



European Communities

EUROPEAN PARLIAMENT

# SESSION DOCUMENTS

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A3-0240/90/PART B

REPORT

of the Temporary Committee to consider the impact of the process  
of German unification on the European Community

on the proposals from the Commission to the Council for  
legislation concerning

'The Community and German unification'

- \* COM(90)400/3 - C3-261/90
- \* COM(90)400/4 - C3-262/90
- \* COM(90)400/5 - C3-263/90
- \*\*I COM(90)400/6 - C3-264/90 - SYN 298
- \* COM(90)400/7 - C3-265/90
- \*\*I COM(90)400/8 - C3-266/90 - SYN 299
- \* COM(90)400/9 - C3-267/90
- \* COM(90)400/10 - C3-268/90
- \* COM(90)400/11 - C3-269/90
- \* COM(90)400/12 - C3-270/90
- \* COM(90)400/13 - C3-271/90
- \* COM(90)400/14 - C3-272/90
- \* COM(90)400/15 - C3-273/90
- \* COM(90)400/16 - C3-274/90
- \* COM(90)400/17 - C3-275/90
- \* COM(90)400/18 - C3-276/90
- \* COM(90)400/19 - C3-277/90
- \* COM(90)400/20 - C3-278/90
- \* COM(90)400/21 - C3-279/90
- \*\*I COM(90)400/22 - C3-280/90 - SYN 300
- \*\*I COM(90)400/23 - C3-281/90 - SYN 301
- \*\*I COM(90)400/24 - C3-282/90 - SYN 302
- \* COM(90)400/25 - C3-283/90

Rapporteur : Mr Alan John DONNELLY

## Part B : Explanatory Statement

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - C Series: Documents received from other Institutions (e.g. Consultations)

\* = Consultation procedure requiring a single reading

\*\*II = Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment

\*\*I = Cooperation procedure (first reading)

\*\*\* = Parliamentary assent which requires the votes of a majority of the current Members of Parliament

PE 144.212/fin./Part B



## Part B

### EXPLANATORY STATEMENT

#### GENERAL CONSIDERATIONS

1. On 4 October the Temporary Committee will be making its recommendations for the first reading on the package of measures put forward by the Commission concerning the European Community consequences of German unification. Parliament's specialized Committees have covered those parts of the package which affect them, and have submitted 148 amendments. Your rapporteur has analysed these amendments and in the paragraphs below has analysed the main issues which he believes should be covered by the Temporary Committee in making its recommendations on the amendments.
2. Your rapporteur has also tabled a number of additional amendments. In putting forward these amendments he has not sought to substitute his own judgement for those of the specialised Committees, and none of his amendments are on individual points of policy. Instead his amendments are on general procedural points where there have been inconsistencies between different committees (as on the issue of Comitology), or where a Committee has not taken a position or only covered one aspect of a problem.

#### THE ISSUES OF COMMITOLOGY AND DEMOCRATIC ACCOUNTABILITY

3. The Commission's far-reaching proposals for derogations, and the probability that they will have to be extended or modified to take account of the situation in Eastern Germany, places a greater than average role on the Committees that are chosen to oversee these measures. The type of Committee used, therefore, is not an abstract question but an issue of considerable significance for the Parliament.
4. In considering the emergency interim measures in September the Parliament achieved a considerable success, by changing the proposed 3 A Regulatory Committee into a 2 A Management Committee, by getting the Commission to agree to submit all implementary measures to the Parliament, and finally by winning a commitment from the German authorities to keep the Parliament regularly informed. Your rapporteur considers that these breakthroughs constitute an important precedent for consideration of the main package of measures.
5. In this package the Commission has mainly suggested 3 A Regulatory Committees, notably in its two proposals for transitional measures applicable in Germany in the context of the harmonization of technical rules (based on Article 100 A and Article 43 of the Treaty respectively), in its proposed derogations in respect of statistical surveys in Germany, in its proposed amendments to certain directives, decisions and regulations relating to transport by road, rail and inland waterway, in the proposed transitional measures applicable in Germany in the field of workers' health and safety, and finally also for certain proposed environmental measures.

For certain other environmental directives, however, the Commission has proposed the use of the individual Committees which were established in the original directives.

6. The amendments tabled by the various specialised Committees of Parliament show an inconsistency of approach to this important issue of Commitoloy, with some of the proposals having been left untouched, and the major internal market proposal being the subject of conflicting amendments from the Economic and Environment Committees. The Economic Committee has proposed (Am. 29) a 2 A Management Committee in line with Parliament's position in the September plenary, whereas the Environment Committee has suggested (Am. 27) that the appropriate Committee should be that provided for by the corresponding directive or regulation. In practice this varies from Advisory Committees in some cases, Management Committees in others and even Regulatory Committees in certain cases.
7. As a general rule your rapporteur believes that the use of 2 A Management Committees represents the best balance between granting sufficient discretion to the Commission and yet also giving a substantial role to Committees representing national interests in cases where national sensitivities are both considerable and comprehensible.

Your rapporteur believes therefore, that the 2 A Management Committee approach is the most appropriate in all those cases where the Commission has suggested a 3 A Regulatory Committee. He thus supports Amendment 29 from the Economic Committee, and has also tabled equivalent amendments for those other proposals where there were contradictory amendments (e.g. for Doc. C3-265/90 from the Environment Committee) or where no amendment had been tabled.

