the fact that the Convention's proposed Article III-155 assigns a specific role to the Union in space policy, creating the possibility of promoting joint initiatives to aid research and technological development and coordinate the efforts needed in order to explore and exploit space; urges the Intergovernmental Conference to take up this proposal as it stands;
  3. Reaffirms the need for Europe to play a leading role on the international stage and be able to gain access to space through its own efforts and to develop the necessary technologies, actively involving the countries which have joined the Union; emphasises in this connection the fact that independent access to space for Europe is fully in keeping with the Lisbon process seeking to make Europe the world's most competitive area through the acquisition and development of a high level of industrial and technological know-how;
  4. Points to the danger that the unprecedented crisis in the space sector, which is undermining the organisation of space-related industries, will exacerbate the distortion already existing on the world market;
  5. Welcomes the decisions of the ESA Council regarding Ariane and the reorganisation of the European space sector;
  6. Welcomes the agreement reached on the Galileo satellite navigation programme but draws the Commission's attention to the time-frame laid down, given the importance of the Galileo programme for public security, improvements in airspace management and the effective introduction of a single European sky, ground transportation (in particular future applications including the pricing of infrastructure use, speed limits, satellite positioning, etc.) and environmental and regional policy and calls on the industry to develop, as soon as possible, specific services for the use of the Galileo programme in order to fulfil its joint responsibility for the success of the project;
  7. Draws attention to the value of using satellite technologies and their maritime applications to strengthen maritime safety and security rules by equipping ships with the Automated Identification System (AIS) for such purposes as surveillance on the high seas and in coastal waters, pollution detection, positioning of vessels, etc.;
  8. Urges the Commission to speed up the Global Monitoring for Environment and Security (GMES) initiative and to foster and organise demand for earth observation satellite services, steering and integrating the supply of satellite data as regards the environment and security to enable Europe to have its own strategy, its own management body and its own resources (as regards observation, weather forecasting, reliable telecommunications, data collection, forecasting, analysis, emergency calls, etc.), not least in view of the growing international interest;

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9. Believes that the development of telecommunications, whether terrestrial or satellite, could be encouraged (for instance by making use of the Structural Funds) in the countries about to join the EU; considers in particular that satellite telecommunications could be an extremely useful means of overcoming exclusion from the information society (the 'digital divide') and calls on the Member States and the Commission to continue to invest resources, particularly with a view to enlargement of the Union and in connection with the policy of cooperation between the Union and the countries on the southern shore of the Mediterranean;

10. Calls on the Commission to probe more deeply into the common policies (on transport, research and technology, agriculture, the environment, and security) for which space policy provides support and which constitute the key areas of public demand, bearing in mind that it is impossible to ignore the fact that, no matter what part of the world might be concerned, investment in space policy needs public resources but that this could be enhanced by involving the private sector; believes, in particular, that the Commission should investigate the potential for more novel and cheaper space concepts, by the offer of a prize, such as that offered in the USA for a successful sub-orbital passenger flight;

11. Draws attention to the importance of international cooperation, especially as regards research, assistance to orbiting space vehicles and interplanetary flights; considers it essential for the Union to pursue technical, scientific and economic space policy cooperation with the United States, Russia (and Ukraine), China and Japan; considers that in due course, developing countries should be involved in such cooperation;

- as regards cooperation with the United States, considers it important to support and reactivate the activities and projects under the umbrella of the international space station (ISS) in order to further scientific knowledge about the Earth and space by strengthening Europe's weight within the ISS to match the Union's technological industrial capabilities with its ambitions;
- as regards cooperation with Russia, believes that the European Union must become involved in installing the Soyuz system at the European base at Kourou with a view not least to ensuring the availability of a manned capsule, which could open up the opportunity for Europe to be a full partner in international manned flight projects;
- with a view to more open international cooperation, believes that encouragement should be given to efforts to find out about and explore Mars, the planet that is closest to Earth, and is also the most appealing in that it is capable of attracting the scientific interest of professionals while also stimulating curiosity and a desire to learn more among much broader sections of the population;

12. Points out, as regards international agreements, that the quality of collaboration depends on the scientific and technological know-how that can be brought to bear and the scale of the resources that can be contributed;

13. Points to the need to remove the obstacles and trade barriers preventing European firms from gaining access to the market and freely exporting products with US components; believes that cooperation between the Union and the United States will be impossible to develop to the full unless the market is genuinely liberalised;

14. Is concerned that many highly important technologies in the space industry are being developed or exist solely in the United States, and that dependence on these American technologies is thus increasing; calls on the Commission to look, together with the industry, at appropriate measures to respond to this problem;

15. Welcomes the Commission's proposal to the Council regarding the framework agreement redefining the space policy role that the ESA should play when Europe has a space programme (of which Galileo is the first example), tackling the problem of differing responsibilities and recognising that the ESA has achieved valuable results in organising research and technological and industrial supply in Europe, with a view to the gradual integration of the technical know-how built up in Europe both by the ESA and by the national agencies in a network of centres working on European programmes; in this context, calls on the Commission to clarify the institutional demand in the various fields of Union policy;

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16. Calls upon the Commission to establish the necessary international cooperation to develop in-orbit servicing and further calls upon the ESA to establish a research, development and demonstration programme on in-orbit servicing as a matter of priority, given its potential strategic advantage for the European space sector;
17. Considers that the Convention's approach regarding a European Armaments, Research and Military Capabilities Agency, which would be open to all Member States in accordance with the structured cooperation method, could help to bring about the industrial and technological organisation of space in cooperation with the ESA and in accordance with the principle of non-duplication of responsibilities and organisational structures; emphasises the dual nature of space activities and the need to take advantage of synergies between civil and military activities so as to reduce research costs and improve the competitiveness of commercial launches; favours development of the activities of the new agency while bearing in mind the United Nations General Assembly resolution on prevention of an arms race in outer space;
18. Draws attention to the valuable role which the military use of satellite systems can play in peacekeeping operations;
19. Calls on the Commission and the Member States, when laying down policies to encourage research and investment in the most advanced technologies, and when the next research framework programme is drawn up, to focus particular attention on the space sector on account of its strategic role from the point of view of a variety of industries including the future space-tourism industry; calls for the guaranteed level of SME participation to apply to the space-sector also and for encouragement to be given to support measures, such as business incubators and investment and support funds for start-ups, aimed at SMEs;
20. Points to the need to retain an Aeronautics and Space heading in the Union's future research budgets, on the basis of the priorities set out in the previous paragraph; considers, however, that this should be without prejudice to the entry of a specific Space budget heading to cover the funding of European programmes in both civil and military spheres;
21. Calls, while recognising the pioneering role of European space science, for greater attention to be paid to skills development for human resources and for stronger and more continuous support to be provided for basic research, not least with a view to creating and securing long-term jobs and generating new interest in scientific and engineering-related professions among young people;
22. Reaffirms its proposal, already submitted a number of times, for a European Space Conference to be convened in 2005 in order to widen and deepen the ways in which Europe can operate in this area;
23. Instructs its President to forward this resolution to the Commission and the Council.
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P5\_TA(2003)0428

## EC Merger Regulation \*

**European Parliament legislative resolution on the proposal for a Council regulation on the control of concentrations between undertakings: 'The EC Merger Regulation' (COM(2002) 711 – C5-0005/2003 – 2002/0296(CNS))**

(Consultation procedure)

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2002) 711) <sup>(1)</sup>,
- having regard to Articles 83 and 308 of the EC Treaty, pursuant to which the Council consulted Parliament (C5-0005/2003),

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<sup>(1)</sup> OJ C 20 E, 28.1.2003, p. 4.

