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RESEARCH AND DOCUMENTATION PAPERS

ACHIEVEMENT OF THE INTERNAL MARKET:

ACTION TAKEN BY THE COMMISSION AND COUNCIL ON PARLIAMENT'S OPINIONS

Action Taken Series no.

1 - II.

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CONTENTS

INTRODUCTION: Objective and scope of the study

The original version of this study (1) was undertaken in July 1986 on the one hand to comply with a request of the Committee on Economic and Monetary Affairs and on the other hand to develop a methodology for the monitoring of the action taken by the Commission and the Council on Parliament's opinions and resolutions. The request of the committee and the general interest of the subject determined the choice of the internal market as the subject of this follow-up study. The first updated version was published by the Directorate-General on Resarch in April 1987, as n° 1-I of the Action Taken series.

This second updated version of the study pursues the monitoring of the action taken by the Commission and the Council until 15 March 1988, mainly on the basis of the Third Progress Report of the Commission on the implementation of the White Paper on completing the internal market (2).

Part I of this study monitors the progress made to 15 March 1988, with reference to the updated White Paper's programme and analyses the backlogs with which the Commission, the Parliament and the Council are confronted.

The second part of the study contains an analysis of the action taken by the Commission and the Council following the the opinions delivered by the Parliament on legislative proposals concerning the internal market. These case studies cover the opinions adopted from July 1984 to March 1988 inclusive.

PART ONE: THE IMPLEMENTATION OF THE COMMISSION'S WHITE PAPER PROGRAMME ON COMPLETING THE INTERNAL MARKET

1. The updating of the White Paper programme

Since the White Paper was published in June 1985 some updating of the programme has become necessary. Additional proposals have been introduced (for example in the telecommunications sector) whereas in other fields a number of proposals and planned initiatives have been withdrawn from the programme as they have become outdated or have been overtaken by alternative strategies developed since the White Paper was published. For example a number of fiscal proposals have been withdrawn.

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(1) Published in September 1986, n° 9 of the 'Economic Series' of Research and Documentation Papers produced by the Directorate General for Research

(2) COM(88) 134 - Third report from the Commission to the Council and the European Parliament on the implementation of the Commission's White Paper on completing the internal market, Brussels, 21 March 1988

Furthermore the Commission has excluded any proposal which relates solely to the continuing management of Community policies and therefore limited itself to those proposals which are directly relevant to the abolition of physical, technical and fiscal barriers.

The net effect of these various changes is to produce a programme consisting of 286 proposals, which is slightly smaller than the 300 proposals in the original White Paper.

2. The Single European Act

The Single European Act which entered into force on 1 July 1987 confirms the target date of 31 December 1992 for the completion of the internal market and endorses the Commission's White Paper by a specific mention in the Intergovernmental Conference's declaration on the new Article 8 A of the EEC Treaty.

In spite of this, several factors have contributed to slower progress over the last year :

a) the delay in the entry into force of the Single Act has meant that the move to more voting by qualified majority in the Council is only just beginning to speed up the pace of adoption of White Paper proposals ;

b) the Council's reluctance in some cases to delegate implementing powers to the Commission has prevented the adoption of a number of proposals which were otherwise ready for decision.

c) between the entry into force of the Single Act and the beginning of May 1988, the Council has already adopted 32 common positions, the majority of which 20 concern internal market proposals. Although not all the internal market proposals fall under the two-reading procedure, it is a fact that 92 of the 126 proposals at present before the Council fall to be adopted by a qualified majority.

3. The Commission's Progress reports on completing the internal market

Since the publication of its White Paper, the Commission, following Parliament's request, to date has submitted three progress reports on the implementation of the White Paper programme (May 1986, May 1987 and March 1988).

The Commission will also be submitting to the Council before the end of 1988 the major report required by the Single European Act[3] on the progress made towards achieving the internal market within the time limit of 31 December 1992. In view of this, the Third Progress Report is shorter and less detailed than it would otherwise have been.

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(3) New Article 8 B of the EEC Treaty

A comparison of the figures contained in the three Progress reports gives the following picture :

Progress report	Proposals adopted by Commission and Council	Submitted by Commission but still before Council	still to be presented by Commission before 31.12.1992	Total number of internal market proposals
First (May 1986) COM(86) 300	27	105	+/- 168	+/- 300
Second (May 1987) COM(87) 203	48 (+ 9 partially adopted)	130 (of which 18 were not included in the original White Paper)	119 (of which 9 were not included in the original White Paper)	297
Third (March 1988) COM(88) 134	69 (+ 6 partially adopted	126 (on 14 of which the Council already reached a common position)	91	286

4. The backlogs of the institutions

A. Commission

The Commission has to date, presented 208 proposals to the Council. In addition to the (updated) White Paper programme, the Commission has taken related initiatives which, whilst not forming part of the White Paper programme itself, nevertheless provide parallel support to it. Examples of these various initiatives include the social dimension of the internal market, small and medium sized enterprises and mergers.

According to Annex 3 of the Commission's Third Progress report 91 proposals are still to be presented to Courncil before 31 December 1992. Vis à vis the White Paper timetable 51 of the proposals are subject to delay.

In some cases, however, one could argue that the Commission is perhaps proceeding too fast in order to meet the deadlines, so that the quantity of the output of proposals acts to the detriment of their quality.

B. Parliament

According to Annex 2 of the Commisssion's Third Progress Report 30 proposals are listed as still being before Parliament.

This figure calls for some comment. In fact, Parliament's backlog amounts to 13 proposals, if one considers that it has already given its opinion on 3 proposals whereas the parliamentary comittees concerned adopted their reports on 2 proposals in March 1988 and will adopt their reports on 10 other proposals in April or May 1988. In two cases Parliament has applied the referral-back procedure, in order to reach a compromise with the Commission.

C. Council

The Council has to date adopted 69, and has partially adopted a further 6 internal market proposals. A further 126 proposals remain on the Council table, on 14 of which the Council has already reached a common position. Nevertheless, this backlog is extremely disappointing.

Recently progress has been made in the sectors concerning the new approach to technical harmonisation (simple pressure vessels, safety of toys) vehicle exhaust emissions, pharmaceuticals, non-life insurance and airtransport.

The main area of slippage continues to be the plant and animal health sector where 17 proposals remain on the table. There is also a lack of progress in the fields of foodstuffs and drinks, as well as on the main proposals concerning the free movement of individuals, namely the easing of frontier controls and the introduction of a general right of residence. There have also been delays affecting individual proposals on road transport, the free provision of services (in particular transport and broadcasting) and the harmonisation of both company taxation and the structure of indirect taxation. It is clear that the Council will come under increasing pressure to accelerate the adoption of internal market proposals in order to respect the White Paper timetable and the 1992 deadline.

5. The European Parliament and the cooperation procedure

In its report, the Commission recognises the fact that the Parliament has shown a desire to ensure the smooth operation of the cooperation procedure.

From the entry into force of the Single European Act to the May 1988 part-session, i.e. over a period of eleven months, the European Parliament has delivered a total of 26 second readings on the basis of Council's common positions, of which 16 have been finally adopted by the Council.

19 of these second readings concerned internal market proposals, of which to date 10 have been finally adopted by the Council.

During the same period the Parliament has delivered 18 first readings on proposals with regard to which the Council has not yet adopted a common position, whereas in 6 cases common positions have been adopted recently, which await the second reading.

Taking into account the initial take-off problems in connexion with the two-reading procedure, the European Parliament has made a considerable effort and therefore the criticism of the Commission as to the slowness of parliamentary procedures does not seem to be entirely justified.

Annex I shows the state of play as to the first eleven months of the cooperation procedure.

These results can be summarized as follows :

Results of the cooperation procedure
(July 1987-May 1988)
(numbers between brackets refer to Annex I)

	White Paper proposals	Non White Paper proposals	Total
Number of proposals	34	16	50
of which :			
already adopted by Council	10 (33, 57, 59, 60, 66, 72, 75,81,83,88)	6 (67, 68, 69, 91, 92, 106)	16
second reading EP accomplished	9 (16, 24, 29, 32, 42, 52, 56, 70, 74)	1 (34)	10
common position adopted, but second reading EP not yet accomplished	1 (31)	5 (94, 96, 99, 100, 101)	6
First reading EP accomplished, but common position not yet adopted	14 (6, 53, 62, 63, 71,73,76,77,79, 82,86,89,90,97)	4 (58, 93, 102, 104)	18

x x

x

PART TWO : ACTION TAKEN ON PARLIAMENT'S OPINIONS AND CASE STUDIES THEREON

1. Acceptance by the Commission of Parliament's amendments

During the second legislature i.e. from July 1984 till March 1988, Parliament has rendered 63 opinions on White Paper proposals in which it called on the Commission to adopt amendments to its proposals. These cases are listed in Annex II. An analysis of the Commission's positions shows that it has accepted Parliament's amendments
A) entirely : in 15 cases (+/- 25%) ;
B) partially : in 38 cases (+/- 60%) and
C) that it could not accept Parliament's amendments in 10 cases (+/- 15%)

The number of second readings during this period is too small to be statistically relevant. Of the second readings concerning internal market proposals listed in Annex II, Parliament adopted the Council's common position without amendments in 4 cases. In two cases, the Commission adopted the second-reading amendments entirely, whereas they were rejected in two cases and partially accepted in one case.

It goes without saying that the abovementioned figures are purely quantitative and do not contain any information on the relative importance of the amendments accepted or rejected. Therefore Annex II gives a summary of the Commission's positions on the opinions concerned, which contains qualitative information on the main amendments and the reasons why the Commission could or could not accept them.

2. Acceptance by the Council of Parliament's amendments/case studies

Of the 63 proposals listed in Annex II, the Council to date has adopted 21 proposals, or roughly one third.. These cases are analysed in some detail below, in order to try to monitor the impact of the Parliament on the legislative process with regard to the internal market.

Case 1 (Annex II, n° 1) Van Rooy report, adopted on 13 December 1984

Directive 85/362/EEC : 17th Directive on the harmonisation of the laws of the Member States relating to turnover taxes - Exemption from VAT on the temporary importation of goods other than means of transport (OJ L 192, 24.7.85)

The Council accepted one of the two amendments proposed by Parliament to article 6 of the Directive. The other amendment concerned an article in the Commission's proposal which has not been incorporated in the Directive as adopted by the Council.

Case 2 (Annex II, n° 5) Braun-Moser report, adopted on 21 February 1986

Council Directive 86/94/EEC amending for the second time Directive 73/404/EEC on the approximation of the laws of the Member States relating to detergents (O.J. L 80, 25.3.86, p. 51). Like the Commission the Council did not accept Parliament's amendments to limit the exemption for dish-washing products to only the year after the entry into force of the Directive. However the Council did shorten this period till 31 December 1989, whereas the Commission had proposed 31 December 1990.

Case 3 (Annex II, n° 6) Bueno Vicente report, adopted on 22 October 1986

Directive 86/566/EEC amending the First Directive of 11 May 1960 for the implementation of Article 67 of the Treaty (OJ L 332, 26.11.86, p. 22).

The Council accepted the extension of the period of application of the safeguard clause for Spain by 2 years (till 31 December 1990) in conformity with Parliament's amendment, and extended this period with a further 2 years (till 31 December 1992) for Portugal (cfr. Article 2(2)B of the Directive).

Case 4 (Annex II, n° 9) Rogalla report, adopted on 11 May 1987

Council Regulation (EEC) n° 3690/86 concerning the abolition within the framework of the TIR Convention of customs formalities on exit from a Member State at a frontier between two Member States (OJ L 341, 4.12.86, p. 4)

This Regulation covers only the TIR-aspect of the Commission's proposal and this is only a partial adoption of this proposal. The European Parliament was not consulted on this part of the proposal. Nevertheless this case is mentioned since the Regulation assures the abolition of exit formalities for transport of goods under cover of TIR carnets.

Case 5 (Annex II, n° 24) Turner Report, adopted on 16 January 1986

Directive 86/457/EEC on specific training in general medical practice postpones the obligation for general medical practitioners to hold a diploma attesting specific training in general medical practice till 1 January 1997, whereas the Commission had proposed 1 January 1993. As from 1995 a minimum of six months' training in an approved general medical practice will be required. On this point the Council followed the Commission and not the EP, which had proposed a minimum of one year. (OJ L 267, 19.9.86)

Case 6 (Annex II, n° 25) Turner report, adopted on 12 September 1986

Council Directive 87/54/EEC on the legal protection of topographies of semiconductor products (OJ L 24, 27.2.87, p. 36)

The Council accepted Parliament's amendments on article 1(c) (slightly redrafted), article 2(3), article 3(1) article 4, article 5(1), article 5(4), article 5(6) (as far as the principle embodied in this amendment was concerned), and article 7(3) of the Regulation. Thus the Council accepted 8 of the 12 amendments adopted by the Parliament.

