Minutes of proceedings of the sitting of

WEDNESDAY, 11 JULY 1990
KEY TO SYMBOLS USED

* : ordinary consultation (single reading)
** I : cooperation procedure (first reading)
** II : cooperation procedure (second reading)
*** : parliamentary assent

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

■ Provisionally translated title

INFORMATION RELATING TO VOTING TIME

- unless stated otherwise, the rapporteurs informed the Chair in writing, before the vote, of their position on the amendments;
- the results of roll-call votes are given in Annex I.

ABBREVIATIONS USED FOR PARLIAMENTARY COMMITTEES

POLI Political Affairs Committee
AGRI Committee on Agriculture, Fisheries and Rural Development
BUDG Committee on Budgets
ECON Committee on Economic and Monetary Affairs and Industrial Policy
ENER Committee on Energy, Research and Technology
RELA Committee on External Economic Relations
LEGA Committee on Legal Affairs and Citizens' Rights
SOCI Committee on Social Affairs, Employment and the Working Environment
REGI Committee on Regional Policy and Regional Planning
TRAN Committee on Transport and Tourism
ENVI Committee on the Environment, Public Health and Consumer Protection
CULT Committee on Youth, Culture, Education, the Media and Sport
DEVE Committee on Development and Cooperation
CONT Committee on Budgetary Control
INST Committee on Institutional Affairs
RULE Committee on the Rules of Procedure, the Verification of Credentials and Immunities
WOME Committee on Women's Rights
PETI Committee on Petitions

ABBREVIATIONS USED FOR POLITICAL GROUPS

SOC Socialist Group
EPP Group of the European People's Party (Christian-Democratic Group)
LDR Liberal, Democratic and Reformist Group
ED European Democratic Group
Greens Green Group in the European Parliament
EUL Group for the European Unitarian Left
EDA Group of the European Democratic Alliance
ER Technical Group of the European Right
LU Left Unity Group
RB Rainbow Group
NA Non-attached Members
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PART I
Proceedings of the sitting

In the Chair: Mr BARON CRESPO
Vice-President

(The sitting was opened at 9 a.m.)

1. Approval of minutes

The minutes of the previous sitting were approved.

- -

The following spoke:

- Mr TOMLINSON, who protested against the holding of committee meetings while votes were taking place in the Chamber; he called in particular for a meeting of the Committee on Budgets, set for Friday, to be postponed until the end of voting on that day (the President replied that this issue would be considered as a whole at one of the forthcoming meetings of the Bureau);

- Mr COIMBRA MARTINS, who pointed out that the air traffic control strike planned for Friday in France had been cancelled;

- Mr DE CLERCOQ, Chairman of the REX Committee, who, while supporting Mr TOMLINSON's remarks, stated that if the request for urgent procedure on Doc. C3-211/90 were adopted, his committee would be obliged to meet in the morning;

- Mr GOLLNISCH, on a personal matter related to Mr CAUDRON's intervention during the previous day's sitting (Part I. end of Item 7 of previous day's Minutes);

- Mr SPERONI, who drew attention to an error in the Italian version of the Minutes of the previous day;

- Mr CAUDRON, who referred to his statement of the previous day and asked for measures to be taken to ensure that incidents such as the one of which he had complained would not be repeated (the President replied that it was forbidden to put tracts in the Members' pigeon-holes).
2. **Documents received**

   The President announced that he had received:

   (a) from the Council, the following request for an opinion on:

   - a proposal from the Commission to the Council for a regulation amending Regulation (EEC) No. 3906/89 in order to extend economic aid to other countries of Central and Eastern Europe (Doc. C3-211/90 - COM(90) 318 final)

   referred to:  RELA (responsible)
                 POLI (opinion)
                 BUDG (opinion)

   (b) from the parliamentary committees, the following reports:

   - * report drawn up by the Committee on Agriculture, Fisheries and Rural Development, on the proposal from the Commission to the Council concerning a regulation on the conclusion of the Agreement between the European Economic Community and the Republic of Cape Verde on fishing off Cape Verde (COM(90) 109 final - Doc. C3-119/90)
     Rapporteur: Mr DA CUNHA OLIVEIRA
     (Doc. A3-185/90);

   - * report drawn up by the Committee on Agriculture, Fisheries and Rural Development, on the proposal from the Commission to the Council for a regulation laying down additional general rules on the common organization of the market in milk and milk products as regards cheese (COM(90) 209 final - Doc. C3-146/90)
     Rapporteur: Mr GUILLAUME
     (Doc. A3-186/90)

   - * report drawn up by the Committee on Agriculture, Fisheries and Rural Development, on the proposal from the Commission to the Council for a regulation on transitional measures concerning trade with the German Democratic Republic in the agriculture and fisheries sector (COM(90) 282 final - Doc. C3-179/90)
     Rapporteur: Mr GUILLAUME
     (Doc. A3-187/90);

   (c) from the Commission:

   - communication on the Community's relations with the countries of Central and Eastern Europe: the role of telecommunications (Doc. C3-212/90 - COM(90) 258 final)

   referred to:  ENER (responsible)
                 RELA (opinion)
                 ECON (opinion)
communication on scientific and technological cooperation with the countries of Central and Eastern Europe (Doc. C3-213/90 - COM(90) 257 final)

referred to: ENER (responsible) 
RELAs (opinion) 
BUDG (opinion).

3. Deadline for tabling amendments

The deadline for tabling amendments to the motion for a resolution on the parliamentary procedures applicable to consideration of the German unification proposals (Doc B3-1423/90) was extended to 11 a.m. that morning.

4. Topical and urgent debate (objections)

The President announced that he had received, pursuant to Rule 64(2), second subparagraph, the following objections, tabled and justified in writing, to the list of subjects for the next debate on topical and urgent subjects of major importance:

II. CAMBODIA

- a motion by the SOC Group seeking to replace this item by its motion for a resolution on the European Social Fund (Doc. B3-1445/90).

The motion was adopted by RCV (SOC):

| Members voting | 274 |
| For            | 167 |
| Against        | 107 |
| Abstentions    | 0   |

IV. HUMAN RIGHTS

- a motion by the SOC and LU Groups seeking to replace the item 'Niger' by four motions for resolutions on Cyprus (Docs. B3-1408, 1415, 1441 and 1470/90).

The motion was adopted.

(The motion by the EDA Group seeking to replace the item 'Sri Lanka' by these four motions for resolutions thus fell.)

- a motion by the RB Group seeking to include in this item the motions for resolutions on human rights in Kosovo (Docs B3-1418 and 1447/90).
The motion was adopted by RCV (RB):

Members voting : 268
For : 154
Against : 109
Abstentions : 5

- a motion by the Green Group seeking to include in this item its motion for a resolution on the rehousing of families of the Place de la Réunion in Paris (Doc. B3-1461/90).

The motion was adopted.

- a motion by the Green Group seeking to include in this item its motion for a resolution on the serious restriction of freedom of the press and freedom of opinion in Turkey (Doc. B3-1462/90).

The motion was rejected.

- a motion by the RB Group seeking to include in this item its motion for a resolution on the imprisonment of Antonio Maria Chanes in Cuba (Doc. B3-1458/90).

The motion was adopted by EV.

V. DISASTERS

- a motion by the EUL Group seeking to include in this item its motion for a resolution on the incident at Vandellós 2 nuclear power station (Tarragona, Spain) (Doc. B3-1456/90).

The motion was rejected by RCV (EUL):

Members voting : 286
For : 63
Against : 217
Abstentions : 6

- a motion by the EPP Group seeking to include in this point its motion for a resolution on pollution in the Bay of Algeciras (Doc. B3-1402/90).

Mr NAVARRO VELASCO asked the President to read out the justification for this objection. The President complied.

The motion was adopted.

- a motion by the LU Group seeking to include in this item its motion for a resolution on emergency food aid to Mozambique (Doc. B3-1427/90).

The motion was adopted.
- a motion by the SOC Group seeking to include in this item its motion for a resolution on the eradication of the Lucilia fly in North Africa (Doc. B3-1409/90).

The motion was adopted.

- a motion by the RB Group seeking to include in this item its motion for a resolution on the removal of chemical weapons from the FRG (Doc. B3-1416/90).

The motion was rejected by EV:

Mr GOLLNISCH spoke on a point of procedure.

5. Decision on urgent procedure

The next item was the decision on the request for urgent procedure in respect of the proposal from the Commission to the Council (COM(90) 318 final - Doc. C3-211/90) for a regulation amending Regulation (EEC) No. 3906/89 in order to extend economic aid to other countries of Central and Eastern Europe.

The following spoke: Mr DE CLERQ, Chairman of the REX Committee, and Mr TOMLINSON, the latter on procedure.

Parliament approved the request for urgent procedure.

This item was entered on the agenda for Friday, 13 July. The deadline for tabling amendments was set at 12 noon on Thursday, 12 July.

6. European Union (debate)

The next item was the joint debate on four interim reports drawn up on behalf of the Committee on Institutional Affairs.

On the basis of Rule 102, Mr BLAT, on behalf of the ER Group, moved the inadmissibility of Mr COLOMBO's report (Doc. A3-165/90).

The following spoke: Mrs VEIL, Mr GOLLNISCH, Mr HÄNISCH, the latter on procedure, and Mrs VEIL.

The motion by the ER Group was rejected by RCV (LDR):

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<th>Members voting</th>
<th>For</th>
<th>Against</th>
<th>Abstentions</th>
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<tr>
<td>167</td>
<td>10</td>
<td>155</td>
<td>2</td>
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Mr COLOMBO introduced his interim report on the European Parliament's guidelines for a draft Constitution for the European Union (Doc. A3-165/90).
Mr MARTIN introduced his second interim report on the Intergovernmental Conference in the context of Parliament’s strategy for European Union (Doc. A3-166/90).

Mr GISCARD D’ESTAING introduced his interim report on the principle of subsidiarity (Doc. A3-163/90).

Mr DUVERGER introduced his second interim report on the preparation of the meeting with the national parliaments to discuss the future of the Community (the ‘Assizes’) (Doc. A3-162/90).

The following spoke: Mr MARCK, draftsman of the opinion of the Committee on Budgetary Control, Mr HÄNSCH, on behalf of the SOC Group, Mr OREJA AGUIRRE, on behalf of the EPP Group, Mr DE GUCHT, on behalf of the LDR Group, Mr PRAG, on behalf of the ED Group, Mrs AGLIETTA, on behalf of the Green Group, Mr DE GIOVANNI, on behalf of the EUL Group, Mr MUSSO, on behalf of the EDA Group, and Mr BLOT, on behalf of the ER Group.

In the Chair: Mrs FONTAINE
Vice-President

The following spoke: Mr EPHREMINIS, on behalf of the LU Group, Sir James SCOTT-HOPKINS, who asked that the deadline for tabling joint motions for resolutions be extended to 5 p.m. that evening for the item on Cyprus, which had been added to the topical and urgent debate by means of an objection (the President replied that she would submit this request to the President of Parliament), Mr VANDEMEULEBROUCKE, on behalf of the RB Group, and Mr PANZELLA, non-attached Member.

Further to the request by Sir James SCOTT-HOPKINS, the President announced that the President of Parliament had given his assent.

Mr BANGEMANN, Vice-President of the Commission, spoke.

In the Chair: Mr BARON CRESPO
President

The debate was suspended at that point. It would be resumed at 3 p.m.

7. Council and Commission statements on the European Council meeting on 25 and 26 June 1990 (followed by debate)

Mr HAUGHEY, Member of the Council and President-in-Office of the European Council for the first half of 1990, and Mr BANGEMANN, Vice-President of the Commission, made statements regarding the European Council meeting held in Dublin on 25 and 26 June 1990.
The President announced that he had received the following motions for resolutions with request for an early vote, to wind up the debate, pursuant to Rule 56(3):

- by Mr GISCARD D'ESTAING, on behalf of the LDR Group, on the Dublin European Council (Doc. B3-1351/90);

- by Mr NUSSO, on behalf of the EDA Group, on the Council and Commission statements following the Dublin meeting of the European Council (Doc. B3-1355/90);

- by Mr COLAJANNI, on behalf of the EUL Group, on the Dublin European Council (Doc. B3-1360/90);

- by Mr BLOT, on behalf of the ER Group, on the Dublin European Council (Doc. B3-1363/90);

- by Mr COT, on behalf of the SOC Group, on the Dublin summit of 25 and 26 June 1990 (Doc. B3-1367/90);

- by Mrs AGLIETTA, Mrs JOANNY, Mr BANDRÉS MOLE, Mr MONNIER-BESOMBES and Mr AMENDOLA, on behalf of the Green Group, on the statement by the Irish Presidency on the meeting of the European Council in Dublin on 25 and 26 June 1990 (Doc. B3-1369/90/rev.);

- by Mr LUCAS PIRES, Mrs COMEN-RUIJTER and Mr CHAMBERIE, on behalf of the EPP Group, on the Dublin summit (Doc. B3-1371/90);

- by Mr DE LA MALÈNE, on behalf of the EDA Group, on the Council and Commission statements on the outcome of the second European Council in Dublin (Doc. B3-1428/90).

He announced that the decision on the request for an early vote would be taken at the end of the debate.

The following spoke in the debate: Mr DESMOND, on behalf of the SOC Group, Mr ANASTASSOPOULOS, on behalf of the EPP Group, Mr MAHER, on behalf of the LDR Group, and Sir Fred CATHHERWOOD, on behalf of the ED Group,

In the Chair: Mrs FONTAINE
Vice-President

The following spoke: Mr ANGER, on behalf of the Green Group, Mr NAPOLETANO, on behalf of the EUL Group, Mr LALOR, on behalf of the EDA Group, Mr NEGRET, on behalf of the ER Group, Mr DE ROSSA, on behalf of the LU Group, Mr BLANEY, on behalf of the RB Group, Mr MONTERO ZABALA, non-attached Member, Mr GALLE, Mr McCARTIN, Mr CALVO ORTEGA, Mr PANZELLA, Mr MARINHO, Mrs SCHLEICHER and Mr VAN DER WAAL.

The President declared the debate closed.
Decision on the request for an early vote:

Parliament agreed to an early vote.

The vote on the motions themselves would be taken at 6 p.m. the following day.

(The sitting was suspended at 1 p.m. and resumed at 3 p.m.)

In the Chair: Sir Fred CATHHERWOOD
Vice-President

Sir James SCOTT-HOPKINS complained of the noise of work being done around the IPE Building (the President replied that the services concerned were endeavouring to find a solution to the problem).

8. European Union (continuation of debate)

The following spoke: Mr METTEN, Mrs CASSANNA MAGO CERRETTI, Mr CAPUCHO, Mrs JEPSEN, Mrs JOANNY, Mr PUERTA GUTIERREZ, Mr HERZOG, Mr BONDE, Mr VAN DER WAAL, Mr PLANAS PUCHADES, Mr LUCAS PIRES, Mrs VEIL, Mrs JACKSON, Mr BANDRÉS MOLET, Mr MARINHO, Mr HERMAN, Mr CHEYSSON, Mr TINDEMANS and Mr MATTINA.

The President proposed, pursuant to Rule 104(1), that the debate be closed for voting time.

The following spoke on this proposal: Mr CHRISTIANSEN, who asked for a copy of the text of the speech which he would have made to be published in the report of the proceedings (the President replied that this was not possible under the Rules), and Mr FAYOT, on the comments made by the previous speaker and on the President’s answer.