8. On the other hand your rapporteur considers that where the Commission has itself proposed the use of the Committee established by the specific directive (as for certain environmental directives) this could be accepted by the Parliament.
9. He has also noted two variants from the usual form of a Management Committee that have been suggested by Parliament's specialised Committees. Firstly the Economic Committee has proposed that the opinion of the Management Committee should be recorded in the minutes, and that each Member State should have the right to ask to have its position recorded in the minutes. Secondly he has noted an amendment from the Social Affairs Committee (Amendment 12) which calls, in the context of the proposal in the field of workers' health and safety, for any draft submitted to a Committee by the Commission to be forwarded at the same time to the European Parliament.
10. Whichever type of Committee is chosen, however, does not really respond to the problem of democratic accountability to the European Parliament. Parliament's power to dismiss the entire Commission is a particularly implausible sanction in the context of parliamentary oversight over Commitoloy. More specific guarantees of accountability are thus required.

Your rapporteur considers that the minimum that can be expected of the Commission is that it extends its commitment made in the context of the emergency mesures adopted in September to all the mesures in the main package, and that all proposals submitted to Management or other Committees

are transmitted simultaneously to the European Parliament, without any exceptions motivated by arguments of urgency or confidentiality. The Commission should make a declaration to this effect in plenary before Parliament votes finally on the package, and this should be followed up by an exchange of letters between the two Presidents.

11. In order to reinforce this point your rapporteur has also tabled amendments (149 and 152) to the recitals of the two internal market proposals and identical or related amendments to other Commission proposals as well. He also looks with sympathy at the amendment of the Social Affairs Committee (Amendment 12) which attempts to respond to this issue, although he believes that it is not appropriate to include this directly in the text.

Finally he would welcome a continuing commitment by the German authorities to keep the Parliament regularly informed of the implementation of these measures, and of any problems that are arising.

#### TIMING OF CERTAIN MEASURES

12. Certain measures proposed by the Commission would require action by the date of unification. When the Commission prepared its proposals unification was not foreseen until the end of 1990 at the earliest. Your rapporteur has thus tabled certain rectifying amendments, referring not to the date of unification, but to when the adopted interim measures are replaced by the final transitional measures, and at any rate not later than 31 December 1990. This will permit the German authorities to make the necessary changes in cases where measures they have taken under the interim measures turn out not to be inconsistent with the measures as finally adopted by the Parliament and Council.

#### SPECIFIC ISSUES

##### External relations

13. Nineteen amendments have been tabled to this section of the report, but there are no major clashes between them. Your rapporteur welcomes, in particular, those amendments calling for reports on the operation of the system established and has asked for a similar report in paragraph 18 of his own draft resolution (PE 144.215) so that measures can be taken, in particular, to avoid further destabilisation of the economies of the Soviet Union and the other countries of Eastern Europe. This is a matter of crucial importance which is not treated completely satisfactory in the package.

##### Internal market

14. The 18 amendments dealing with these two proposals (C-3 264/90 and C-3 265/90) primarily deal with general procedural issues. Those concerned with Commitology have been discussed above, and the others do not pose major issues of principle. As regards the procedure for extension of the derogations your rapporteur has tabled an alternative set of amendments (150 and 153) to amendments 23 and 33 of the Environment Committee. He agrees strongly with the Environment Committee that any such extension of the derogations should be subject to greater control than that provided by the Commission's proposals, but considers, firstly, that the Commission

rather than the Council should take the final decision, and secondly that the Parliament should be more closely involved.

#### Shipbuilding

15. Your rapporteur notes that the opinion of the Economic Committee suggests deletion of the proposal amending the proposal for a 7th Directive on shipbuilding (C3-0268/90), on the ground that it is procedurally incorrect to examine a derogation to a proposal that has not yet been considered by the Parliament. Your rapporteur agrees and has tabled an amendment to delete the amendment to the proposed 7th Directive from the package.

#### Agriculture and fisheries

16. 36 amendments have been tabled to the proposals concerning agriculture and fisheries. Your rapporteur can support many of the amendments tabled by the Agriculture Committee, but seeks clarification on the implications of certain other amendments, notably 48, 55, 60 and 68.

#### Energy

17. The Energy Committee has tabled a series of amendments to C3-279/90. Your rapporteur is not opposed to many of the ideas in these amendments, but notes that they go far beyond the scope of the Commission's proposals, and set out, instead, a set of new criteria for energy policy in the former GDR. Your rapporteur believes that the majority of these points should be achieved in his political resolution (PE 144.215) rather than in a derogation which deals with a different set of issues.

#### Structural funds

18. Your rapporteur notes that conflicting amendments have been tabled by the Regional and Social Affairs Committee, and that the Committee will have to choose between the two approaches if it is to ensure a coherent final text. His preference is for that put forward by the Regional Committee, which calls for a more comprehensive set of measures.

#### Environment

19. Twenty six amendments have been tabled to these proposed derogations. Many of these are of a procedural nature, including some on Comitology which your rapporteur has already discussed. There are, however a series of additional amendments, tabled by Mrs Cramon-Daiber and Mrs Fernex, which would shorten the timespan of a number of proposed derogations. Your rapporteur considers that they are unrealistic, and that efforts should be concentrated, instead, on preventing any prolongation of the derogations.

#### Budgetary consequences

20. Finally your rapporteur notes that the Budgetary Committee has tabled an identical set of amendments pointing out the need for revision of the financial perspective and adjustment of the annual budget. Your rapporteur supports these amendments.