

PRESS RELEASE

9282/93 (Presse 171)

1696th meeting of the Council

- GENERAL AFFAIRS -

Luxembourg, 25 and 26 October 1993

President: Mr Willy CLAES
Minister for Foreign Affairs
of the Kingdom of Belgium

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Willy CLAES

Minister for Foreign Affairs

Denmark:Mr Niels HELVEG PETERSEN
Mr Jorgen ØSTRØM MØLLERMinister for Foreign Affairs
State Secretary for Foreign Affairs**Germany:**Mr Klaus KINKEL
Ms Ursula SEILER-ALBRINGFederal Minister for Foreign Affairs
Minister of State, Foreign Affairs**Greece:**Mr Theodoros PANGALOS
Mr Georges ROMAIOSDeputy Minister for Foreign Affairs
State Secretary for the National Economy**Spain:**Mr Javier SOLANA
Mr Carlos WESTENDORPMinister for Foreign Affairs
State Secretary for Relations with the European Communities**France:**

Mr Alain JUPPE

Minister for Foreign Affairs

Ireland:Mr Dick SPRING
Mr Tom KITTMinister for Foreign Affairs
Minister of State at the Department of the Taoiseach with special responsibility for European Affairs**Italy:**Mr Beniamino ANDREATTA
Mr Paolo BARATTA
Mr Carmelo AZZARAMinister for Foreign Affairs
Minister for Foreign Trade
State Secretary for Foreign Affairs**Luxembourg:**

Mr Jacques POOS

Minister for Foreign Affairs

Netherlands:Ms Yvonne VAN ROOY
Mr Piet DANKERTMinister for Foreign Trade
State Secretary for Foreign Affairs**Portugal:**Mr José Manuel DURAO BARROSO
Mr Vitor MARTINSMinister for Foreign Affairs
State Secretary for European Affairs**United Kingdom:**

Mr Douglas HURD

Secretary of State for Foreign and Commonwealth Affairs

Mr David HEATHCOAT-AMORY

Minister of State, Foreign and Commonwealth Office

- + -

Commission:Mr Jacques DELORS
Sir Leon BRITTAN
Mr João DE DEUS PINHEIRO
Mr Hans VAN DEN BROEKPresident
Vice-President
Member
Member

INTERINSTITUTIONAL CONFERENCE – LUXEMBOURG, 25 OCTOBER 1993

At an interinstitutional conference held in Luxembourg at the invitation of the President of the Council, attended by:

- a delegation from the European Parliament, led by the President, Mr Egon Klepsch,
- the Council, under the Presidency of Mr Willy Claes
- the Commission, represented by Mr João de Deus Pinheiro,

the following documents ⁽¹⁾ were approved, subject to completion of the internal procedures peculiar to each Institution:

- an interinstitutional Declaration on democracy, transparency and subsidiarity;
- a draft interinstitutional Agreement on procedures for implementing the principle of subsidiarity;
- a draft Decision of the European Parliament laying down the regulations and general conditions governing the performance of the Ombudsman's duties;
- a text on arrangements for the proceedings of the Conciliation Committee under Article 189b of the Treaty (co-decision procedure).

The interinstitutional Declaration on democracy, transparency and subsidiarity initialled today will be signed at the European Council meeting in Brussels on 29 October 1993.

Those attending the conference stressed the importance of the outcome attained, which demonstrated the desire of the Institutions of the European Union to come closer to the citizens of Europe and to strengthen democracy and the transparency of the Institutions.

⁽¹⁾ The texts in question are set out in the annex.

PREPARATION FOR THE EUROPEAN COUNCIL MEETING ON 29 OCTOBER 1993

The Council prepared the likely topics for discussion at the extraordinary European Council meeting on Friday of that week, viz:

- implementation of the Treaty on the Union;
- enlargement of the Community;
- growth and employment in the Community.

(It should be noted that the preparation of the European Council's discussion of the question of the seats to be established for certain Community bodies and agencies – in particular for the EMI – is being dealt with by the President of the European Council).

Implementation of the Treaty on the Union

For its discussion of this first topic, the Council had before it a report summarizing the progress to date in preparing the necessary or desirable provisions for implementing the Maastricht Treaty.