The President pointed out that speakers who had not been able to take the floor could make an explanation of vote if they so wished.

Parliament agreed to the proposal to close the debate.

The President declared the debate closed.

In the Chair: Mrs PERY
Vice-President
VOTING TIME

9. Foodstuff labelling and presentation ** I (vote)
   (procedure without report)

   proposal from the Commission to the Council (SEC(89) 2151 - Doc. C3-136/90
   - SYN 235) for a directive on the approximation of the laws of the Member
   States relating to the labelling, presentation and advertising of
   foodstuffs:

   Parliament approved the Commission proposal (Part II, Item 1).

   The President announced that the Council had informed her that it wished
to speak on the vote on the TOMLINSON report concerning the draft
supplementary budget No. 2 (Doc. A3-184/90) provided that the vote was taken
immediately.

   The following spoke on this proposal: Mr VON DER VRING and Mr COT, and
also Mr KLEPSCH, who asked for an electronic check to ascertain whether
sufficient Members were present.

   The President called for an electronic vote: 237 Members took part.

   As the number of Members required for a qualified majority vote were not
present, the President decided to proceed with the votes in the usual order.

   Mr CHANTERIE spoke.

10. Possession of weapons ** I (vote)
    (VON WOGAU report - Doc. A3-160/90)

   amended proposal for a directive COM(89) 446 final - Doc. C3-28/90 - SYN
   28:

   AMENDMENTS ADOPTED: 1 by EV, 3, 19 by EV, 4, 17, 5 (1st part), 6 by EV, 48, 7
   (3rd part by EV and 5th parts), 75 by RCV (EPP), 76 by EV, 8, 9, 20 by EV, 52,
   10, 11, 27 by EV, 78 by EV, 68 by EV, 12, 13 by RCV (EPP), 24 by EV, 22, 40,
   73 by EV, 74, 60 by EV, 71 by EV, 61, 70, 30, 45 by EV, 15 and 16;

   AMENDMENTS REJECTED: 55, 49, 2, 77, 57, 51, 5 (2nd part), 36, 7 (1st, 2nd and
4th parts, the 2nd part by EV and the 4th part by RCV (EPP), 65 by EV, 66 by
EV, 67, 58, 50, 23, 69, 25, 26, 46, 28, 29, 62, 31 by EV, 44, 63, 72, 34 by
EV, 35 by EV, 18 and 54;

   AMENDMENTS FALLEN: 38, 37, 39, 79, 21, 41, 14, 32, 33 and 53;

   AMENDMENTS WITHDRAWN: 64, 47, 42 and 43.
The rapporteur spoke on:

- a corrigendum to am. 1 concerning certain language versions;
- am. 13, which should read: 'shall lead automatically to the revocation of the relevant weapons card held by the sportsman and marksman in question'.

The following spoke in the light of these remarks: Mr METTEN, who put a question to the Commission, Mr BANGEMANN, Vice-President of the Commission, who answered the question, and the rapporteur.

Mr BONETTI spoke on am. 36 (the President cut him off).

Split vote were taken on the following:

am. 5:
1st part to 'five years'
2nd part: remainder.

am. 7:
1st part: introductory phrase
2nd part: point (a)
3rd part: points (b) and (c)
4th part: point (c)
5th part: final subparagraph.

Results of RCVs:

am. 7 (4th part):

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am. 75:

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am. 13:

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</table>

Parliament approved the Commission proposal as amended (Part II, Item 2).

PV 22 I - 10 -
EXPLANATIONS OF VOTE:

The following spoke: the rapporteur, Mr PATTERSON, who questioned the Commission on the compatibility of the text adopted by Parliament with the Schengen Agreement, Mr BANGEMANN, Vice-President of the Commission, who answered the question, Mr METTEN, on the Commission’s answer, Mr WIJSENBEEK, on Mr METTEN’s comments, Sir James SCOTT-HOPKINS, Mr STAUFFENBERG and Mr BONETTI, the last three speakers for explanations of vote.

- draft legislative resolution:

Parliament adopted the legislative resolution (Part II, Item 2).

- Mr TOMLINSON referred back to the proposal made by the President at the beginning of voting time and asked for the vote on his report to be taken at that point, out of courtesy towards the President-in-Office of the Council.

Mr COT spoke on this request on behalf of the SOC Group.

The President called for an electronic vote to ascertain whether enough Members were present in the Chamber: 277 Members voted.

The President therefore announced the vote on the TOMLINSON report.

Mr GAIBISSO spoke on the vote on the previous item.

11. Supplementary and amending budget No. 2
    (TOMLINSON report on draft supplementary and amending budget No 2, as amended by the Council - Doc. A3-184/90)

- draft budget:

AMENDMENTS ADOPTED: 2 and 1.

Mr VITTALONE, President-in-Office of the Council, made a statement on supplementary and amending budget No. 2, and the vote which had just been taken, stating that the Council had certain reservations.

Mr VON DER VRING, Chairman of the Committee on Budgets, spoke on this statement.

- motion for a resolution:

Parliament adopted the resolution (Part II, Item 3).
12. **Transit of natural gas** **I (vote)**
   (GASOLIBA I BÖHM report - Doc. A3-161/90)

   - proposal for a directive COM(89) 334 - Doc. C3-151/90:

   **AMENDMENTS ADOPTED:** 1 to 5 (en bloc), 6, 7, 8, 9, 10, 11 by split vote, 12, 13
   by EV, 14, 15, 16, 17, 18, 19 and 20;

   **AMENDMENTS REJECTED:** 22, 23, 25 and 24;

   **AMENDMENTS FALLEN:** 21 and 26.

   A split vote was taken on am. 11:
   1st part to 'will be strengthened'
   2nd part to 'with caution'
   3rd part: remainder

   Parliament approved the Commission proposal as amended (Part II, Item 4).

   - **draft legislative resolution:**

   **EXPLANATIONS OF VOTE:**

   The following spoke: Mr DESAMA, on behalf of the Belgian members of the
   SOC Group, and Mr SELIGMAN.

   Parliament adopted the legislative resolution (Part II, Item 4).

13. **Legal protection of computer programs** **I (vote)**
   (SALEMA report - Doc. A3-173/90)

   - proposal for a directive COM(88) 816 - Doc. C3-56/89 - SYN 183:

   **AMENDMENTS ADOPTED:** 1, 2, 3, 4, 22, 5, 6, 7, 8 (introductory phrase, point (a)
   and point (b) by successive votes, 33 (1st part), 9 (2nd part), 10, 35 (1st
   part), 35 (2nd part by EV), 12, 13 and 14;

   **AMENDMENTS REJECTED:** 24, 16, 25, 26, 9 (1st part), 33 (2nd part by EV), 20,
   28, 31, 29 and 30;

   **AMENDMENTS FALLEN:** 27 and 11;

   **AMENDMENTS WITHDRAWN:** 17, 19 and 32.

   Mr SCHMID spoke on the conduct of the vote after the vote on the 2nd
   part of am. 9.

   As am. 35 was a compromise amendment replacing ams. 32, 23, 21, 34, 18
   and 15, the President asked whether Parliament agreed to a vote on that
   amendment.
Mr HOON spoke on the English version of the am., and Mr JANSSEN VAN RAAY requested a split vote on behalf of the EPP Group:

1st part: whole text without the words 'maintenance of the program'
2nd part: that phrase.

Parliament approved the Commission proposal as amended (Part II, Item 5).

- draft legislative resolution:
  Parliament adopted the legislative resolution (Part II, Item 5).

14. Standard emergency call number ** I (vote)
   (SCOTT-HOPKINS report - Doc. A3-119/90)
   - proposal for a decision COM(89) 452 - Doc. C3-177/89 - SYN 223:
   AMENDMENTS ADOPTED: 1 to 5 (en bloc), 6 and 7 (en bloc), and 8;
   AMENDMENT REJECTED: 9.
   Parliament approved the Commission proposal as amended (Part II, Item 6).
   - draft legislative resolution:
     Parliament adopted the legislative resolution (Part II, Item 6).

15. Pan-European radio paging ** II (vote)
   (recommendation for the second reading - Doc. A3-115/90 - rapporteur: Mr SEAL)
   - common position of the Council Doc. C3-120/90 - SYN 193:
   AMENDMENT ADOPTED: 2;
   AMENDMENTS REJECTED: 1 by EV, and 3/rev.
   The common position was thus amended (Part II, Item 7).

16. Amendment of Rules 56, 58 and 64 (vote)
   (HARRISON report - Doc. A3-179/90)
   - Parliament's Rules of Procedure:
   AMENDMENTS ADOPTED: 1 (1st and 2nd parts), 4 (2nd part), 2 by EV, and 3;
   AMENDMENTS REJECTED: 4 (1st part), 1 (3rd and 4th parts, the latter by EV (290
   for, 242 against, 29 abstentions);
   PV 22 I
   - 13 -
   PE 143.503
AMENDMENTS FALLEN: 1 (5th part), and 5.

Split votes were taken on the following:

am. 4:
1st part: first 3 subparagraphs
2nd part: 4th subparagraph.

am. 1:
1st part: 1st subparagraph
2nd part: 2nd subparagraph, without the words 'to which no amendments shall be admissible'
3rd part: those words
4th part: 3rd subparagraph
5th part: remainder.

- proposal for a decision:

EXPLANATIONS OF VOTE:

The following spoke: Mr LANGER, on behalf of the Green Group, the rapporteur and Miss McIntosh, the last two speakers on the voting procedure.

Parliament adopted the decision by EV (Part II, Item 8).

17. German unification (vote)
(motion for a resolution tabled by Mr COT, on behalf of the SOC Group, Mr Giscard D'Estaing, on behalf of the LDR Group, Mr Langer, on behalf of the Green Group, Mr Colajanni, on behalf of the EUL Group, Mr De La Malene, on behalf of the EDA Group, Mr Piquet, on behalf of the EUL Group, on the procedures applicable in the context of the consideration of proposals on German unification (Doc. B3-1423/90).

The following spoke: Mr Brummer, Chairman of the Committee on Economic Affairs, on am. 3/rev., 4/rev. and 5/rev., Mr COT, Chairman of the SOC Group, Mr Klepsch, on behalf of the EPP Group, and Mr Pannella, who protested at the fact that the President had given the speakers the floor, contrary to the provisions of the Rules of Procedure.

The President asked the House whether it agreed to allow a number of Members to speak on the substance of the motion for a resolution.

Parliament agreed to this.
The following spoke: Mr STAUffENBERG, Chairman of the Committee on Legal Affairs, Mr COLLINS, Chairman of the Committee on the Environment, Mr DE LA MALENE, Chairman of the EDA Group, Mr BANGEMANN, Vice-President of the Commission, on Mr COLLINS' comments, Mr GOLLNISCH, on the application of Rules 109, 112, 132 and 110, Mr KELLETT-BOWMAN, Mr DONNELLY, rapporteur of the Temporary Committee for the study of the impact of the process of German unification on the European Community, and Mr COLLINS, who made a personal statement.

AMENDMENTS ADOPTED: 7, 9, 8, and 2 by EV;


AMENDMENT WITHDRAWN: 1.

After the vote on am. 9, Mr BLOT asked, pursuant to Rule 103(1), for the motion for a resolution to be referred back to committee.

The President replied that this request was inadmissible, as there was no committee responsible.

Mr GOLLNISCH contested the President's interpretation, on the basis of Annex VI of the Rules of Procedure, and requested that the matter be referred back to the Committee on the Rules of Procedure.

The President upheld her decision.

EXPLANATIONS OF VOTE:

The following spoke: Mr GISCARD D'ESTAING, on behalf of the LDR Group, and Mr GOLLNISCH, on behalf of the ER Group.

The following spoke: Mr CHANTERIE, on behalf of the EPP Group, and Mr COT, on the last speaker's comments.

Parliament adopted the resolution (Part II, Item 9).
In the Chair: Mr ALBER  
Vice-President

18. **European Union (vote)**  
(motions for resolutions contained in the interim reports by Mr COLOMBO (Doc. A3-165/90), Mr MARTIN (Doc A3-166/90), Mr GISCARD D'ESTAING (Doc. A3-163/90) and Mr DUVERGER (Doc. A3-162/90)

(a) Colombo report - Doc. A3-165/90:

**AMENDMENTS ADOPTED:** 89 (1st part), 59, 120, 147 (compromise), 121 by EV, 122, 123, 36 by EV, 124, 149 (compromise), 100, 101 by EV, 112, 129/rev. by EV, 113 by EV, 125, 45 by RCV (EDA), 114 by EV, 40, 109, 116 by EV, 148 (compromise), 47 by EV, 66, 104 by EV, 150 (compromise), 37/rev., 118 (1st part by EV), 119, 136, 146 (compromise), and 105 by EV;

**AMENDMENTS REJECTED:** 35 by RCV (ER), 29, 31, 89 (2nd part), 90, 7 by RCV (ER), 6 by RCV (ER), 77, 5, 26 by RCV (ER), 91, 76, 75, 68, 4, 108, 1, 24, 93, 28 by RCV (ER), 2, 51, 139, 143 by RCV (EDA), 54, 39 by EV, 38, 115, 8, 141, 69, 65, 60, 52, 85, 9, 70, 61, 53, 126 by EV, 10, 142, 71 by EV, 80, 79, 131, 94, 11, 106, 130, 117, 102 by EV, 12, 132, 72, 73, 86, 13, 103 by EV, 84 by EV, 42, 133, 145, 14 by RCV (ER), 95, 134, 87, 15, 16, 88, 17, 18 by RCV (ER), 99 by EV, 98, 19 by RCV (ER), 25 by RCV (ER), 118 (2nd part by EV), 78, 81, 135, 82 by EV, 46, 96, 20, 32, 21, 22, 110, 23, 33 by RCV (ER), and 34 by RCV (ER), and 137;

**AMENDMENTS FALLEN:** 74, 138, 30, 92, 49, 3, 50, 44, 41, 83 and 97;

**AMENDMENTS WITHDRAWN:** 48, 111, 64, 62, 63, 43, 67, 127, 107 and 128.

The President pointed out at the start of the vote that he had received five compromise amendments replacing a number of other amendments and asked Parliament, pursuant to Rule 92, whether there were any objections to a vote on these amendments.

Parliament agreed to a vote.

After the vote on am. 61, Mr LANGER protested at what he felt was the excessive speed at which the vote was being taken.

Split votes were taken on the following:

am. 89:
1st part to 'regions'
2nd part: remainder

am. 118:
1st part to 'citizens of the Union'
2nd part: remainder

Both unamended and amended parts of the text were adopted. Para. 2 fell.

PV 22 I - 16 - PE 143.503
### Results of RCVs:

**am. 35:**
- Members voting: 297
- For: 20
- Against: 271
- Abstentions: 6

**am. 7:**
- Members voting: 280
- For: 14
- Against: 264
- Abstentions: 2

**am. 6:**
- Members voting: 271
- For: 15
- Against: 254
- Abstentions: 2

**am. 26:**
- Members voting: 293
- For: 15
- Against: 274
- Abstentions: 4

**am. 45:**
- Members voting: 311
- For: 173
- Against: 131
- Abstentions: 7

**am. 28:**
- Members voting: 292
- For: 13
- Against: 276
- Abstentions: 3

**am. 143:**
- Members voting: 276
- For: 39
- Against: 229
- Abstentions: 8

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PV 22 I
am. 14:

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am. 19:

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am. 25:

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am. 33:

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am. 34:

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EXPLANATIONS OF VOTE:

The following spoke: Mrs JOANNY, on behalf of the Green Group, Mr BLOT, on behalf of the ER Group, Mrs GRUND, Mr MARTINEZ, Mr MEGAHY, Mr CHEYSSON, Mr ARBELOA MURU, Mr DESSYLAS, Mr EPHREMIDIS and Mr MELIS, on behalf of the RB Group.
Parliament adopted the resolution by RCV (SOC):

Members voting: 275
For: 217
Against: 38
Abstentions: 20

(Part II, Item 10(a)).