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- having regard to its resolution of 4 July 2002 on the Commission Green Paper on the review of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>,
  - having regard to Rule 67 of its Rules of Procedure,
  - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0257/2003),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

TEXT PROPOSED  
BY THE COMMISSION

AMENDMENTS  
BY PARLIAMENT

#### Amendment 1

##### Recital 12

(12) The Commission should be able to refer to a Member State concentrations which significantly affect competition on a market within that Member State presenting all the characteristics of a distinct market. Where the concentration affects such a market, which does not constitute a substantial part of the common market, the Commission should be obliged, upon request, to refer **the whole or part of** the case to the Member State concerned.

(12) The Commission should be able to refer to a Member State concentrations which significantly affect competition on a market within that Member State presenting all the characteristics of a distinct market. Where the concentration affects such a market, which does not constitute a substantial part of the common market, the Commission should be obliged, upon request, to refer the case to the Member State concerned. **Where a merger originally notified to the Commission is referred to a Member State, in order to make the control of concentrations operate more homogeneously and effectively, application of national legislation on the control of mergers should not entail solutions which are blatantly at odds with the decisions which would be reached in accordance with this Regulation.**

#### Amendment 2

##### Recital 20

(20) **In order to ensure a system of undistorted competition in the common market operating in accordance with the principle of an open market economy with free competition,** this Regulation must **permit effective control of all concentrations from the point of view of their effect on the structure of competition in the Community. It should therefore** establish the principle that a concentration with a Community dimension which creates or strengthens a dominant position as a result of which effective competition in the common market or in a substantial part of it is significantly impeded is to be declared incompatible with the common market. **Irrespective of the structure of the relevant markets affected by a concentration or of the manner in which economic power is manifested or exercised, dominance should be defined in such a way as to reflect a considerable level of economic power held by one or more undertakings.**

(20) This Regulation must establish the principle that a concentration with a Community dimension which creates or strengthens a dominant position as a result of which effective competition in the common market or in a substantial part of it is significantly impeded is to be declared incompatible with the common market.

<sup>(1)</sup> P5\_TA(2002)0369.

Thursday 9 October 2003

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

Amendment 42

Recital 20a (new)

*(20a) The pace of change has intensified on several markets, due to technical developments, economic integration and globalisation. Therefore it is necessary to employ a more dynamic perspective when approving mergers. These dynamic processes should be taken into account when the relevant market is determined. A static definition is a risk, which may lead to an excessively narrow interpretation with serious negative consequences. The approval of a merger should aim at testing the durable impact of the merger on competition with a view to the long-term consequences.*

Amendment 3

Recital 21

*(21) In view of the consequences that concentrations in oligopolistic market structures may have, it is all the more necessary to maintain effective competition in such markets. Many oligopolistic markets exhibit a healthy degree of competition. However, under certain circumstances, the elimination of important competitive constraints that the merging parties exerted on each other, as well as the reduction of competitive pressure on the remaining competitors, may, particularly in these markets, be detrimental to competition unless these effects would be constrained by the reaction of competitors, customers or consumers. For that purpose, the notion of dominance within the meaning of this Regulation should, therefore, encompass situations in which, because of the oligopolistic structure of the relevant market and the resulting interdependence of the various undertakings active on that market, one or more undertakings would hold the economic power to influence appreciably and sustainably the parameters of competition, in particular, prices, production, quality of output, distribution or innovation, even without coordination by the members of the oligopoly. In making this appraisal, account should be taken of the specific features of the markets under examination, such as the level of capacity constraints, the degree of product differentiation, or the functioning of the bidding process. Consideration should also be given to, inter alia, the likely reactions of actual and potential competitors, as well as of customers, and any efficiencies brought about by the merger.*

**Deleted**

Amendment 4

Recital 27

*(27) The Commission should have the task of taking all the decisions necessary to establish whether or not concentrations with a Community dimension are compatible with the common market, as well as decisions designed to restore the situation prevailing prior to the implementation of a concentration which has been declared incompatible with the common market.*

*(27) The Commission should have the task of taking all the decisions necessary to establish whether or not concentrations with a Community dimension are compatible with the common market, as well as decisions designed to restore the situation prevailing prior to the implementation of a concentration which has been declared incompatible with the common market. **Those decisions should be proportionate to the anti-competitive effect of the concentration.***

Thursday 9 October 2003

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## Amendment 5

## Recital 34

(34) In order to properly appraise concentrations, the Commission should have the right to request all necessary information and to conduct all necessary inspections throughout the Community. **To that end, and with a view to protecting competition effectively, the Commission's powers of investigation need to be expanded. The Commission should in particular have the right to interview any persons who may be in possession of useful information and to record the statements made. In the course of an inspection, officials authorised by the Commission should have the right to affix seals for the period of time necessary for the inspection, normally not for more than 72 hours, and to ask for any information relevant to the subject matter and purpose of the inspection. Without prejudice to the case-law of the Court of Justice, it is also useful to set out the scope of the control that the national judicial authority may exercise when it authorises, as provided by national law and as a precautionary measure, assistance from law enforcement authorities in order to overcome possible opposition on the part of the undertaking against an inspection ordered by Commission decision; it results from the case-law that the national judicial authority may in particular ask of the Commission further information which it needs to carry out its control and in the absence of which it could refuse the authorisation; the case-law also confirms the competence of the national courts to control the application of national rules governing the implementation of coercive measures. The competent authorities of the Member States should cooperate actively in the exercise of the Commission's investigative powers.**

(34) In order to properly appraise concentrations, the Commission should have the right to request all necessary information and to conduct all necessary inspections throughout the Community. **However, communications between undertakings and associations of undertakings and outside or in-house counsel containing or seeking legal advice should be privileged, provided that the legal counsel is properly qualified and is subject to adequate rules of professional ethics and discipline laid down and enforced in the general interest by the professional association to which the legal counsel belongs. The Commission may ask any representative of the undertaking or association of undertakings for explanations on facts or documents relating to the subject-matter and purpose of the inspection and may record the answers, provided such representatives have been informed that they are not obliged to provide an answer and that they may have a lawyer present.**

## Amendment 6

## Recital 35

(35) When complying with decisions of the Commission, the undertakings and persons concerned cannot be forced to admit that they have committed infringements, **but** they are **in any event** obliged to answer factual questions and to provide documents, **even** if this information may be used to establish against themselves or against others the existence of such infringements.