The proceedings covered in particular the following chapters:

- Democracy, transparency and subsidiarity (in this context see in particular the outcome of the Interinstitutional conference on 25 October, as set out in this Press Release: on page 3 and pages 8 and 9 of the Annex);
- Citizenship (political agreement was reached on 4 October on the provisions regarding the right to vote and to stand as a candidate in elections to the European Parliament);
- Economic and monetary union (see the outcome of the ECO/FIN Council on 25 October in Press Release 9281/93 Presse 170, pages 3-5);
- From political co-operation to the CFSP – On this subject, the Presidency document highlights six aspects of particular importance in the pursuit of the objectives of the Union as set out in the

Treaty on European Union, viz:

- = the development of an active policy in the pursuit of the interest of the Union;**
- = unity and consistency in its external action;**
- = inclusion of all matters related to the security of the Union;**
- = decisions of the Union committing Member States;**
- = unity in the presentation of the Union's policy to the outside world and prominence of the Union as an actor on the international scene;**
- = efficiency in the decision-making procedure.**

The document stresses that two elements are essential in the pursuit of these objectives:

- = the "single institutional framework";**
- = the effective mobilization of the resources of the Member States and the Community in a joint effort to promote the objectives of the Union.**

Four annexes to the Presidency document also contain a number of practical measures which will be implemented as from the entry into force of the Union Treaty with respect to CFSP instruments and bodies, its relations with the European Parliament and with the WEU.

As regards one of the most significant innovations under the CFSP: joint action – the Council recommended that, on 29 October, the European Council signify a number of areas which should be the subject of priority joint action.

- The area of Justice and Home Affairs – In this area too the Presidency document makes provision, on the basis of what has hitherto been achieved under the major work programmes such as the Palma report (1989), the Trevi action programme (1990), the European Plan to Combat Drugs (1989) and the programmes concerning asylum and immigration (Maastricht, 1991), for integration within the single institutional system of the Union, with the resulting improvement**

in the effectiveness of co-operation, an increase in transparency and democratic control.

Following its discussions, the Council endorsed the Presidency document and agreed to forward it to the European Council.

Enlargement

The inclusion of the enlargement issue on the European Council's programme of work should allow it inter alia to take stock of the progress being made in the negotiations and to give an impetus to their continuation.

Growth and employment

In this area, the European Council will be informed, on the basis of the ECO/FIN Council's proceedings, of developments with the implementation of the growth initiative both Community-wide and nationally and on the progress of the Commission's proceedings on the White Paper. These dossiers will form the centrepiece of the European Council's discussions on 10 and 11 December this year.

URUGUAY ROUND

The Council heard an oral report from the Commission on the current state of the Uruguay Round negotiations and comments by delegations.

In the light of its conclusions on 20 September and 4 October, which it confirmed, the Council stressed the importance of achieving significant progress at an early date in the negotiations being held in Geneva and appealed to the other partners to the negotiations to make a practical contribution in the form of appropriate offers, to speeding up the negotiating process which was necessary if they were to be concluded by the deadline.

The Council will hold an in-depth exchange of view at its next meeting on 8 and 9 November on the basis of a written report from the Commission with a view to discussing the guidelines for the final phase of the negotiations.

FORMER YUGOSLAVIA

Lord Owen reported to the Ministers on his information tour of the capitals. The Ministers exchanged views on the situation in the former Yugoslavia and the prospects for negotiation. They firmly condemned the attacks on humanitarian convoys and deplored the ensuing loss of life. They took note of the decision of the United Nations authorities to suspend humanitarian aid supplies to Central Bosnia. They agreed to return to this question at the extraordinary European Council meeting on 29 October.

PEACE PROCESS IN THE MIDDLE EAST

The President of the Council reported on his recent visit to Tunis and his talks with Mr Arafat. The Ministers prepared for the meeting they would be holding with Mr Arafat on 8 November. They agreed to stress at that meeting the efforts the Community and its Member States had made to support the peace process and to highlight the need for effective and speedy aid for the Palestinian institutions to be set up in the Occupied Territories.

INTERINSTITUTIONAL DECLARATION ON DEMOCRACY, TRANSPARENCY AND SUBSIDIARITY

1. The European Parliament, the Council and the Commission, as Institutions of the European Union will, within the framework of the legislative procedure, respect in full the democratic principles on which the systems of government of the Member States are based and they reaffirm their attachment to the implementation of transparency by the Institutions.
2. As soon as Parliament has adopted its resolution on the annual legislative programme proposed by the Commission, the Council will state its position on the programme in a declaration and undertake to implement as soon as possible the provisions to which it attaches priority, on the basis of formal Commission proposals and in compliance with the procedures laid down by the Treaties.
3. In order to increase the transparency of the Community, the Institutions recall the measures which they have already taken in this direction:

The European Parliament, in amending its Rules of Procedure on 15 September 1993, has confirmed the public nature of meetings of its Committees and of its plenary sittings.