Mr LE PEN asked for the sitting to be suspended for ten minutes.

The President put this proposal to the House.

The proposal was rejected.

(b) second report by Mr MARTIN - Doc. A3-166/90:

AMENDMENTS ADOPTED: 93 by EV, 117, 118, 151 by EV, 50, 124, 44, 128, 1, 67, 13 by EV, 159 by EV, 101, 102 by RCV (EDA), 14, 98 by EV, 97, 103, 77, 10, 112, 168 (compromise), 143 by EV, 120, 132 by EV, 134 by split vote (LDR), 3, 4, 169 (compromise), 56, 121 by split vote (SOC), 48, 122, 53, 140, 6, 125, 94, 45 and 123;

AMENDMENTS REJECTED: 85, 62, 86, 127, 152, 153, 15, 65, 16, 17, 18, 145, 19 by RCV (ER), 2, 146, 20, 43, 95, 129, 154, 155, 66, 147, 51, 21, 22 by RCV (ER), 144 by EV, 23 by RCV (ER), 88, 89, 90, 91, 92, 83, 130, 156, 78, 157, 24, 131, 11 by EV, 158, 114 by RCV (EDA), 12 by EV, 52, 99, 100, 25 by RCV (ER), 149, 40, 142 by EV, 26, 105, 113 by RCV (EDA), 63, 27 by RCV (ER), 160, 150, 68, 84, 69, 70, 109, 161, 60, 96, 162, 133 (1st part), 79, 5, 29, 137, 30, 57, 31 by RCV (ER), 55, 164, 64 (2nd part), 81, 82, 54, 116, 138, 32, 139, 148, 33 by RCV (ER), 41 by EV, 42, 9, 46, 34 and 47;

AMENDMENTS FALLEN: 119, 8, 39, 38, 37, 61, 36, 120, 141, 133 (2nd part), 80, 28, 115, 76, 58, 126, 75, 49, 64 (1st part), and 110.

Paragraph fallen: 27.

On a request by the rapporteur:

- am. 10 was inserted after para. 14
- am. 97 was put to the vote after am. 98.

On compromise arts. 168 and 169, the President asked the House whether there were any objections to their being put to the vote.

A split vote was taken on am. 134 (LDR):
1st part: point (a)
2nd part: point (b).
Mr COLOM I NAVAL, draftsman of the opinion of the Committee on Legal Affairs, pointed out that am. 4 should be put to the vote before am. 141. Mr VON DER VRING spoke on the German version of am. 4; a split vote was taken on the latter.

Mr HERMAN contested whether am. 141 should have fallen. Mr VON DER VRING replied.

Mr PRAG asked for the first part of am. 133 to be put to the vote, as he considered it should not fall. The rapporteur agreed.

Mr VON DER VRING pointed out that para. 27 should fall.

Mrs AGLIETTA spoke after am. 164 on the conduct of the vote.

Both unamended and amended parts of the text were adopted, with the exception of the 2nd part of para. 33 (para. 9 by RCV (ER)).

Split votes were taken on the following paragraphs:

para. 12 (ED):
1st part to ‘established’
2nd part: remainder

para. 14 (Mr PRAG, on behalf of the ED Group):
indent by indent (7th indent by split vote).

para. 29 (ED)

para. 33 (SOC):
1st part to ‘Court of Justice’
2nd part: remainder

Results of RCVs:

am. 19:

Members voting : 262
For : 40
Against : 215
Abstentions : 7

para. 9:

Members voting : 253
For : 227
Against : 23
Abstentions : 3
am. 22:
Members voting: 275
  For: 17
  Against: 256
  Abstentions: 2

am. 23:
Members voting: 263
  For: 18
  Against: 240
  Abstentions: 5

am. 114:
Members voting: 300
  For: 145
  Against: 147
  Abstentions: 8

am. 102:
Members voting: 285
  For: 164
  Against: 115
  Abstentions: 6

am. 25:
Members voting: 286
  For: 14
  Against: 208
  Abstentions: 4

am. 113:
Members voting: 293
  For: 40
  Against: 247
  Abstentions: 6

am. 27:
Members voting: 282
  For: 12
  Against: 268
  Abstentions: 2
am. 31:

Members voting: 289
For: 17
Against: 270
Abstentions: 2

am. 33:

Members voting: 284
For: 16
Against: 263
Abstentions: 5

EXPLANATIONS OF VOTE:

The following spoke: Mr DE GUICH, on behalf of the LDR Group, Mr PRAG, on behalf of the ED Group, Mr MARTINEZ, on behalf of the ER Group, Mr BLOT, Mrs VAN DIJK and Mr SPERONI.

Parliament adopted the resolution.

Mr BLOT and Mr MARTIN pointed out that their respective groups had requested an RCV on the motion for a resolution as a whole.

The President agreed to their requested and decided to take an RCV.

Parliament adopted the resolution:

Members voting: 234
For: 204
Against: 26
Abstentions: 4

(Part II, Item 10(b)).

Mr PANDEL spoke on procedure.

Despite the late hour, the President then proposed to put to the vote the rapport by Mr GISCARD D'ESTAING (Doc. A3-163/90).

Parliament agreed to this.
AMENDMENTS ADOPTED: 20, 11, 1, 3 by EV, 8, 2 by EV, 33, and 61 (compromise);

AMENDMENTS REJECTED: 41 by RCV (ER), 54, 21, 24, 25, 38, 22, 19, 23, 5, 18, 44, 10, 42, 31, 45 by RCV (ER), 56 by EV, 26, 46, 58, 43 by EV, 4, 50 by EV, 12, 27, 57, 35, 48, 40 by RCV (ER), 32, 37, 15, 29, 34, 52, 60, 39 by RCV (ER), 30, 59 by EV, and 17;

AMENDMENTS FALLEN: 51, 28, 13, 47, 14, 6, 7, 49, 36, 53, 55 and 16.

The rapporteur proposed that am. 35 be taken as an addition.

He also pointed out that as am. 14 was of a purely linguistic nature, it should not be put to the vote.

Mr MARTIN requested a split vote on para. 13; Mr DE GUCHT pointed out that, owing to the adoption of am. 61, it was no longer possible to take a split vote on para. 13. Mr MARTIN agreed.

Pursuant to Rule 92, the President consulted the House on whether to put compromise am. 61 to the vote.

Both unamended and amended parts of the text were adopted.

Results of RCVs:

am. 41:

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am. 45:

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am. 40:

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<td>224</td>
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<td>3</td>
</tr>
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</table>
am. 39:

Members voting : 220
For : 11
Against : 207
Abstentions : 2

EXPLANATIONS OF VOTE:

The following spoke: Mrs AGLIETTA, Mr BLOT, on behalf of the ER Group, Mr MARTINEZ, Mr ANTONY and Mr SPERONI.

As the request for a split vote on para. 13 had not been accepted, Mr COT asked for the report to be referred back to committee. Mr DE GUCHT proposed that, in the circumstances, the split vote on para. 13 should nevertheless be taken. The rapporteur pointed out that am. 61 did not affect the part of para. 13 on which the SOC Group wished to hold a split vote. Mr PANZELLA spoke on procedure. Mr CHANTERIE proposed that the vote on the motion for a resolution as a whole be held over to the following day, so that the issue raised by Mr COT’s request could be reconsidered.

The President took over Mr CHANTERIE’s proposal and put it to the House.

Parliament agreed to this.

The vote on the motion for a resolution as a whole was thus postponed to the following day.

END OF VOTING TIME

19. Agenda for next sitting

The President announced the following agenda for the sitting on Thursday, 12 July 1990:

10 a.m. to 1 p.m., 3 p.m. to 8 p.m. and 9 p.m. to midnight:

10 a.m. to 1 p.m.:
- DONELLY interim report on German unification
- TITLEY report on an EEC-Argentina commercial agreement
- MOORHOUSE report on an EEC-GCC free trade agreement
- joint debate on six oral questions with debate to the Commission on Economic and Monetary Union

3 p.m. to 6 p.m.:
- Council statement on the work programme of the Italian presidency and communication from the Commission on institutional matters (followed by debate)

1 Oral question Doc. B3-1320/90 was included in the debate
- joint debate on two reports by Mrs DOMINGO SEGARRA and Mr MIRANDA DA SILVA and an oral question with debate on fisheries (continuation) *
- LULLING report on MCAs *

6 p.m.:
vote on:
- DONNELLY report
- reports by Mr GISCARD D’ESTAING (continuation) and Mr DUVERGER
- PENDERS report
- motions for resolutions on armaments
- motions for resolutions on Central and Eastern Europe
- motions for resolutions on the Dublin European Council
- motions for resolutions on which the debate has closed

9 p.m. to midnight:
- topical and urgent debate

(The sitting was closed at 8.30 p.m.)
PART II

Texts adopted by Parliament

**II 1.** Labelling, presentation and advertising of foodstuffs
(vote: see Part I, Item 9 of the Minutes)
proposal for a directive SEC(89) 2151 fin.
- Doc. C3-136/90 - SYN 235: approved

**I 2.** Possession of weapons
(debate: see Part I, Item 16 of the Minutes of 9.7.1990
Vote: see Part I, Item 10 of the Minutes)
von WOGAU report (Doc. A3-160/90)
- amended proposal for a directive COM(89)446 final - SYN 98
- legislative resolution

3. Supplementary and amending budget no. 2
(debate: see Part I, Item 17 of the Minutes of 10.7.1990
Vote: see Part I, Item 11 of the Minutes)
TOMLINSON report (Doc. A3-184/90)
- draft budget
- resolution

**I 4.** Transit of natural gas
(debate: see Part I, Item 17 of the Minutes of 9.7.1990
Vote: see Part I, Item 12 of the Minutes)
GASOLIBA I BÖHM report (Doc. A3-161/90)
- proposal for a directive COM(89) 334 - SYN 206
- legislative resolution

**I 5.** Legal protection of computer programs
(debate: see Part I, Item 18 of the Minutes of 9.7.1990
Vote: see Part I, Item 13 of the Minutes)
SALEMA report (Doc. A3-173/90)
- proposal for a directive COM(88) 816 final - SYN 183
- legislative resolution

**I 6.** Standard emergency call number
(debate: see Part I, Item 18 of the Minutes of 10.7.1990
Vote: see Part I, Item 14 of the Minutes)
SCOTT-HOPKINS report (Doc. A3-119/90)
- proposal for a decision COM(89) 452 final - SYN 223
- legislative resolution

**II 7.** Pan-European radio paging
(debate: see Part I, Item 15 of the Minutes of 9.7.1990
Vote: see Part I, Item 15 of the Minutes)
SEAL report (Doc. A3-115/90)
- decision
8. Amendments to Rules 55, 58 and 64 of the Rules of Procedure
   (vote: see Part I, Item 16 of the Minutes)
   HARRISON report (Doc. A3-179/90)
   . decision

9. German unification
   (vote: see Part I, Item 17 of the Minutes)
   Motion for a resolution (Doc. B3-1423/90)
   . resolution

10. European Union
    (a) COLOMBO report (Doc. A3-165/90)
        . resolution
    (b) MARTIN report (Doc. A3-166/90)
        . resolution
1. Procedure without report

Proposal from the Commission of the European Communities to the Council (SEC(89) 2151 - C3-136/90 - SYN 235) for a directive on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs: approved
2. **Possession of weapons**

Amended proposal for a directive COM(89)446 final - SYN 98

Amended proposal from the Commission to the Council for a directive on control of the acquisition and possession of weapons

Approved with the following amendments:

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<th>Text proposed by the Commission</th>
<th>Text amended by Parliament</th>
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<tr>
<td>(Amendment No. 1)</td>
<td>(Amendment No. 3)</td>
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<tr>
<td>Entire Text</td>
<td>Recital 6a (new)</td>
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<tr>
<td><strong>Replace the words 'firearms certificate' with 'weapons card'.</strong></td>
<td><strong>Whereas more effective rules should be adopted to make it possible to monitor the traffic and possession of firearms within the Community once the internal market has been established and systematic border controls within the Community have therefore been abolished:</strong></td>
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<tr>
<td>(Amendment No. 19)</td>
<td>Recital 8a (new)</td>
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<tr>
<td><strong>Whereas the public authorities must implement measures leading to the gradual reduction of firearms owned by private individuals in the Community:</strong></td>
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1 OJ C 299, 28.11.1989, p.6
2. For the purposes of this Directive 'dealer' shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, sale, purchase, exchange, hiring out, repair or conversion of firearms.

2. For the purposes of this Directive 'dealer' shall mean any natural or legal person whose trade or business consists wholly or partly in the manufacture, storage, sale, export, purchase, import, exchange, hiring out, repair or conversion of firearms.

4. The 'European firearms certificate' is a document which is issued on request to a person lawfully in possession of a firearm or to a person contemplating the acquisition of a firearm by the authorities of a Member State. It shall contain the sections set out in Annex II. Where more than one person may possess the same firearm, more than one certificate shall be issued.

4. The 'European weapons card' is a document which is issued on request to a person lawfully in possession of a firearm or to a person contemplating the acquisition of a firearm by the authorities of a Member State. It shall contain the sections set out in Annex II. Where more than one person may possess the same firearm, their particulars shall be entered upon the card. The weapons card must always be in the possession of the person using the firearm.

1. This Directive is without prejudice to the application of national provisions concerning either the carrying of weapons or game-shooting or target-shooting competitions.

1. This directive is without prejudice to the application of national provisions concerning game-shooting or target-shooting. Nor shall it prejudice the application of national provisions concerning the carrying of weapons, subject, however, to the provisions of Article 5.
(Amendment No. 48)

Article 2(2)

2. This Directive shall not apply to the acquisition or possession of weapons by the armed forces, the police or the public authorities.

(Amendment No. 7)

Article 5, first and second paragraphs

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms classified in category B only by persons who have good cause and who:

(a) are 18 years old or more;
(b) have the necessary mental and physical capacity;
(c) are not likely to be a danger to public order or public safety.

Without prejudice to Article 3, Member States shall allow the acquisition and possession of firearms classified in category B only by persons who have good cause and who:

(a) deleted;
(b) have the necessary mental and physical capacity;
(c) are not likely to be a danger to public order or public safety;

Without prejudice to Article 3, Member States shall allow the possession of firearms classified in category C only by persons satisfying the tests in points (a), (b) and (c) of the first paragraph.

Without prejudice to Article 3, Member States shall allow the possession of firearms classified in categories C and D only by persons satisfying the tests in points (a), (b) and (c) of the first paragraph.
(Amendment No. 75)
Article 7a (new)

Member States shall take all appropriate measures to ban all advertising or exhibition for sale of prohibited firearms as defined in Annex I(2), category A of this directive. As regards the firearms in other categories defined in Annex I of this directive, Member States shall take all appropriate measures to ban all advertising or exhibition for sale which does not explicitly indicate, where applicable, that their acquisition and possession are subject to authorization or declaration.