(35) When complying with decisions of the Commission, the undertakings and persons concerned cannot be forced to admit that they have committed infringements. They are **not** obliged to answer factual questions and to provide documents if this information may be used to establish against themselves or against others the existence of such infringements.

## Amendment 7

## Article 2, paragraph 2

2. For the purpose of this Regulation, one or more undertakings shall be deemed to be in a dominant position if, with or without coordinating, they hold the economic power to influence appreciably and sustainably the parameters of competition, in particular, prices, production, quality of output, distribution or innovation, or appreciably to foreclose competition.

Deleted



Thursday 9 October 2003

TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## Amendment 8

## Article 3, paragraph 4

4. Two or more transactions which are conditional on one another **or are so closely connected that their economic rationale justifies their treatment as a single transaction** shall be deemed to constitute one and the same concentration arising on the date of the last transaction, provided that the transactions taken as a whole satisfy the requirements of paragraph 1.

4. Two or more transactions which are conditional on one another shall be deemed to constitute one and the same concentration arising on the date of the last transaction, provided that the transactions taken as a whole satisfy the requirements of paragraph 1.

## Amendment 9

## Article 4, paragraph 4

4. Prior to the notification of a concentration within the meaning of paragraph 1, the undertakings or persons referred to in paragraph 2 may inform the Commission, by means of a reasoned submission, that the concentration **affects** competition in a market within a Member State which presents all the characteristics of a distinct market and should therefore be examined, in whole or in part, by that Member State.

4. Prior to the notification of a concentration within the meaning of paragraph 1, the undertakings or persons referred to in paragraph 2 may inform the Commission, by means of a reasoned submission, that the concentration **has significant effects on** competition in a market within a Member State which presents all the characteristics of a distinct market and should therefore be examined, in whole or in part, by that Member State.

The Commission shall transmit this submission to all Member States without delay. The Member State concerned shall, within **10 working days** of receiving the submission, express its agreement or disagreement as regards the request to refer the concentration. Where the Member State concerned takes no such decision within that period, it shall be deemed to have agreed.

The Commission shall transmit this submission to all Member States without delay. The Member State concerned shall, within **5 working days** of receiving the submission, express its agreement or disagreement as regards the request to refer the concentration. Where the Member State concerned takes no such decision within that period, it shall be deemed to have agreed.

Unless the Member State concerned disagrees, the Commission, where it considers that such a distinct market exists, and **will be affected by the concentration**, may decide to refer **the whole or part of** the case to the competent authorities of that Member State with a view to the application of that State's national legislation on competition.

Unless the Member State concerned disagrees, the Commission, where it considers that such a distinct market exists, and **that the concentration will have significant effects on competition in that distinct market**, may decide to refer the case to the competent authorities of that Member State with a view to the application of that State's national legislation on competition.

The decision whether or not to refer the case shall be taken within 20 working days starting from the receipt of the reasoned submission by the Commission. The Commission shall inform the other Member States and the undertakings concerned of its decision. If the Commission does not take a decision within this period, it shall be deemed to have adopted a decision to refer the case in accordance with the submission made by the persons or undertakings concerned.

The decision whether or not to refer the case shall be taken within 20 working days starting from the receipt of the reasoned submission by the Commission. The Commission shall inform the other Member States and the undertakings concerned of its decision. If the Commission does not take a decision within this period, it shall be deemed to have adopted a decision to refer the case in accordance with the submission made by the persons or undertakings concerned.

If the Commission decides to refer **the whole of** the case to the competent authorities of the Member State concerned, no notification shall be made pursuant to paragraph 1.

If the Commission decides to refer the case to the competent authorities of the Member State concerned, no notification shall be made pursuant to paragraph 1.

Article 9(6) to **(10)** shall apply mutatis mutandis.

Article 9(6) to **(9a)** shall apply mutatis mutandis.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## Amendment 10

Article 4, paragraph 5, subparagraphs 1 to 3

5. With regard to a concentration which would not have a Community dimension within the meaning of Article 1, the persons or undertakings concerned may, prior to its notification to the competent authorities of one or more Member States, inform the Commission by means of a reasoned submission that the concentration has significant cross-border effects and should therefore be examined by the Commission.

The Commission shall transmit this submission to all Member States without delay.

The Member State or States concerned shall decide, within **10 working days** of receiving the submission, whether or not to request the Commission to examine the concentration. Where a Member State takes no such decision within the aforementioned period of **10 working days**, it shall be deemed to have adopted a decision to make such a request to the Commission. No notification of the concentration shall be submitted to the Member State or States concerned before the decision whether or not to request has been adopted.

5. With regard to a concentration which would not have a Community dimension within the meaning of Article 1, the persons or undertakings concerned may, prior to its notification to the competent authorities of one or more Member States, inform the Commission by means of a reasoned submission that, **in at least three Member States, the combined aggregate turnover of all undertakings concerned is more than 10% of the combined aggregate Community-wide turnover of all undertakings concerned, or that the concentration is subject to the national merger control rules of several Member States, or that** the concentration **for other reasons** has significant cross-border effects and should therefore be examined by the Commission.

The Commission shall transmit this submission to all Member States without delay.

The Member State or States concerned shall decide, within **five working days** of receiving the submission, whether or not to request the Commission to examine the concentration. Where a Member State takes no such decision within the aforementioned period of **five working days**, it shall be deemed to have adopted a decision to make such a request to the Commission. No notification of the concentration shall be submitted to the Member State or States concerned before the decision whether or not to request has been adopted.

## Amendment 11

Article 4, paragraph 5a (new)

**5a. Articles 9(1) and 22(1) shall not apply to concentrations when the undertakings concerned have made a request for a pre-notification referral pursuant to this Article.**

## Amendment 12

Article 6, paragraph 1, point (b), subparagraph 2

A decision declaring a concentration compatible shall **be deemed to** cover restrictions directly related and necessary to the implementation of the concentration.

A decision declaring a concentration compatible shall **also** cover restrictions directly related and necessary to the implementation of the concentration.