The Council has agreed to take steps to:

- open some of its debates to the public;
- publish records and explanations of its voting;
- publish the common positions which it adopts under the procedures laid down in Articles 189b and 189c, and the statement of reasons accompanying them;
- improve information for the press and the public on its work and decisions;
- improve general information on its role and activities;
- simplify and consolidate Community legislation in co-operation with the other Institutions;
- provide access to its archives.

The Commission has already taken or is in the process of taking the following measures:

- wider consultations before presenting proposals, in particular publication of Green or White Papers on the topics listed in the 1993 legislative programme;
- flagging in the legislative programme of upcoming proposals which would appear to be suitable for wide-ranging preliminary consultations;
- introduction of a notification procedure, consisting of the publication in the Official Journal of a brief summary of any measure planned by the Commission, with the setting of a deadline by which interested parties may submit their comments;
- publication of work programmes and legislative programmes in the Official Journal to publicize action planned by the Commission;
- finalization of the work programme by October with a view to enhancing openness;
- publication in the legislative programme of plans for the consolidation of Community legislation;

- provision of easier public access to documents held by the Commission with effect from 1 January 1994;
 - improving knowledge of existing databases and their accessibility, including improving the existing relay network;
 - publication each week in the Official Journal of lists of documents on general topics; wider public access to documents on specific topics;
 - preparation of an interinstitutional yearbook giving details of each institution's organization chart;
 - faster publication of Commission documents in all Community languages;
 - adoption of a new information and communication policy occupying a larger place in Commission activities; enhanced co-ordination of information activities both inside and outside the Commission;
 - adoption of additional measures to facilitate the general public's understanding of Commission business, in particular by making available the necessary resources and equipment to provide a suitable response to requests from the media;
 - improvement in the treatment of telephone, mail and personal contacts between citizens and the Commission;
 - promotion of the establishment of self-regulation by special interest groups by asking them to draft a code of conduct and a directory;
 - creation by the Commission of a database on special interest groups as an instrument for use by the general public and by Community officials.
4. for reference: Interinstitutional Agreement on procedures for implementing the principle of subsidiarity.
 5. for reference: Draft Decision of the European Parliament laying down the regulations and general conditions governing the performance of the Ombudsman's duties.
 6. for reference: Arrangements for the proceedings of the Conciliation Committee under Article 189b.
 7. The three Institutions will adopt all these texts in accordance with their internal procedures.

- + -

The agreements established at the Interinstitutional Conference on 25 October 1993 are aimed at implementing the Treaty on European Union and at strengthening the democratic, transparent nature of the European Union. They may be added to or amended by common agreement at the initiative of any of the three Institutions.

Done at Luxembourg, 25 October 1993

For the European Parliament

For the Council

For the Commission

Draft INTERINSTITUTIONAL AGREEMENT
between the European Parliament, the Council and the Commission
on procedures for implementing the
PRINCIPLE OF SUBSIDIARITY

THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION,

Having regard to the Treaty on European Union signed in Maastricht on 7 February 1992, and in particular Article B thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 3b thereof, as resulting from the Treaty on European Union,

Having regard to the conclusions of the European Council, meeting in Edinburgh, concerning subsidiarity, transparency and democracy;

Have agreed on the following measures:

I. GENERAL PROVISIONS

1. The purpose of the procedures for implementing the principle of subsidiarity shall be to govern the manner in which the powers assigned to the Community institutions by the Treaties, in order to enable them to achieve the objectives laid down by the Treaties, are exercised.
2. Such procedures shall not call into question the *acquis communautaire*, the provisions of the Treaties concerning the powers conferred on the institutions or the institutional balance.

II. PROCEDURES

1. In exercising its right of initiative, the Commission shall take into account the principle of subsidiarity and show that it has been observed. The European Parliament and the Council shall do likewise, in exercising the powers conferred on them by Articles 138b and 152 respectively of the Treaty establishing the European Community.
2. The explanatory memorandum for any Commission proposal shall include a justification of the proposal under the principle of subsidiarity.
3. Any amendment which may be made to the Commission's text, whether by the European Parliament or the Council, must, if it entails more extensive or intensive intervention by the Community, be accompanied by a justification under the principle of subsidiarity and Article 3b.
4. The three institutions shall, under their internal procedures, regularly check that action envisaged complies with the provisions concerning subsidiarity as regards both the choice of legal instruments and the content of a proposal. Such checks must form an integral part of the substantive examination.

