Subject: Co-operation procedure

- Request from the European Parliament for an extension of the period provided for in Article 149(2)

1. On 21 January 1991 the Council submitted to the European Parliament its common position on the legal protection of computer programs (see 10652/1/90 + ADD 1).

2. In a letter dated 13 March 1991 the President of the European Parliament intimated that:

   - the period provided for in Article 149 of the EEC Treaty would therefore begin on 21 January 1991;
   - the European Parliament was asking the Council to agree to a month's extension of this period with respect to the common position;
   - this request for an extension was based on the significant number of amendments introduced into the common position and on the complexity of the dossier.

3. Should the Permanent Representatives Committee agree to suggest that the Council reply favourably to this request, it might then submit to it the text of draft letter No 1 set out in the Annex.

4. If, on the other hand, the Permanent Representatives Committee agreed to suggest that the Council reply negatively to this request, it might submit to it the text of draft letter No 2.
DRAFT LETTER No 1

to Mr Enrique BARON CRESPO
President of the European Parliament

Subject: Request from the European Parliament for an extension of the period laid down in Article 149(2)(g) of the EEC Treaty

Sir,

The Council has received your letter of 13 March 1991 requesting, pursuant to Article 149(2)(g) of the EEC Treaty, an extension by one month of the period allowed to the European Parliament for reaching a decision on the Council's common position on the legal protection of computer programs (see 10652/1/90).

The Council has decided to agree to your request.

Please accept, Sir, the assurance of my highest consideration.

For the Secretary-General

Francisco FERNANDEZ-FABREGAS
Director-General
DRAFT LETTER No 2

to Mr Enrique BARON CRESPO
President of the European Parliament

Subject: Request from the European Parliament for an extension of the period laid
down in Article 149(2)(g) of the EEC Treaty

Sir,

The Council has received your letter of 13 March 1991 requesting, pursuant to
Article 149(2)(g) of the EEC Treaty, an extension by one month of the period
allowed to the European Parliament for reaching a decision on the Council's
common position on the legal protection of computer programs (see 10652/1/90).

The Council notes that the reason for your request is the complexity of the
dossier and the significant number of amendments introduced. While agreeing that
the matter is a complex one, the Council takes the view that it is no more
complex than many other proposals that have been the subject of the co-operation
procedure and that the European Parliament had every opportunity to familiarize
itself with the matter during the first reading, which laster more than a year.
Moreover, in view of the small number of substantive questions on which the Council's common position differs from Opinion of the European Parliament, the Council considers that the normal period of three months should suffice to enable the European Parliament to reach a decision on the common position.

The Council has therefore decided not to agree to an extension of the period laid down in Article 149(2)(b) of the EEC Treaty.

Please accept .....