Case 7 (Annex II, n° 33) Klinkenborg report, adopted on 19 November 1987

Council Directive 87/601/EEC on fares for scheduled air-services between Member States (OJ L 374, 31.12.1987, p. 12)

Like the Commission, the Council did not follow Parliament regarding its sole amendment, to article 12 of the Directive, which provided for a consultation of the EP on the subsequent application of this Directive and the automatic extension of the application of the Directive if the Council has not reached a decision on the subsequent application by 31 May 1990.

Case 8 (Annex II, n° 34) Klinkenborg report, adopted on 19 November 1987

Council Decision 87/602/87 on the sharing of passenger capacity between air carriers on scheduled air services between Member States and on access for air carriers to schedules air-service routes between Member States.

Parliament's sole amendment, to article 14 of this Decision, which had the same scope as the amendment in the preceding case was not followed by the Council.

Case 9 (Annex II, n° 35) Wijsenbeek report, adopted on 19 JUne 1987 + Klinkenborg report, adopted on 19 November 1987

Council Regulation (EEC) n° 3976/87 on the application of article 85(3) of the Treaty to certain categories of agreement and concerted practices in the air transport sector (OJ L 374, 31.12.87, p. 9) with regard to the opinions of 19.11.87.

As far as Parliament's opinion of 19.6.87 is concerned the Council, like the Commission, did not accept Parliament's amendment to make a general exemption possible for the coordination of time tables.

Like the Commission, the Council did not accept Parliament's amendments concerning consultation of the Parliament on the revision of the Regulation by 30 June 1990. (The Commission considered this provision unnecessary because article 87 of the EEC Treaty provided for the consultation of the Parliament)

Case 10 (Annex II, n° 38) Anastassopoulos report, adopted on 11 September 1986.

a) Regulation No. 4058/86 of 22 December 1986 concerning coordinated action to safeguard free access to cargoes in ocean trades (OJ L 378, 31.12.1986, p. 21)

The Council accepted the first part of Parliament's amendment to Article 1 of the Regulation (concerning the principle of free access and the area of application of the Regulation), and part of the amendment to Article 3 of the Regulation (thereby extending the conditions under which the Member State may request coordinated action).

b) Regulation No. 4055/86 of 22 December 1986 applying the principle of freedom to provide services to maritime transport between Member States and third countries (OJ L 378, 31.12.1986, p. 1)

The Council accepted the new recital after the tenth recital concerning the application of the principle of freedom to provide services to maritime transport. It did not accept the amendment to Article 5 of the Commission's proposal (Article 7 of the Regulation) concerning the obligation to consult the Parliament.

c) Regulation No. 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport (OJ L 378, 31.12.1986, p. 4).

The Council accepted the reference to Article 84(2) of the EEC Treaty as a legal basis, as well as the addition to Article 4. It did not accept the obligation to consult the Parliament in the context of Articles 7 and 8 of the Commission's proposal.

d) Regulation No. 4057/86 of 22 December 1986 on unfair pricing practices in maritime transport (OJ L 378, 31.12.1986, p. 14)

The Council partially accepted the amendment concerning the definition of Community shipowners (Article 3(e) of the Regulation). It did not accept the other amendments.

Case 11 (Annex II, n° 41) McMillan-Scott report, adopted on 15 November 1985

Council Decision adopting the programme of cooperation between universities and enterprises regarding training in the field of technology (COMETT)

The Council accepted the amendment which called for an annual report by the Commission to the European Parliament regarding the implementation of the COMETT programme, as well as one of the other two amendments which the Commission had accepted. However, this amendment is purely linguistic in character.

Case 12 (Annex II, n° 44) Sherlock report, adopted on 12 December 1984 (FR) ; second reading on 18 November 1987

Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from the engines of motor vehicles (passenger vehicles)

Parliament had adopted the Council's common position without amendments.

Case 13 (Annex II, n° 45) Schmid report, adopted on 15 March 1985

Directive relating to restrictions on the marketing and use of certain dangerous substances and preparations (Second PCB/PCT Directive) (8).

An immediate ban on the use of PCB's and PCT's as primary materials and intermediate products for processing into other products not prohibited by the Directive, for which the Parliament had pressed, was not accepted by the Council.

Moreover the Directive as adopted by the Council leaves even more freedom to the Member States as to the assessment of the dangers of these materials and products than the Commission's proposal.

In comparison with the Commission's proposal Parliament scored a success as far as the date of compliance with the Directive is concerned (Commission's proposal: 31 December 1989, Parliament's amendment: 31 December 1985, Council's text: 30 June 1986.)

Case 14 (Annex II, n° 49) Tongue Report, adopted on 16 January 1986

Council recommendation of 22 December 1986 on fire safety in hotels (OJ L 384, 31.12.1986, p. 60)

The Council did not comply with Parliament's request for a legislative act in the form of a Regulation, but adopted a (non binding) recommendation on fire safety, as well as a recommendation on standardised information in existing hotels.

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(8) PCB = Polychlorinated biphenyls (PCBs) and therphenyls (PCTs)

Case 15 (Annex II, n° 50) Collins report, adopted on 11 October 1985

Directive prohibiting the use in livestock farming of certain substances having a hormonal action

In this case Parliament scored a real success, since the Council adopted the amendment to authorise the administering to farm animals of Oestradiol 17 B, Testosterone and Progesterone only for therapeutic purposes, whereas the Commission had proposed to authorize the use for fattening purposes.

However, the Council did not accept the amendments which would give responsibilities to the EP, which in the Directive as adopted by the Council are attributed to the Standing Veterinary Committee.

Cases 16 and 17 (Annex II, n° 51 and 52) Parodi Report, adopted on 16 January 1986

Council Directive of 22 December 1986 on the approximation of high technology medicinal products, particularly those derived from biotechnology (OJ L 15, 17.1.1987, p. 38)

The Council accepted Parliament's amendment to the preamble, in which the priority of the public health aspect is stated. The other amendments were not accepted.

Council Directive of 22 December 1986 amending Directive 65/65/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products (OJ L 15, 17.1.1987, p. 38).

Like the Commission, the Council did not accept the amendment which provided for the imposition of a licence fee.

Case 18 (Annex II, n° 53) Braun-Moser report, adopted on 21 February 1986

Directive 86/94/EEC amending for the second time - Directive 73/404/EEC on the approximation of the laws of the Member States relating to detergents

The Council did not go as far as the European Parliament regarding the ultimate date for exemptions in its amendment to article 1, paragraph 1, but further than the Commission had proposed. As far as the amendment to the second paragraph of this article was concerned the Council went even further than Parliament by permitting exemptions only until 31 December 1989, whereas Parliament had called for 31 December 1990 as the ultimate date.

Case 19 (Annex II, n° 54/55) Collins Report, adopted on 18 April 1986

Council Directive of 16 September 1986 concerning the examination of animals and fresh meat for the presence of residues (OJ L 275, 26.9.1986, p. 36).[9]

The Council did not follow any of the amendments adopted by the Parliament, in spite of the fact that the Commission had considered them to be acceptable.

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(9) This Council Directive embodies two White Paper Proposals (COM(81) 501 and COM(85) 192)

3. Assessment of Parliament's impact on the decision-making process in the Council

Of the 21 Council decisions analysed above (case 4 concerns a partially adopted Regulation, whereas case 10 comprises 4 Regulations) there was complete acceptance of Parliament's amendments in one case (N° 3), partial acceptance in 12 cases and rejection in 8 cases. In view of the limited number of cases, it is difficult to draw statistical conclusions from these figures. It is clear, however, that although the Council accepted considerably fewer of Parliament's amendments than did the Commission, in some cases Parliament scored a real success regarding major amendments (espacially in the case of the prohibition of certain substances with a hormonal action)[10]. In the other cases the success was only partial or concerned rather technical points.

It is too early to assess the extent to which the new cooperation procedure will increase the impact of Parliament's opinions, since up to 15 March 1988 the Council had only adopted three decisions under the new procedure with regard to which Parliament had adopted amendments, either on first or second reading, only one of which was a White Paper proposal.

CONCLUSIONS AND SUGGESTIONS

The main conclusions to be drawn from this follow-up study are:

1. The European Parliament has played a stimulating role in the decision-making process leading to the presentation of the White Paper programme and now has an even more important role to play after the entry into force of the Single Act.

2. As far as its advisory function in the legislative process is concerned the EP has delivered its opinions on the Commission's White Paper proposals within a very reasonable time.

A further improvement consists in the agreement between Parliament and Commission on an annual legislative programme, in which internal market proposals play an important role. A new phenomenon is the changing proportion of legislative and non-legislative opinions of the European Parliament, which during 1987 has shown a significant decrease in own-initiative resolutions. This phenomenon can at least partly be explained by the deadlines imposed upon Parliament under the cooperation procedure. On the other hand the opinions of Parliament, in view of the highly technical character of many internal market proposals, have a tended to become more technical, which in principle is a sound basis for greater impact of Parliament on the legislative process.

3. In approximately 85% of the cases in which Parliament called on the Commission to adopt amendments to its proposals the executive has totaly or partially complied with Parliament's wishes. This represents an increased proportion in comparison with the previous periods covered by the successive Progress Reports of the Commission.

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(10) It should be recalled that the Court of Justice in its ruling of 23 February 1988 in case 68/86 has annulled Directive 85/649 on grounds of infringement of an essential procedural requirement by the Council. However, this ruling does not affect the contents of the Directive, which in the meantime has been put into force again by the Council.

in cases like the Hermanreport on information services markets (cf. Annex II, n° 20) in where the Commission accepted all 19 amendments, the Parliament has de facto played a role of co-initiator of Community legislation which goes far beyond its purely advisory function.

4. It appears that the new cooperation procedure offers better possibilities for an active follow-up to Parliament's opinions, i.e. in the course of the legislative process leading to the adoption of a common position by the Council, and not just a posteriori. So far the weak spot of the follow-up procedure has been the lack of willingness of the Council to furnish to Parliament and its comittees the necessary information on the course of the legislative process, in spite of an earlier undertaking by the Council to that effect. This being so, it is essential that the Commission should inform Parliament regularly on the progress of its proposals throughout their period in Council.

The political responsibility for this active follow-up, according to Parliament's new Rules of Procedure, lies clearly with the parliamentary committees.

In regard to the provision of information for Members in plenary session, the existing procedure under which the Commission gives a monthly statement on its follow-up to those legislative opinions of Parliament adopted during the previous two months, a notable improvement could be secured by introducing a question-time type of procedure. This would permit the Commission the better to prepare its answers and to go into more detail, as well as to extend the procedure to opinions adopted at earlier sessions. In this way Parliament would be better informed, especially on the more controversial Commission proposals which are blocked in Council or Coreper.

SURVEY OF COOPERATION PROCEDURES
(July 1987-May 1988)

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
6	Direct insurance other than life assurance COM(75) 516 (LB 57 (2) 59 (2), 66)	Economic/ Schwörer 17.01.78 +Legal Affairs Price 18.5.88*	B COM(78) 6 -						
16	Provisions for use in foodstuffs COM(80) 286 fin./ (LB.: 100 A)	Environment/ Ghergo 19.2.82	B COM(82) 166	18.11.87 C2-218/87	b) amended 9.3.88 Environment Schleicher A2-326/87	B (7/13)			
24	Regulation concerning the persons liable for payment of a Customs debt COM 862) 792/ (LB 100 A)	Legal Affairs/ d'Angelosante 13.4.84 1-87/84	A (1)	17.12.87 (C2-248/87	a) approved 10.2.88 Legal Affairs Barzanti A2-281/87	—	Council dec. 18.4.88 OJ L 102 21.4.88, p. 5		
29	Extraction of solvents used in the production of foodstuffs and food ingredients COM(83) 626 fin./22.11.84 (LB. 100 A)	Environment/ Squarcialupi 14.12.84 2-1134/84	B(7/10)	18.11.87 C2-219/87	b) amended 10.2.1988 Environment/ Squarcialupi A2-278/87	A (2)			
31	Indication of prices for non-food products COM(83) 754/23.01.84 (LB. 100 A)	Environment/ Nordmann 19.04.85 A2-6/85	B (4/5) COM(85) 398 COM(86) 141 COM(87) 160	11.2.88					

(1) A = totally accepted (number)/B) partially accepted (ratio of amendments accepted: adopted)/C) t accepted/ - means: adopted by EP without amendmen 'See Annex for details about the positions of the Commission and Council