III. REVIEW OF COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

1. Compliance with the principle of subsidiarity shall be reviewed under the normal Community process, in accordance with the rules laid down by the Treaties.
2. The Commission shall draw up an annual report for the European Parliament and the Council on compliance with the principle of subsidiarity. The European Parliament shall hold a public debate on that report, with the participation of the Council and the Commission.

IV. FINAL PROVISIONS

1. In the event of general difficulties concerning the application of this Agreement, the President of the European Parliament, the President of the Council or the President of the Commission may request that an interinstitutional conference be convened in order to overcome such difficulties or to supplement or amend this Agreement.
 2. This Interinstitutional Agreement shall apply as from the entry into force of the Treaty on European Union.
-

DRAFT
DECISION OF THE EUROPEAN PARLIAMENT ON
THE REGULATIONS AND GENERAL CONDITIONS
GOVERNING THE PERFORMANCE OF THE OMBUDSMAN'S DUTIES

THE EUROPEAN PARLIAMENT,

Having regard to the Treaties establishing the European Communities, and in particular Article 138e(4) of the Treaty establishing the European Community, Article 20d(4) of the Treaty establishing the European Coal and Steel Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community,

Having regard to the opinion of the Commission,

Having regard to the Council's approval,

Whereas the regulations and general conditions governing the performance of the Ombudsman's duties should be laid down, in compliance with the provisions of the Treaties establishing the European Communities;

Whereas the conditions under which a complaint may be referred to the Ombudsman should be established as well as the relationship between the performance of the duties of Ombudsman and legal or administrative proceedings;

Whereas the Ombudsman, who may also act on his own initiative, must have access to all the elements required for the performance of his duties; whereas to that end Community institutions and bodies are obliged to supply the Ombudsman, at his request, with any information which he requests of them, unless there are duly substantiated grounds for secrecy, and without prejudice to the Ombudsman's obligation not to divulge such information; whereas the Member States' authorities are obliged to provide the Ombudsman with all necessary information save where such information is covered by rules or regulations on secrecy or by provisions preventing its being communicated; whereas if the Ombudsman finds that the assistance requested is not forthcoming, he shall inform the European Parliament, which shall make appropriate representations;

Whereas it is necessary to lay down the procedures to be followed where the Ombudsman's enquiries reveal cases of maladministration; whereas provision should also be made for the submission of a comprehensive report by the Ombudsman to the European Parliament at the end of each annual session;

Whereas the Ombudsman and his staff are obliged to treat in confidence any information which they have acquired in the course of their duties; whereas the Ombudsman is, however, obliged to inform the competent authorities of facts which he considers might relate to criminal law and which have come to his attention in the course of his enquiries;

Whereas provision should be made for the possibility of co-operation between the Ombudsman and authorities of the same type in certain Member States, in compliance with the national laws applicable;

Whereas it is for the European Parliament to appoint the Ombudsman at the beginning of its mandate and for the duration thereof, choosing him from among persons who are Union citizens and offer every requisite guarantee of independence and competence;

Whereas conditions should be laid down for the cessation of the Ombudsman's duties;

Whereas the Ombudsman must perform his duties with complete independence and give a solemn undertaking before the Court of Justice of the European Communities that he will do so when taking up his duties; whereas activities incompatible with the duties of Ombudsman should be laid down as should the remuneration, privileges and immunities of the Ombudsman;

Whereas provisions should be laid down regarding the officials and servants of the Ombudsman's secretariat which will assist him and the budget thereof; whereas the seat of the Ombudsman should be that of the European Parliament;

Whereas it is for the Ombudsman to adopt the implementing provisions for this Decision; whereas furthermore certain transitional provisions should be laid down for the first Ombudsman to be appointed after the entry into force of the Treaty on European Union,

HAS DECIDED AS FOLLOWS:

Article 1

1. The regulations and general conditions governing the performance of the Ombudsman's duties shall be as laid down by this Decision in accordance with Article 138e(4) of the Treaty establishing the European Community, Article 20d(4) of the Treaty establishing the European Coal and Steel Community and Article 107d(4) of the Treaty establishing the European Atomic Energy Community.
2. The Ombudsman shall perform his duties in accordance with the powers conferred on the Community institutions and bodies by the Treaties.
3. The Ombudsman may not intervene in cases before courts or question the soundness of a court's ruling.