(Amendment No. 76)
Article 8(2)

2. Dealers shall inform the Member State in which it takes place of every acquisition of a firearm classified in category C except where that firearm is subject to authorization. If the person acquiring such a firearm is a resident of another Member State, that other Member State shall be informed of the acquisition by the Member State in which it took place.

(Amendment No. 8)
Article 9

1. Every Member State shall prohibit the handing over of firearms classified in categories A, B or C within its territory, by a dealer or by any other person to any person who is not a resident of that Member State.

1. The handing over in the territory of a Member State by a dealer or by any other person of firearms classified in categories B or C to citizens of other Member States who are not residents of the Member State in question shall be conditional upon:
(1) proof of the authorization provided for in the second subparagraph of Article 7(1) or in Article 8(2), as appropriate;

(2) a written declaration by the person acquiring the firearm testifying to his intention to:

(a) transfer the firearm personally to his country of residence, in which case it must be accompanied by the authorization referred to in Article 11, or

(b) be in possession of the firearm in the territory of the Member State of acquisition, provided that he fulfils the legal conditions for possession in that Member State.

2. Notwithstanding paragraph 1 the handing over of a firearm to a person who is not resident in the Member State in question shall be permitted:

- where the person acquiring it has been authorized in accordance with Article 11 himself to effect a transfer to his country of residence;

- where the person acquiring it plans to be in possession of the firearm in the Member State of acquisition, provided that he fulfils the legal conditions for possession in that Member State.

2a. Under no circumstances shall a dealer or any other person hand over firearms classified in category A to persons who are not residents of the Member State in which they wish to acquire those firearms.
(Amendment No. 9)
Article 10

No ammunition for a firearm may be handed over in a Member State to a person who is not a resident of that Member State unless that person establishes by producing a European firearms certificate that he lawfully possesses a weapon of a type for which that ammunition is intended.

No ammunition for a firearm may be handed over in a Member State to a person who is not a resident of that Member State unless that person establishes by producing a European weapons card that he lawfully possesses a weapon of a calibre for which that ammunition is intended.

(Amendment No. 20)
Article 11(2), introduction

2. Where a firearm is to be transferred to another Member State or to a third country, the person concerned or his authorized agent shall before it is taken there supply the following particulars to the Member State in which such firearm is situated:

2. Where a firearm is to be transferred to another Member State or to a third country, the person concerned shall before it is taken there supply the following particulars to the Member State in which such firearm is situated:

(Amendment No. 52)
Article 112a (new)

2a. The provisions of the previous paragraph shall also apply to transfers of firearms following a mail order sale.
(Amendment No. 10)
Article 11(3), first subparagraph

Each Member State may grant dealers the right to effect transfers of firearms from its territory to another Member State or to a third country without the prior authorization referred to in paragraph 2. To that end it shall issue a licence, a certified copy of which must accompany the firearm until it reaches its destination; that document must be produced whenever so required by the authorities of the Member States.

Each Member State may grant dealers the right to effect transfers of firearms from its territory to another Member State or to a third country without the prior authorization referred to in paragraph 2. To that end it shall issue a licence, a certified copy of which must accompany the firearm until it reaches its destination; this licence shall be valid for no more than three years and may at any time be suspended or cancelled by reasoned decision of the authorities of the Member States. It must be produced whenever so required by the authorities of the Member States.

(Amendment No. 11)
Article 11(3), third subparagraph

Before transfer the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2.

Before transfer the dealer shall communicate to the authorities of the Member State from which the transfer is to be effected and the Member State to which the transfer is to be effected all the particulars listed in the first subparagraph of paragraph 2.

(Amendment No. 27)
Article 11(4), first subparagraph

Each Member State may supply the other Member States with a list of firearms whose transfer to its territory may not be authorized without its prior consent.

Each Member State must supply the other Member States with the list of firearms whose transfer to its territory may not be authorized without its prior consent.
5. Where a firearm is to be imported from a third country, the person concerned, or his authorised agent, shall supply the Member State of importation with all the particulars referred to in the first subparagraph of paragraph 2. Where it authorises importation, the Member State of importation shall issue an import licence. The import licence must accompany the firearm until it reaches its destination; it must be produced whenever so required by the authorities of the Member States.

(client)

Member States may grant such authorization for one or more journeys, for a specified or unspecified period. Such authorizations shall be entered on the European firearms certificate which the traveller must produce whenever so required by the authorities of the Member States.

(client)

Member States may grant such authorization for one or more journeys, for a maximum period of one year renewable. Such authorizations shall be entered on the European weapons card which the traveller must produce whenever so required by the authorities of the Member States.
2. Notwithstanding paragraph 1, sportmen and marksmen may without prior authorization be in possession of one or more firearms classified in categories C and D during a journey through two or more Member States with a view to engaging in game-shooting or taking part in a marksmanship competition provided that for each firearm they possess a European firearms certificate and that they are able to substantiate the reasons for their journey, in particular by producing an invitation.

However, this shall not apply to journeys to a Member State which prohibits the acquisition and possession of the firearm in question; in that case any express statement to that effect shall be entered on the European firearms certificate pursuant to Article 8(3).

2. Notwithstanding paragraph 1, Member States may allow sportmen and marksmen without prior authorization to be in possession of one or more firearms classified in categories C and D during a journey through two or more Member States with a view to engaging in game-shooting or taking part in a target-shooting event provided that for each firearm they possess a European weapons card and that they are able to substantiate the reasons for their journey, in particular by producing an invitation.

However, this shall not apply to journeys to a Member State which prohibits the acquisition and possession of the firearm in question or which requires authorization; in that case any express statement to that effect shall be entered on the European weapons card pursuant to Article 8(3).

(Amendment No. 12)
Article 12(2)

Losing possession of any such weapon, for whatever reason and in whatever circumstances, shall lead automatically to the revocation of the relevant weapons card held by the sportsman or marksman in question.
(Amendment No. 24)
Article 12(3)

3. Under agreements for the mutual recognition of national documents, two or more Member States may provide for arrangements more flexible than those prescribed in this Article for movement with firearms within their territories.

(Amendment No. 22)
Article 13(3)

3. Member States shall set up a network for the exchange of information for purposes of the application of this Article. They shall inform the other Member States and the Commission of the national authorities responsible for transmitting and receiving information and for applying the formalities referred to in Article 11(4).

(Amendment No. 40)
Annex I(2), category A(1)

1. Firearms usually used as military weapons;

(Amendment No. 73)
Annex I(2), category A(2)

2. Automatic firearms, even those which are not military weapons.

2. Automatic and semi-automatic firearms, even those which are not military weapons.

(Amendment No. 74)
Annex I(2), category B(1)

1. Short firearms with semi-automatic or repeating mechanisms

1. Short or long firearms with repeating mechanisms.
(Amendment No. 60)
Annex I(2), category B(2)

2. Short firearms with single-shot mechanisms and centre-fire percussion;

2. Short firearms with single-shot mechanisms and centre-fire or rimfire percussion;

(Amendment No. 71)
Annex I(2), category B(2a)

2a. Long firearms with single-shot mechanisms and rifled barrels;

(Amendment No. 61)
Annex I(2), category C(1)a (new)

1a. Firearms manufactured before, or to a design dating from before 1 January 1870, but which can still fire ammunition intended for prohibited firearms subject to authorisation or declaration.

(Amendment No. 70)
Annex I(2), category C(1)a (new)

1a. Long firearms with single-shot mechanisms and smooth-base barrels;

(Amendment No. 30)
Annex I(2), category C, paragraph 2

2. Long firearms with single-shot mechanisms and rifled barrels;

2. Long firearms with a single-shot mechanism per rifled barrel;

(Amendment No. 45)
Annex I(3)(b)

(b) are designed for alarm, signalling, life-saving, animal slaughtering, harpoon-hunting or fishing or industrial or technical purposes provided that they can be used for the stated purpose only;

(b) are designed for alarm, signalling, life-saving, animal slaughtering, harpoon-hunting or fishing or industrial or technical purposes provided that they can be used for the stated purpose only and a model has been approved by the testing authorities;
(Amendment No. 15)
Annex I, point 4, subparagraph (c)

(c) 'automatic mechanism' means a mechanism which returns automatically to a ready-to-fire position each time a round is fired and can fire more than one round from the same barrel each time the trigger is operated;

(c) 'automatic firearm' means a firearm which reloads itself and with one single pull of the trigger discharges automatically;

(Amendment No. 16)
Annex II, subparagraph (f), second indent

- for firearms in categories C and D, the following statement:

"This certificate confers no entitlement to travel to another Member State with the firearm here referred to without the authorization of the authorities of that Member State. Such authorization may be recorded on this certificate.

However, prior authorization is not required for a journey with a view to engaging in game-shooting or taking part in a marksmanship competition, on condition that the reason for the journey can be established at the request of any authority in the Member State visited."

- for firearms in categories C and D, the following statement:

"This certificate confers no entitlement to travel to another Member State with the firearm here referred to without the authorization of the authorities of that Member State. Such authorization may be recorded on this certificate.

However, Member States may dispense with prior authorization for a journey with a view to engaging in game-shooting or taking part in a marksmanship competition, on condition that the reason for the journey can be established at the request of any authority in the Member State visited."

Member States making such a dispensation shall be mentioned on the certificate.
Where a Member State has informed the other Member States in accordance with Article 8(3) that the possession of certain firearms in categories C or D is prohibited within its territory, the following statement shall be added:

"The firearm here referred to may not be taken to [name of Member State]"
LEGISLATIVE RESOLUTION

(Cooperation procedure: First reading)

embodying the opinion of the European Parliament on the amended proposal from
the Commission to the Council for a directive on control of the acquisition
and possession of weapons

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(87)
  383 final),
- having regard to the amended proposal from the Commission to the Council
  (COM(89) 446 final),
- having been consulted by the Council pursuant to Article 100A c° the EEC
  Treaty (Doc. C 3-28/90 - SYN 98),
- considering the proposed legal basis to be appropriate,
- having regard to the report of the Committee on Economic and Monetary
  Affairs and Industrial Policy and the opinion of the Committee on Legal
  Affairs and Citizens' Rights (Doc. A 3-160/90),

1. Approves the Commission proposal subject to Parliament's amendment and
   in accordance with the vote thereon;

2. Calls on the Commission to amend its proposal accordingly, pursuant to
   Article 149(3) of the EEC Treaty;

3. Calls on the Council to incorporate Parliament's amendments in the common
   position that it adopts in accordance with Article 149(2)(a) of the EEC
   Treaty;

4. Calls on the Council to notify Parliament should it intend to depart from
   the text approved by Parliament;

5. Instructs its President to forward this opinion to the Council and
   Commission.

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1 OJ No. C 235, 1.9.1987, p. 8
2 OJ No. C 299, 28.11.1989, p. 6
3. Supplementary and amending budget no. 2

Doc. A3-184/90

Approved with the following amendments:

(Amendment No. 2)

<table>
<thead>
<tr>
<th>SECTION</th>
<th>SECTION III - Commission - Revenue</th>
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</thead>
<tbody>
<tr>
<td>Article 130</td>
<td>Own resources accruing from Value Added Tax</td>
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<td>Article 140</td>
<td>Own resources based on Gross National Product</td>
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<td>Article 300</td>
<td>Surplus available from the preceding financial year</td>
</tr>
</tbody>
</table>

NOMENCLATURE: Unchanged

REVENUE

A. Article 130
   Item 1300

| Preliminary Draft | 27 407 933 974 |
| Draft | 26 601 047 824 |
| Amend./mod. | 1806 886 150 |

New amount: 27 407 933 974

Article 140
   Item 1400

| Preliminary Draft | 94 602 333 |
| Draft |  |
| Amend./mod. | +94 602 333 |

New amount: 94 602 333

Article 300

| Preliminary Draft | 3 415 631 318 |
| Draft | 4 296 000 000 |
| Amend./mod. | -880 368 682 |

New amount: 3 415 631 318

B. Effect on Revenue:

After account is taken of the impact of these changes on Title 8 of the budget, the overall effect is to increase the revenue requirement in relation to the draft budget by 21 119 801 ECU's thereby bringing total revenue to the figure in the preliminary draft supplementary and amending budget, that being 46 698 406 854 ECU's.
REMARKS:

Amend as follows:

Item 1300: "the uniform VAT rate is 1.2557%". Furthermore, the contributions of the Member States are amended accordingly to correspond with the Commission figures.

Item 1400: delete the phrase "the GNP-based own resources need not be called up" and replace with "the GNP-based own resources are called up only in connection with the financial compensation for the United Kingdom". The breakdown of payments is as indicated in the preliminary draft.

Article 300: "a provisional amount of FCU 3416 million has been entered for 1989"
SECTION III - Part B Commission: Article 68? - FNLASS monitoring operations in relation to the safety of consumer products

REMARKS

Add the following paragraph to the remarks under this article:

"Notwithstanding Article 26, para 3 of the Financial Regulation, the Commission shall consult the budgetary authority before making any transfer to this Article from within Chapter 68."
RESOLUTION

on draft supplementary and amending budget No. 2 for the 1990 financial year, as modified by the Council

The European Parliament,

- having regard to preliminary draft supplementary and amending budget No. 2 for 1990 (SEC(90) 467),

- having regard to the draft supplementary and amending budget drawn up by the Council on 7 May 1990 (C3-129/90),

- having regard to the joint decision of the budgetary authority of 6 June 1990 to revise the financial perspective,

- having regard to letters of amendment Nos. 1 and 2 drawn up by the Council on 11 June 1990 (C3-147/90 and C3-148/90),

- having regard to the decisions it took at the first reading of the draft supplementary and amending budget on 13 June 1990,

- having regard to the Council's deliberations on the draft supplementary and amending budget as amended (C3-189/90),

- having regard to the report by the Committee on Budgets (A3-184/90),

1. Reaffirms that the draft supplementary and amending budget should reflect the decision on own resources and in particular Article 2(4) concerning the application of a uniform rate of VAT;

2. Reiterates its long-established view that Article 203(4) of the EEC Treaty permits the Parliament to adopt amendments to the revenue side of the budget;

3. Instructs its President to forward this resolution, together with the amendments it has adopted to the draft supplementary and amending budget, to the Council and Commission as the outcome of Parliament's second reading.
4. Transit of natural gas**I

Proposal for a directive COM(89) 334 - SYN 206


Approved with the following amendments:

Text proposed by the Commission of the European Communities

Text amended by Parliament

(Amendment No. 1)
Recital 1a (new)

Whereas development of the internal market in energy will require the development and adoption of an integrated approach to Community energy policy that will eliminate structural differences and be equal to the major challenges of (1) environmental protection, (2) risk minimization, and (3) security of supply;

(Amendment No. 2)
Recital 1b (new)

Whereas the completion of the internal market for gas requires the formulation and adoption by the Community of a global strategy for energy centred on risk reduction;

(Amendment No. 3)
Recital 2a (new)

Whereas a major objective of the Community is to strengthen its reliance on natural gas, both absolutely and by comparison with other sources of energy, which is also important from an environmental standpoint;

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1 OJ C 247, 28.9.1989, p. 6
Whereas the objective of the single natural gas market is to ensure greater profitability and security of supply by freer trade but avoid unacceptable restrictions on competition; whereas the special nature of the natural gas sector must be taken into account in the pursuit of this objective;