(*) This report should be considered as an additional opinion at first reading

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
32	Indication of the prices for foodstuffs COM(84) 23 (LB. 100 A)	Environment/ Nordmann 19.04.85 A2-6/85	B(4/5) COM(85) 398 COM(86) 141 COM(87) 160	11.2.88 C2-300/87	a) approved 18.05.88 Environment/ Nordmann A2-48/88	—			
33	Air pollution by gases from the engines of motor vehicles (passenger vehicles) COM(84) 226-02 (Doc. modified:) COM(84) 564,COM(85) 220, COM(87) 303 (LB. 100 A)	Environment/ Sherlock 12.12.84 2-1149/84	B (9/13)	15.9.87 C2-142/87	a) approved 18.11.1987 Environment/ Sherlock A2-184/87	—	Commission Dec. 3.12.87 OJ L 36 9.2.88, p.1.		
34	Protection of workers by the banning of certain specific agents COM(84) 456/13.09.84 (LB. 118 A)	Environment/ Squarcialupi 15.02.85 2-1567/84	B(5/6) COM(85) 262 COM(87) 516	17.12.87 C2-247/87	a) approved 9.3.88 Environment/ Squarcialupi A2-2/88				
42	Classification, packaging and labelling of dangerous preparations COM(85) 364 fin./29.07.85 (LB. 100 A)	Environment/ Sherlock 28.10.87 A2-169/87	B(14/23) COM(87) 633 C 353/ 30.12.87/5	21.01.88 C2-271/87	a) approved 13.4.88 Environment/ Sherlock A2-32/88				
52	Directive concerning the pursuit of broadcasting activities COM(86) 146 fin./30.04.86/86 (LB. 57 (2), 66)	Legal Affairs Barzanti 20.1.88 A2-246/87	B(24/113) COM(88) 154	C2-248/87					
53	The own funds of credit institutions COM(86) 169 fin./18/09/86 (LB. 57 (2))	Legal Affairs/ Vayssade 9.7.87	B(10/12) COM(88) 15 fin OJ C 32 5.2.88,p.2	+					

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
56	Air pollution by gases from engines of motor vehicles COM(86) 261/23.6.86 (LB. 100 A)	Environment/ Vittinghoff 19.6.87 A2-88/87	C(8)	12.2.88 C2-299/87	a) approved 18.05.88 Environment Vittinghof A2-45/88	-			
57	Emission of gas pollutants from diesel engines for use in vehicles COM(86) 273 (LB. 100 A)	Environment/ Vittinghoff 19.6.87 A2-88/87	—	15.9.87 C2-141/87	b) amended 18.11.87 Environment/ Vittinghoff A2-185/87	C(2)	Counc. Dec. 3.12.87 OJ L 36, 9.2.88, p. 33	C(2)	
58	Protection of workers from chemical, physical and biological agents COM(86) 296/19.06.86 (LB. 118 A)	Environment/ Sherlock 18.05.88 A2-57/88	B (2/15)						
59	Coordination of procedures on the award of public supply contracts COM(86) 297 fin./C2-64/86 (LB. 100 A)	Economic/ Beumer 9.7.1987 A2-100/87	B (9/16) with some reservations COM(87) 233 COM(87) 468	28.10.87 C2-184/87	b) amended 16.12.87 Economic Beumer A2-228/87	A(6/6)	Counc. Dec. OJ L 127 20.5.88, p.1	B (2/6) (one partially accepted)	
60	UCITS (Undertakings for collective investment in transferable securities) COM(86) 315 (LB. 57 (2))	Economic/ De Gucht 10.4.87 A2-223/86	C (1/1)	17.12.87 C2-253/87	a) approved 10.2.88 Legal Affairs Wijsenbeek A2-282/87	—	Counc. Dec. 22.03.88 OJ L 100 9.04.88, p. 31		
62	Participation of accounting documents for branches of credit institutes COM(86) 396 fin/C2-88/86 (LB. 54 (3) g)	Legal Affairs/ Vayssade 18.11.87 A2-181/87	A (14)						

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
63	Eleventh Directive based on Article 54(3)(g) of the Treaty concerning disclosure requirements in respect of branches opened in a Member State by certain types of companies governed by the law of another State COM(86) 397 fin./C2-76/86	Legal Affairs/ Vetter 18.11.87 A2-192/87	A (17) (with a reservation)						
66	Safety of toys COM (86) 541 fin./ (LB. 100 A)	Economic/ Oppenheim 9.7.87 A2-87/87	B (26/30) COM(87) 467 6.10.87	20.1.88 C2-272/87	b) amended/ 9.3.1988 Economic Oppenheim A2-311/87	C (5) COM(88) 220 13.04.88	Coun. Dec. 3.05.88 (not yet published in OJ)		
67	'RACE' - Community programme in the field of telecommunications technologies COM(86) 547 fin./C2-152/86/I (LB 130 Q (2))	Energy Turner 17.9.87 A2-119/87	B(*/11) COM(87) 618 C 34 of 8.3.88, p. 1	13.10.87 C2-172/87	b) amended 18.11.1987 Energy Turner	A(13)	Coun. Dec. 14.12.87 OJ L 16 of 21.1.86,p.35	B (5/13) (one partially accepted)	
68	Programme of coordination for Community research and development in the field of medical and health research (1987-1989) COM(86) 549 fin. 2/C2-152/86 (LB 130 Q (2))	Energy Schinzel 18.9.87 A2-118/87	B (4/8) COM(87) 460	13.10.87 C2-173/87	a) approved 28.10.87 Energy/ Schnizel A2-175/87	—	Coun. Dec. 17.11.87 OJ L 334/ 24.11.87,p.20		
69	'STD' Research and development programme in the field of science and technology for development (1987-1990) COM(86) 550 fin./C2-152/86 (LB. 130 Q (2))	Development/ Pantazi 18.9.87 A2-44/87	A COM(87) 364 C 34 of 8.2.88,p. 5	13.10.87 C2-174/87	b) amended 18.11.87 Development Pantazi A2-196/87	B (6/11)	Coun. Dec. 14.12.87 OJ L 355/ 17.12.87,p.41	B (2/11)	

(*) The Commission has pronounced itself only on amendment No. 8

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common posi-tion no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
70	Making up by volume of certain prepackaged liquids COM(86) 653-03/25.11.86 (LB. 100 A)	Environment/ Weber 15.05.85 A2-52/87	—	9.02.88					
71	Procedures for the award of public works contracts COM(86) 679/26.01.86 (LB. 57 (2), 66, 100 A)	Economic/ Beumer 18.05.88	B (22/39) (with reser-vations)						
72	Permissible sound power level of lawn mowers COM(87) 682 fin./ (LB. 100 A)	Economic/ 18.9.87 A2-129/87 + A2-130/87	B (2/4)	17.12.87 C2-246/87	a) approved 9.3.88 Economic Schreiber A2-288/87	—	Counc. Dec. 22.3.88 OJ L 81/ 30.03.88 p. 69 and 71		
73	Fruit juices COM(86) 688/30.12.86 (LB. 43, 100 A)	Environment/ Banotti 13.04.88 A2-330/87	A (1)						
74	Good laboratory practices COM(86) 698) (LB. 100 A)	Environment/ Weber 15.05.87 A2-51/87	— COM(87) 393	21.01.88 C2-273/87	a) approved 13.04.88 Environment/ Weber A2-28/88	—			
75	Fluid fertilisers COM(86) 704 (LB. 100 A)	Economic/ Beumer 10.4.87 A2-10/87	—	16.11.87 C2-250/87	a) approved 10.02.88 Economic Beumer A2-278/87	—	Counc. Dec. 22.03.88/ OJ L 83/ 29.03.88/p.33		

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
76	Directive on the official inspection of foodstuffs COM(86) 747 fin./30/12/86 (LB. 100 A)	Environment/ Jackson 18.11.87 A2-180/87	B (9/12) COM(88) 88 OJ C 88 5.04.88						
77	Construction products COM(86) 756 fin./15/01/87 (LB. 100 A)	Economic/ Bueno Vicente 14.10.87 A2-153/87	B(8/10) COM(87) 728 L 30/4.02.88, p. 9						
79	Transparency of measures regulating the pricing of medicine products COM(86) 765 fin./30.12.86 (LB. 100 A)	Economic/ Lataillade 9.03.88 A2-291/87	A (21)						
81	Type approval of wheeled agricultural or forestry tractors COM(86) 777 (LB. 100 A)	Economic/ Proc. without report 15.05.87	—	30.11.87 C2-254/87	b) amended 9.03.88 Economic/ Beumer	A (1/1)	Counc. Dec. 3.05.88 OJ L 126/ 20.05.88,p.52	C(1)	
83	I. Modification of Directive 83/189/EEC (procedure for the provision of information in the field of technical standards and regulations) II. Idem. in the field of technical standards and regulations applying to agricultural products COM(87) 52 fin./C2-8/87 (LB. 100 A)	Economic/ Raftery 18.11.87 A2-183/87	I:B (6/7) II: no amendments COM(87) 607 C 3, 7.01.88 p. 6	18.01.88 C2-249/87	a) approved 10.02.88 Economic/ Raftery A2-279/87	—	Counc. Dec. 21.03.88 OJ L 81/ 26.03.88,p.75		
84	Cosmetic products COM(87) 74 (LB. 100 A)	Environment/ Pereira 13.04.88 A2-335/87	B (3/6) (with one reservation)						

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
86	I. Spray suppression devices of certain categories of motor vehicles II.Lateral protection of certain motor vehicles COM(87) 132/12.08.87 (LB. 100 A)	Economic/ Beazley 9.03.88 A2-296/87	I: A (7) II: B (5/6)						
88	Permissible sound power level of lawn mowers COM(87) 133 fin./C2-42/87 (LB. 100 A)	Economic/ Schreiber 18.9.87 A2-129/87	B(2/4)	17.12.87 C2-246/87	a) approved 9.3.88 Economic/ Schreiber A2-288/87	—	Counc. Dec. 22.03.88 OJ L 81/ 26.3.88, p. 69,71		
89	Procedures for the award of public supply and public works contracts COM(87) 134/14.07.87 (LB. 100 A)	Economic/ Beumer 18.05.88 A2-290/87	B (7/11)						
90	Components and characteristics of wheeled agricultural or forestry tractors COM(87) 194 fin./19.05.87 (LB. 100 A)	Economic/ Schreiber 18.09.87 A2-128/87	A (3)	C2-252/87					cf. Letter from Lord Cockfield to Lord Plumb
91	BRITE (1985-1988) (Multi-annuel research and development programme in the fields of basic technological research and the application of new technologies COM(87) 307/C2-188/87 (LB. 130 Q (2))	Energy/ Stavrou 18.11.87 A2-191/87	A (5) (with one reservation)	19.01.88 C2-269/87	a) approved 10.02.88 Energy/ Stavrou A2.269/87	—	Counc. Dec. 29.02.88 OJ L 59/ 4.03.88, p.23		
92	ESPRIT (European Strategic Programme for research and development in information technologies COM(87) 313 fin./C2-117/87 (LB. 130 Q (2))	Energy/ Rinsche 18.11.87 A2-190/87	B(12/13) COM(87) 666 C 10/15.01.88 p. 8	20.01.88 C2-270/87	b) amended 10.02.88 Energy/ Rinsche A2-270/87	B(2/3)	Counc. Dec. 11.04.88 OJ L 118 6.05.88, p.32	C(3)	

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
93	Access to large-scale scientific facilities of European interest COM(87) 319 - 21.09.87) (LB. 130 Q (2))	Energie Pinto 18.05.88 A2-16/88	B (9/13)						
94	DRIVE (Community programme in the field of information technology and telecommunications applied to road transport) COM(87) 351 fin./C2-135/87	Energy/ Turner 11.3.88 A2-321/87	B (11/15) COM(88) 167	16.05.88 C2-54/88					The common position constitutes 'a acceptable compromise' for the Commission (cf. C2-54/88)
96	DELTA (Community action in the field of learning technology) COM(87) 353 fin./12.08.87 (LB. 130 Q (2))	Energy/ Peus 11.3.88 A2-322/87	B (4/5) COM(88) 166	16.05.88 C2-58/88					
97	Decisions concerning the establishment at Community level of a policy and a plan of priority actions for the development of an information services market COM(87) 360 fin./4.08.87 (LB. 100 A)	Economic/ Herman 16.12.87 A2-236/87	A (19) COM(88) 3 fin. C 30/4.02.88						
99	SCIENCE (1988-1992) International cooperation and interchange needed by European research scientists COM(87) 443-02/6.10.87 (LB. 130 Q (2))	Energy/ Sanz Fernandez 10.02.88 A2-268/87	A (6) with one reservation COM (88) 113	16.05.88 C2-56/88 B (3/6)					
100	'BCR' Research and Development Programme in the field of applied metrology and chemical analyses (1988-1992) (BCR - Community Bureau of Reference) COM(87) 44 fin./5.10.87 (LB. 130 Q (2))	Energy/ Ciancaglini 16.12.1987 A2-236/87	B(5/6) COM(88) 79	11.04.88 C2 55/88 B (3/5)					