Article 2

1. Within the framework of the aforementioned Treaties and the conditions laid down therein, the Ombudsman shall help to uncover maladministration in the activities of the Community institutions and bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role, and make recommendations with a view to putting an end to it. No action by any other authority or person may be the subject of a complaint to the Ombudsman.
2. Any citizen of the Union or any natural or legal person residing or having his registered office in a Member State of the Union may, directly or through a Member of the European Parliament, refer a complaint to the Ombudsman in respect of an instance of maladministration in the activities of Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role. The Ombudsman shall inform the institution or body concerned as soon as a complaint is referred to him.
3. The complaint must allow the person lodging the complaint and the object of the complaint to be identified; the person lodging the complaint may request that his complaint remain confidential.
4. A complaint shall be made within two years of the date on which the facts on which it is based came to the attention of the person lodging the complaint and must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.
5. The Ombudsman may advise the person lodging the complaint to address it to another authority.
6. Complaints submitted to the Ombudsman shall not affect time limits for appeals in administrative or judicial proceedings.

7. When the Ombudsman, because of legal proceedings in progress or concluded concerning the facts which have been put forward, has to declare a complaint inadmissible or terminate consideration of it, the outcome of any enquiries he has carried out up to that point shall be filed definitively.

8. No complaint may be made to the Ombudsman that concerns work relationships between the Community institutions and bodies and their officials and other servants unless all the possibilities for the submission of internal administrative requests and complaints, in particular the procedures referred to in Article 90(1) and (2) of the Staff Regulations, have been exhausted by the person concerned and the time limits for replies by the authority thus petitioned have expired.

9. The Ombudsman shall as soon as possible inform the person lodging the complaint of the action he has taken on it.

Article 3

1. The Ombudsman shall, on his own initiative or following a complaint, conduct all the enquiries which he considers justified to clarify any suspected maladministration in the activities of Community institutions and bodies. He shall inform the institution or body concerned of such action, which may submit any useful comment to him.

2. The Community institutions and bodies shall be obliged to supply the Ombudsman with any information he has requested of them and give him access to the files concerned. They may refuse only on duly substantiated grounds of secrecy.

They shall give access to documents originating in a Member State and classed as secret by law or regulation only where that Member State has given its prior agreement.

They shall give access to other documents originating in a Member State after having informed the Member State concerned. In both cases, in accordance with Article 4, the Ombudsman may not divulge the content of such documents.

Officials and other servants of Community institutions and bodies must testify at the request of the Ombudsman; they shall speak on behalf of and in accordance with instructions from their administrations and shall continue to be bound by their duty of professional secrecy.

3. The Member States' authorities shall be obliged to provide the Ombudsman, whenever he may so request, via the Permanent Representations of the Member States to the European Communities, with any information that may help to clarify instances of maladministration by Community institutions or bodies unless such information is covered by laws or regulations on secrecy or by provisions preventing its being communicated. Nonetheless, in the latter case, the Member State concerned may allow the Ombudsman to have this information provided that he undertakes not to divulge it.

4. If the assistance which he requests is not forthcoming, the Ombudsman shall inform the European Parliament, which shall make appropriate representations.

5. As far as possible, the Ombudsman shall seek a solution with the institution or body concerned to eliminate the instance of maladministration and satisfy the complaint.

6. If the Ombudsman finds there has been maladministration, he shall inform the institution or body concerned, where appropriate making draft recommendations. The institution or body so informed shall send the Ombudsman a detailed opinion within three months.

7. The Ombudsman shall then send a report to the European Parliament and to the institution or body concerned. He may make recommendations in his report. The person lodging the complaint shall be informed by the Ombudsman of the outcome of the inquiries, of the opinion expressed by the institution or body concerned and of any recommendations made by the Ombudsman.

8. At the end of each annual session the Ombudsman shall submit to the European Parliament a report on the outcome of his inquiries.

Article 4

1. The Ombudsman and his staff, to whom Article 214 of the Treaty establishing the European Community, Article 47(2) of the Treaty establishing the European Coal and Steel Community and Article 194 of the Treaty establishing the European Atomic Energy Community shall apply, shall be required not to divulge information or documents which they obtain in the course of their inquiries. They shall also be required to treat in confidence any information which could harm the person lodging the complaint or any other person involved, without prejudice to paragraph 2.