Whereas the objective of the single natural gas market is to ensure greater profitability, environmental acceptability, and security of supply by freer trade but avoid unacceptable restrictions on competition; whereas the special nature of the natural gas sector must be taken into account in the pursuit of this objective;

Whereas in achieving the internal market in natural gas consideration should be given not only to comparable features in the Member States but also to sometimes significant differences, including:

- the co-existence of gas supply undertakings having the legal status of private entrepreneurially-oriented companies alongside undertakings that are nationalized and consequently are less exposed to the risks of the market;

- vertical integration of transmission and distribution under extensive monopolies on the one hand, and a multiplicity of independent undertakings at all levels on the other;

- state price regulation with a political orientation, or competitive prices;

- wide variation in the distribution of natural gas as between the Member States;
Whereas this increase in interconnections and greater use of the network will make it advisable to harmonize standards of security and environmental protection throughout the Community at the highest level; where there are projects for new routes or for the upgrading of existing lines and pipelines, there should be a prior assessment of their environmental impact and of possible risks for the population affected by transit through urban regions or close to inhabited areas;

Whereas in the future additional interconnections between several Member States will need to be made to allow adequate supply and compliance with the natural gas transit obligation and will have the effect of reducing non-technical obstacles; whereas compliance with this obligation constitutes a first stage in the development of the internal market for natural gas;

Whereas this obligation must, at least at this stage, be confined to the transit of natural gas through high-pressure grids;

Whereas a natural gas transit obligation should however be considered if it appears that voluntary arrangements do not meet with success; whereas the details of transit, in particular the financial, technical and legal conditions, should meanwhile be fixed by the participating companies;
(Amendment No. 9)
Tenth recital

Whereas it is necessary, in order to realize this first stage of the internal energy market in satisfactory competitive conditions, to approximate legislative, regulatory or administrative provisions passed by Member States so as to provide a procedural framework for the formulation of these agreements in the most transparent manner;

Whereas it will be at first necessary, in order to realise the internal energy market in satisfactory competitive conditions, to approximate legislative, regulatory or administrative provisions passed by Member States so as to ensure that the structural differences are eliminated so that citizens of the Community can, on a comparable basis, see for themselves the effects of transit, and to provide a transparent framework for the drawing up of agreements;

(Amendment No. 10)
Eleventh recital

Whereas it could prove necessary for the Council to decide, before 1 January 1993, without prejudice to the Commission's own powers, complementary conditions governing the modalities of intra-Community transit.

Whereas the Commission shall, before the end of 1992, submit the results of a survey conducted to determine whether the voluntary solution has prevented third parties from transiting gas through high-pressure grids;

(Amendment No. 11)
Recital 11a (new)

Whereas transit as an isolated measure conceals the danger that disparities already existing in the Community will be strengthened; whereas consequently it will be appropriate to proceed progressively and with caution; whereas steps should be taken to ensure that sales and transport between companies in different Member States of the Community do not fail because grids in a Member State that has to be crossed cannot be used;
(Amendment No. 12)
Article 1

Member States shall take the measures necessary to ensure compliance with the obligation for the transit of natural gas through high-pressure gas transmission grids in accordance with the conditions laid down in this Directive.

Member States shall take the measures necessary to ensure that the transit of natural gas through high-pressure gas transmission grids in accordance with the conditions laid down in this directive is made possible. Council shall decide, in cooperation with the European Parliament and on proposals from the Commission to be submitted not later than 1 January 1993, on directives for

(1) additional provisions for details of intra-Community transit and  
(2) directives leading to harmonization of structural, fiscal, environmental and supply-security requirements.

(Amendment No. 13)
Article 2(1)

1. Transmission of natural gas under the following conditions shall constitute transit of natural gas through transmission grids within the meaning of this Directive:

(a) the transport is carried out through the high-pressure gas grid on the territory of a Member State;

(b) the transport is carried out between Member States' gas companies.

1. Transmission of natural gas under the following conditions shall constitute transit of natural gas through transmission grids within the meaning of this Directive:

the transport is carried out through the high-pressure gas grid as transit through the territory of a Member State. Transit shall mean transmission from the border between state A and the transit state to a border between state B and the transit state (without point of sale in the territory of this intermediate state); at least state A or state B must be EC Member States.
3. The high-pressure natural gas transmission grids and the entities responsible for them, which are listed in the Annex, shall be covered by the provisions of this Directive. This list shall be revised whenever necessary by decision of the Commission.

3. The right and obligation of transit shall apply to all undertakings listed in the annex hereto. The list may be amended by decision of the Commission on a proposal from the Member States, and if the name of a new undertaking is added to the list that undertaking must be competent to assume the transit obligations with the high-pressure grid operated by it.

(Amendment No. 15)
Article 3(2), first indent

- any request for transit shall, within eight (8) days, be communicated by the requesting entity or entities to the Commission and the national competent authorities,

(Amendment No. 16)
Article 3(2), third indent

- the transit conditions must be equitable for all the parties concerned and should not include unfair clauses or unjustified restrictions, in particular, payment for transit must take account of the responsibilities of the entity responsible for transit for ensuring security of supply and contractual quality of service,

- the transit conditions must be equitable for all the parties concerned and should not include unfair clauses or unjustified restrictions, in particular, payment for transit must take account of the responsibilities of the entity responsible for transit for ensuring security of supply and contractual quality of service, and of any potential benefits offered to the country through which the gas is transiting;

(Amendment No. 17)
Article 3(2), sixth indent (new)

- the transit must respect all aspects of existing contracts entered into by the entities responsible and must not affect the security of supply for which the gas company is responsible.
Before 1 January 1993, without prejudice to the Commission's own powers, the Council will decide - as far as it is necessary-complementary conditions governing the detailed rules of intra-Community transit.


Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 1 July 1990. They shall forthwith inform the Commission thereof and communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.
LEGISLATIVE RESOLUTION

(Cooperation procedure: first reading)

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a directive on the transit of natural gas through the major systems.

The European Parliament

- having regard to the proposal from the Commission to the Council (COM(89)334 - final),

- having been consulted by the Council pursuant to Article 100a of the EEC Treaty (C 3-151/89 - SYN 206),

- considering the proposed legal basis to be appropriate,

- having regard to the report of the Committee on Energy, Research and Technology and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Legal Affairs and Citizens’ Rights, the Committee on Transport and Tourism and the Committee on the Environment, Public Health and Consumer Protection (Doc. A 3-161/90),

1. Approves the Commission’s proposal subject to Parliament’s amendments and in accordance with the vote thereon;

2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;

3. Calls on the Council to incorporate Parliament’s amendments in the Common Position that it adopts in accordance with Article 149(2)(a) of the EEC Treaty;

4. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

5. Instructs its President to forward this opinion to the Council and Commission.

1 OJ No. C 247 of 28.9.89, p. 6
5. Legal protection of computer programs

Proposal for a directive COM(88) 816 final - SYN 183

Proposal for a Council directive on the legal protection of computer programs.

Approved with the following amendments:

<table>
<thead>
<tr>
<th>Text proposed by the Commission¹</th>
<th>Text amended by Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Amendment No. 1)</td>
<td></td>
</tr>
<tr>
<td>Article 1(1) and (2)</td>
<td></td>
</tr>
</tbody>
</table>

1. Member States shall protect computer programs by conferring exclusive rights in accordance with the provisions of this Directive.

2. Exclusive rights shall be conferred by the provisions of copyright laws. Protection shall be accorded to computer programs as literary works.

¹ For full text see OJ C 91, 12.4.1989, p. 13
Article 1(2a) (new)

2a. For the purposes of this Directive a computer program shall be defined as any sequence of instructions intended to be used, directly or indirectly, in a data-processing system in order to carry out a function or obtain a specific result, independently of its form of expression.

The preparatory design material, technical documentation and users' manuals associated with a computer program shall enjoy the same protection as the program itself.

This definition of a computer program shall also extend to programs generated by the use of another program.

Article 1(3)

3. Protection in accordance with this Directive shall apply to the expression in any form of a computer program but shall not extend to the ideas, principles, logic, algorithms or programming languages underlying the program. Where the specification of interfaces constitutes ideas and principles which underlie the program, those ideas and principles are not copyrightable subject matter.

3. Protection in accordance with this Directive shall apply to the expression in any form of a computer program. Ideas and principles which underlie any aspect of a program, including its interfaces, shall not be protected by copyright under this Directive.
(Amendment No. 4)
Article 1(4)

4. (a) A computer program shall not be protected unless it satisfies the same conditions as regards its originality as applied to other literary works.

(b) Programs generated by means of a computer shall be protected in so far as they satisfy the conditions laid down in point (a).

(Amendment No. 22)
Article 2(1)

Authorship of program

1. Subject to the following paragraphs, the author of a computer program is the natural person or group of natural persons who has created the program.

Authorship of program

1. The author of a computer program is the natural person or group of natural persons or, where the law of the Member States permits, the legal person who has created the program. Where collective works are recognized by the law of a Member State, the natural or legal person considered by the law of the Member State to have created the work shall be considered to be its author.

(Amendment No. 5)
Article 2(2)

2. In respect of computer programs created by a group of natural persons, the exclusive rights shall be exercised in common unless otherwise provided by contract.

2. In respect of computer programs created by a group of natural persons, the rights conferred by the protection accorded by Article 1 shall be exercised in common unless otherwise provided by contract.
Amendment No. 6
Article 2(4)

4. Where a computer program is created in the course of employment, the employer shall be entitled to exercise all rights in respect of the program, unless otherwise provided by contract.

Amendment No. 7
Article 2(5)

5. In respect of programs which are generated by the use of a computer program, the natural or legal person who causes the generation of subsequent programs shall be entitled to exercise all rights in respect of the programs, unless otherwise provided by contract.

Amendment No. 8
Article 4, introduction and subparagraphs (a) and (b)

Subject to the provisions of Article 5, the exclusive rights referred to in Article 1 shall include the right to do or to authorize:

(a) the reproduction of a computer program by any means and in any form, in part or in whole. In so far as they necessitate a reproduction of the program in part or in whole, loading, viewing, running, transmission or storage of the computer program shall be considered restricted acts;

(b) the adaptation of a computer program;

Subject to the provisions of Article 5, the protection accorded by Article 1 shall include the right to do or to authorize:

(a) the reproduction of a computer program by any means and in any form, in part or in whole, and for whatever purpose. In so far as they necessitate a permanent or temporary reproduction of the program, loading, viewing, running, transmission or storage of the computer program shall be subject to authorization by the right-holder;

(b) the translation, adaptation, arrangement and any other modification of a program and the reproduction of the results thereof;
(Amendments Nos. 9 and 33)

Article 5

1. Where a computer program has been sold or made available to the public other than by a written licence agreement signed by both parties, the acts enumerated in Article 4(a) and (b) shall not require the authorization of the right-holder, in so far as they are necessary for the use of the program. Reproduction and adaptation of the program other than for the purposes of its use shall require the authorization of the right-holder.

2. Where a computer program has been sold or made available to the public by means other than a written licence agreement signed by both parties, the exclusive right of the right-holder to authorize rental shall not be exercised to prevent use of the program by the public in non-profit making public libraries.

1. In the absence of specific contractual provisions, the acts referred to in Article 4(a) and (b) shall not require the authorization by the right-holder where they are necessary for the use of the program by the lawful acquirer in accordance with its intended purpose. The making of a back-up copy by a person having a right to use the program may not be prevented by contract insofar as it is necessary for that use.

2. Where a copy of a computer program has been made available to the public in a legal manner, and in the absence of contractual provisions to the contrary, the right to authorize rental shall not be exercised to prevent normal use of the program in non-profit making public libraries.
Notwithstanding any contractual arrangements to the contrary, the rights enumerated in Article 4(a) and (b) shall not be exercised by the author to prevent any act essential to ensure the maintenance of the program and the creation or operation of interoperable programs. This option may only be exercised by the licensee or by another person entitled to use a copy of the program on his behalf by the person authorized to do so and only where the following conditions are fulfilled:

(a) the information necessary to achieve interoperability shall not have been published or made available previously;

(b) the retrieval of information shall be confined to the parts of the original program which are necessary for the achievement of this aim;

c) the information retrieved may not be communicated to third parties except in so far as this is necessary for the operation of the second program;

(d) the information retrieved may not be used to create or market a program, which violates a copyright or the program of origin.

The provisions of this article may not be interpreted in such a way as to allow information obtained in the application thereof to be used in a manner which unjustifiably damages the legitimate interests of the right-holder or which is contrary to the normal operation of the program.
2a. Notwithstanding the provisions of Article 4(a), the legitimate owner of a copy of a program may, without having to request the authorization from the right-holder, observe, study or test the working program in order to determine its underlying ideas, principles and other characteristics where these are not protected by copyright, in the course of loading, viewing, running, transmission or storage in the execution of his contractual duties.

Protection shall be granted for 50 years from the date of creation.

Protection shall be granted for 50 years from 1 January of the year following publication of the program, or, where a program has not been published, its creation.

1. The provisions of this Directive shall be without prejudice to any legal provisions concerning patent rights, trade marks, unfair competition, trade secrets or the law of contract in so far as such provisions do not conflict with the principles laid down in the present Directive.

2. The provisions of this Directive are applicable also in respect of works created prior to [date in Article 9].

1. The provisions of this Directive shall be without prejudice to any other legal provisions such as those concerning patent rights, trade marks, unfair competition, trade secrets or the law of contract.

2. The provisions of this Directive are applicable also to programs created prior to 1 January 1993.
(Amendment No. 14)

Article 9

1. Member States shall bring into force the laws, regulations or administrative provisions needed in order to comply with this Directive by [date].

2. Member States shall ensure that they communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

1. Member States shall bring into force the laws, regulations or administrative provisions needed in order to comply with this Directive by 1 January 1993.

2. Member States shall ensure that they communicate to the Commission the texts of the provisions of national law which they adopt in the field covered by this Directive.

2a. A Consultative Committee shall be set up by the Commission, to consist of representatives of the Member States and of representative associations of authors and producers of computer programs with the objectives of:

(a) providing the Commission with information on research and on problems arising from the implementation of this Directive;

(b) drawing up proposals with a view to possible changes in the rules which may be required for more effective realization of the Community's objectives.

2b. The Commission shall take all the necessary initiatives in order to ensure the realization, at national and international level, of the objectives set out in this Directive.