	FIRST READING				SECOND READING				
SYN Nr.	Title of Commission proposal Doc. COM date transmission to Council Legal base (LB)	Committee responsible/ rapporteur date EP opin. first reading n° doc. EP	EP amendements accepted by Commission A/B/C (1) n° doc. modif.proposal by Commission	Date communic. common position no. doc. 1st reading amendments/ accepted by Council A/B/C (1)	common posit. a) approved without amendm b) amended c) rejected date/committee resp./rapport. n° doc. EP	2nd reading amendments accepted by Commission A/B/C/ (1) n° doc. re-examined by Commission	Legislative act adopted by Council date OJ	EP amendments accepted by Council A/B/C (1)	Comments
101	Research programme in the field of bio-technology (1985-1989) COM(87) 481 fin./29.10.87 (LB. 130 Q (2))	Energy/ Sanz Fernandez 9.03.88 A2-314/87	B (8/9) COM(88) 169	16.05.88 C2-57/88 B (7/8)					
102	Programmes 1988-1991 Joint Research Centre + supplementary programme COM(87) 491 fin./29.10.87 (LB. 130 Q (2))	Energy/ Linkohr 9.03.88 A2-323/87	A (30) COM(88) 178 6.04.88						
104	FAST (1988-1992) Community action in the field of forecasting and assessment in science and technology COM(87) 502 fin.2/29.10.87 (LB. 130 Q (2))	Energy/ Viehoff 9.03.88 A2-299/87	A (8)						
106	Fourth Directive on summertime arrangements COM(87) 541 (LB. 100 A)	Transport Anastassopoulos 19.11.87 A2-219/87	—	C2-209/87	a) approved 18.12.87 A2-219/88		Coun. Dec. OJ L 6/ 9.01.88,p.38		

ANNEX II

Summary of the Commission's positions on Parliament's opinions concerning White Paper proposals which call on the Commission to adopt amendments (July 1984/March 1988)

CONTENTS (1)	Acceptance by the Commission of Parliament's Amendments (2)
A. Committee on Economic and Monetary Affairs	
1) I/75 (Van Rooy/13.12.1984) (2-1136/84)	(A)
2) (Rogalla/14.1.1986) (A2-182/85)	(B) (3)
3) 4) II/118, II/119 (Besse/14.1.86) (A2-179/85)	(B)
5) I/47 (Braun-Moser/21.2.86) (A2-135/85)	(C)
6) I/71 (Bueno Vicente/22.10.86) (A2-110/86)	(A)
7) 8) II/III, II/112 (Wedekind/6.4.87) (A2-249/86)	(B)
9) I/5 (Rogalla/11.5.1987) (A2-34/87)	(C)
10) II/109 (Friedrich/18.6.1987) (A2-46/87)	(B)
11) II/63 (Beumer/9.7.87) (A2-100/86) (FR)	(B) + 16.12.87 (SR)(A)
12) II/128 (Oppenheim/9.7.87) (A2-87/87) (FR)	(B) + 9.3.88 (SR)(C)
13) II/62 (Schreiber/18.9.87) (A2-130/87) (FR)	(B) + 9.3.88 (SR) (-)
14) II/35 (Schreiber/18.9.87) (A2-128/87) (FR)	(A)
15) II/57 (Bueno Vicente/14.10.87) (A2-153/87) (FR)	(B)
16) II/20 (Cassidy/27.10.87) (A2-171/87)	(A)
17) II/23 (Cassidy/27.10.87) (A2-173/87)	(A)
18) II/24 (Cassidy/27.10.87) (A2-183/87) (FR)	(A)
19) II/25 (Raftery/18.11.87) (A2-183/87) (FR)	(B) + 10.2.88 (SR) (-)
20) (Herman/6.12.87) (A2-236/87)	(A) (3)
21) II/52 (Lataillade/9.3.88) (A2-291/87) (FR)	(A)
B. Legal Affairs Committee	
22) II/21 (Rogalla/18.4.85) (A2-18/85)	(B)
23) II/69 (Fontaine/14.11.85) (A2-139/85)	(A)
24) I/60 (Turner/16.1.86) (A2-150/85)	(B)
25) I/73 (Turner/12.9.86) (A2-88/86)	(A)
26) II/71 (Price/19.2.87) (A2-217/86)	(B)
27) II/72 (Vayssade/13.3.87) (A2-239/86)	(B)
28) II/82 (De Gucht/10.4.87) (A2-223/86)	(C) + 10.2.88 (SR) (-)

(1) In order to facilitate the identification of the opinions this annex gives the corresponding numbers of the proposals listed in Annex I and II of the Commission's Third Progress Report Annex I lists the proposals already adopted by Council, whereas Annex II contains the proposals submitted by the Commission but still before Council.

(2) A = Entirely accepted; B = partially acceoted; C = not accepted; - = no amendments adopted; FR = first reading; SR = second reading

(3) These White Paper proposals are note mentioned in the Commission's report

29) II/74 (Vayssade/9.7.87) (A2-96/87) (FR) (B)
30) II/73 (Vayssade/18.11.87) (A2-181/87) (FR) (A)
31) II/96 (Vetter/18.11.87) (A2-192/87) (FR) (A)
32) II/90 (Barzanti/20.1.88) (A2-246/87) (FR) (B)

C. Committee on Transport

33) I/65 (Klinkenborg/19.11.87) (A2-193/87) (C)
34) I/66 (Klinkenborg/19.11.87) (A2-193/87) (C)
35) I/67 (Klinkenborg/19.11.87 (A2-193/87) (C)
+ Wijsenbeek/19.6.87) (A2-73/87)
36) II/85 (Van der Waal/12.9.86) (A2-75/86) (C)
37) II/86 (Braun-Moser/12.9.86) (A2-72/86) (C)
38) II/88 (Anastassopoulos/11.9.86) (A2-95/86) (B)
39) II/84 (Sapena Granell/16.9.87) (A2-132/87) (B)
40) II/87 (Ebel/10.3.88) (A2-230/87) (A)

D. Committee on Youth, Culture, Education, Information and Sport

41) I/56 (McMillan-Scott)/15.11.85) (A2-141/86) (B)
42) (Fontaine/13.11.86) (A2-109/86) (B) (3)

E. Committee on the Environment, Public health and Consumer Protection

43) II/39 (Squarcialupi/14.12.84) 2-1134/84) (FR) (B) + 10.2.88 (SR)(A)
44) I/29 (Sherlock/12.12.84) (2-1149/84) (FR) (B)
45) I/45 (Schmid/7.5.85)(2-1777/84) (B)
46) 47) II/59, II/60 (Nordmann/19.4.85) (A2-6/85) (B)
48) II/37 (Schleicher/14.6.85) (A2-53/85) (B)
49) I/53 (Tongue/16.1.86) (A2-156/85) (C)
50) I/11 (Collins/11.10.85) (A2-100/85) (B)
51) 52) I/39, I/43 (Parodi/16.1.86) (A2-153/85) (B)
53/54 I/14, I/15 (Collins/18.4.86) (A2-5/86) (A)
55) II/41 (Van der Lek/16.4.86) (A2-16/86) (B)
56/57) II/44, II/47 (Schleicher/10.3.87) (A2-235/86) (B)
58/59) II/45, II,46 (Jepson/10.3.87) (A2-240/85) (B)
60) II/29 (Vittinghof/19.6.87) (A2-88/87)(FR) (C) + 18.11.87 (SR)(C)
61) II/54 (Sherlock/28.10.87) (A2-169/87) (FR) (B) + 13.4.88 (SR)(-)
62) II/50 (Jackson/18.11.87) (A2-180/87) (FR) (B)
63) II/38 (Ghergo/19.2.82) (1-643/81) (B) + 9.3.99 (SR) (B)

A. COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS

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1) Economic/van Rooy 2-1136/84 13.12.84 CC 14.9.84 (Arts. 99 and 100 of EEC Treaty) (2-589/84 - COM(84) 412 fin.)

Seventeenth directive on the harmonization of the laws of the Member States relating to turnover taxes - exemption from value added tax on the temporary importation of goods other than means of transport

The EP endorsed the objective of the proposal - simplification of the movement of goods and services within the Community - since this would help to consolidate the common market. It pointed out, however, that this proposal was only a small step in that direction and that, once the proposal for a fourteenth directive had been adopted, the seventeenth VAT directive would be very restricted in scope. Parliament also took the view that to debar legal persons with a 'fixed establishment' in a particular Member State from benefiting from the proposed arrangements for temporary importation into that state was an unnecessary restriction on the scope of the directive.

(PV 13.12.84, pp. 67 (directive) and 70 (resolution))

The Commission (Tugendhat) stated that it could accept Parliament's amendments.
(CRE p. 284)

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2) - Economic /Rogalla (A2-182/85) 14.1.86 (PV p. II/16)
(2-452/84 - COM(84) 318 final)
Sixteenth directive on the harmonization of the laws of the Member States relating to turnover taxes - common system of value added tax: common scheme for certain goods on which value added tax has been finally paid and which are imported by a final consumer in one Member State from another Member State

The Commission (Lord Cockfield) stated that it could accept the exemption from VAT of means of transport such as cars that were more than five years old, whereas the EP wished to amend this age limit to four years. For other goods, the Commission could accept an age limit of at least one year, while the EP was seeking to reduce this to six months.
(CRE pp. 76-77 and 103-104)

3)4) - Economic/Besse (A2-179/85) 14.1.86 (PV p. II/25)
(C2-29/85 - COM(85) 150 final and COM(85) 151 final)
I. Directive laying down certain rules on indirect taxes which affect the consumption of alcoholic drinks
II. Directive concerning the harmonization of excise duties on fortified wine and similar products

On proposal I, the Commission (Lord Cockfield) was against amendments 1 and 2, which sought to make the application of a single excise duty to still wine compulsory in all Member States, since this would duplicate one of the provisions of the proposal for a common excise duty on wine which the Commission had submitted to the Council in 1972, but on which the Council had not yet taken a decision. The Commission was also opposed to amendments 11 and 33, which sought to extend the Court ruling in Case 170/78 on the taxation of wine to that of beer.
(CRE pp. 84-85)

5) - Economic/Braun-Moser (A2-135/85) 21.2.86 (PV p. II/41)
COM(85) 217 final - C2-50/85)

Directive amending Directive 73/404/EEC on the approximation of the laws of the Member States relating to detergents

The Commission(Clinton Davis) counselled against the amendment limiting the exemption for dish-washing products to one further year only, since such a deadline would not allow sufficient time for existing stocks to be disposed of without causing problems, and would confer a de facto monopoly to one particular company.
(CRE p.323)

6) - Economic/Bueno Vicente (A2-110/86) 22.10.86 (M.p.II/2)
COM (86) 326 final-C2-54/86)

Directive amending for the third time the first directive for the implementation of Article 67 of the EEC Treaty (liberalization of capital movement)

The Commission(Delors) announced that it was willing to amend its proposal as Parliament wished by extending the period of application of the safeguard clause for Spain and Portugal by two years. This was Parliament's only amendment to the Commission proposal.
(VR.pages 132-135)

7) 8) - Economic/Wedekind (A2-249/86) 6.4.1987 (M.p. II/19) (2-1352/84-COM(84) 649 final; 2-1351/84 - COM(84)648 final)

I. Eighteenth Directive on the harmonization of the laws of the Member States relating to turnover taxes - abolition of certain derogations provided for in Article 28(3) of Directive 77/388/EEC- common system of value added tax

II. Nineteenth Directive on the harmonization of the laws of the Member States relating to turnover taxes,amending Directive 77/388/EEC - common system of value added tax

Of the 17 amendments tabled by the Committee on Economic and Monetary Affairs,the Commission(Lord Cockfield) said that it was able to accept nine without reservation. Concerning the four amendments relating to the taxation of gold transactions and the exemption of services supplied by artists,a compromise was reached by the Commission and the committee,namely maintenance of the status quo pending further proposals from the Commission. In view of this compromise, the Commission accepted Amendments Nos. 3 and 15 deleting the provisions on value added tax on gold transactions and exemptions for services provided by artists.

The Commission was unable to accept Amendment no.5(exemptions for amateur sporting events,since in practice it would be difficult to distinguish betwee professional and amateur sports), Amendment No. 14 (concerning the definition of a 'Fixed establishment', since the definition proposed by Parliament would, in the Commission's opinion, be too inflexible) and Amendment No.17(which sought to exempt the supply of daily and weekly newspapers from VAT).
(VR p.22/23)

9) - Economic/Rogalla (A 2-34/87) 11.5.1987 (PV p. II/13) (C 2-138/86 - COM(86) 524 final).
Regulation on the abolition of exit formalities at internal Community frontiers - introduction of common border posts

The Commission (Sutherland) rejected the two amendments (nos. 1 and 9) referring to the legal basis of the proposal. It thought that Article 3, etc. of the EEC Treaty provided too weak a legal foundation. It also thought that no reference should be made to the Single Act before it had been ratified. The Commission would, however, change Article 235 into Article 100 A, as soon as the Single Act came into force.

With regard to amendments nos. 2 and 3 (to Articles 2 and 3 of the proposal) there was no fundamental difference of opinion, but the Commission preferred its own wording.

With regard to amendment No. 4, the Commission thought it unnecessary to make a special report to Parliament on the application of the regulation seeing that it already published an annual report on progress in implementation of the white paper on the completion of the internal market.