2. If, in the course of inquiries, he learns of facts which he considers might relate to criminal law, the Ombudsman shall immediately notify the competent national authorities via the Permanent Representations of the Member States to the European Communities and, if appropriate, the Community institution with authority over the official or servant concerned, which may apply the second paragraph of Article 18 of the Protocol on the Privileges and Immunities of the European Communities. The Ombudsman may also inform the Community institution or body concerned of the facts calling into question the conduct of a member of their staff from a disciplinary point of view.

Article 5

Insofar as it may help to make his enquiries more efficient and better safeguard the rights and interests of persons who make complaints to him, the Ombudsman may co-operate with authorities of the same type in certain Member States provided he complies with the national law applicable. The Ombudsman may not by this means demand to see documents to which he would not have access under Article 3.

Article 6

1. The Ombudsman shall be appointed by the European Parliament after each election to the European Parliament for the duration of its mandate. He shall be eligible for reappointment.

2. The Ombudsman shall be chosen from among persons who are Union citizens, have full civil and political rights, offer every guarantee of independence, and meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledged competence and experience to undertake the duties of Ombudsman.

Article 7

1. The Ombudsman shall cease to exercise his duties either at the end of his term of office or on his resignation or dismissal.

2. Save in the event of his dismissal, the Ombudsman shall remain in office until his successor has been appointed.

3. In the event of early cessation of duties, a successor shall be appointed within three months of the

office's falling vacant for the remainder of the parliamentary term.

Article 8

An Ombudsman who no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct may be dismissed by the Court of Justice of the European Communities at the request of the European Parliament.

Article 9

1. The Ombudsman shall perform his duties with complete independence, in the general interest of the Communities and of the citizens of the Union. In the performance of his duties he shall neither seek nor accept instructions from any government or other body. He shall refrain from any act incompatible with the nature of his duties.

2. When taking up his duties, the Ombudsman shall give a solemn undertaking before the Court of Justice of the European Communities that he will perform his duties with complete independence and impartiality and that during and after his term of office he will respect the obligations arising therefrom, in particular his duty to behave with integrity and discretion as regards the acceptance, after he has ceased to hold office, of certain appointments or benefits.

Article 10

1. During his term of office, the Ombudsman may not engage in any political or administrative duties, or any other occupation, whether gainful or not.

2. The Ombudsman shall have the same rank in terms of remuneration, allowances and pension as a judge at the Court of Justice of the European Communities.

3. Articles 12 to 15 and Article 18 of the Protocol on the Privileges and Immunities of the European Communities shall apply to the Ombudsman and to the officials and servants of his secretariat.

Article 11

1. The Ombudsman shall be assisted by a secretariat, the principal officer of which he shall appoint.

2. The officials and servants of the Ombudsman's secretariat shall be subject to the rules and regulations applicable to officials and other servants of the European Communities. Their number shall be adopted each year as part of the budgetary procedure. ⁽²⁾

3. Officials of the European Communities and of the Member States appointed to the Ombudsman's secretariat shall be seconded in the interests of the service and guaranteed automatic reinstatement in their institution of origin.

4. In matters concerning his staff, the Ombudsman shall have the same status as the institutions within the meaning of Article 1 of the Staff Regulations of Officials of the European Communities.

Article 12

The Ombudsman's budget shall be annexed to section I (Parliament) of the general budget of

⁽²⁾ A joint statement by the three institutions will set out guiding principles for the number of officials employed by the Ombudsman and the status as temporary or contract staff of those carrying out enquiries.

the European Communities.

Article 13

The seat of the Ombudsman shall be that of the European Parliament. ⁽³⁾

Article 14

The Ombudsman shall adopt the implementing provisions for this Decision.

Article 15

The first Ombudsman to be appointed after the entry into force on the Treaty on European Union shall be appointed for the remainder of the parliamentary term.

Article 16

The European Parliament shall make provision in its budget for the staff and material facilities required by the first Ombudsman to perform his duties as soon as he is appointed.

Article 17

This Decision shall be published in the Official Journal of the European Communities. It shall enter into force on the date of its publication.

For the European Parliament,

(s.) Egon KLEPSCH

⁽³⁾ See Decision taken by common agreement between the Representatives of the Governments of the Member States on the location of the seats of the institutions and of certain bodies and departments of the European Communities (OJ C 341, 23.12.1992, p. 1).