## Amendment 13

Article 7, paragraph 4

**4. The Commission may, by regulation, define categories of concentrations for which a derogation within the meaning of paragraph 3 from the obligations imposed in paragraphs 1 and 2 shall be deemed to have been granted subject to the concentration being notified and to any other requirements defined in such a regulation. Such categories may only cover concentrations which, in general, do not lead to a combination of market positions giving rise to competition concerns.**

**Deleted**

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## Amendment 14

## Article 8, paragraph 4, subparagraph 2

The Commission may order any appropriate measure to ensure that the undertakings concerned dissolve the concentration or take other restorative measures as required in its decision.

The Commission may order any appropriate measure to ensure that the undertakings concerned dissolve the concentration or take other restorative measures as required in its decision. **Any such measure must be proportionate to the anti-competitive effect of the concentration.**

## Amendment 15

## Article 9, paragraph 2, point (a)

(a) a concentration **significantly affects competition** on a market within that Member State, which presents all the characteristics of a distinct market, or

(a) a concentration **is in danger of creating or reinforcing a dominant position as a result of which actual competition will be significantly hampered** on a market within that Member State, which presents all the characteristics of a distinct market, or

## Amendment 16

## Article 9, paragraph 2a (new)

**2a. Notification of Member States pursuant to paragraph 2 shall be accompanied by a statement setting out which national provisions on mergers give grounds for assuming that the concentration would significantly affect competition on a market in that Member State and which effective measures the competition authorities of that Member State intend to take in the event of a referral.**

## Amendments 17 and 18

## Article 9, paragraph 3

3. If the Commission considers that, having regard to the market for the products or services in question and the geographical reference market within the meaning of paragraph 7, there is such a distinct market, either:

- (a) it shall itself deal with the case in accordance with this Regulation; or
- (b) it shall refer **the whole or part of** the case to the competent authorities of the Member State concerned with a view to the application of that State's national legislation on competition.

If, however, the Commission considers that such a distinct market does not exist it shall adopt a decision to that effect which it shall address to the Member State concerned, and shall itself deal with the case in accordance with this Regulation.

3. If the Commission considers that, having regard to the market for the products or services in question and the geographical reference market within the meaning of paragraph 7, there is such a distinct market **and that such a threat exists**, either:

- (a) it shall itself deal with the case in accordance with this Regulation; or
- (b) it shall refer the whole or part of the case to the competent authorities of the Member State concerned with a view to the application of that State's national legislation on competition. **However, cases may be not referred where the concentration is subject to the simplified procedure.**

If, however, the Commission considers that such a distinct market **or threat** does not exist it shall adopt a decision to that effect which it shall address to the Member State concerned, and shall itself deal with the case in accordance with this Regulation.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

In cases where a Member State informs the Commission pursuant to paragraph 2(b) that a concentration affects competition in a distinct market within its territory that does not form a substantial part of the common market, the Commission shall refer the **whole or part of the case relating to the distinct market concerned**, if it considers that such a distinct market is affected.

In cases where a Member State informs the Commission pursuant to paragraph 2(b) that a concentration affects competition in a distinct market within its territory that does not form a substantial part of the common market, the Commission shall refer the case if it considers that such a distinct market is affected.

## Amendment 19

*Article 9, paragraphs 4, points (a) and (b) and paragraphs 5 to 8*

4. A decision to refer or not to refer pursuant to paragraph 3 shall be taken:

- (a) as a general rule within **the period provided for in Article 10(1), second subparagraph**, where the Commission, pursuant to Article 6(1)(b), has not initiated proceedings; or
- (b) within **65 working days** at most of the notification of the concentration concerned where the Commission has initiated proceedings under Article 6(1)(c), without taking the preparatory steps in order to adopt the necessary measures under Article 8(2), (3) or (4) to maintain or restore effective competition on the market concerned.

5. If within the **65 working days** referred to in paragraph 4(b) the Commission, despite a reminder from the Member State concerned, has not taken a decision on referral in accordance with paragraph 3 nor has taken the preparatory steps referred to in paragraph 4(b), it shall be deemed to have taken a decision to refer the case to the Member State concerned in accordance with paragraph 3(b).

6. The publication of any report or the announcement of the findings of the examination of the concentration by the competent authority of the Member State concerned shall be effected not more than 90 days after the Commission's referral.

7. The geographical reference market shall consist of the area in which the undertakings concerned are involved in the supply and demand of products or services, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas because, in particular, conditions of competition are appreciably different in those areas. This assessment should take account in particular of the nature and characteristics of the products or services concerned, of the existence of entry barriers or of consumer preferences, of appreciable differences of the undertakings' market shares between the area concerned and neighbouring areas or of substantial price differences.

4. A decision to refer or not to refer pursuant to paragraph 3 shall be taken:

- (a) as a general rule within **15 days at most of the notification of the concentration concerned**, where the Commission, pursuant to Article 6(1)(b), has not initiated proceedings; or
- (b) within **30 working days** at most of the notification of the concentration concerned where the Commission has initiated proceedings under Article 6(1)(c), without taking the preparatory steps in order to adopt the necessary measures under Article 8(2), (3) or (4) to maintain or restore effective competition on the market concerned.

5. If within the **30 working days** referred to in paragraph 4(b) the Commission, despite a reminder from the Member State concerned, has not taken a decision on referral in accordance with paragraph 3 nor has taken the preparatory steps referred to in paragraph 4(b), it shall be deemed to have taken a decision to refer the case to the Member State concerned in accordance with paragraph 3(b).

6. The publication of any report or the announcement of the findings of the examination of the concentration by the competent authority of the Member State concerned shall be effected not more than 90 days after the Commission's referral.

7. The geographical reference market shall consist of the area in which the undertakings concerned are involved in the supply and demand of products or services, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas because, in particular, conditions of competition are appreciably different in those areas. This assessment should take account in particular of the nature and characteristics of the products or services concerned, of the existence of entry barriers or of consumer preferences, of appreciable differences of the undertakings' market shares between the area concerned and neighbouring areas or of substantial price differences.

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

8. In applying the provisions of this Article, the Member State concerned may take only the measures strictly necessary to safeguard or restore effective competition on the market concerned.

8. In applying the provisions of this Article, the Member State concerned may take only the measures strictly necessary to safeguard or restore effective competition on the market concerned. ***It shall ensure that any such measures are consistent with any such measures of the Commission or another Member State.***

## Amendment 20

Article 9, paragraph 9a (new)

***9a. If the undertakings concerned have already submitted a request for pre-notification referral in accordance with Article 4, the decision to refer or not pursuant to paragraph 3 shall be taken:***

***(a) within 15 working days from the date of notification of the operation in question, if the Commission has not initiated proceedings pursuant to Article 6(1)(b);***

***(b) within 30 working days from the date of notification of the operation in question, under the conditions laid down in paragraph 4(b);***

***Once the deadline laid down in point (b) has expired, the provisions of paragraph 5 shall apply.***

## Amendment 21

Article 9, paragraph 9b (new)

***9b. The application of national legislation on competition by a Member State in accordance with this Article shall not lead to decisions which blatantly conflict with the provisions of this Regulation, notwithstanding the provisions of Article 21(3).***

## Amendment 22

Article 10, paragraph 3, subparagraph 2

At any time following the initiation of proceedings, the periods set by the first subparagraph may be extended by the Commission with the consent of the notifying parties. The periods set by the first subparagraph shall likewise be extended if the notifying parties make a request to that effect not later than 15 working days after the initiation of proceedings pursuant to Article 6(1)(c). The notifying parties may make only one such request. The total duration of any extension or extensions effected pursuant to this subparagraph shall not exceed 20 working days.

