EUROPEAN PARLIAMENT

PE/VII/PV/11-93

COMMITTEE ON LEGAL AFFAIRS AND CITIZENS' RIGHTS

MINUTES

of the meeting of
Tuesday, 8 June 1993 at 3 p.m.
Wednesday, 9 June 1993 at 9 a.m. and 3 p.m.
Thursday, 10 June 1993 at 9 a.m.

Room 2 - VAN MAERLANT
BRUSSELS

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ANNEX III: Decisions on the procedure to be followed on motions for resolutions tabled pursuant to Rule 63 of the Rules of Procedure and referred to the Committee on Legal Affairs and Citizens' Rights
ANNEX IV: Voting list on proposal for a directive on legal protection of databases (draft report by Mr GARCIA AMIGO, see item 9 on the agenda)
The meeting opened at 3.12 p.m. with Mr Bocklet, chairman, in the chair.

The chairman read out the names of those who had requested authorization to attend the meeting:

Mrs Catherine STEWART, Cabinet Stewart;
Mr Anthony GOUTH, Cabinet Stewart;
Mr John STEPHENS, Reuters;
Mrs Anne VAN COPPENOLLE, Dun & Bradstreet;
Mr Marc DEERING, Adamson Associates;
Mrs Heidi RANSCOME, Coopers and Lybrand;
Mr Gerard GRIIBOM, Archimede;
Mrs Emmanuelle BUTAUD, CNPF;
Mrs Martine REZZI, European Group of Societies of Writer-Composers;
Mr Robert PRIESTER, guest of the RDE Group.

The committee authorized the above to attend.

1. The chairman read out the points on the agenda in the order in which they would be dealt with. Consideration of item 10 (equality of treatment between men and women) had been held over to a later meeting.

Mr Janssen van Raay and Mrs Fontaine spoke.

The draft agenda was adopted with these changes, subject to changes made to the order of items during the meeting.

2. Following a joint proposal from Mr Janssen van Raay, draftsman, and the chairman, the committee set the deadline for tabling amendments to the conclusions in the draft opinion (PE 204.507) at 12 noon on Thursday, 24 June 1993.

3. Mr Medina Ortega, rapporteur, commented on the Council's common position (C3-0201/93 - SYN 358). He proposed to submit a draft recommendation for the meeting on 28 and 29 June 1993.

The following spoke: the chairman, Anastassopoulos, Bruhann (Commission) and the rapporteur.

On a proposal from the chairman and with the agreement of the rapporteur - in the interest of complying with the three months' deadline ending on 28 August 1993 - the committee set the deadline for tabling amendments at 12 noon on Wednesday, 16 June 1993. This matter would be considered again at the next meeting.

4. Mr Medina Ortega, draftsman, summarized the subject briefly, insisting that it would be more in keeping with the nature of the subject if the Committee on Legal Affairs were to be the committee responsible.
Mr Anastassopoulos supported the rapporteur's view. The chairman spoke. The matter would be considered again at the meeting on 28 and 29 June 1993.

5. The chairman welcomed Mr Vanni d'Archirafi, Member of the Commission, who explained the legal nature of Article 8a of the EEC Treaty, the complexity of implementing it, the Commission's efforts to this end and the difficulties it had encountered with the Council, particularly in the area of freedom of movement. He stressed the decisive importance of the meeting scheduled for 30 June 1993 of the ministers of the States signatory to the Schengen Agreements.

The following spoke: the chairman, Turner (chairman of the Committee on Civil Liberties), Anastassopoulos, Janssen van Raay, Medina Ortega, Fontaine, Bon tempsi, Bru Piron, Alber, Marinho and the Commissioner.

The chairman closed the debate, noting that the discussion on the advisability of bringing proceedings pursuant to Article 175 EEC for failure to act would be continued the following morning in the presence of the legal adviser.

6. Mr Vanni d'Archirafi explained the difficulties which the proposal for a 13th company law directive faced in the Council, which had not held a meeting on this subject since June 1991.

Mrs Fontaine, rapporteur, spoke, stressing the need for Community rules on take-over bids. Mr Vanni d'Archirafi said that the Commission planned to take further soundings from the Member States. If it appeared necessary to include new material in its proposal or amend it substantially, it would ensure that Parliament was consulted at first reading.