Finally the Commission found amendment No. 5, which stated that the regulation would cease to apply on 31 December 1992, superfluous, because this date was expressly mentioned in the Single Act as the final date for completion of the internal market.
(CRE pp. 19-20)

10) Economic/I. Friedrich (A 2-46/87) 18.6.1987 (PV p.II/24) (C 2-108/86 - COM(86) 444 final)
Directive amending Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes in respect of the common value added tax scheme applicable to small and medium-sized businesses

The Commission (Lord Cockfield) said it could accept the following amendments to its proposal: no. 3 (whereby the limit for the annual turnover for the simplified scheme was increased from 150 000 ECU to 200 000 ECU); no. 4 (whereby the taxable person is given the opportunity of making a return more than once a year) and no. 5 (whereby taxable persons who are eligible for the simplified scheme may opt for the normal VAT scheme). The Commission was less happy with amendment no. 1 (whereby Member States could only introduce a higher tax exemption limit of 35 000 ECU for three years) as this would introduce an element of uncertainty that would discourage the Member States from implementing the arrangement, which would be counterproductive.

The Commission also advised against amendment no. 2, which made provision for graduated tax relief for an annual turnover of less than 35 000 ECU, because the arrangement was primarily intended to give the companies concerned complete exemption and graduated relief would lead to complications
(CRE pp. 184-186)

11) First reading

Economic/Beumer (A 2-100/86) 9.7.1987 (PV p. II/32) (C 2-64/86 - COM(86) 297 final)
Directive amending Directive 77/62/EEC coordinating public supply contracts and deleting certain provisions of Directive 80/767/EEC

The Commission (Lord Cockfield) said it could accept the following amendments:

- no. 1 (on the proposal's legal basis, i.e. Article 100 A of the EEC Treaty instead of Article 100, owing to the coming into force of the Single Act)
- no. 5 (with regard to non-public procedures - Article 4 of the Commission's proposal - with the exception of the third indent, relating to equal opportunities)
- no. 12 (on statistical reporting)
- no. 8 (to Article 7 of the proposal, in which the use of European standards is made compulsory).

With regard to a number of other amendments, the Commission could endorse the political substance even though it sometimes had difficulty with the wording, as for example, in amendment no. 10 on monitoring compliance with the directive. According to the Commission the amendment was partly out of date, as it had put forward official proposals in this connection on 1 July.

Amendment no. 7 (to Article 6 (2) (b) of the proposal), which excluded from the proposal articles manufactured for research and development, was acceptable in principle, though too generally worded and should therefore be looked at again.

The Commission also agreed with the principle of bringing the defence sector more into the internal market (amendment no. 4 on the insertion of a new article 2a) but wanted to investigate the problem in a broader context than this directive.

The Commission likewise thought that amendment no. 11 on regional preferences should also be considered in a wider context. The Commission was now looking into a more satisfactory solution in the framework of Article 130A of the Treaty and the review of structural funds.

With regard to the exceptions to the application of the directive in certain sectors (Article 2 (2) of the proposal), the Commission agreed with Parliament that these exceptions should only remain in force until 1 July 1990 with the proviso that the appropriate technical adaptations should be made to the directive.

Amendment no. 6 (to Article 5) which provided for application of the GATT threshold to all government contracts would, on the one hand, simplify legislation but, on the other, would lead to complications when there were fluctuations in the threshold.

Amendment no. 9 (on informing unsuccessful candidates - Article 11 (2) of the proposal) would according to the Commission result in too much bureaucratic red tape. The Commission preferred another approach whereby the information would be published after the award.

The Commission was obliged to reject the amendments concerning equal opportunities for women and minorities (Nos. 29 and 30, and No. 5, third indent) since they did not meet the proposed purpose and offered no legal certainty.

After Parliament had adoped only the first part of amendment no. 30 (new Article 13b), Lord Cockfield said that in this form it was acceptable. (CRE pp.135-137 and 142)

11) Second reading

°II Economic/Beumer (A 2-228/87) 16.12.1987 (PV pp. II/20)
(C 2-184/87)
Directive amending Directive 77/62/EEC relating to the coordination of procedures on the award of public supply contracts and deleting certain provisions of Directive 80/767/EEC

The Commission (Lord Cockfield) expressed the following views on the amendments that Parliament adopted to the Council's common position at the second reading.

Amendment No. 1

The Commission agreed with this amendment, which made it clear that defence was covered by the directive, except as specifically provided for in Article 223(1)(b) of the Treaty.

Amendment No. 2

The Commission admitted that Article 4 in the Council's common position was unclear and that Parliament's amendment was clearer and better drafted. Lord Cockfield thought that the best solution would be to separate the problem of definition of procedures from that of their application, which would not change the thrust of Parliament's amendment.

Amendment No. 3

Article 7, on the technical specifications, was one of the central provisions of the directive.

The key improvement was that reference should be made to European standards where these exist. The common position of the Council recognized this principle but then admitted a long series of exceptions, which made the text confused and undermined the basic principle.

Consequently, the Commission regarded Parliament's amendment as a reasonable compromise, which took full account of practical problems that could arise and maintained the basic principle. The Commission would support it.

Amendment No. 4

This amendment (new Article 13a) was intended to prevent the securing of an unfair economic advantage by failure to meet certain statutory health and safety regulations.

The Commission would defend this amendment in the Council.

Amendment No. 5

The Commission could also accept this amendment, (new article 13b), concerning regional preferences.

Amendment No. 6

The Commission was convinced on the need for effective measures to ensure compliance with the directive and could thus accept the amendment (new Article 30a), although the proposed date (1 July 1988) was no longer realistic. He therefore proposed 31 December 1988 as the deadline for adoption by the Council.
(CRE p. 48)

12) First reading

Economic/Oppenheim (A 2-87/87) 9.7.1987 (PV p. II/45) (C 2-149/86 - COM(86) 541 final)
Directive on the approximation of the laws of the Member States concerning the safety of toys

The Commission (Varfis) was able to accept the following amendments: nos. 2 (Article 5 of the proposal), 3 (Article 7(1)), 5 (Article 8(1), 6 (Article 8(2)), 9 (Article 9), 12 (Article 10(3) at the end), 13 (Article 10, new paragraph 4a), 14 (deletion of Articles 11 to 14), 15 (Article 15), 16 (addition to Article 15(4), 17 (Article 16(1)), 18 (addition to Article 16(1), at the end), 19 (Article 16(2)), 20 (Article 17) and 23 (Annex II (II) (1) (d)).

The Commission thought that these amendments were an improvement on its own text.

The Commission could also accept the substance of two amendments tabled by the Committee on the Environment (nos. 34 and 35 to Annex II(5) - the electrical specifications of toys). Apart from nos. 22 (to Annex I(11) and (12), 24 (Annex II(II) (3) (ii) (a), 25 and 26, the Commission was also able to accept all the other amendments. CRE pp. 143-144)

12) Second reading

- ° **II Economic/Oppenheim (A 2-311/87) 9.3.1988 (PV p. II/23) (C 2-272/87)**
  Directive on the approximation of the laws of the Member States concerning the safety of toys

  The Commission (Varfis) opposed the five amendments adopted at the second reading. It shared the concern voiced in these amendments but felt that this proposal for a directive was not the right place for dealing with the points raised by Parliament.
  (CRE pp. 31-32)

13) First reading

- *° Economic/Schreiber (A 2-130/87 + A 2-129/87) 18.9.1987 (M p. II/13 + II/17) (C 2-189/86 - COM(86) 682 final; C 2-42/87 - COM(87) 133 final)
  Proposal for a directive amending Directive 84/538/EEC on the approximation of the laws of the Member States relating to the permissible sound power level of lawnmowers

  The Commission (Clinton Davis) accepted the amendments changing the legal basis of those proposals (Articles 8A and 100A of the EEC Treaty instead of Article 100). In addition, the Commission was prepared to meet the wish of the rapporteur that both proposals under discussion should form one single amending directive.

  The Commission could not accept the proposal by Parliament to reduce the sound level to 86 decibels since, on the basis of its research, 92 decibels represented a coherent and reasonable figure (see Amendment No. 2 to Article 1 of the first proposal).
  (VR p. 265 - 266)

13) Second reading

(a) **Approval of the common position of the Council:**

- ° **II Economic/Schreiber (A 2-288/87) 9.3.1988 (PV p. II/25) (C 2-246/87)**

14) *° Economic/Schreiber (A 2-128/87) 18.9.1987 (M p. II/19) (C 2-57/87 - COM(87) 194 final)
Proposal for a directive on the approximation of the laws of the Member States relating to certain components and characteristics of wheeled agricultural or forestry tractors

The Commission (Narjes) could accept the amendments to its proposal, i.e. reference to Article 100A of the EEC Treaty as the legal basis of the proposal and the proposals for consolidation of Community legislation on the matter.
(VR p. 267)

15) - ° Economic/Bueno Vicente (A 2-153/87) 14.10.1987 (PV p. II/21)
(C 2-202/86 - COM(86) 756 final 3)

Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products

The Commission (Lord Cockfield) could accept Amendments Nos. 1 and 2, both tabled by the Committee on Economic Affairs. No. 1 amends the legal basis of the proposal (Article 100A instead of Article 100 of the EEC Treaty). No. 2, concerning Article 21(1) of the proposal, seeks to make the safeguard clause more specific, so that the Member States will not be able purely by whim to exclude certain products by invoking requirements in the general interest.

The Commission could not accept Amendments Nos. 3 and 5. No. 3 (to Annex II - Procedure for European technical approval) seeks to extend the scope of Annex II to technical standards, which in Lord Cockfield's view would not be appropriate, since the procedures for the recognition of standards are being elaborated in a different framework.

With regard to Amendment No. 5 (also concerning Article 21), which makes the temporary prohibition of dangerous products or their subjection to special conditions compulsory, Lord Cockfield pointed out that this amendment had been rejected by the Committee on Economic Affairs.
(CRE pp. 158-159)

16), 17) , 18)

Economic/Cassidy (A 2-171/87) 27.10.1987 (PV p. II/3) (C 2-218/86 - COM(86) 584 final) Updated by COM(87)21
Directive amending for the third time directive 83/171/EEC determining the scope of Article 14(1)(d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods

Economic/Cassidy (A 2-172/87) 27.10.1987 (PV p. II/4) (C 2-188/86 - COM(86) 584 final)
Directive amending for the first time Directive 83/183/EEC on tax exemptions applicable to permanent imports from a Member State of the personal property of individuals

Economic/Cassidy (A 2-173/87) 27.10.1987 (PV p. II/11) (C 2-215/86 - COM(87) 14 final)
Directive amending Directive 83/182/EEC on tax exemptions within the Community for certain means of transport temporarily imported into one Member State from another

The Commission (Lord Cockfield) stated that after the discussion of these three proposals on 8 July 1987 and their referral back to committee, which Parliament decided on 9 July 1987, Parliament and the Commission had found a basis for agreement on the outstanding areas. Subject to a number of drafting alterations, the Commission could accept all the amendments which the Committee on Economic Affairs proposed.

Proposal I

The Commission was entirely in agreement with the content of No. 8 (new Article 3a) concerning the publication of a consolidated version of the directives on VAT exemption on final importation of goods.

Proposal II

The Commission also supported the content of No. 9 (Article 2, new paragraph 2a), which provided that after 1 January 1993 there would be 'no restriction any more' but it proposed alternative wording in the interests of legal clarity.

Proposal III

The Commission also agreed to the content of Amendment No. 6 (to Article 5(a)), but preferred an expression used by the Court of Justice ('companion having a stable relationship with the student'), in so far as national laws recognize this concept.

As regards the other amendments to these three proposals, the Commission had already stated in the debate on 8 July 1987 that it could accept them.

Lord Cockfield pointed out that these three draft directives were essentially interim measures taken to bridge the period between now and 1992 and that to a very large extent they would be overtaken by the completion of the internal market.
(CRE 8.7.1987, pp. 130 - 132 and CRE 26.10.1987, pp. 10 - 11)

19) (FR) - ° I Economic/Raftery (A 2-183/87) 18.11.1987 (M p. II/72) (C 2-8/87 - COM(87) 52 final)

I. Council directive amending Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations

II. Council directive laying down a procedure for the provision of information in the field of technical standards and regulations applying to agricultural products

Proposal I

The Commission (Narjes) said that it could accept all the amendments except No. 3.

As regards Amendment No. 3, Mr Sutherland pointed out earlier in the debate that the Commission doubted the practical value of deleting the phrase 'as far as possible' in Article 8(2) of the proposal. According to the Commission, the amendment did not alter the nature or the effect of the observations.

Proposal II

Parliament approved this proposal without amendment. The Commission pointed out that the reason why two proposals had been presented was related solely to the legal basis. However following discussions in the Council it had been decided to merge the two texts in a single text based on Articles 100(a), 43 and 213 of the Treaty. The system introduced in the two proposals was absolutely identical.
(VR pp. 39/40 and 183)

19) (SR) - ° II Economic/Raftery (A 2-249/87) 10.2.1988 (PV p. II/21) (C 2-249/87) Commission standpoint: CRE pp. 92-93

Directive amending Directive 83/189/EEC laying down the procedure for the provision of information in the field of technical standards and regulations.