At any time following the initiation of proceedings, the periods set by the first subparagraph may be extended by the Commission with the consent of the notifying parties. The periods set by the first subparagraph shall likewise be extended if the notifying parties make a request to that effect not later than 15 working days after the initiation of proceedings pursuant to Article 6(1)(c). The notifying parties may make only one such request. The total duration of any extension or extensions effected pursuant to this subparagraph shall not exceed 20 working days ***or five working days where the undertakings concerned offer commitments pursuant to Article 8(2), second subparagraph, with a view to rendering the concentration compatible with the common market, unless these commitments are offered less than 55 working days after the initiation of proceedings.***

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## Amendment 23

Article 11, paragraph 7, subparagraph 1

7. In order to carry out the duties assigned to it by this Regulation, the Commission may interview any **natural or legal** person who **consents** to be interviewed **for the purpose of collecting** information relating to the subject-matter of an investigation. **At the beginning of the interview, which may be conducted by telephone or other electronic means, the Commission shall state the legal basis and the purpose of the interview and indicate the penalties provided for in Article 14 for supplying incorrect or misleading information.**

7. In order to carry out the duties assigned to it by this Regulation, the Commission may interview any person **authorised by the management of an undertaking** who **agrees** to be interviewed **to enable** information **to be collected** relating to the subject-matter of an investigation, **provided that he is informed in advance of his right to refuse to divulge information and the right to receive legal assistance.**

## Amendment 24

Article 11, paragraph 7a (new)

**7a. With regard to the information requested by the Commission for the purposes of investigation pursuant to this Article, the natural or legal person concerned shall be informed beforehand of his right not to reply or make statements which may incriminate him.**

**Should a person make statements which could be used to establish against him the existence of an infringement, he shall have the acknowledged right to receive legal assistance.**

## Amendment 25

Article 13, paragraph 1

1. In order to carry out the duties assigned to it by this Regulation, the Commission may conduct all necessary inspections of undertakings and associations of undertakings.

1. In order to carry out the duties assigned to it by this Regulation, the Commission may conduct all necessary inspections of undertakings and associations of undertakings. **Communications between undertakings and associations of undertakings and outside or in-house counsel containing or seeking legal advice shall be privileged, provided that the legal counsel is properly qualified and is subject to adequate rules of professional ethics and discipline laid down and enforced in the general interest by the professional association to which the legal counsel belongs.**

## Amendment 26

Article 13, paragraph 2, point (b)

(b) to **examine** the books and other records **related to the business**, irrespective of the medium on which they are stored;

(b) to **check** the books and other **business** records, irrespective of the medium on which they are stored, **if necessary keeping them for a maximum of five working days;**

## Amendment 27

Article 13, paragraph 2, point (d)

(d) **to seal any business premises and books or records for the period and to the extent necessary for the inspection;**

**Deleted**

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TEXT PROPOSED  
BY THE COMMISSIONAMENDMENTS  
BY PARLIAMENT

## Amendment 28

Article 13, paragraph 2, point (e)

- (e) *to ask any representative or member of staff of the undertaking or association of undertakings for explanations on facts or documents relating to the subject matter and purpose of the inspection and to record the answers.* **Deleted**

## Amendment 29

Article 14, paragraph 1, point (b)

- (b) they supply incorrect or misleading information in response to a request made pursuant to Article 11(2) or in an interview pursuant to Article 11(7);
- (b) they supply incorrect or misleading information in response to a request made pursuant to Article 11(2) or in an interview pursuant to Article 11(7), **provided that the provisions of Article 11(7a) are observed;**

## Amendment 30

Article 14, paragraph 1, point (e), indents 2 and 3

- *they fail to rectify within a time-limit set by the Commission an incorrect, incomplete or misleading answer given by a member of staff, or* **Deleted**
- *they fail or refuse to provide a complete answer on facts relating to the subject-matter and purpose of an inspection ordered by a decision adopted pursuant to Article 13(4);*

## Amendment 31

Article 14, paragraph 1, point (f)

- (f) *seals affixed by officials or other accompanying persons authorised by the Commission in accordance with Article 13(2)(d) have been broken.* **Deleted**

## Amendment 32

Article 22, paragraph 3

3. Where all the Member States which would be competent to review the concentration under their national legislation on competition, or at least three such Member States, have requested the Commission to examine a concentration, the concentration shall be deemed to have a Community dimension and shall be notified to the Commission in accordance with Article 4.

3. Where all the Member States which would be competent to review the concentration under their national legislation on competition, or at least three such Member States, have **explicitly** requested the Commission to examine a concentration, the concentration shall be deemed to have a Community dimension and shall be notified to the Commission in accordance with Article 4.

## Amendment 33

Article 22, paragraph 4, subparagraph 3

The Member **State or States having made the request** shall not continue to apply their national legislation on competition to the concentration.

The Member States shall not continue to apply their national legislation on competition to the concentration.

## Amendment 34

Article 22, paragraph 6a (new)

**6a. The provisions of Article 9(9b) shall be observed.**

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P5\_TA(2003)0429

**Transmission of personal data by airlines in the case of transatlantic flights****European Parliament resolution on transfer of personal data by airlines in the case of transatlantic flights: state of negotiations with the USA***The European Parliament,*

