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R E P O R T

of the Committee on Energy, Research and Technology

on the Commission proposal for a Council decision on a specific research and technological development programme in the field of marine science and technology (1990-1994)

Rapporteur: Mr Didier ANGER

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

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= 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

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By letter of 11 June 1990, the Council consulted the European Parliament, pursuant to Article 130q of the EEC Treaty, on the Commission proposal for a Council decision adopting a specific research and technological development programme in the field of marine science and technology (1990-1994).

At the sitting of 15 June 1990, the President of Parliament announced that he had referred this proposal to the Committee on Energy, Research and Technology as the committee responsible and to the Committee on Budgets and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

At its meeting of 22 May 1990 the Committee on Energy, Research and Technology appointed Mr Anger rapporteur.

At its sitting of 22 November 1990 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council decision on a specific research and technological development programme in the field of marine science and technology (1990-1994).

At the sitting of 24 January 1991 the President of Parliament announced that the common position had been received and referred to the Committee on Energy, Research and Technology as the committee responsible and to the Committee on Budgets and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

At its meetings of 28 January and 27 February 1991 it considered the common position.

On 13 March 1991 the Commission informed the Enlarged Bureau that the proposal had been withdrawn. This announcement was confirmed at the plenary sitting of 14 March 1991 and by letter of 12 April 1991. A replacement text was forwarded separately to Parliament on 12 April 1991.

At its meetings of 15 and 17 April 1991 the Committee on Energy, Research and Technology considered the new proposal.

On 17 April 1991 the Presidents of the European Parliament, the Council of Ministers and the Commission concluded a tripartite agreement on five proposals, including the present proposal.

At its meetings of 22 April and 2 May 1991 the committee considered the texts.

At the latter meeting it adopted the report by 24 votes with 3 abstentions.

The following took part in the vote: La Pergola, chairman; Sälzer, vice-chairman; Anger, vice-chairman and rapporteur; Adam, vice-chairman; Bettini, Breyer, Chiabrando, Desama, Garcia Arias, Garcia V. (for Capucho), Gasoliba I Böhm, Goedmakers (for Ford), Hervé, Larive, Linkohr, Pierros, Pompidou, Porrazzini, Quisthoudt-Rowohl, Regge, Rinsche, Robles Piquer, Roving, Sanz Fernandez, Schlee, Seligman, Vasquez Fouz (for Schinzel).

The opinion of the Committee on Budgets is attached.

The report was tabled on 2 May 1991.

The deadline for tabling amendments will appear on the draft agenda for the May part-session, at which the report is to be considered.

A

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council decision
on a specific research and technological development programme
in the field of marine science and technology (1990-1994)

The European Parliament,

- having regard to Article 149(2) and (3) of the EEC Treaty,
 - having regard to the letter of 13 April 1991 from the President-in-Office of the Council,
 - having regard to the text of the agreement reached between the three institutions in Strasbourg on 17 April 1991,
 - whereas the replacement text, adapted to take account of the conclusions of the triilogue of 17 April 1991, is identical to the former common position of the Council as amended by these conclusions,
 - having regard to the report of the Committee on Energy, Research and Technology and the opinion of the Committee on Budgets (A3-0116/91),
1. Approves the proposal, incorporating the conclusions of the triilogue as follows:

Second and third recitals to read:

Whereas Article 130k of the Treaty stipulates that the Framework Programme shall be implemented through specific programmes developed within each activity;

Sixth recital to read:

Whereas in the context of this programme an assessment should be made of economic and social impact as well as of any technological risks;

Article 2 to read:

1. The funds estimated as necessary for the execution of the programme shall amount to ECU 102.96 m, including expenditure on staff and administration amounting to ECU 10 m.
2. An indicative allocation of funds is set out in Annex II.
3. Should the Council take a decision in implementation of Article 1(4) of Decision 90/221/Euratom,EEC, this Decision shall be adapted accordingly.

Article 6:

1. In the cases provided for under Article 7(1), the representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on this within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
2. The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its opinion recorded in the minutes.
3. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 7 to read:

1. The procedure laid down in Article 6 shall apply in particular to:
 - the preparation and updating of the work programme referred to in Article 5(3);
 - the contents of the calls for proposals;
 - the assessment of the projects provided for in Annex III and the estimated amount of the Community's contribution to them where this amount exceeds ECU 0.3 m.;
 - departures from the general rules set out in Annex III;
 - the participation in any project by non-Community organizations and enterprises referred to in Article 8(1) and (2);
 - any adaptation of the indicative allocation of the amount set out in Annex II;
 - the measures to be undertaken to evaluate the programme;
 - arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme.
2. Where, pursuant to the third indent of paragraph 1, the amount of the Community contribution is less than or equal to ECU 0.3 m, the Commission shall inform the Committee of the projects and of the outcome of their assessment.

The Commission shall also inform the Committee of the implementation of the accompanying measures and concerted actions referred to in Annex III.

Article 8(1) to read:

1. The Commission is authorized to negotiate, in accordance with Article 130(n) of the Treaty, international agreements with third countries belonging to COST, in particular the member countries of EFTA and the countries of Central and Eastern Europe, with a view to associating them with all or part of the programme.

Annex III, paragraph 2, 'Research projects' section,
third subparagraph, final sentence:

Contracts relating to shared-cost research projects must, as a general rule, be concluded following a selection procedure based on calls for proposals published in the Official Journal of the European Communities.

2. Recommends that the Council adopt the text updated by the triologue.
3. Instructs its President to forward this opinion to the Council and Commission.

B

EXPLANATORY STATEMENT

Following the European Parliament's consideration at first reading of this specific programme on 22 November 1990, the Commission submitted its amended proposal on 30 November 1990. This proposal incorporated the full text of 25 of the 34 amendments tabled by the European Parliament and part of certain other amendments.