The Council's common position was adopted without amendments

20) **- ° I Economic/Herman (A 2-225/87) 16.12.1987 (PV p. II/28) (C 2-150/87 - COM(87) 360 fin.)**

Decision concerning the establishment at Community level of a policy and a plan of priority actions for the development of an information services market in the Community

The Commission (Narjes) said it could accept all 19 amendments.

With regard to amendment no. 19 (to Article 4 of the Proposal, in which Parliament deemed the amount necessary for the introductory phase of the programme to be 20 million ECU for 1989 and 25 million ECU for 1990 (instead of 15 and 20 million ECU respectively), Mr Narjes hoped that this increase in funding would not cause delays owing to budgetary consequences.
(CRE pp. 52-53)

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21) - ° I Economic/Lataillade (A 2-291/87) 9.3.1988 (PV p. II/15) (C 2-196/87 - COM(86) 765 final)

Directive relating to the transparency of measures regulating the pricing of medicinal products for human use and their inclusion within the scope of the national health insurance system

The Commission (Lord Cockfield) stated that it could accept all of the 21 amendments tabled by the Committee on Economic and Monetary Affairs, which had all been adopted.
(CRE p. 26)

B. LEGAL AFFAIRS COMMITTEE

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22) Legal/ Rogalla A2-18/85 18.4.1985 CC 6.2.1985 Art. 100 of EEC Treaty
(2-1652/85 - COM(84) 749 final)

Directive on the easing of controls and formalities applicable to nationals of the Member States when crossing intra-Community borders

The EP approved the Commission's proposal with some amendments. Parliament regarded the proposal for a directive as the first stage in the total abolition of controls and hoped that, immediately following the adoption of the proposal for a directive, the Council would advise the Member States to refrain from producing or continuing systematic checks on nationals of third countries at the Community's internal frontiers. The EP also wanted the Commission to report to it annually on the application of the directive and to be supported by a supervisory body which would help the Commission to monitor the directive's enforcement.

(PV 18.4.1985, p. II/18 (directive) and II/25 (resolution))

The Commission (Lord Cockfield) was prepared to accept most of Parliament's amendments but considered that two-yearly reports would be adequate and regarded the establishment of a consultative body as unnecessary.

(CRE pp. 254-256)

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23) - Legal Affairs/Fontaine (A2-139/85), 14 November 1985 (M p. II/15)
(C2-71/85 - COM(85) 355 final)
Directive on a general system for the recognition of higher education diplomas

The Commission (Ripa di Meana) stated that it could accept the amendments tabled by the Committee on Legal Affairs and Citizens' Rights, which were all adopted and that it would submit an amended proposal. The Commission agreed with Parliament that early adoption of the directive was desirable. In its White Paper on the completion of the internal market the beginning of 1987 was given as the target date.
(VR p. 135)

24) - Legal/Turner (A2-150/85) 16.1.86 (PV p. II/31)
(2-1376/84 - COM(84) 654 final)
Directive on specific training in general medical practice

The Commission (Lord Cockfield) could accept amendment 1 to its proposal, defining more specifically the conditions of the additional training, but felt that amendment 2 was too restrictive. According to the Commission, amendment 3 (on checks on qualfications) was not really necessary, as Member States would always be entitled to ask for confirmation of the authenticity of diplomas or other evidence of qualfications.
(CRE pp. 194-195)

25) - Legal/Turner (A 2-88/86) 12 September 1986 (M p. II/39) (C 2-165/85 - COM(85) 775 final)
Proposal for a directive on the legal protection of original topographies of semiconductor products

The Commission (Cardoso e Cunha) said that it could accept most of the amendments tabled by the Legal Affairs Committee although it would prefer some of the points to be redrafted.

The Commission (Cardoso e Cunha) said that it could accept Amendment No. 1 (explicit reference to Article 43 of the EEC Treaty) and Amendments Nos. 2 and 3 (concerning the extension of research to the distribution and marketing of fishery products)

In addition, Mr Cardoso e Cunha assured Parliament that the areas of research referred to in Amendment 4 were already included in the programme proposed by the Commission (VR p. 265-266)

26) - Legal/Price (A 2-217/86) 19.2.1987 (PV p. II/3) (COM(84) 730 final - 2-1743/84
Directive on the freedom of establishment and the free supply of services in the field of mortgage credit

The Commission (Lord Cockfield) stated that it could accept 24 of the 28 amendments tabled by the Legal Affairs Committee to its proposal[1].

The Commission was not prepared to accept the following amendments:
- No. 15 (to insert a new subparagraph (d) in Article 9(2)).
The Commission felt that this amendment was inconsistent with the general thrust of its proposal, which was based essentially on home country control.

- No. 21 (relating to Article 10(1) of the proposal).
The Commission expressed a preference for quarterly reports by credit institutions providing services in another Member State. (The EP had proposed six-monthly reports).

- No. 22 (relating to Article 10(2) of the proposal).
The Commission was opposed to the deletion of the reference to the general good in that this would result in failure to provide consumer protection.

- No. 27 (to insert a new paragraph 1(a) in Article 11).
The Commission felt that granting the host Member State the right to limit the import of mortgage credit to 25% of the volume of transactions of domestic credit institutions for a maximum period of seven years was in conflict with the general provisions of the Treaty.
(CRE pp. 16-17)

27) - Legal/Vayssade (A2-239/86) 13.3.1987 (PV page II/25) (C2-176/86 - COM(85) 788 final)
Directive on the corrdination of laws, regulations and administrative provisions relating to the reorganization and the winding-up of credit institutions

The Commission (Christophersen) said it could accept 15 of the 20 amendments adopted to its proposal. It could not however accept amendments nos. 23 (insertion of a new recital after the 17th recital), 9 (to Article 5), 10 (new Article 6a), 11 (to Article 7(1) first part) and 27 (to Article 7(1) second part).
CRE pp. 235/236)

28) (FR) - Legal/De Gucht (A2-163/86) 13.3.1987 (PV page II/13) (C2-33/86 - COM(86) 193 final)
Directive amending Directive 85/611/EEC as regards jurisdiction in disputes arising from the marketing of units of undertakings for collective investment in transferable securities (UCITS)

Parliament wished to amend the directive by introducing a reference to the Convention on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters.

The Commission could not agree with Parliament on this, firstly because the convention had not been ratified by all Member States and secondly because Article 57 of the Treaty of Accession probably provided a stronger legal basis than the convention.
(CRE p. 221)

28) (SR) - o II Legal/Wijsenbeek (A 2-282/87) 10.2.1988 (PV pp. II/19) (C 2-253/87)
Commission standpoint: CRE p. 91

The Council's common position was adopted without amendments.

29) Legal/Vayssade (A 2-96/87) 9.7.1987 (PV p. II/17) (C 2-96/86 - COM(86) 169 final)
The own funds of credit institutions

The Commission (Lord Cockfield) said that Article 5 of its proposal had been drawn up before the Council decision of 22 June 1987 concerning the Commission's implementing powers.

In its amendment to this article, Parliament stated that it should be consulted on substantial changes to the directive. The Commission saw no need for this addition as, under the Single Act, Parliament would automatically be consulted on any major changes. Lord Cockfield also rejected the amendment in so far as it provided for consultation in cases where the Commission had implementing powers, seeing that it would run counter to the simplification intended under the Single Act. He agreed with Parliament, however, that Article 5's provisions should be limited to technical adjustments.

The Commission was also unable to accept the amendment to Article 6 of its proposal. If there were a requirement to notify the Commission of all national legal and administrative provisions, as would be the case if the word 'main' were deleted, the Commission would be flooded with information on largely unimportant administrative regulations.

The Commission accepted the amendments to Article 3 of its proposal, under which irredeemable and similar securities were added to the definition of own funds.

The other amendments were also acceptable, as they clarified the text or brought it into line with recent Council decisions, such as the directive of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions.
(CRE pp. 79-80)

30) - ° I Legal/Vayssade (A 2-181/87) 18.11.1987 (M p. II/60) (C 2-88/86 - COM(86) 396 final)
Council directive on the obligations of branches established in a Member State by credit institutions and financial institutions having their head offices outside that Member State regarding the publication of annual accounting documents

The Commission (Sutherland) indicated that it could accept in principle all 14 amendments tabled by the Legal Affairs Committee which were adopted en bloc.
(VR pp. 15 and 182)

31) - ° I Legal/Vetter (A 2-192/87) 18.11.1987 (M p. II/66) (C 2-76/87 - COM(86) 397 final)
Eleventh Council directive based on Article 54(3)(g) of the Treaty concerning disclosure requirements in respect of branches opened in a Member State by certain types of companies governed by the law of another State

The Commission (Narjes) said it could accept all the amendments tabled by Parliament but considered that caution was required vis-à-vis the Council in the case of Amendment No. 15 (to Article 7 of the proposal) in which Parliament advocated a more stringent system for drawing up annual accounts and annual reports by companies from third countries with branches in the Community, i.e. which are equivalent to or comparable with the relevant Community legislation.
(VR pp. 29/25 and 182)

32)

- ° I Legal/Barzanti (Doc. A 2-246/87) 20.1.1988 (PV II/22)
(Doc. C 2-38/86 - COM(86) 146 final). Commission standpoint: CRE pp. 61-62)
Directive on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of broadcasting activities

The Commission (Lord Cockfield) said firstly that it could accept Amendment No. 113 to Article 2 to the effect that 60% of programming time not devoted to news, sporting events, game shows, advertising or teletext services should be reserved for broadcasts of Community works within the meaning of Article 4.

The Commission also accepted that the scope of the provisions concerning European content should be extended to the EFTA countries or the Member States of the Council of Europe.

Subject to some rewording, the Commission was therefore able to accept Amendments Nos. 25 and 27 (to the third paragraph of Article 2), No. 31 (to Article 3), No. 32 (to subparagraph (a) of Article 4), No. 115 (to subparagraph (b) of Article 4) and No. 149 (to subparagraph (b) of Article 4).

Subject to certain modifications of substance, the Commission could also accept Amendment No. 28 (to Article 3).

The Commission could also accept a large number of amendments concerning advertising and sponsoring. Concerning the proportion of advertising, Lord Cockfield considered 15% to be reasonable. At certain hours, however, the Commission could agree to 18%. It could also accept a derogation for local broadcasts but not regional broadcasts. The Commission could therefore accept the following amendments: No. 38 (subparagraph (b) of Article 5), No. 41 (paragraph 1 of Article 6), No. 42 (Article 8), No. 43 (Article 10), No. 44 and No. 45 (Article 12), No. 46 (paragraph 1 of Article 13), No. 47 (paragraph 2 of Article 13) and No. 48 (second paragraph 2 of Article 13). The Commission rejected the following amendments: No. 39 and No. 40 (after subparagraph (b) of Article 5), No. 49 (Article 14) and No. 66 (Title II, chapter 1, section 1).

In respect of royalties, the Commission could accept all the amendments tabled by the Committee on Legal Affairs and Citizens' Rights, particularly those which proposed a system of arbitration.

The Commission also said that it was prepared to defend the principle of the right of reply (Article 20(a) new).

The Commission was unable to accept the two amendments concerning competition (Amendment No. 32 - new paragraph 2 of Article 1 and No. 64 - new Article 22(a)) since it took the view that these added nothing to existing Treaty law.
(CRE pp. 61/62)

C. COMMITTEE ON TRANSPORT

33), 34), 35)

- **Transport/Klinkenborg (A 2-193/87) 19.11.1987 (M p. II/61) (C 2-186/87)**
  - **I. Directive on fares for scheduled air services between Member States**
  - **II. Council decision on the sharing of passenger capacity between air carriers on scheduled air services between Member States and on access for air carriers to scheduled air service routes between Member States**
  - **III. Regulation implementing the procedure for application of the rules on competition to undertakings in the air transport sector**
  - **IV. Regulation on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector**

Proposal III

Parliament approved proposal III without amendment.

Proposals I, II and IV

As regards Amendment No. 3 to proposal IV (Article 8, concerning consultation of Parliament on the Commission proposals to revise the regulation), the Commission (Clinton Davis) felt it was unnecessary to change the text because Article 87 of the EEC Treaty already provided for the consultation of Parliament.