- having regard to Rule 42(5) of its Rules of Procedure,
- A. having regard to its resolution of 13 March 2003 on transfer of personal data by airlines in the case of transatlantic flights<sup>(1)</sup>,
- B. whereas, since 11 September 2001, the USA has put into place various measures to strengthen border controls, and whereas, in particular, as of 1 October 2003, only passengers with a 'machine readable passport' are able to enter without a visa and passengers in the near future will be required to have a passport containing biometric data,
- C. having regard to the verifications carried out by the Commission within the last few months at administrative as well as political level, with regard to whether the measures taken and planned by the US authorities ensure adequate protection of data in conformity with the provisions of Directive 95/46/EC<sup>(2)</sup> as well as the principles established by the Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union,
- D. having regard to the information provided by the Commission and to the fact that it is currently not possible to consider the data protection provided by the US authorities to be adequate, because:
  - (a) the objective that would justify obtaining and storing data remains unclear and is not restricted to fighting terrorism; consequently, there is a risk that the data could be used for other purposes, including transfer to other services of the US administration or to third parties,
  - (b) the number of items of data required (39 different passenger name record elements) seems excessive and is in any case out of proportion to the aim pursued,
  - (c) the retention of data (6/7 years) seems unjustified, in particular with regard to data concerning persons that do not present any risk to the country's security<sup>(3)</sup>,
  - (d) the undertakings envisaged by the US administration seem not only insufficient, but also do not represent obligations, nor can they be invoked before a court either by the European Union or by passengers, who, in addition, are not offered any other efficient means of extra-judicial appeal to any independent authority,
- E. convinced that there is an imperative and urgent need to give passengers, airlines and reservation systems clear indications as soon as possible on which measures are to be taken in response to the demands made by the US authorities,
- F. having regard to Article 232 of the EC Treaty, which lays down the possibility for Parliament to bring an action before the Court of Justice for failure to act, in infringement of the Treaty,

<sup>(1)</sup> P5\_TA(2003)0097.

<sup>(2)</sup> OJ L 281, 29.11.1995, p. 31.

<sup>(3)</sup> (Note: Under Article 6(1)(a) of Regulation (EEC) No 2299/89 on computerized reservation systems, as amended by Regulation (EC) No 323/1999 (OJ L 40, 13.2.1999, p. 1), individual data have to be taken off-line within 72 hours of the completion of the booking (i.e. flight arrival) and can be archived for a maximum of three years, and access to the data is 'allowed only for billing-dispute reasons').



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- G. having regard to the recommendations made by the International Conference of Data Protection and Privacy Commissioners (Sydney, 10-12 September 2003) to the effect that international transfers of data should be made within the framework of international agreements defining:
- (a) the conditions necessary for ensuring data protection,
  - (b) the clear targets that justify the collection of data,
  - (c) a specific and not excessive number of items of data,
  - (d) strict limits on the storage period,
  - (e) the provision of adequate information to the persons concerned, and
  - (f) mechanisms to correct possible errors, as well as independent control authorities,
1. Welcomes in principle the fact that the dialogue with the US is taking place at the highest political level; calls nevertheless on the Commission to ensure genuine cooperation between the Commissioners involved, notably Mrs de Palacio, Mr Bolkestein, Mr Vitorino and Mr Patten, so as to fully cover all aspects of the negotiations with the USA;
2. Calls on the Commission, in accordance with Article 232 of the EC Treaty, to act within two months after the adoption of this resolution to take appropriate measures enforcing Regulation (EEC) No 2299/89, in particular Article 11 thereof,
3. Therefore invites the Commission:
- (a) forthwith to determine, within the limits outlined by the working party set up under Directive 95/46/EC, what data may legitimately be transferred by airlines and/or computerised information systems to third parties, and under what conditions, provided that:
    - there is no discrimination against non-US passengers and no retention of data beyond the length of a passenger's stay on US territory
    - passengers are provided with full and accurate information before purchasing their ticket and give their informed consent regarding the transfer of such data to the USA,
    - passengers have access to a swift and efficient appeals procedure, should any problem arise,
  - (b) to deny airlines and computerised information systems any access and/or transfer which is not in accordance with the principles laid down in point (a), or if they are in apparent breach of the obligations stemming from Directive 95/46/EC and Regulation (EEC) No 2299/89;
  - (c) immediately to begin negotiations on an international agreement under the appropriate legal basis (Article 300 of the EC Treaty) and with due regard to Community legislation (Directive 95/46/EC);
  - (d) to evaluate the EU-US police cooperation in the fight against terrorism and serious crime with regard to its efficacy and its respect for fundamental rights and, moreover, to examine the compatibility of those two aims;
  - (e) to examine the compatibility with Directive 95/46/EC of any other projects, such as the introduction in the EU of passports with electronic chips on which biometric and other data can be stored in an easily accessible way;
  - (f) to take the necessary steps to facilitate the implementation of computer-based filter systems for controlled access to passenger data such as the Secured Short-Term PNR Store project developed by Austrian Airlines and the Austrian Data Protection Authority, which is supported by the other members of the Association of European Airlines;

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4. Urges that a direct contact group be established between Members of the European Parliament and Members of the US Congress, in order to exchange information and discuss the strategy on ongoing and upcoming issues;

5. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States and the United States Congress.

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**P5\_TA(2003)0430**

## **Difficulties encountered by European beekeeping**

### **European Parliament resolution on the difficulties faced by the European beekeeping sector**

*The European Parliament,*

- having regard to its resolution of 13 December 2001 on the Commission report on the implementation of Council Regulation (EC) No 1221/97 laying down general rules for the application of measures to improve the production and marketing of honey <sup>(1)</sup>,
  - having regard to its resolution of 30 May 2002 on the Commission report entitled 'Evaluation of the active substances of plant protection products' <sup>(2)</sup>, in particular paragraph 20 thereof,
  - having regard to its resolution of 27 March 2003 entitled 'Towards a thematic strategy on the sustainable use of pesticides' <sup>(3)</sup>, in particular paragraphs 38 and 39 thereof,
  - having regard to Written Question E-1578/02 on monitoring the situation of beekeeping in the European Union,
  - having regard to Written Question P-1804/02 on urgent action in support of beekeeping,
  - having regard to Oral Question H-0892/02 on the alarming state of affairs in the EU beekeeping sector,
- A. whereas the European beekeeping sector has always faced climate-related constraints, the presence of diseases (including varroasis for the past 25 years) and extremely severe market constraints,
- B. whereas in recent years beekeepers have suffered severe problems linked to the loss of their bee population (in some cases more than 80 %) and a sharp decline in honey production, leading to a significant loss of income,
- C. whereas this substantial decline in the bee population is becoming worse every year,
- D. whereas the population decline displays the same symptoms in several EU Member States,
- E. whereas these symptoms are appearing at the same time and at the same place as the development of resistance among Varroa mites and the simultaneous increase in secondary infections (e.g. viruses and spiroplasmas),
- F. whereas these symptoms have worsened by comparison with the recent past and whereas some of them are new and therefore more difficult for beekeepers to control,
- G. whereas beekeepers in certain EU regions consider that there could be a cause-and-effect relationship between the symptoms in question and the pesticides used to treat seeds,

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<sup>(1)</sup> OJ C 177 E, 25.7.2002, p. 327.

<sup>(2)</sup> OJ C 187 E, 7.8.2003, p. 173.

<sup>(3)</sup> P5\_TA(2003)0128.