The Council adopted its common position on 21 December 1990.

In addition to the absence of certain points in the wording of Annex I, we noted great discrepancies in the 'horizontal' amendments, particularly as regards budgetary questions, comitology, the assessment of economic and social impact and technological risks, international relations and the exceptional procedure.

Consideration of this situation led the European Parliament to try to come to a closer agreement with the Commission and the Council.

On 13 March 1991 the Commission informed the Enlarged Bureau that five proposals had been withdrawn, including the present proposal. By letter of 12 April to the President of Parliament, Mr Pandolfi confirmed the implementation of this decision and forwarded the replacement texts the same day (SYN 259, 260, 263, 264 and 268).

The talks between Parliament, the Commission and the Council resulted in a tripartite agreement, dated 17 April 1991, between the presidents of the three institutions.

The points emerging from this agreement constitute the basis for the position of the Committee on Energy, Research and Technology, which has instructed its chairman to waive the right to a further reading, if the Council accepts the terms of the tripartite agreement of 17 April 1991.

MINORITY OPINION

(Rule 119(1) of the Rules of Procedure)

1. We are not satisfied with the conclusions reached on 17 April 1991 by the Presidents of the three institutions concerning the specific research programmes of the third framework programme 1990-1994, except as regards confirmation of the extension of the deadline from April to May 1991 for final adoption.

(a) the substance: proposals adopted by Parliament at first reading, greatly watered down and even often distorted by the Council, have virtually disappeared, even though a definite effort has been made since 20 December 1990. For example, Amendment No. 3 adopted by Parliament:

'whereas the social, human and environmental impact of the programme must be assessed by an independent panel, and technology and risk assessment undertaken'

has become

'whereas in the context of this programme an assessment should be made of economic and social impact as well as of any technological risks'.

And what has happened to our budgetary amendments? What has happened to our budgetary powers?

Etc.

The efforts made by the Council are frankly not enough.

(b) the legal aspect: I have asked the Commission to provide me with the exact text of the withdrawal of the five programmes including 'Marine science and technology' - on 18 April 1991 I am still awaiting a reply.

Commissioner Pandolfi has therefore announced publicly through the press a withdrawal which has no legal existence. Furthermore, what is the legal basis of the conclusions reached by the presidents of the three institutions?

Is this the first reading? Maybe, but we should be told.

Is this the second reading?

It now seems that this is the second reading.

A spurious second reading.

Assuming that we worked on this 'dubiously legal basis', might not subsequent decisions to accept or reject a particular research project be called into question?

Might not a research institute or undertaking whose project was refused dispute the decisions taken on such a 'non-legal basis'?

As long as we do not have Commissioner Pandolfi's formal notice of withdrawal of his texts, we can only operate within the second reading procedure.

That is why I am submitting on second reading most of the amendments already adopted at first reading.

Any other approach would be incorrect.

Even if it were to be 'by consensus' it would still not be constitutional.

(c) the political level: the European Parliament's powers must be defended, particularly at a time when the intergovernmental conference is being held and it is proposed to rebalance the powers of the European Parliament (at present insignificant) with those of the Council of Ministers (currently excessive). Following the extraordinary 'in camera' meetings of the Committee on Energy, Research and Technology are we not giving the impression that the European Parliament is merely a windbag that puffs itself up, puffs itself up even more, and is still puffing itself up with words and which - when pricked just once by the Council and after a climb-down by the Commission - vanishes ...?

Does politics have reasons that reason knows nothing of?

For the sake of transparency, let us remember what has happened since the start of the discussions on the framework programme.

OPINION
of the Committee on Budgets

Letter from the chairman of the committee to Mr LA PERGOLA, chairman of the Committee on Energy, Research and Technology

Luxembourg, 29 April 1991

Subject: Specific programmes resulting from the 1990 - 1994 framework programme for research (SYN 259, 260, 263, 264, 268) following the Trialogue of 17 April 1991.

Dear Mr La Pergola,

At its meeting of 25 April 1991 the Committee on Budgets considered the conclusions of the Trialogue of 17 April 1991 concerning the specific research programmes under the third framework programme 1990 - 1994, and the relevant replacement texts from the Commission.

The Committee on Budgets considered in particular the procedural provisions, the response to the budgetary and financial aspects, and comitology.

The Committee on Budgets expressed its concern at the fact that the Council continues to dispute Parliament's competence in budgetary matters and draws attention to the power conferred on Parliament as budgetary authority under the provisions of Article 203 of the Treaty, as well as to the Commission's undertakings, to which frequent reference is made, in particular during exchanges of letters with Parliament when the specific proposals under the 1987 - 1991 framework programme, and the Decision 90/221/EEC concerning the 1990 - 1994 framework programme were adopted.

Moreover, as regards comitology, the Committee on Budgets also expressed concern at the fact that the implementation of specific programmes is still being entrusted to type III committees; nevertheless it noted the progress made on provisions relating to transparency in these committee's working methods by means of the improved 'Plumb - Delors' procedure.

In these circumstances, the Committee on Budgets reserves the right to consider problems connected with the implementation of specific programmes in the context of the 'Notenboom procedure', the 1992 budgetary procedure, and consideration of the report which the Commission is to draw up on the working of the financial perspectives, and when the 90/221/EEC framework decision is revised.

The Committee on Budgets has, with these reservations, given a favourable opinion on the revised proposals put forward by the Commission following the Trialogue's conclusions.

Yours sincerely,

Thomas von der VRING

The following were present for the vote: von der Vring, chairman; Lamassoure, 1st vice-chairman; Welsh, 3rd vice-chairman; Arbeloa Muru, Colom i Naval, Desama, Elles, Kellett-Bowman, Miranda da Silva and Tomlinson.