In the case of the other amendments, the Commission took the view that it would be imprudent in the extreme to accept them, at the risk of undermining the possibility of securing a compromise in the Council.
(VR pp. 247-249)

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Transport/Wijsenbeek (A 2-73/87) 19.6.1987 (PV p.II/65) (C 2-85/86 - COM(86) 328 final)
Amendments to Regulation (EEC) No. 2821/71 of 20 December 1971 on application of Article 85(3) of the Treaty to categories of agreements, decisions and concerted practices

Parliament adopted two amendments, which included a proposal for making a general exemption possible for the coordination of timetables. The Commission (Sutherland) thought this addition unnecessary, because coordination was already implied in the proposed exemption for slot allocations.
(CRE pp. 331-333)

36) - Transport/Van der Waal (A 2-75/86) 12 September 1986 (M p. II/7)
(C 2-144/85 - COM(85) 610 final)
Regulation laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State

The Commission (Clinton Davis) was unable to accept the six amendments by the Committee on Transport to its proposal since they added nothing new and some were even irrelevant. The Commission would carefully consider the social implications of the regulation.
(VR p. 241)

37) - Iransport/Braun-Moser (A 2-72/86) 12 September 1986 (M p. II/16)
C 2-145/85 - COM(85) 611 final)
Proposal for a regulation laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State

The Commission (Clinton Davis) could not accept Parliament's amendments to its proposal. Amendment No. 1 (new recital 2a) and Amendment No. 4 (Article 1 (1b) new) were unacceptable because measures to ensure the freedom to provide services were made dependent on the acceptance of measures to eliminate distortions of competition. Although both were important and the Commission wished to register real progress in both areas, it rejected an explicit link between the two.

While the other amendments contained good ideas,Mr Clinton Davis considered them to be out of place in this particular proposal.
(VR p. 241/242)

88) - * Transport/Anastassopoulos (A 2-95/86) 11 September 1986 (M p. II/88)
(C 2-10/85 - COM(85) 90 final)
Memorandum No. 3 from the Commission of the European Communities to the Council on 'progress towards a common transport policy - maritime transport' and proposals to the Council for:

1. a Regulation concerning co-ordinated action to safeguard free access to cargoes in ocean trades;
2. a Regulation applying the principle of freedom to provide services to sea transport;
3. a Decision amending Decision 77/587/EEC of 13 September 1977 setting up a consultation procedure on relations between Member States and third countries in shipping matters and on action relating to such matters in international organizations;
4. a Directive concerning a common interpretation of the concept of 'national shipping line';
5. amendments to the proposal for a Regulation laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport;
6. a Regulation on unfair pricing practices in maritime transport.

The Commission (Clinton Davis) announced that it could endorse some of Parliament's amendments[1]. These concerned a package of measures designed to protect Community fleets against increasingly restrictive and unfair practices inside and outside the Community. Therefore emphasis should be given to freedom to provide services.

The Commission shared Parliament's concern that the terms of employment and safety conditions failed to meet the standards set by international conventions. In addition Mr Clinton Davis responded favourably to Parliament's request to investigate the implications for the employment of non-Community nationals on Community vessels.

If the existing memorandum of understanding on controls to prevent the use of substandard vessels was not seen to be working satisfactorily the Commission would again take up its proposal for a Council directive.

The Commission intended to do everything possible, together with other international organizations, to combat maritime fraud.
(VR pp. 225-229)

39) . - * Transport/Sapena Granell (A 2-132/87) 16.9.1987 (M p. II/7) (C 2-148/87 - COM(86) 595 final 2)
Proposal for a regulation on access to the market for the carriage of goods by road between Member States

The Commission (Clinton Davis) said that it could accept the following amendments[2]:

No. 5 (to Article 2(1) of the Commission proposal). This amendment states that, for a period of four years starting in 1988, the Community quota shall be increased annually in principle by 40%. The Commission however objected to the words 'in principle';
No. 7 (to Article 2(3)), No. 11 (to Article 3(3)), No. 12 to Article 3(4)), No. 16 (to Article 6), No. 19 (to Article 11), No. 20 (to Article 15(1)) and No. 21 (to Article 19), concerning the date on which the regulation would enter into force (1.1.1988 instead of 1.1.1987)

The Commission was opposed to annual decisions in the Council on the increase of the Community quota since this would give rise to endless discussions in the Council (Amendment No. 8 to Article 2(4)).
Mr Clinton Davis was also unable to accept a simultaneous reduction of the bilateral quotas in the same proportion as the proposed increase in the Community quota, since implementation of the freedom to provide services could not be made subject to prior harmonization of the terms of competition (see Amendment No. 2 to the first recital which referred to a parallel liberalization and harmonization of the conditions of competition). The Commission took the view that these two objectives could not be legally linked together.

In addition the Commission was determined to maintain the proposed safeguard clause (see Amendment No. 14 to Article 5(3)). Mr Clinton Davis conceded that the wording of the Commission's text was, to a certain extent, imprecise but took the view that the alternatives proposed by the Committee on Transport were equally imprecise.
(VR pp. 59 - 61).

40) Transport/Ebel (A 2-230/87) 10.3.1988 (PV p. II/18) (C 2-15/87 - COM(87) 31 final)
Regulation laying down the conditions under which non-resident carriers may operate national road passenger transport services within a Member State

The Commission (Clinton Davis) was able to accept Compromise Amendments Nos. 1 and 3 tabled by the Committee on Transport pursuant to Rule 40(2) of the Rules of Procedure.
(CRE p. 281)

[2] The 22 amendments tabled by the Committee on Transport were all adopted by Parliament.

41) - Youth/Macmillan-Scott (A2-141/85), 15 November 1985 (M p. II/27)
(C2-81/85 - COM(85) 431 final)
Decision adopting an action programme of the Community in education and training for technology - COMETT (1986-1991)

The Commission (Christophersen) stated that it could accept amendments Nos. 3 (on the submission of an annual report to Parliament), 51 and 55. It could not accept the remaining amendments to its proposal. The Commission agreed with Parliament that the action programme ought to be adopted by the Council before the end of this year.
(VR p. 293-294)

42) Youth, Culture/Fontaine (A 2-109/86) 13.11.1986 (M. page II/31)
(C 2-12/86 - COM(86) 52 final)
Decision adopting an action programme for the promotion of youth exchanges in the Community - YES for Europe - 1987-1989

The Commission (Cheysson) stated its willingness to accept Amendment No. 4 to its proposal and lower the minimum age for participation in the exchange programme from 16 to 15 and raise the maximum age from 25 to 26.

However, the Commission did not consider it advisable to raise the estimate for 1987-1989 from 30 to 50 million (as proposed in Amendment No. 7), nor did it see the need for Amendment No. 9.

Amendments No. 2 (eighth recital), 3 (eleventh recital), 5 (Article 3(c)), 6 (Article 3, new subparagraph (c)a), 8 (new Article 4a), 10 (Article 7) and 12 (Annex, Point 2.A.) were accepted by the Commission.
(VR, pages 191-193)

43) First reading

Environment/Squarcialupi 2-1134/84 14.12.84 CC 22.11.83
(Art. 100 of EEC Treaty) (1-1111/83 - COM(83) 626 fin.)

Directive on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients

The EP welcomed the proposal for a directive, which regulated extraction solvents at Community level, but believed that the many exemptions it contained would make effective checks difficult. Parliament hoped that the Commission would, as soon as possible, submit proposals on purity criteria for solvents which were important with regard to health and possible reactions with foodstuffs and the environment. The EP specified that the directive should not apply to food additives, and also sought to amend the procedure for adopting technical changes, wishing such matters to be referred to Parliament instead of to a regulatory committee (in this case the Standing Committee for Foodstuffs).
(PV 14.12.84, pp. 57 (directive) and 64 (resolution))

The Commission (Contogeorgis) stated that it was unable to comply with this last request, since to do so would result in a loss of flexibility. It did not consider it appropriate to exclude additives from the scope of the directive, and felt it superfluous to require the particulars to appear in the language of the country in which the product was marketed. The other amendments tabled by the Committee on the Environment could be accepted.
(CRE p. 336)

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43) Second reading

- o II Environment/Squarcialupi (A 2-278/87) 10.2.1988 (PV p. II/22) (C 2-219/87)
Directive on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients.

Of the four amendments tabled by the Committee on the Environment, nos 2 and 4 were rejected.

The Commission (Lord Cockfield) said it could accept amendment no. 1, which shortened the deadline for re-examination of the directive to two years.

With regard to amendment no. 3 (to Article 6, concerning 'comitology'), the Commission, when asked, said that, so far as the present report was concerned, it could accept Parliament's amendment.
(CRE p. 143)

44) First reading

Environment/Sherlock 2-1149/84 12.12.84 CC 21.6.84 (Art. 100 of EEC Treaty) (1-351/84 - COM(84) 226 fin., complemented by COM(84) 532 fin. and COM(84) 564 fin.)

I. Directive on the approximation of the laws of the Member States concerning the lead and benzene content of petrol

II. Directive amending Council Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from engines of motor vehicles

The EP approved the general tenor of the Commission's proposals, but called on the Commission to shorten the deadlines laid down in the directives for introduction of the new standards.

Parliament thus amended proposal I to the effect that the maximum permitted lead content of 0.15 g per litre for leaded petrol marketed in the Community was to apply from 1 July 1986 instead of 1 July 1989. That was also to be the date from which Member States were to ensure that unleaded petrol (with a maximum lead content of 0.010 g per litre) was available throughout their territory. The EP deleted the provision whereby the Commission, taking into account specific difficulties due to the structure of the refining industry and the demand patterns for leaded petrol, could allow a Member State to apply a maximum lead content of 0.40 g per litre.

Parliament also wished to bring forward the date for introduction of the new standards in respect of the second proposal for a directive, in this instance to 1 October 1986. It welcomed the Commission's approach of leaving open the choice of technology and was of the opinion, in view of the considerable costs involved in the fitting of catalytic converters and the subsequent increased fuel consumption, that strenuous efforts needed to be made to find alternative solutions. The Member States should take tax measures to promote the sale of passenger vehicles harmless to the environment. The EP called on the Commission to submit a multi-phase or single-phase plan which considerably shortened the period of time for attaining American emission values, and urged that these deadlines be suitably staggered for vehicles of less than 2000 cc capacity.
(PV 12.12.84, pp. 49 and 56 (directives) and 65 (resolution))

43) Second reading

Approval of the common position of the Council:

° **II Environment**/Sherlock (A 2-184/87) 18.11.1987 (M p. II/27) (C 2-142/87)
Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from the engines of motor vehicles (passenger vehicles)

The Council's common position was approved without amendment after two amendments tabled by the Environment Committee were withdrawn.

(See Parliament's earlier opinion adopted on 19 December 1984 - Sherlock report).

45) Environment/Schmid 2-1777/84 7.5.1985 Art. 100 and 235 of EEC Treaty (2-803/84 - COM(84) 513 final)

A directive relating to restrictions on the marketing and use of certain dangerous substances and preparations (Second PCB/PCT Directive)

The Commission's proposal for a directive had been approved as amended by the EP on 15 march 1985. The Commission (Clinton Davis) had then said that it could not accept amendments Nos 1, 5, 6, 9, 10 and 11 to its proposal, whereupon the vote on the motion for a resolution was postponed pursuant to Rule 36 (2) of the Rules of Procedure.

In these amendments the EP called for an immediate ban on the use of PCBs and PCTs as primary materials and intermediate products for processing into other products not prohibited by the Directive,

and restriction on Member States' discretionary powers to carry out a number of the Directive's provisions. (See CRE 14.3.1985, pp. 246-248 and PV 15.3.1985, p. II/23 (directive))

In the resolution adopted on 7 May 1985 the EP maintained its amendments and stated that disposal capacity for PCB and PCT in the Community was inadequate: consequently it called for changes to Directive No. 76/403/EEC.
(PV 7.5.1985, p. II/2)

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46)47) Environment/Nordmann A2-6/85 19.4.1985 CC 23.1.1984 and 13.2.1984 Art. 100 and 235 of EEC Treaty (1-1331/83 - COM(83) 754 final and 1-1452/83 - COM(84) 23 final)

I. Directive on consumer protection in respect of the indication of prices for non-food products

II. Directive amending Directive 79/581/EEC on consumer protection in the indication of the prices of foodstuffs

The EP welcomed the fact that the Commission had extended the principle of displaying selling prices and unit prices to non-food products. However, Parliament wanted an exemption for multiple tax of products which are themselves exempted, while taking the view that the automatic exemption of small retail businesses from the indication of unit prices would jeopardize the effectiveness of the directives.

(PV 19.4.1985, p. II/ 6 and 8 (directives) and II/11 (resolution))

The Commission accepted the amendments adopted by the EP with the exception of the amendment extending the exemption to multi-packs of units which were themselves exempted.