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- H. whereas plant-protection products are subject to approval protocols and whereas the protocols must include both experiments on hives carried out in conjunction with beekeeping specialists and analyses relating to any residues in foodstuffs,
  - I. whereas it is essential to avoid at all costs a situation where beekeepers are faced once again with a food-contamination scandal for which they are not responsible but from which they would be the first to suffer,
  - J. whereas the health of domestic bees is not just a matter of concern to beekeepers; it is also indicative of the state of the environment in general and of pollinating fauna in particular,
  - K. whereas European beekeeping needs more support for the development of suitable beekeeping measures in order to overcome current difficulties and bring about a lasting improvement in bee health,
  - L. whereas a high quality standard for honey will strengthen the competitiveness of the European beekeeping sector,
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- 1. Calls for preventive measures to be taken to tackle the use of new generations of long-residue neurotoxic products;
  - 2. Calls on the Commission to carry out a multifactoral analysis with a view to identifying the key factors (bee diseases, beekeeping practices, farming practices, plant-protection products, climate conditions, etc.) which influence bee health;
  - 3. Calls for good beekeeping practice to be supported through guidelines and training programmes in order to bring about a lasting improvement in bee health and the quality standard of European honey;
  - 4. Calls on the Commission to set up a committee of internationally recognised beekeeping specialists;
  - 5. Calls for European beekeepers to be properly represented on that committee;
  - 6. Calls on the Commission to lay down the terms of reference of that committee (including the establishment of beekeeping practices and the future adaptation of plant-protection product approval protocols in order to enable problems relating to the health of hives and food contamination to be tackled);
  - 7. Calls on the Commission to introduce European research cooperation for in-depth multifactoral analysis in relation to bee health;
  - 8. Proposes that measures be developed to promote bees and auxiliary insects in crop-growing areas;
  - 9. Stresses the need to find a rapid solution to compensate beekeepers who have suffered substantial declines in their bee population and to help them rebuild those populations;
  - 10. Believes it likely that this bee mortality is indicative of problems in current beekeeping which are multifactoral in origin and is concerned at the loss of biodiversity caused by the destruction of insects, in particular pollinating insects;
  - 11. Calls for a definition of criteria for monitoring the current situation and developments in the European beekeeping sector in general and as regards bee health in particular;
  - 12. Expresses its concern at the effect which this summer's major forest fires have had on beekeeping, especially in Portugal; calls upon the Commission to assess the direct and indirect damage which the forest fires have done to the sector and to devise the requisite Community support measures; considers that the sector should be brought within the scope of the forest-fire prevention strategy;
  - 13. Instructs its President to forward this resolution to the European Council, the Commission and the governments and parliaments of the Member States and of the applicant countries.
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P5\_TA(2003)0431

## Fisheries partnership agreements with third countries

### European Parliament resolution on the Commission communication on an integrated framework for fisheries partnership agreements with third countries (COM(2002) 637 – 2003/2034(INI))

The European Parliament,

- having regard to the Communication from the Commission (COM(2002) 637),
  - having regard to the Conclusions of the Fisheries Council of 30 October 1997,
  - having regard to its resolution of 6 November 1997 on the common fisheries policy after the year 2002<sup>(1)</sup>,
  - having regard to its resolution of 15 November 2000 on the Commission Communication to the European Parliament and the Council on the community participation in Regional Fisheries Organisations (RFOs),
  - having regard to its resolution of 25 October 2001 on the Commission Communication on fisheries and poverty reduction<sup>(2)</sup>,
  - having regard to its resolution of 17 January 2002 on the Commission Green Paper on the future of the common fisheries policy<sup>(3)</sup>,
  - having regard to its resolutions of 20 November 2002 on the Commission Communication on the Community action plan for the eradication of illegal, unreported and unregulated fishing<sup>(4)</sup>, and on the Commission Communication on the reform of the common fisheries policy ('Roadmap')<sup>(5)</sup>,
  - having regard to its resolution of 16 January 2003 on fisheries in international waters in the context of external action under the common fisheries policy<sup>(6)</sup>,
  - having regard to the commitment agreed at the Johannesburg Summit 2002 with regard to restoring depleted fish stocks by 2015,
  - having regard to Rules 47(2) and 163 of its Rules of Procedure,
  - having regard to the report of the Committee on Fisheries and the opinion of the Committee on Development and Cooperation (A5-0303/2003),
- A. whereas international agreements are a fundamental part of the fishing activity of the Community fleet, providing direct employment to 30 000 people, and generating a formidable economic activity in areas which are highly dependent on fisheries,
- B. whereas, despite the difficulties involved in the conclusion and renewal of agreements with third countries, such agreements are of fundamental economic importance in maintaining employment in the outlying and outermost fishing regions of the European Union depending on the fisheries sector where few employment alternatives to fishing are available,
- C. whereas the European Union imports a large quantity of fishery products from third countries to supply its markets and whereas the catches made by the Community fleets are much lower than EU consumption,

<sup>(1)</sup> OJ C 358, 24.11.1997, p. 43.

<sup>(2)</sup> OJ C 112 E, 9.5.2002, p. 353.

<sup>(3)</sup> OJ C 271 E, 7.11.2002, p. 401.

<sup>(4)</sup> P5\_TA(2002)0546.

<sup>(5)</sup> P5\_TA(2002)0555.

<sup>(6)</sup> P5\_TA(2003)0026.