2c. The Commission shall, every two years, forward to Parliament and to the Council a report on the implementation of this Directive at national and Community level.
LEGISLATIVE RESOLUTION
(>Cooperation procedure: first reading<>

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a directive on the legal protection of computer programs

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(89) 816 final)\(^1\),

- having been consulted by the Council pursuant to Article 100a of the EEC Treaty (Doc. C 3-56/89 - SYN 183),

- having regard to the report of the Committee on Legal Affairs and Citizens' Rights and the opinions of the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Energy, Research and Technology (Doc. A 3-173/90),

1. Approves the Commission proposal subject to Parliament's amendments and in accordance with the vote thereon;

2. Calls on the Commission to amend its proposal accordingly, pursuant to Article 149(3) of the EEC Treaty;

3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;

4. Calls on the Council to incorporate Parliament's amendments in the common position that it adopts in accordance with Article 149(2)(a) of the EEC Treaty;

5. Instructs its President to forward this opinion to the Council and Commission.

\(^1\) OJ No. C 91, 12.4.1989, p. 13
6. **Standard emergency call number**

Proposal for a decision COM(89) 452 final - SYN 223

Proposal for a Council decision on the introduction of a standard Europe-wide emergency call number

Approved with the following amendments:

Text proposed by the Commission of the European Communities\(^1\)

Text amended by Parliament

**(Amendment No. 1)**

Third recital

Whereas the effect of such differences is to create problems in contacting the responsible services for citizens, in particular tourists and business travellers, facing emergency situations in other Member States;

**(Amendment No. 2)**

Ninth recital

Whereas the Council in its Resolution of 13 February 1989 on the new developments in Community cooperation on civil protection has stressed the desirability of a standard Community-wide single additional emergency telephone number which will in particular enable the public in an emergency to call the relevant national emergency services;

**(Amendment No. 3)**

15th recital

Whereas most Member States could introduce the number 112 by 1992; whereas, however, for a limited number of Member States this would pose a burden since they would need to make unplanned changes or to advance plans already made;

Whereas most Member States could introduce the number 112 by 1992; whereas, however, for some Member States this would pose a burden since they would need to make unplanned changes, to invest heavily or to advance plans already made;

\(^1\) For full text see OJ No. C 269, 21.10.1989, p. 8
Whereas the introduction of number 112 will be possible by 1995, even in the few Member States where difficulties exist;

Whereas the introduction of number 112 will be possible by 1995, even in the Member States where difficulties exist;

Whereas, in addition to the technical, operational and commercial implications of introducing the chosen number within public telecommunications networks, Member States must make the necessary organizational arrangements best suited to the national organization of the emergency systems, in order to ensure that calls to this number are adequately answered and handled; whereas the standard Europe-wide emergency call number should therefore be used in parallel with other existing national arrangements, where appropriate;

Whereas, in addition to the technical, financial, operational and commercial implications of introducing the chosen number within public telecommunications networks, Member States must make the necessary organizational arrangements best suited to the national organization of the emergency systems, in order to ensure that calls to this number are adequately answered and handled; whereas the standard Europe-wide emergency call number should therefore be used in parallel with other existing national arrangements, where appropriate;

Where particular technical or organizational difficulties in a Member State make the full introduction of the standard Europe-wide emergency call number by the date laid down in Article 2 impossible, the Member State shall inform the Commission of these difficulties.

Where particular technical, financial or organizational difficulties in a Member State make the full introduction of the standard Europe-wide emergency call number by the date laid down in Article 2 impossible, the Member State shall inform the Commission of these difficulties.
(Amendment No. 7)
Article 3a (new)

In order to ensure this service in a satisfactory way, some form of financial compensation shall be introduced with the aim of alleviating the widely differing financial efforts which some Member States will have to make for the full introduction of the standard Europe-wide emergency call number.

(Amendment No. 8)
Article 5

Member States shall develop arrangements towards increasing the language capabilities of the operators answering calls to the standard Europe-wide emergency call number, in order to optimize its use. For this purpose they shall ensure the progressive implementation of technical and organizational arrangements, such as the automatic identification of the calling line and the location of the caller and the possibility of automatic transfer to an international operator in case of language difficulties.

Member States shall develop arrangements towards increasing the language capabilities of the operators answering calls to the standard Europe-wide emergency call number, in order to optimize its use. For this purpose, within the technological possibilities of the networks, they shall ensure the progressive implementation of technical and organizational arrangements, such as the automatic identification of the calling line and the location of the caller and the possibility of automatic transfer to an international operator in case of language difficulties.
Doc. A3-119/90

LEGISLATIVE RESOLUTION
(Cooperation procedure: first reading)

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a decision on the introduction of a standard Europe-wide emergency call number

The European Parliament,

- having regard to the proposal from the Commission to the Council (COM(89) 452 final)\(^1\),

- having been consulted by the Council pursuant to Article 100a of the EEC Treaty (Doc. C 3-177/89 - SYN 223),

- considering the proposed legal basis to be appropriate,

- having regard to the report of the Committee on the Environment, Public Health and Consumer Protection (Doc. A 3-119/90),

1. Approves the Commission’s proposal subject to Parliament’s amendments and in accordance with the vote thereon;

2. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

3. Asks to be consulted again should the Council intend to make substantial modifications to the Commission proposal;

4. Instructs its President to forward this opinion to the Council and the Commission.

\(^1\) OJ C 269 of 21.10.1989, p.8
7. Pan-European radio paging**II

Doc. A3-115/90

DEcision
(Cooperation procedure: second reading)

concerning the Common Position of the Council with a view to the adoption of a
directive on the frequency bands designated for the coordinated introduction
of pan-European land-based radio paging in the Community

The European Parliament,

- having regard to the Common Position of the Council (C3-120/90 - SYN 193),
- having regard to the relevant provisions of the EEC Treaty and its Rules of
  Procedure,

1. Has decided to amend the common position as set out below;

2. Has instructed its President to forward this decision to the Council and
   Commission.

Common Position of the Council                              Text amended by Parliament

(Amendment No. 2)
Article 3 (1)

1. Member States shall bring into
   force the laws, regulations and
   administrative provisions necessary
   to comply with this Directive no
   later than (twelve months after the
date of notification of this
   Directive). They shall forthwith
   inform the Commission thereof.

1. Member States shall bring into
   force the laws, regulations and
   administrative provisions necessary
   to comply with this Directive no
   later than 1 January 1991. They
   shall forthwith inform the
   Commission thereof.
8. Amendment of Rules 56, 58 and 64
Doc. A3-179/90

TEXT OF THE RULES OF PROCEDURE

Existing text

New text

(Amendments Nos. 1 and 4)

Rule 56

Rule 56

Title unchanged
Paragraphs 1 to 3 unchanged
First two paragraphs of interpretation unchanged

The provisions of Rule 64(5) shall apply by analogy.

Deleted

4. If two or more motions for resolutions are tabled, the committees, political groups or Members tabling the motions may agree among themselves on a joint motion for a resolution. With the formal agreement of the authors, other committees, political groups or individual Members may also sign such a joint motion before the expiry of the deadline for tabling joint motions for resolutions set in the agenda.

A joint motion for a resolution shall replace the previous motions for resolutions tabled by its signatories, but not those tabled by other committees, political groups or Members.

Where a resolution is adopted winding up a debate no further resolutions to wind up the same subject shall be put to the vote, save where the President exceptionally decides otherwise. The decision of the President cannot be contested.
5. In order to wind up the debate on a question under this Rule, any committee or political group, or twenty-three or more Members, may place before the President a motion for a resolution with a request that an early vote be taken on it.

As soon as the motion for a resolution has been distributed, Parliament shall first decide, if necessary after hearing one of the authors, whether an early vote is to be taken.

Should an early vote be decided upon, the motion for a resolution shall be put to the vote at voting time of the next sitting without referral to committee. Only explanations of vote shall be permitted.

Paragraph 5 does not apply to oral questions with debate to be dealt with in a debate pursuant to the fourth subparagraph of paragraph 1.
The vote on a request for an early vote on a motion for a resolution to wind up a debate on an oral question must take place, pursuant to the second sub-paragraph of paragraph 5, as soon as the motion for a resolution has been distributed, if possible at the end of the debate. The vote on the motion for a resolution itself must take place at the next sitting, at a time set by the President.

The provisions of Rule 64(5) shall apply by analogy.

6. The enlarged Bureau may ask the authors of questions to reword them.

6. At the request of the author of a question for oral answer with debate, acting in agreement with any co-authors, the question may be withdrawn by them, but may be immediately taken over by any other Member, under the conditions set out in paragraph 1 above, with the agreement of Parliament deciding by vote without debate.
7. In order to wind up the debate on a question under this Rule, any committee or political group, or twenty-three or more Members, may place before the President a motion for a resolution with a request that an early vote be taken on it.

As soon as the motion for a resolution has been distributed, Parliament shall first decide, if necessary after hearing one of the authors, whether an early vote is to be taken.

Should an early vote be decided upon, the motion for a resolution shall be put to the vote at voting time of the next sitting without referral to committee. Only explanations of vote shall be permitted.

If two or more motions for resolutions are tabled, the procedure set out in Rule 56(4) shall apply.

Paragraph 7 does not apply to oral questions with debate to be dealt with in a debate pursuant to the fourth subparagraph of paragraph 1.

The vote on a request for an early vote on a motion for a resolution to wind up a debate on an oral question must take place, pursuant to the second subparagraph of paragraph 7, as soon as the motion for a resolution has been distributed, if possible at the end of the debate. The vote on the motion for a resolution itself must take place at the next sitting, at a time set by the President.
Rule 64

5. If two or more motions for resolutions are tabled on a single topical and urgent subject of major importance, the political groups or Members tabling the motions may agree among themselves on a joint motion for a resolution.

This motion for a resolution shall replace the previous motions for resolutions to which they are signatories, but not those tabled by other Members or political groups.

Motions for resolutions on topical and urgent subjects of major importance shall be put to the vote in the order in which they were tabled. Joint motions for resolutions agreed on by several political groups or Members who have tabled motions for resolutions shall be put to the vote instead of the first of the motions they seek to replace.

If a resolution is adopted, the other motions for resolutions on the same subject shall not be put to the vote, save where the President decides otherwise.

Rule 64

5. If two or more motions for resolutions are tabled on the same subject, the procedure set out in Rule 56(4) shall apply.

Deleted

Deleted

Deleted
A joint motion for a resolution tabled under Rule 64(5) is intended to replace a number of motions for resolutions tabled previously and should be considered as a compromise text. The new joint text may be signed by political groups or individual Members who had not previously supported the motions for resolutions replaced by the joint motion for a resolution.

Given the timetable for the procedure laid down in Rule 64, a joint motion for a resolution offers sufficient scope for all interested parties to participate even if it is not possible to table amendments to a text which already, by its very nature, constitutes a reworking of previous texts.

Motions for resolutions under Rule 64 are put to the vote in the order in which they were tabled. This objective criterion prevents political groups or Members who have proposed a motion for a resolution from being put at a substantial disadvantage when a joint motion for a resolution is tabled to which it is not possible to table amendments.

Last paragraph of interpretation unchanged
amending Rules 56, 58 and 64 of the Rules of Procedure of the European Parliament with reference to the procedure in cases where two or more motions for resolutions are tabled on the same subject

The European Parliament,

- mindful of the problems which have arisen with the procedures governed by Rules 56(3), 58(5) and 64(5) of its Rules of Procedure in cases where two or more motions for resolutions have been tabled on the same subject,

- seeking to lay down uniform procedural rules for these three similar procedures and at the same time provide clear decision-making criteria,

- intent on thereby ensuring that the resolutions it adopts on any given subject under these procedures are neither repetitive in content nor mutually incompatible,

- concerned to ensure that it should as far as possible express its opinion on any given subject in a single resolution,

- having regard to the proposed amendment to Rule 58 of its Rules of Procedure (Doc. B 3-178/89),

- having regard to Rules 131 and 132 of its Rules of Procedure,

- having regard to the report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (Doc. A 3-109/90),

- having regard to the second report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities (Doc. A3-179/90),

1. Decides to incorporate the foregoing amendments in its Rules of Procedure;

2. Instructs its President to forward this decision to the Council and Commission for their information.
9. Procedures applicable in the context of proposals on German unification

Doc. B3-1423/90

RESOLUTION

on the parliamentary procedures applicable to consideration of the German unification proposals

The European Parliament,

- having regard to Rules 36, 44, 47, 109 and 112 of its Rules of Procedure,

A. having regard to the historical importance of German unification in the process of European integration,

B. having regard to the urgent need for Community measures to accompany the unification process,

C. noting also the need for Parliament to be flexible in its approach to the adoption of especially rapid procedures to take account of the exceptional situation,

D. noting the Commission's undertaking to submit appropriate proposals to it by 12 September 1990, at the latest,

E. whereas this exceptional situation calls for agreement between the Council, the Commission and Parliament as to the procedure to be followed, the choice of the legal basis and compliance with the timetable proposed,

F. whereas it is essential to ensure the best possible coordination of Parliament's work and guarantee its consistent involvement in good time in the procedure under way,

- having regard to its decision of 15 February 1990 to set up a temporary committee to consider the impact of the process of German unification on the European Community,

1. Instructs the temporary committee set up under the decision of 15 February 1990 as the committee responsible to consider the proposals forwarded by the Council or the Commission and to report to it at first reading during the October 1990 part-session and at second reading during the November 1990 part-session; further requests that the temporary committee, in drawing up its report, must have regard to the opinions of the standing committees where these are delivered in time;

2. Calls on the temporary committee closely to involve in its proceedings the Chairmen and rapporteurs of the main standing committees concerned and to coordinate the positions adopted by them pursuant to Rule 112(3) of its Rules of Procedure, while respecting the content thereof;

3. Confirms that the procedure for referral for an opinion provided for in Rule 112(3) remains applicable for the other committees concerned;
4. In view of the timetable envisaged and the importance of this matter, decides to accord it priority;

5. Instructs its President to draw up with the Council and the Commission the agreements that constitute the necessary prerequisite for implementation of this procedure.
10. European Union

(a) Doc. A3-165/90

RESOLUTION

on the European Parliament's guidelines for a draft constitution for the European Union

The European Parliament,

- having regard to its draft treaty of 14 February 1984,

- having regard to its resolutions of
  - 23 November 1989 on the intergovernmental conference, and in particular paragraph 11 thereof,
  - 14 February 1990 on the Commission's legislative programme,
  - 14 March 1990 on the intergovernmental conference in the context of Parliament's strategy for European Union,
  - 16 May 1990 on Economic and Monetary Union,
  - 18 November 1988 on Community regional policy and the role of the regions

- having regard to the motion for a resolution by Mr Luster and others on the drafting of a European Constitution (Doc. B 3-15/89),

- having regard to the Single Act, in particular the first paragraph of the preamble,

- having regard to its resolution of 16 February 1989 on the strategy of the European Parliament for achieving European Union,

- having regard to the results of the referendum held in Italy on the occasion of the European elections in which the Italian people voted overwhelmingly in favour of the European Parliament preparing a draft for European Union,

- having regard to the conclusions of the Dublin Summit,

- having regard to the report of its Committee on Institutional Affairs, and the opinion of the Committee on Youth, Culture, Education, the Media and Sport (Doc. A 3-165/90),

2 OJ C 68, 19.3.90, pp. 70 and 74
3 OJ C 96, 17.4.90, p. 114
6 OJ No. C 69, 20.3.1989, p. 145
A. whereas the objective of creating a European Union on a federal basis was set right at the beginning of the construction of the Community by its founding fathers; whereas this objective has since been reaffirmed on numerous occasions and whereas the transformation of the EC into a true European Union is more essential than ever for the development of common actions which are stronger and more rooted in popular consent that those carried out hitherto,

B. whereas the constitution for the European Union is an urgent requirement for achieving an ever closer union of the peoples of the Member States, as stipulated in the Treaties, harmonious development of their economies and societies, the development and implementation of practical solidarity between them and full development of their scientific and cultural potential, while respecting and valuing the national and regional differences which make up the cultural wealth of Europe,

C. whereas the Community's institutional structures are proving unable to cope with the extension and development of the Community enterprise, particularly with the establishment of economic and monetary union,

D. whereas the establishment of the European Union is necessary to ensure that all the Member States effectively exercise their responsibilities on the international scene, effectively express and represent the identities, values and interests of their peoples, guarantee peace and security and make a proper contribution to the development of less-favoured areas and environmental protection,