The chairman spoke, thanking the Commissioner for his attendance and for his contribution to the work of the committee.

* * *

The meeting was adjourned at 6.30 p.m. and resumed the following morning, Wednesday, 9 June, at 9.12 a.m., with Mr Bocklet in the chair.

* * *

7. The chairman welcomed Mr Campinos, legal adviser, and said that the meeting would continue in camera.

A. The legal adviser briefed members on the implementation by the Commission and the Council of Article 8a EEC, particularly as regards freedom of movement for persons.

The following spoke: Medina Ortega, Janssen van Raay and the chairman. The chairman reminded members that the committee would need to appoint a rapporteur on this subject (see PE 204.835/Ann.II, item 7) and said a decision might be taken at the committee's next meeting.

B. The legal adviser summarized the matter which Mrs Van Dijk, chairman of the Committee on Transport and Tourism, had raised before the Committee on Legal
Affairs by letter of 3 May 1993. The following spoke: the chairman, Medina Ortega and Janssen van Raay.

The problem at issue was the conflict between the use of Article 113 EEC (proposed and defended by the Commission) and Article 75 EEC (adopted by the Council in its two decisions). The committee, maintaining a consistent position on this matter, decided unanimously to recommend to the President that Parliament intervene together with the Council in the case currently pending before the Court of Justice.

C. Mr Schoo, of the Legal Service, gave an account of the subject. The following spoke: Medina Ortega, the chairman, van Dijk (chairperson of the Committee on Transport and Tourism), Alber, Janssen van Raay and Schoo.

It was decided to defer a decision pending further discussions by the Committee on Transport and Tourism. The committee would monitor the case and appoint a rapporteur (see PE 204.835/Ann.II, point 8).

D. Following a briefing by Mr Quintana Rufas, of the Legal Service, and contributions by Mr Janssen van Raay and the chairman, the committee decided unanimously to recommend that proceedings be brought (pursuant to Article 173 EEC) to have the Council's two decisions (93/323/EEC and 93/324/EEC; OJ No. L 125, 20 May 1993) set aside.

The chairman spoke.

E. The chairman informed members that, following the committee's discussions on this subject (see minutes of meeting of 26 and 27 April 1993, item 6c, PE 204.831), he had asked the President on the committee's behalf that the text which the Council had adopted as a common position on the establishment of a committee on transferable securities should not be announced at the May 1993 part-session.

The following spoke: the legal adviser, Mr Janssen van Raay and the chairman.

* * *

The chairman thanked the legal adviser and the members of the Legal Service for their contribution to the committee's work and declared the meeting no longer in camera.

* * *

8. Mr Anastassopulos, rapporteur, briefed members on the basis of his working document (PE 204.510). The following spoke: the chairman - who emphasized the need for preliminary work, in this case the search for an appropriate legal basis -, Malangre, Vayssade, Bontempi, Garcia Amigo, the rapporteur and Grund.

Consideration of this matter would resume at the meeting on 28 and 29 June 1993.

* * *
The meeting was adjourned at 12.23 p.m. and resumed at 3.10 p.m. with Mr Bocklet in the chair.

* * *

9. The committee voted on the proposal for a directive and the amendments thereto (see PE 204.504/A and PE 204.504/Am. 29-69).

A table setting out the detailed results of the vote appears in annex IV to these minutes.

The proposal as a whole, as amended, was adopted by 8 votes to 1, with one abstention.

The motion for a legislative resolution was adopted (8/1/1).

* * *

The meeting was adjourned at 6.15 p.m. to enable a coordinators' meeting to be held. It resumed the following morning, Thursday, 10 June, at 9.10 a.m. with Mr Rothley, second vice-chairman, in the chair.

* * *

10. The minutes were approved.

11. The committee, on the basis of the recommendations of the coordinators' group, took the decisions shown in annexes II and III to these minutes.

12. Mr Alber, rapporteur, introduced his draft report (PE 204.838). The following spoke: Janssen van Raay, Grund, Inglewood, Bontempi, Garcia Amigo, Rothley and the acting chairman.