(CRE pp. 280-281)

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48) Environment/Schleicher A2-53/85 14.6.85 CC 15.10.84 (Art. 235 of EEC Treaty) (2-777/84 - COM(84) 489 final)

Directive on the approximation of the laws of the Member States relating to quick-frozen foodstuffs for human consumption

The EP welcomed the Commission's proposal, but regretted that it did not include a standard sampling procedure and method of analysis and wished to see stricter provisions regarding the implementation of controls. (PV 14.6.85, pp. II/35 (directive) and II/41 (resolution))

The Commission (Cheysson) stated that it could accept amendments 1, 2, 3, 4, 6, 10 and 11, but not Nos. 5, 12, 13 and 14. (CRE pp. 308/309)

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49) Environment/Tongue (A2-156/85) 16.1.86 (PV p. II/44) (1-1360/83 - COM(83) 752 final)
Recommendation on fire safety in existing hotels

Although Parliament had pressed for this subject to be dealt with by means of a regulation, the Commission (Lord Cockfield) stated that in the short term only a recommendation could be attained. Nevertheless, the Commission would be submitting a draft directive in 1987 that would deal with safety in all public buildings, including hotels.
(CRE pp. 202-203)

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50) Environment/Collins A 2-100/85 11.10.85 (PV p. II/16) (1 - 359/84 - COM(84) 295 final)
Directive amending Directive 81/602/EEC concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action.

The Commission (Cheysson) stated that it could accept amendments 1, 3, 5, 7 to 12 and 14, all tabled by the Committee on the Environment. It could not accept amendments 4 and 16, which would mean Parliament acquiring responsibilities which normally belonged to a management committee.

The Commission reserved judgment on the EP's view that oestradiol 17 B, testosterone and progesterone should be used only for therapeutic purposes. This finding conflicted with the opinions of the scientific committees that the Commission had consulted, according to which the use of these hormones had no harmful effects on the consumer's health. The Commisson would, however, be considering this matter again shortly.

(CRE of 10.10.85, pp. 272-273)

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51) , 52)

- Environment/Parodi (A2-153/85) 16.1.86 (PV p. II/36)
  (2-802/84 - COM(84) 437 final)
  I. Directive on the approximation of national measures relating to the placing on the market of high technology medicinal products, particularly those derived from biotechnology
  II. Directive amending Directive 75/318/EEC on the approximation of the laws of the Member States relating to analytical, pharmaco-toxicological and clinical standards and protocols in respect of the testing of proprietary medicinal products
  III. Directive amending Directive 81/852/EEC on the approximation of the laws of the Member States relating to analytical, pharmaco-toxicological and clinical standards and protocols in respect of the testing of veterinary medicinal products
  IV. Recommendation concerning tests relating to the placing on the market of proprietary medicinal products
  V. Directive amending Directive 65/65/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products

  On proposal I, the Commission (Lord Cockfield) was against the deletion of a reference to the need for a favourable regulatory environment for the manufacture of high-technology medicinal products (amendment 5).

  On proposal V, the Commission could not accept amendment 16, which provided for the imposition of a licence fee, since it could lead to Member States imposing widely differing levels of licence fees which could distort the market.
  (CRE pp. 199-201)

53) , 54)

Environment/Collins (A 2-5/86) 18.4.1986 (PV p. II/58) (C 2-38/85 - COM(85) 192 final)
Directive concerning the examination of animals and freshmeat for the presence of residues

The Commission (Varfis) accepted Amendments Nos. 1 to 4 to the proposal, all of them tabled by the Environment Committee.
(CRE p. 275)

55)

*Environment/Van der Lek (A 2-16/86) 16.4.1986 (PV p. II/7; 2-1530/84 - COM(84) 703 final)

Directive on the approximation of the laws of the Member States relating to infant formulae and follow-up milks

The Commission (Lord Cockfield) announced on 11 March 1986 that it was happy to accept the following amendments to its proposal, all of them tabled by the Environment Committee: Nos. 2, 4, 8, 10, 11, 15, 16, 17, 18, 20, 21, 23, 24, 25, 26, 27, 29, 30, 31, 32 and 33.

It could not accept Amendments Nos. 1, 5, 6, 14 and the first part of No. 27, at least in their present wording, which sought to replace the term 'infant formula' by the term 'breast-milk substitute'.
The Commission's proposed definition was tighter and more precise, and provided more protection then the WHO code's use of the term 'breast-milk substitute', said Lord Cockfield.

On Amendment No. 3, the Commission felt that its own text offered wider scope for the adoption of specific rules. The date specified in the amendment (1 July 1987) was unacceptable.

Amendment No. 7, seeking to define follow-up milks as products intended particularly for infants over six months old, did not, said the Commission, accord with the scientific opinion it had obtained, which was that follow-up milks were suitable for use by infants over the age of four months.

The Commission thought Amendment No. 9 would weaken the directive. The storage requirements covered by Amendment No. 19 were for the most part already mandatory under Directive 79/112/EEC on the labelling and presentation of foodstuffs, which also applied to this directive.

The Commission was also opposed to Amendments Nos. 22 and 28. It was willing to accept No. 31, on donations to institutions, although the guidelines to which the amendment referred had not yet been agreed by the WHO.

Finally, the Commission was prepared to modify its proposal in line with Amendment No. 32. A complete ban on advertising, however, was not possible for legal reasons.
(CRE of 11 March 1986, pp. 44 - 47)

When the Commission proposal was put to the vote the rapporteur announced that since the debate in March, a number of aspects had been clarified and the Commission now concurred with Parliament's wishes to a considerable extent, if not on every point.
(CRE of 16 April 1986, p. 161)

56) , 57)

- Environment/Schleicher (A2-235/86) 10.3.1987 (PV page II/40) (C2-24/86 - COM(86) 89 final; C2-23/86 - COM(86) 87 final)
  I. Directive amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer
  II. Directive on the approximation of the laws of the Member States concerning food additives authorized for use in foodstuffs intended for human consumption

Proposal for a directive I: The Commission (Lord Cockfield) said it could not accept most of the amendments, because they did not relate to the Commission's present proposal but were intended to bring about modifications in the existing directive. (The amendments in question were nos. 2 to 10, 11 - second indent, 14, 16 and 17).

The Commission could agree to amendments no. 11 - first indent (to Article 1(14)) and 13 (to Article 1(16)). It could also accept in principle amendments no. 1 (to the seventh recital) and 12 (to Article 1 (paragraph 14)).

In amendment No. 1 Parliament came out in favour of a general ban on the marketing of treated foodstuffs or foodstuffs containing an ingredient that has previously been treated.

Proposal for a directive II: As regards the principal amendments the Commission rejected no. 19 (to Article 1(2)) because the amendments considered nutrients such as vitamins and proteins as additives. The Commission also thought amendment no. 20 was technically inappropriate because it set out to include within the scope of the directive processing aids, plant protection products and flavouring. The Commission did think however that specifically prepared Community rules on these categories would be desirable.

The Commission did not rule out the concept of one implementing directive, but thought it should be introduced step by step. If Parliament were able to agree to this approach, the Commission would also be able to accept amendments nos. 22, 23, 24, 25, 26 - first part, 27, 28, 29, 30, 32 and 33.

The Commission could accept Parliament's extension of the list of categories in Annex I. It could not accept the proposed changes to Annex II (amendment no. 35).
(CRE pp. 18-19)

58) , 59)

- Environment/Jepsen (A2-240/85) 10.3.1987 (PV page II/21) (C2-25/86 - COM(86) 90 final; C2-26/86 - COM(86) 91 final)
  I. Directive on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs
  II. Directive on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses

  Proposal for a directive I: The Commission (Lord Cockfield) said it could only accept amendment no. 12 to the annex of the proposal. The amendments on the concept of high standards of protection were unnecessary, because the Commission already followed that principle. The Commission also thought it inappropriate to include in the directive undertakings to inform Parliament about specific draft directives.

  Proposal for a directive II: The Commission agreed to the deletion of a reference to Article 100 of the EEC Treaty, which according to Parliament would be superseded after the Single Act came into force.

  The Commission could in principle accept amendments to Article 2(1), Article 4(2)(h) and the insertion of a new article after Article 8, subject to redrafting.

  The Commission again rejected amendments which made provision for the information and consultation of the European Parliament.
  (CRE pp. 17-18)

60) First reading

Environment/Vittinghoff (A 2-88/87) 19.6.1987 (PV p.II/60) (C 2-63/86 - COM(86) 261 final and COM(86) 273 final)

I. Directive amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from engines of motor vehicles

II. Directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles

The Commission (Sutherland) could not accept Parliament's amendments to proposal for a directive I. Parliament wanted lower limits and later introduction during the first stage, which according to the Commission would make it difficult to reach a compromise between the Member States, as many of them wanted Community measures as soon as possible.

The Commission wanted more detailed research to be carried out for the second stage, so a comprehensive proposal could be put forward before the end of 1988.

Parliament did not propose any changes to proposal for a directive II. (CRE pp. 326-327)

60) Second reading

Amendment of the common position of the Council:

° **II Environment**/Vittinghoff (A 2-185/87) 18.11.1987 (M p. II/28) (C 2-141/87)
Directive on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles

After the vote on the two amendments to the Council's common position, the Commission (Clinton Davis) confirmed that it could not accept the amendments.

61) First reading

- ° I Environment/Sherlock (A 2-169/87) 28.10.1987 (PV p. II/44)
(C 2-89/85 - COM(85) 364 final)
Directive on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations.

The 23 amendments proposed by the Committee on the Environment were adopted en bloc by the House. The Commission (Lord Cockfield) accepted the spirit and substance of the following 14 amendments: Nos. 2 (6th recital), 3 (7th recital), 4 (Article 1(1)), 5 (Article 1(3)(i)), 10 (Article 3), 11 (Article 4), 12 (Article 7), 13 (Article 8(1)), 14 (Article 8(2)), 15 (Article 8(5)), 16 (Article 8(6)), 17 (Article 8(8)), 19 (new Article 8a) and 20 (Article 11).

Amendment No. 1 (to the 5th recital) was largely acceptable to the Commission, except for the deletion of the words 'in pursuit of a hobby'.

The objection to Amendments Nos. 6 and 7 (to Article 1(3)(k) and (l)) was that they would add new exemptions to the directive.

Amendments Nos. 8 and 23 relate to pesticides, which are already covered by Directive 78/361. That directive, which goes back to 1978, is less stringent than the proposals under discussion and that is why the Commission wants pesticides to be covered by the new directive.

Amendment No. 9 (to Article 2) is simply a matter of legislative technique. Both Commission and Parliament agree that no system of notification should be allowed to creep into this directive.

Amendment No. 18 (to Article 8(5)) was rejected by the Commission on grounds of logic.

Amendment Nos. 21 and 22 (to Article 13(3) and Article 14) deal with a 'comitological' problem. Parliament proposed the adoption of the advisroy committee procedure (which should in principle be used for internal market proposals). However, all the directives already adopted in this sector use the regulatory committee procedure.

In conclusion, Lord Cockfield said there was very little of substance on which the views of Parliament and the Commission differed.
(CRE pp. 109 - 110)

61) Second reading

The Council's common position was adopted without amendments.
(13.4.1988)

62)

- ° Environment/Jackson (A 2-180/87) 18.11.1987 (M p. II/80) (C 2-194/86 - COM(86) 747 final)
  Directive on the official inspection of foodstuffs

  The Commission (Narjes) said that it could accept Amendments Nos. 1-9 but that Amendments 11 and 12 were unacceptable.

  Amendment No. 11 states that the agents responsible for the inspection may take note of all relevant documents (Article 8 of the proposal). The Commission took the view that this introduced an element of uncertainty given that it is difficult to establish what criteria determine whether or not a document is relevant.

Amendment No. 12 (Article 2 new paragraph 1a) was rejected by the Commission because it made intra-Community inspection compulsory; this could create barriers to trade when the purpose of the directive is to remove such barriers by more stringent inspection in the country of production.

In the case of Amendment No. 13 (new Article 12a) the Commission objected on institutional grounds since in its view a work programme on which Parliament and the Commission had reached agreement did not need to be submitted to the Council.
(VR pp. 60/61 and 184)

Nr. 63 : Second reading

- ° II Environment/Schleicher (A 2-326/87) 9.3.1988 (PV p. II/26)
(C 2-218/87)
Directive on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production

The 13 amendments tabled by the Committee on the Environment were adopted en bloc. The Commission (Lord Cockfield) was able to accept the following: No. 1 (to the fifth recital), the first part of No. 2 (to the ninth recital), No. 3 (deleting the tenth recital), No. 4 (deleting the eleventh recital), No. 8 (deleting Article 6), No. 9 (deleting Article 7) and No. 11 (to Article 9(2)).

It was unable to accept Amendments No. 5 (to Article 6(2)), on the grounds that this material should be dealt with in a separate directive, and No. 6 (to Article 4) laying down stricter purity requirements as it regarded the Council's position as an acceptable compromise. It was able to accept the remarks concerning comitology in Amendment No. 7 (to Article 5) but Lord Cockfield felt that the deadline for establishing certain conditions put forward in this amendment (1 July 1990) was unrealistic. In respect of Amendments Nos. 10 and 12 (to Article 9(1) and Article 10 respectively), the Commission pointed out that these were technical matters and that the procedure laid down in Article 11 was the correct one.

The Commission was only able to accept the first part of Amendment No. 13 (to Article 11). It could not support the second part (concerning paragraph 4) which advocated the procedure under Article 100a of the EEC Treaty as it involved technical changes which should be discussed by a type 3a committee.
(CRE p. 40-41)