E. whereas recent events in Central and Eastern Europe, German unification and the need to re-design a new European structure in which the Union must be an element of stability, peace, cooperation and the development of democracy, have increased the international responsibilities of the Community of the Twelve and thus require a significant strengthening of its institutional structure,

F. having regard to the characteristics inherent in a federal-type political union, based on the principle of respect for fundamental rights, democracy and the efficiency of the Union's activities,

G. whereas, to be worthy of the name, the Political Union must include among its powers not only those deriving from the existing Treaties (acquis communautaire), including those deriving from the establishment of the Economic and Monetary Union and those relating to the social and environmental sectors, conferred or developed by the Single Act, but also those more essentially political powers necessary to exercise the responsibilities cited above, in particular those relating to foreign policy and security, and to respect the principle of solidarity and the inviolability of the external borders of Member States,

H. whereas the definition of the future powers of the Union will have to be based on the principle of subsidiarity, on the basis of which the Union will have to carry out those tasks which because of their scope or impact or efficient implementation may be better undertaken by the institutions of the Union than by the individual Member States,
I. having regard to the need for any amendments to the Treaties adopted at the intergovernmental conference on political union to be consistent with the objectives of a federal type of European Union and, in this spirit, confirming its conviction that it is necessary and a matter of urgency for the Member States' governments to undertake to decide to transform the Community into an effective European Union on the basis of the draft constitution drawn up by the European Parliament,

J. whereas in the current political climate and in view of the urgent need to define and achieve a true political Union, it seems increasingly clear that the European Parliament, the representative of the will of the people, on the basis of a mandate which it claims for itself once again, is best placed to determine the objectives and institutions of the Union, thus interpreting the increasing popular aspirations to this end, through a draft constitution to be submitted to the parliaments of the Member States for ratification,

K. whereas such a draft constitution should be based on its draft treaty of 1984, updated to take account of the experience of the Single European Act,

I. Decides to draw up a draft constitution for the European Union on the basis of the following guidelines and main points of the draft treaty approved by Parliament on 14 February 1984:

The Union

1. The European Union meets the aspirations of the democratic peoples of Europe to tighten the links established hitherto to create a Europe united by the awareness of a common destiny and by the will to affirm the European identity, and capable of assuming the responsibilities which derive from its economic potential and its political role, especially in the face of the profound changes which are transforming the European continent and require a new foundation based on the principles of freedom, democracy and cooperation; the Union has its basis in a constitutional system inspired by the principles of democracy and guaranteeing the necessary balance between the Member States and the Union; this system needs to be constructed around the following essential elements:

- the definition of and full respect for fundamental rights and freedoms;

- the definition of the rights and obligations of the Member States vis-à-vis the Union within a federal framework;

- the democratic character of the Union which stems from its citizens and is based on a democratic institutional structure with appropriate and effective decision-making procedures;

- respect for the principle of the primacy of the law,

- an allocation of powers based, above all, at the time they are conferred or, in particular, in the case of concurrent powers, at the time they are exercised, on the principle of subsidiarity;
2. The purpose of the Union shall be to:

- bring about harmonious social development on the basis of full employment initiatives, the gradual abolition of existing regional imbalances, environmental protection and the scientific and cultural progress of its peoples;

- guarantee the economic progress of its peoples in the framework of a frontier-free economic area with no differences in the treatment of citizens or undertakings in the Member States and to increase the ability of the Member States, citizens and undertakings jointly to adapt their structures and activities to economic changes;

- promote international peace, cooperation, detente, disarmament, mutual security, the free movement of persons and ideas and better international trade and monetary relations;

- contribute to the harmonious and just development of all peoples in the world in order to enable them to emerge from a state of underdevelopment and hunger and fully exercise their political, economic and social rights;

A. Democratic legitimacy

3. The Constitution shall guarantee respect for the rights and fundamental freedoms set out therein, those provided for in the Community Treaties or established by the Court of Justice, those contained in the declaration adopted by the European Parliament on 12 April 1989¹ as well as those contained in international agreements to which the Union has acceded; the obligations of citizens and lawfully resident non-Community citizens towards the Union shall be those deriving from the legal system of the Union;

4. The Member States shall have, vis-à-vis the Union, the rights and obligations laid down in the Constitution, the Treaties establishing the Communities and the legal system of the Union;

5. The Union’s legitimacy shall be based on institutions directly or indirectly elected by the people and in particular on a legislative and budgetary power consisting of the European Parliament and the Council;

6. Parliament shall represent all the citizens of the Union, by whom it shall be elected, in accordance with a uniform electoral procedure, in general, equal, secret and free elections;

7. The Council shall represent the Member States, without prejudice to the weighting of votes;

¹ OJ No. C 120, 16.5.1989, p. 51
8. Legislative and budgetary power and the power to authorize the ratification of treaties shall be conferred on the European Parliament and the Council; they shall exercise these powers in accordance with co-decisional procedures which shall entail:

- the consensus of both, determined by the majorities laid down in the Constitution (depending on whether ordinary laws, laws requiring a special majority, budgetary law or law authorizing the ratification of treaties are involved);

- in cases of disagreement, a conciliation procedure;

- in cases to be defined, the final say of Parliament;

9. The President of the Commission shall be elected by the Parliament on a proposal from the European Council; the members of the Commission shall be appointed by its President; the Commission thus constituted shall present itself to Parliament for a vote of confidence;

10. The Council shall hold its legislatively meetings in public;

11. The Parliament must be involved, through the assent procedure, in the appointment of the judicial and control bodies and of those responsible for administering the Union's monetary powers;

12. The Court of Justice, consolidating its role as the Supreme Court of the Union, shall have wider competences with regard to the verification of legitimacy, fundamental rights, relations between the institutions and relations with and among the Member States; it shall have jurisdiction, as stipulated in the existing treaties, regarding the demarcation of powers between the Member States and the Union laid down in the Constitution, taking account of the principle of subsidiarity; provision shall be made for appropriate sanctions against Member States which fail to apply Community legislation or comply promptly with its decisions;

13. Relations and the dialogue between the European Parliament and the parliaments of the Member States must be strengthened, in order to guarantee more effective control at the various levels;

14. Appropriate importance must be assigned to the role of the regions, both when the laws of the Union are drafted and when they are implemented, by assigning consultative powers to the Committee of local and regional authorities, with due regard for the constitutional structures of each state;

B. Efficiency of the institutions

15. The European Council shall have the task of guiding and giving impetus to the action of the European Union;
16. The decisions of the European Parliament shall be adopted by a simple majority, save where otherwise provided by the Constitution, and in particular in the case of amendments to the Constitution, including the accession of new Member States; the first exercise of concurrent competences; the election of the President of the Commission and the vote of no-confidence; assent on appointments to the legal and auditing organs and to the organs of the Central Bank, in which cases an absolute majority of its members shall be required;

17. The decisions of the Council shall be adopted by a majority of its members; they shall always be taken by qualified majority, in accordance with the provisions of the Constitution, when the Council exercises its responsibilities with regard to foreign policy and security, the adoption of laws, the budget and authorization of the ratification of international treaties;

18. The Commission shall be the governing body of the Union; it shall also have the power of initiative in respect of legislation and the budget, as already established in the Community Treaties; the Parliament and the Council may ask the Commission to introduce a draft law; should the Commission refuse, they may introduce a draft law in line with their original request;

19. The Commission shall enforce laws and also international policy decisions falling within its jurisdiction, and shall implement the budget and the international treaties of the Union, under the political control of Parliament and the Council; the Commission shall issue regulations within the framework of a general law of the Union;

20. The Commission shall, as far as possible, delegate its duties to the national, regional and local authorities, but shall remain responsible for these duties and may, where necessary, take them on itself;

21. The Commission shall have a general power of control with regard to compliance with the Constitution, in accordance with procedures similar to those laid down in the Community Treaties;

22. The Central Bank of the Union shall enjoy the necessary constitutional autonomy, with due respect for the role of the political institutions in matters of economic policy;

C. Competences of the Union

23. The Union shall have all the competences provided for in the Constitution or exercised as a consequence of the Constitution, in accordance with the principles laid down in the Draft Treaty establishing the European Union of February 1984;
24. The Union shall conduct common foreign, security and defence policies in all areas where the Member States share essential interests; it shall define the aims of these policies and implement them at the level of the Union, where necessary, in order to respond effectively to the requirements of the international situation and ensure the unity and coherence of the Union's international action;

25. The Council, with the participation of the Commission, shall lay down the general guidelines for the Union's security and foreign policies and Parliament shall approve them; the institutions of the Union and the Member States shall implement them within their respective areas of competence;

26. The security and foreign policy guidelines shall be binding on the Union and the Member States;

27. The Union shall have competences in matters of internal security, which it shall exercise in accordance with the principle of subsidiarity;

28. A constitutional review procedure shall be required for the allocation of new competences to the Union, other than concurrent or potential competences;

29. In the course of the budgetary procedure, the Union shall determine its income; this income shall be made up of taxes existing at national level or of appropriate taxes determined by the Union, within the limits fixed in the multiannual financial programme and in accordance with the principle of not increasing the overall fiscal burden on the citizens of the Union;

30. In the sectors for which it is competent, the Union shall ensure coherence between its own policies and those of the Member States, particularly in the economic, social and monetary sectors and with regard to cooperation with the developing countries and environmental policy;

D. Entry into force and amendment of the Constitution

31. Amendments to the Constitution, including new accessions to the Union, shall be subject to a procedure involving the assent of the European Parliament and the Council and ratification by the parliaments of the Member States; the Constitution shall stipulate the cases of constitutional amendment which may be decided on the basis of a simplified procedure;

32. The European Parliament shall propose the procedures under which the draft Constitution, drawn up on the basis of the mandate assigned to it, shall be converted into a European Constitution, by decisions of the European institutions and the responsible bodies of the Member States;

33. Should certain Member States not be prepared to accept this Constitution, provision shall be made for procedures to ensure that it may nevertheless enter into force in the Member States that have accepted it, while at all events safeguarding the close ties between all the Member States;

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II. Instructs its Committee on Institutional Affairs to prepare a draft constitution in accordance with these guidelines and taking into account the results of the intergovernmental conferences;

III. Instructs its President to forward this resolution to the Council, the Commission and the parliaments and governments of the Member States.
RESOLUTION

on the Intergovernmental Conference in the context of Parliament’s strategy for European Union

The European Parliament,

- having regard to its resolution of 14 March 1990 on the Intergovernmental Conference,

- having regard to the Community Charter for Regionalization attached to its resolution of 18 November 19882

- having regard to the second interim report of its Committee on Institutional Affairs and the opinion of the Committee on Youth, Culture, Education, the Media and Sport (Doc. A 3-166/90),

A. WHEREAS there have been a number of significant developments since, and partly in response to, the adoption of Parliament’s resolution, notably:

* the aide-memoire of the Belgian Government of 20 March 1990, which supports most of the key points in the Parliament’s resolution;

* the three resolutions adopted by the Italian Parliament on 21 March 1990 explicitly supporting the European Parliament’s resolution and agreeing to host with the European Parliament the ‘assizes’ of national parliaments and the European Parliament in October 1990;

* the letter sent by President MITTERRAND and Chancellor KOHL to the President-in-Office of the European Council calling for a second intergovernmental conference on political union in order to ‘strengthen the democratic legitimacy of the union, render its institutions more efficient, ensure unity and coherence of the union’s economic, monetary and political action and to define and implement a common foreign and security policy’, this letter following on from the desire expressed on 25 March 1990 by President Mitterrand to see European political union completed by 31 December 1992;

* the initiative of Felipe Gonzalez, the Spanish Prime Minister, for a citizen’s Europe;

* the ETUC declaration on the political union of Europe;

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1 OJ C 96 of 17.4.1990, p. 114
* the special meeting of the European Council in Dublin on 28 April 1990 at which the European Council 'confirmed its commitment to political union' and charged the foreign ministers with preparing 'proposals to be discussed at the European Council in June with a view to a decision on the holding of a second intergovernmental conference to work in parallel with that on EMU with a view to ratification in the same timeframe';

* the aide-memoires of the Greek, Dutch and Danish Governments, most aspects of which also support key points in Parliament's resolution;

* the discussions that took place at the first meeting of the interinstitutional preparatory conference held in Strasbourg on 17 May 1990;

* the informal meeting of the Foreign Ministers of the Community's Member States at Parknasilla on 18 and 19 May 1990 and the meeting of the General Affairs Council in Luxembourg on 18 and 19 June 1990;

* the meeting of the European Council of 25 and 26 June 1990 in Dublin which agreed to convene the two intergovernmental conferences,

1. Welcomes the fact that the agenda of the forthcoming reform of the Treaties is to be widened beyond economic and monetary union; underlines, however, its grave concern at the emergence of some positions within the Council defining 'political union' as merely a reinforcement of the intergovernmental level of cooperation among the governments of the Member States of the EC;

2. Recalls its preference for a single intergovernmental conference possibly with two working groups, but accepts the proposal for two intergovernmental conferences provided that they are closely coordinated and that they aim for a single coherent package for ratification;

3. Considers that the term 'political union' refers to the same aspirations as those which lay behind Parliament's draft Treaty on European Union of February 1984; reaffirms the essential elements of such a political union to be:
- economic and monetary union with a single currency and an autonomous central bank;
- a common foreign policy, including joint consideration of the issues of peace, security and arms control;
- a completed single market with common policies in all the areas in which the economic integration and mutual interdependence of the Member States require common action notably to ensure economic and social cohesion and a balanced environment;
- elements of common citizenship and a common framework for protecting basic rights;
- an institutional system which is sufficiently efficient to manage these responsibilities effectively and which is democratically structured, notably by giving the European Parliament a right of initiative, of co-decision with the Council on Community legislation, the right to ratify all constitutional decisions requiring the ratification of the Member States also and the right to elect the President of the Commission;

with these responsibilities being exercised on the basis of the principle of subsidiarity, which will enable the Union to develop dynamically;

4. Believes that a reform of the Treaties that would achieve these objectives would bring the European Community closer to the 'European Union of federal type' advocated by the European Parliament in its resolution of 14 March 1990 and considers, therefore, that such changes should be consolidated in a 'constitution' which the European Parliament should prepare; recalls its resolution of 11 July 1990¹ on this draft, which is based on its draft treaty of European Union of 1984, and which should become the basis for the transformation of the Community into a genuine union of federal type;

5. Regards it as essential, at the intergovernmental conference, to amend in a coherent manner all the Treaties establishing the European Communities, in particular the ECSC, EEC, EURATOM and Merger Treaties;

6. Reaffirms the areas in which it would like to see treaty reform, namely those listed in paragraph 4 of its resolution of 14 March 1990, and spells out as follows the precise changes that it would seek to achieve for each of the areas listed in that resolution;

ECONOMIC AND MONETARY UNION

7. Economic and monetary union should be established in accordance with a specific, automatic and mandatory timetable, between the 12 Member States of the European Community or, if appropriate, between those willing, in accordance with the criteria spelt out in Parliament’s resolutions of 25 October 1989² and 16 May 1990³ on economic and monetary union;

¹ Part II, Item 10(a) of these Minutes
² OJ C 304, 4.12.1989, p. 43
³ See Minutes of that sitting, Part II, Item 2.
COMMUNITY FOREIGN POLICY