ARTICLE 189b**PHASE PRECEDING THE ADOPTION OF A COMMON POSITION BY THE COUNCIL**

Current practice under the co-operation procedure generally, particularly in the most sensitive cases, involves talks between the Council Presidency, the Commission and the Chairmen or/and the rapporteurs of the relevant committees of the European Parliament. The institutions confirm that this practice should continue and could be developed under the procedure provided for in Article 189b of the Treaty establishing the European Community.

**ARRANGEMENTS FOR THE PROCEEDINGS
OF THE CONCILIATION COMMITTEE UNDER ARTICLE 189b**

1. The Committee shall be convened by the President of the Council with the agreement of the President of the European Parliament and with due regard to the provisions of the Treaty.
2. The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.
3. The Committee shall be chaired jointly by the President of the European Parliament and the President of the Council.

Committee meetings shall be chaired alternately by each co-Chairman.

The dates and the agendas for the Committee's meetings shall be set jointly by the co-Chairmen.

4. The Committee shall have available to it the Commission proposal, the Council's common position and the amendments approved by the European Parliament.
5. The co-Chairmen may draw up joint texts for submission to the Committee; they may submit reports to the Committee or propose to it that rapporteurs be appointed.
6. If the Committee agrees to a joint text which has not yet undergone legal/linguistic finalization, the draft text shall be submitted to the co-Chairmen for formal approval after such finalization.
7. The co-Chairmen shall approve the minutes of Committee meetings.
8. The outcome of votes and, where appropriate, explanations of vote, taken within each delegation on the Conciliation Committee, shall be forwarded to the Committee.
9. The co-Chairmen shall see to it that the joint texts approved by the Committee are forwarded forthwith to the European Parliament and to the Council.
10. The General Secretariat of the Council and the General Secretariat of the European Parliament shall act jointly as the Committee's Secretariat, in association with the General Secretariat of the Commission.
11. Joint texts shall be finalized by the Legal/linguistic Experts of the Council and of the European Parliament.

12. The Committee shall meet alternately at the premises of the European Parliament and the Council.
 13. While abiding by the Treaty provisions regarding time limits, the Council shall, as far as possible, take into account the requirements of the European Parliament's schedule.
 14. The above points may also apply to the Conciliation Committee when it operates on the basis of Article 189b(2), with due regard to the provisions of that Article of the Treaty.
-

Distelfax autocall

Bruxelles, le 27 octobre 1993.

NOTE BIO (93) 249 (REV) AUX BUREAUX NATIONAUX
cc. aux Membres du Service du Porte-Parole

Conseil Affaires générales du 26 octobre

Le ministre belge des Affaires étrangères, M. Willy Claes, président de la Commission, M. Jacques Delors, ont terminé le Conseil par une conférence de presse. "Le but de ce Conseil était principalement de préparer le Conseil Européen spécial de vendredi, a expliqué M. Claes. Nous avons commencé par un très bon travail hier soir avec la conclusion d'accords interinstitutionnels sur toute une série de points prévus dans le Traité. Des textes ont été approuvés sur Démocratie, Transparence et Subsidiarité, sur la subsidiarité, sur le médiateur, sur le comité de conciliation dans le cadre de la procédure de la codécision et les trois institutions étaient déjà parvenues à négocier un accord sur la discipline et les procédures budgétaires que le Parlement européen a approuvées ce matin à une très large majorité."

"Ce matin, nous avons surtout préparé le Conseil Européen. Quel en sera l'ordre du jour ?

- Avant tout, l'implémentation du Traité de Maastricht;
- l'état des négociations d'élargissement sur un rapport de la Commission;
- il faudra aussi discuter de la situation économique même si ce Conseil n'est pas indépendant de celui de décembre où seront examinés les aspects structurels de l'économie européenne."

"Le premier point, outre les accords interinstitutionnels, comprendra l'Union économique et monétaire. Le Conseil ECOFIN a adopté la législation secondaire. Il faut créer l'institution (IME). Et le Comité des gouverneurs a fait une recommandation pour la présidence de cet institut (le Parlement européen a constaté que la base juridique de sa consultation n'existait pas encore). Quant au siège, la présidence a choisi une approche globale; elle a eu des contacts et en a encore avec toutes les capitales et est confiante d'un résultat positif."