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- D. whereas fishing activities by all Distant Water Fleets, including that of the Community, in third country waters should take place in a rational and responsible manner, according to provisions laid down in the United Nations Convention on the Law of the Sea and the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks and the FAO Code of Conduct for Responsible Fisheries,
- E. whereas a substantial number of the EU's international fisheries agreements are with developing countries and whereas it should be acknowledged that the external relations in the framework of the common fisheries policy should be compatible with the Union's development principles laid down in Title XX of the Treaty and should respect the interests of the fisheries sector in these developing countries,
- F. whereas it is necessary to ensure consistency, complementarity and coordination between the common fisheries policy (CFP) and the Union's development cooperation policies, and whereas both must respect the principles of sustainable development while contributing to poverty reduction in the countries concerned,
- G. whereas the EU has committed itself to two objectives: the general objective of ensuring the sustainable character of fisheries worldwide, as defined at the Johannesburg summit, and the specific objective of maintaining or restoring stock levels with a view to producing the maximum sustainable yield; whereas these goals are to be achieved as a matter of urgency for overfished population units as soon as possible and no later than 2015,
- H. whereas the EU has also committed itself to the general objective under the CFP of ensuring the sustainable management of fishery resources in economic, social and environmental terms, especially in the context of the fisheries partnership agreements signed with third countries; whereas, furthermore, it is a legitimate objective of the CFP to maintain the Union's presence in distant fishing grounds and protect the interests of the Union's fisheries,
- I. whereas, as a member of the FAO, the EU has accepted its Code of Conduct for Responsible Fisheries, although its principles are still not being complied with in full,
- J. whereas the basis for acquiring fishing rights in exchange for a financial contribution is a commercial one,
- K. whereas the cost of fisheries agreements should be shared equitably between the Community and the vessel owners in payment of the fishing rights, regardless of the third country with which the agreement has been concluded, bearing in mind that the EU contribution should be considered as a contribution to a commercial agreement and as development aid,
- L. whereas the item in the common fisheries policy budget earmarked for international fisheries agreements fell from EUR 278,5 million in 1996 to less than 200 million in 2003 and whereas no increase has been foreseen for 2004; whereas, the Commission pursues the policy to extend the current number of fisheries agreements while renewal of protocols is becoming increasingly expensive,
- M. whereas joint ventures and temporary partnership agreements established between businesses play an important part in supplying the Community market and developing cooperation between the Community fishing industry and the fishing industries of third countries,
- N. whereas regional fisheries organisations have the potential to be the most effective instrument for the responsible regional fisheries management and one of the most effective means of combating undesirable phenomena such as fishing carried out by pirate ships or those flying under flags of convenience,
- O. whereas it is Parliament's democratic right to be informed and be involved adequately in the run-up to new agreements, the renewal of existing agreements as well as on the implementation of agreements, including the targeted measures for the development of the local fisheries industry,
- P. whereas an acceptable balance must be found, in regard to fisheries agreements with third countries, between respect for coastal states' sovereignty and the ability to carry out controls,

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1. Points to the socio-economic importance of the fisheries agreements for the Community fishing sector and insists, therefore, that external aspects of the CFP be strengthened since this is essential in order to help remedy the trade deficit and protect direct and indirect employment in fisheries and the related industries;
2. Welcomes the Commission proposal and its objective to better integrate environment and development aspects in the external relations of the CFP and insists that agreements, although of a commercial nature, must respect sustainable development of the fishing industry of the developing country concerned;
3. Supports the Commission's proposal for the phased conversion of access-based bilateral agreements into partnership agreements which can contribute to responsible fishing in the interests of both sides;
4. Stresses that it is the exclusive competence of the receiving country to spend at its discretion the contribution which it receives in exchange for granting fishing rights to the EU, although Parliament endorses the Commission's approach to earmark part of the financial contribution for the development of the local fisheries industry, and calls in this regard for a clear separation to be made between compensation paid for access, the contribution previously mentioned and any more general development aid forming part of the agreement (targeted measures);
5. Urges the Commission to make negotiations on the renewal of fisheries partnership agreements dependent upon the presentation of satisfactory evidence that monies paid under the previous agreement for targeted measures have been spent as intended;
6. Points out that the level of fishing possibilities must, preferably, be based on reliable scientific data or, in their absence, on the precautionary approach and stresses that no agreement should be sought in relation to access to stocks that are already fully exploited or in danger of overexploitation;
7. Calls on the Commission to continue with its impact assessment studies concerning the sustainable character of the fisheries partnership agreements and to allocate the necessary resources for this purpose;
8. Calls on the EU to continue to develop an active policy geared to signing international fisheries agreements of a commercial nature with developing countries based on mutual interest and benefit and with the aim of contributing to the supply of fish and to employment in the EU as well as the social and economic development of the fishery sector and ancillary industries in third countries;
9. Reiterates that development cooperation policy in this field entails promoting developing countries' capacity to exploit their fishery resources, enhance local added value and obtain a fair price for access rights for European Union fleets to their EEZs, while accepting the need to protect the interests of the EU's fisheries;
10. Insists that all such agreements should contain measures to protect small scale indigenous fisheries, to promote the landing of fish locally and require access to be dependent on the use of selective fishing methods;
11. With a view to promoting sustainable fishing, urges the Commission to request that the third countries involved apply to all other nations' distant water fleets operating in their waters the same set of rules which it applies to the Community fleet, respecting the obligations committed to in multilateral agreements, in particular the fight against illegal fishing;
12. Calls on the Commission to draw up a sound financial chapter concerning the financing of the fisheries agreements which should take into consideration the possible budgetary consequences of any increase of the number of agreements in the near future and the equitable sharing of cost between the Community and the vessel owners in payment for the fishing rights, regardless of the third country with which the agreement has been concluded, bearing in mind that the EU contribution should be considered as a contribution to a commercial agreement and as development aid;

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13. Calls on the Commission to boost the creation of joint ventures and temporary partnerships between businesses and establish an appropriate regulatory framework so that they can properly fulfil their objectives of supplying the Community market and fostering cooperation between the Community fishing industry and the fishing industries of third countries;
  14. Calls for measures to be taken to prevent coastal communities' traditional fisheries from being edged out by other, alien practices;
  15. Calls for action to encourage the participation of local community organisations based on traditional forms of association, and for due attention to be paid to the role played by women in the processing and marketing of fishery products;
  16. Proposes the encouragement at local level, in the ACP countries, of transfers of, inter alia, technology and scientific know-how, in an investment-friendly form;
  17. Calls for the necessary resources to be made available to ensure that the conditions of the agreements can be fulfilled in such a way as to permit their renewal;
  18. Calls on the Commission to include in the protocols to agreements the social clause adopted on 19 December 2001 at the plenary meeting of the 'Sea Fishing' Sectoral Social Dialogue Committee, with a view to ensuring that all seafarers on board European Union vessels enjoy freedom of association, the right to collective bargaining, non-discrimination, adequate remuneration, and living and working conditions similar to those of European Union seafarers;
  19. Considers that the regional fisheries organisations play a very important role in fisheries management and urges the Commission to actively involve these organisations with the third countries with which fisheries agreements have been signed and to allocate adequate human and material resources to the interests of the Community fishing sector;
  20. Requests the Commission, when entering negotiations about new agreements or renewal of existing ones, to take into account the legitimate rights of Member States that have shown interest in taking part in the agreement concerned; and apply the same principles and rules to all types of fishing agreements, namely the financial rules and the ad hoc and temporary transfer of fishing rights non-used by some Member States;
  21. Urges the Commission to inform Parliament on the negotiating mandate which the Council grants the Commission;
  22. Urges the Commission to keep its responsible committee updated about the preparation for negotiations or ongoing negotiations and to supply Parliament with annual reports on the degree of implementation of the agreements, the use of funds for targeted measures and standardised evaluation reports that should meet the requirements as laid down by the Fisheries Council of October 1997 so as to respect the Commission's accountability to Parliament;
  23. Calls on the Commission to make aid for implementation by third countries of the FAOs international action plan for combating illegal, unreported and unregulated fishing one of the main priorities when concluding future agreements with third countries;
  24. Instructs its President to forward this resolution to the Council and the Commission.
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