8. Considers that Article 30 of the Single European Act should be revised in order to provide for matters currently dealt with under EPC to be dealt with in the Community framework with appropriate procedures; believes that the current division between external economic relations handled by the Community institutions with the Commission acting as the Community’s external representative, and political cooperation handled by EPC with the EPC President acting as external representative, is increasingly difficult to maintain in practice; considers that any genuine attempt ‘to assure unity and coherence in the Community’s international action’ must abolish this increasingly artificial distinction;

9. Calls therefore for the Council (rather than a separate framework of foreign ministers) to be given the prime responsibility for defining policy; for the Commission to have a right of initiative in proposing policies to Council and to have a role in representing the Community externally, including appropriate use of its external missions in third countries; and for the functions of the EPC secretariat to be absorbed by the Commission and Council; and for the Community’s foreign policy to be subject to scrutiny by the Community’s elected Parliament;

10. Calls for the scope of the Community’s foreign policy to include issues of security, peace and disarmament, with a close coordination of national security policies, and to respect the principle of solidarity and the inviolability of the external borders of Member States;

11. Considers that in all these areas, the Community should aim to have common policies on all matters in which the Member States share essential interests;

12. Considers that membership of international organizations should be adjusted accordingly, with the Community as such seeking membership and representing the Member States in those areas where Community competence has been established, and it should therefore belong notably to the Council of Europe;

BETTER TREATY PROVISIONS IN THE SOCIAL, ENVIRONMENTAL, RESEARCH AND CULTURAL SECTORS

13. Considers that, in order to ensure a balanced development of the internal market, the social and environmental provisions of the treaties should be among those in which majority voting in Council applies; believes this could be best achieved in the context of the improved legislative procedure outlined below;
14. Considers that the objectives of social policy, as defined in the
   treaties, should be extended, improved and completed, notably by:

   - adding to Article 3 EEC the objective of common action in the field of
     social affairs and employment, which implies the affirmation of the
     right of workers to be informed and consulted before any decision
     affecting them;

   - deleting paragraph 2 of Article 100a EEC and including social protection
     in matters concerned by paragraph 3;

   - adding to Article 8a EEC that the completion and further evolution of
     the internal market necessarily imply provisions to secure the
     convergence, at a higher level, of living and working conditions;

   - adding to Article 101 EEC the possibility of Commission intervention in
     cases where Community action in Member States causes serious economic or
     social distortion or where the intervention of the structural funds is
     insufficient;

   - adding to the objectives of Article 117 EEC improved training and
     working conditions, equal opportunities, and access to education and
     culture, to be granted to all citizens of the Member States and to all
     persons legally resident in the Community;

   - adding to the first paragraph of Article 118 of the EEC Treaty the
     indication that the Commission’s task in the social sphere is to
     implement the common policy in the social affairs and employment sphere
     and to promote collaboration between the Member States;

   - adding to the objectives of Article 118a EEC the improvement, achieving
     progress, of living standards and social provisions, equal
     opportunities, training, minimum levels of social security and welfare,
     minimum provisions for union law and collective bargaining, covering
     also workers from third countries;

   - amending Article 118b of the EEC Treaty by indicating that the Community
     must adopt a legal framework which enables the dialogue between the two
     sides of industry to develop so that European collective bargaining may
     be undertaken;

   - establishing, through Article 128 EEC, a common policy providing for all
     persons in the Community to have access to appropriate vocational
     training throughout working life;

   - modifying the last words of Article 130a EEC to refer to least-favoured
     regions and population groups;

   - adding to the objectives of Article 119 EEC, concerning equal pay for
     men and women, the objective of equal opportunities at work and in
     society;
15. considère que les objectifs de la politique de l'environnement tels que définis dans les traités, devraient être étendus, améliorés et complétés, notamment par :
   - l'adjonction à l'article 130R, paragraphe 1 du traité CEE de l'objectif visant la contribution et l'action internationale contre les risques qui menacent l'équilibre écologique de la planète ;
   - la modification de l'article 130R, paragraphe 4 du traité CEE afin que soit précisé que la Communauté contribue à la réalisation des objectifs énoncés au paragraphe 1, par la création d'un Fonds européen de l'environnement ;

16. considère en outre que la Communauté doit ratifier la Charte sociale du Conseil de l'Europe et les Conventions de l'Organisation internationale du Travail se rapportant aux droits sociaux fondamentaux et aux domaines couverts par le droit communautaire ;

17. juge suffisantes les compétences conférées à la Communauté dans le domaine de l'environnement à condition que l'exercice de ces compétences respecte la procédure de codécision décrite ci-après ;

DROITS ET LIBERTÉS FONDAMENTAUX ET EUROPE DES CIToyENS

18. demande l'inscription dans les traités de la Déclaration des droits et libertés fondamentaux adoptée par le Parlement européen le 12 avril 1989 ; demande l'inscription dans les traités de la Déclaration solennelle contre le racisme et la xénophobie adoptée par le Parlement le 11 juin 1986 ; demande que la protection de ces droits fondamentaux vis-à-vis de la Communauté soit du ressort de la Cour de justice avec une possibilité d'accès direct des citoyens de la Communauté européenne à la Cour de justice après l'épuisement des voies de recours nationales ; estime en outre que la Communauté devrait adhérer à la Convention européenne des droits de l'homme du Conseil de l'Europe afin que les procédures communautaires protégeant les droits fondamentaux puissent faire l'objet de recours auprès d'un organe extérieur, au moins dans les domaines couverts par la Convention (de même que les États individuels, y compris ceux disposant de chartes de droits propres, s'en remettent à la Convention européenne) ;

19. demande l'inclusion dans les traités de dispositions visant à développer des formes communes de citoyenneté européenne, par le biais de mesures telles que le droit de vote, aux élections municipales et européennes, pour les citoyens de la Communauté dans l'État membre où ils résident ;
20. Believes that unanimity should no longer be required for decision-taking in Council, except for constitutional matters (revision of the treaties), accession of new Member States and extension of the field of Community responsibilities (Article 235); considers that the requirement for unanimity for ordinary Community legislation and policies is tantamount to the dictatorship of the minority; considers that the experience of the recent extension of the field of majority voting shows that a significant improvement in the decision-taking capacity of the Council can be achieved by this means;

21. Considers that Council should hold its meetings in public when adopting Community legislation, in order to allow more openness and better scrutiny;

22. Considers it essential to ensure the participation of the regions by means of a body consisting of representatives of the regional authorities in the Member States, whose function would be comparable to that of the Economic and Social Committee in its specific field;

23. Is aware that many national parliaments are seeking to improve their scrutiny over their country's member of Council; expresses its readiness to assist the parliaments of the Member States with access to information; will continue to cooperate with the parliaments of the Member States in the new regular meetings that take place at various levels between these parliaments and the European Parliament; considers, however, that it would not be useful to set up a new institution or 'chamber of national parliaments' alongside the European Parliament, as:

- experience of the European Parliament prior to direct elections shows the practical limitations of such a body;

- Community institutions already include a body representing Member States (the Council) and a body representing the electorate directly (the European Parliament);

- decision-taking would become even more complex and therefore less transparent;

and instructs its Committee on Institutional Affairs to prepare practical proposals for improving cooperation with national parliaments;

STRENGTHENING THE COMMISSION'S IMPLEMENTING POWERS

24. Considers that the amendment of Article 145 EEC by Article 10 of the Single European Act has not been properly implemented and Declaration No. 1 annexed to the Single Act has not been respected;

1 OJ C 120, 16.5.1989, p. 51
25. Calls for an amendment to Article 155 of the EEC Treaty and a corresponding deletion in Article 145 of the EEC Treaty in order to clarify that implementing powers should in all cases be conferred on the Commission which, for this purpose, may be assisted by an advisory committee (purely consultative) or a management committee (able, by a qualified majority, to suspend Commission decisions and refer them to the legislative authority (Parliament and Council));

26. Considers that democratic scrutiny of Commission implementing provisions should be ensured by means of an obligation on the Commission to inform Parliament and Council immediately of any such measures and to discuss them with the appropriate organ of Parliament or Council when requested, and that Parliament should have a period of one month after publication of such provisions in which to decide whether it wishes to subject them to the legislative procedure;

27. Believes that the Commission’s responsibility to implement the budget as adopted should not be fettered by any committees other than advisory committees;

STRENGTHENING THE COMMUNITY’S ABILITY TO ENFORCE APPLICATION OF ITS LAW

28. Believes that in order to be in a position to check on the implementation of Community law, the Commission must be reinforced by the creation of European Inspectorates working with or within it, most notably and urgently in the field of the environment, and that such Inspectorates should have the task of checking that national authorities are properly applying EC law;

29. Considers it necessary for the Court of Justice to be given powers, to be written into the Treaties, to impose sanctions, including financial sanctions, on Member States which fail to apply Community legislation or implement Court judgments;

REFORMING THE FINANCIAL ARRANGEMENTS AND IN PARTICULAR THE SYSTEM OF OWN RESOURCES

30. Considers that, with the achievement of economic and monetary union and political union, the financial arrangements laid down in the Treaties are no longer adequate; considers, therefore, that there is a need for an overall review of those financial arrangements on the basis of a greater balance between the two branches of the budgetary authority and, in particular, that:

- Article 199 of the EEC Treaty should cover the financial activities of all the Communities, including those (e.g. EDF, ECSC) which have for various reasons not hitherto been included in the budget, and should also cover borrowing and lending operations;

- Article 201 should outline a full own resources regime which would ensure complete financial autonomy and self-sufficiency for the Community; at all events, in order to ensure coverage of all budget expenditure, Article 200 should be updated,
- the multiannual financial estimates, as drawn up and periodically updated by the Council and Parliament, should form the basis of the budgetary procedure;

- in Article 203, all the special rules concerning compulsory expenditure should be deleted; the maximum rate rule should be replaced by a multiannual and annually rolling expenditure plan, to be determined jointly by Parliament and the Council;

- Articles 204 to 209 should be adapted in accordance with the plan to increase the powers of Parliament;

RECOGNIZING THE DUALITY OF COMMUNITY LEGITIMACY: COUNCIL AND PARLIAMENT

31. Considers it to be absolutely essential that Community legislation should be adopted by a procedure of co-decision between Parliament and Council;

32. Believes that the proposal contained in the memorandum of the Belgian Government represents a significant step towards a co-decision procedure, but considers that such a method gives too much weight to the final possibility for the Parliament to reject legislation in what amounts to a third reading and a simple veto power might cast Parliament in a negative light, as holding up the progress of the Community and causing interinstitutional conflict;

33. Calls for Parliament and the Council to be given equal rights and equal weight in the legislative process, provision being made for a mechanism to settle disputes between the two bodies which compels them to cooperate on an equal footing in accordance with the following procedure:

(a) Commission proposals should be forwarded to Parliament which would have the right to approve, amend or reject them; amendments rejected by the Commission would require the support of a majority of the Members of Parliament;

(b) Council could then approve, amend or reject such proposals; it could approve by a majority any text in the form adopted by Parliament; it could amend such texts by a qualified majority where the Commission approved of such amendment or by unanimity where the Commission disapproved; it would require unanimity to approve a proposal rejected by Parliament;

(c) At first reading, flexible deadlines should be set to permit either of the two branches of legislative power to request application of the urgency procedure to a proposal which is being blocked by the other;

(d) If the text approved by Council conformed to that of Parliament, it would be definitively adopted; where it differed from that of Parliament, Council's position would be referred back to Parliament for a second reading;
(e) Parliament, in its second reading, could, by simple majorities, either approve Council's text, or request the opening of the conciliation procedure; should a proposal not be approved within 3 months, it would be referred to the Conciliation Committee;

(f) The Conciliation Committee would comprise an equal number of members of both institutions; members would not be bound by instructions;

The Commission would participate in the work of the committee;

The text agreed on by the committee would be forwarded to the Council and to Parliament for their decision. No further amendments would be admissible;

Should it not secure a majority in one of the two institutions, the legislative procedure would be closed;

(g) Proposals adopted by both Council and Parliament would become law upon the signature of the Presidents of the two institutions;

34. Calls for Parliament also to be given the right to initiate legislative proposals in cases where the Commission fails to respond within a specified deadline to a specific request adopted by a majority of Members of Parliament to introduce proposals; in such cases a Parliament proposal adopted by a majority of Members would be the basis for the subsequent stages of the legislative procedure described above;

35. Calls for Parliament to be given the right to elect the President of the Commission on a proposal from the European Council; the President should, with the agreement of Council, choose the Members of the Commission; the debate and the vote of confidence in a new Commission, which Parliament has held since 1981, should now be formalized in the Treaties;

36. Considers that the procedure whereby Parliament gives its opinion on each nomination to the Court of Auditors should be modified to provide for Parliament to give its approval by a simple majority to nominations to the Court of Auditors and that the same procedure should apply to nominations to the Court of Justice;

37. Calls for the budgetary control powers of the European Parliament to be enhanced and democratic control reinforced, and in particular :

(a) calls for the principle that the observations made in the discharge decisions are binding on all the institutions to be enshrined in the Treaty;

(b) calls for the discharge authority's right to ask the Court of Auditors to carry out investigations and submit reports to be enshrined in the Treaty;

38. Calls for the essential right to go to the Court of Justice for annulment should be explicitly granted to the European Parliament in the Treaties;
39. Demands that each of the three other institutions be entitled to consult the Court of Justice in respect of any matter regarding the interpretation of the Treaties;

40. Considers that Parliament should have a right, enshrined in the Treaties, to establish committees of inquiry to investigate alleged contraventions of Community law or instances of maladministration with respect to Community responsibilities; the Treaties should provide for an express obligation on Community institutions and other Community and Member State authorities to cooperate with such an inquiry;

41. Calls for Articles 216(ECSC), 77(ECSC) and 189(EAEC) to be amended to give the European Parliament the right to fix its own seat unless, within two years, the Member States can finally agree (after a delay of over 30 years) to exercise their power and responsibility 'to determine the seat of the institutions of the Community' under the existing Articles;

42. Believes that the assent procedure should be extended to include Treaty amendments (Article 236 EEC and its equivalents in the other Treaties), the uniform electoral system and all significant international agreements entered into by the Community;

43. Undertakes to submit appropriate drafts of Treaty articles and amendments conforming to the above requests in due time before the beginning of the intergovernmental conferences as part of its formal opinion required under Article 236(EC) for the convening of the conferences; expects the intergovernmental conferences to examine Parliament's requests and either to incorporate them as such in the Treaty revision or to agree with Parliament on alternative possibilities, in accordance with the procedure put forward in paragraph 5 of its resolution of 14 March 1990;

44. Confirms its decision to deliver an opinion pursuant to Article 236 of the EEC Treaty on the convening of the Intergovernmental Conference on political union, on the basis of the results of the preparatory interinstitutional conference and in particular the consensus reached with the governments of the Member States and the Commission on the agenda for the conference and the role of the European Parliament;

45. Calls for a move from the present Community based on Treaties to a Union of federal type on a constitutional basis and demands therefore the amendment of Article 236 of the EEC Treaty, the new version of which should provide for approval of constitutional amendments by the two legislative arms (Council and Parliament) and their subsequent ratification by the Member State parliaments;

46. Considers in any event that such a major revision of the Treaties should be elaborated and agreed jointly by the representatives of the Member States and the representatives elected by the citizens of Europe to the European Parliament;
47. Instructs its President to forward this resolution to the Commission, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the governments and the parliaments of the Member States and Applicant States and the consultative committee of local and regional authorities and to use this resolution for his submissions to preparatory meetings of the IGC, to 'the Assizes' and to European Council meetings.