Sur le deuxième pilier - la politique étrangère et de sécurité commune (PESC) -, le texte de la présidence a été approuvé. Il comporte cinq propositions d'actions communes. Mais c'est au Conseil Européen de se prononcer sur ces grands thèmes :

- Europe du Centre et de l'Est (Pacte de sécurité),
- plan de paix au Moyen-Orient,
- processus démocratique et multiracial en Afrique du Sud,
- assistance à l'ex-Yougoslavie pour autant que le processus de paix se concrétise,
- modernisation de la Russie.

Pour le troisième pilier - les affaires intérieures et judiciaires -, nous avons eu la même approche avec un nombre limité de sujets : droit d'asile, mise en place d'Europol, lutte contre la drogue, pays tiers nécessitant un visa, problème de réadmission des immigrés.

433

TELE	
G.F.	
et le	

1

Distelfax autocal

- 2 -

Sur l'élargissement, la Commission fera un rapport sur l'état des négociations et tentera d'expliquer comment obtenir une percée politique sur les dossiers les plus délicats pour respecter les échéances de début 95.

Il n'y aura pas de débat sur la libéralisation du commerce mondial puisqu'aujourd'hui Sir Leon Brittan a informé le Conseil des derniers développements et qu'il fera pour le Conseil du 8 novembre un rapport écrit. Nous avons donc confirmé nos conclusions des 20 septembre et 4 octobre et appelé les parties contractantes à obtenir rapidement des progrès significatifs à Genève.

Enfin, le Conseil Européen devra prendre position sur l'ex-Yougoslavie.

Questions

- Sur la dimension institutionnelle de l'élargissement :

Willy Claes : "Si cela dépend de la présidence belge, on n'en discutera pas vendredi. Si un Etat membre en parle, on prendra une décision de procédure. Il n'est pas sage d'entamer la discussion sur le fond."

Jacques Delors : "Sur les adaptations institutionnelles, la Commission n'a pas de droit d'initiative. Elle sera prête cependant à donner un avis discret à la présidence si celle-ci le lui demande."

- Sur la relance économique :

Jacques Delors : "La présidence belge a programmé pour le Conseil Européen de décembre un débat approfondi sur les perspectives à moyen long terme de l'économie européenne, disons sur ses aspects structurels. Cette discussion viendra au bon moment puisqu'elle sera en introduction à l'application du nouveau Traité qui prévoit, dans son article 103, que désormais les politiques macro-économiques sont d'intérêt commun et que le Conseil Européen doit fixer les grandes orientations qui ensuite seront précisées, à la majorité qualifiée, par les ministres de l'économie et des finances. Mais déjà, sur ce Livre blanc, j'ai indiqué où nous en étions aux ministres lors du Conseil informel de Genval et aux représentants permanents."

Je vais voir avec la présidence belge comment présenter une analyse de la situation économique vendredi puisque les discussions que nous avons eues hier avec les ministres des Finances n'ont guère été fructueuses. Sur les trois orientations qu'avait adoptées le Conseil Européen de Copenhague - augmentation de la facilité d'Edimbourg, anticipation des crédits pour les politiques structurelles et prêts aux PME -, les ministres des Finances ont pratiquement rejeté les deux dernières. C'est dire que les professeurs que sont les ministres de l'Economie et des Finances n'ont pas donné la moyenne aux élèves que seraient les chefs d'Etat et de gouvernement.

1

- 3 -

Je crois, pour ma part, que non seulement le chômage est massif et inquiétant mais qu'en plus il a un effet paralysant sur nos sociétés et sur nos économies. Il introduit des facteurs de frilosité et de protectionnisme. C'est donc une situation inquiétante sur le plan économique, social, psychologique et politique. Comment rendre les chefs d'Etat et de gouvernement sensibles à cela ? Les ministres de l'Economie et des Finances ne m'ont apporté aucune réponse. Mais je vais tâcher de trouver de quoi alimenter un débat qui montrera la préoccupation des chefs d'Etat et de gouvernement devant cette situation et qui leur permettra de définir les orientations à prendre

Il faut ajouter, pour être précis, que chaque Etat mène sa politique et qu'il y a une grande diversité de ces politiques. Ce n'est pas cela qui est en cause. La question est de savoir si, en échangeant nos idées, nos expériences et en donnant plus d'efficacité aux mécanismes communautaires existants, on peut aider chaque pays et la Communauté à retrouver les voies de l'optimisme, du dynamisme de la compétitivité, de la croissance et de la création d'emplois."

Amitiés,
Bruno Dethomas

1