On a proposal from the acting chairman, it was decided to set the deadline for tabling amendments at 12 noon on Wednesday, 8 September 1993. Discussion of the subject would resume at a subsequent meeting.

13. Mr Perreau de Pinninck Domenech, rapporteur, introduced his draft report (PE 204.839/A). The following spoke: the acting chairman, Mr Fombellida (Commission), Mr Rogalla and the rapporteur.

On a proposal from the acting chairman, it was decided to set the deadline for tabling amendments at 12 noon on Wednesday, 8 September 1993. Discussion of the subject would resume at a subsequent meeting.

14. Mrs Oddy, draftsman, introduced her working document on Petition No. 150/91 (PE 152.334). The following spoke: Rogalla, the acting chairman and the draftsman.

Consideration of the subject would resume at a later meeting, on the basis of a draft opinion to be drawn up by the draftsman.
15. **Other business**

A. The acting chairman informed members that, if the meeting on 3, 4 and 5 November 1993 in Luxembourg were confirmed:
   - a working meeting would be held at the Court of Justice on 4 November, and
   - on 5 November a visit would be organized to the Academy of European Law in Trier.

B. The acting chairman stated that, in principle, the joint meeting with the chairmen of the legal affairs committees of national parliaments would be held on 14 October 1993.

C. Mr Rogalla spoke, and the acting chairman said that the committee had appointed a rapporteur on this subject (see PE 204.835/Ann.II, item 5).

16. The following items on the agenda (PE 204.835) were held over to a subsequent meeting:

   - 11 (situation of notaries in the Member States of the Community);
   - 15 (1994 general budget: Section III) and
   - 16 (1994 general budget - other sections).

17. The next meeting would be held in Brussels on Monday, 28 June 1993 at 3 p.m. and on Tuesday, 29 June 1993 at 9 a.m.

* * *

The meeting closed at 11.15 a.m.
### Record of Attendance

#### Presence

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#### Art. 111, 2

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#### Notes

- (P) = Formand/Vorsitzender/Nupechte/Chairman/Président/Presidente/Voorzitter/Presidente
- (VP) = Næstform./Stellv. Vorsitz./Avtonuppechte/Vice-Chairman/Vice-Président/Vicepresidente
- (Onder)voorz./Vice-Prés./Vicepres.

#### Time

- 08.06.93
- 09.06.93
- 10.06.93

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PE 204.837/Ann.
Efter indbydelse fra formanden/Auf Eindladung d. Vorsitzenden/Mc πρόεδρη στον Προέδρου/At the invitation of the Chairman/Por invitación del presidente/Sur l'invitation du président/Su invito del presidente/Ω καλογήρου για τον Πρόεδρο/A convite do presidente:

Radet/Rat/Συμβούλιο/Council/Consejo/Consell/Consiglio/Raad/Conselho: (*)

Kommissionen/Kommission/Enttöπνη/Commission/Comisión/Commissione/Comissão: (*)

BRUHANN - CZARNOTA - FOMBELLIDA - LAU - VANNI D'ARCHIRAFI (comissaire)

Cœur des comptes:

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*(P) = Formand/Pras./Président/Chairman/Präsident/Vorzitter
(UP) = Nestform./Vice-Pras./Vice-Chairman/Vice-Président/Ondervoorz./Vice-pres.
(M) = Medlem./Mitglied/Membro/Membre/Membro/Lid/Membro
(F) = Tjenestemand/Beamter/Yndømmelser/Official/Funcionario/Fonctionnaire/Funzionario/Ambtenaar/Functionário
I. Nomination de rapporteurs pour avis sur des consultations :

1. Pluralisme et concentration des médias dans le marché intérieur - Evaluation de la nécessité d'une action comm. (13/93)
   T02557 - (COS0066 - COM(92)0480 - C3-0035/93)
   - Rapporteur pour avis: Kurt MALANCRÉ (PPE) (1 point)
   Fond: JEUN R (FAYOT Ben - PSE)
   Avis: ECON A

2. 22e rapport annuel sur la politique de concurrence (56/93)
   T02862 - (COS0074 - COM(93)0162 - C3-0191/93)
   - Rapporteur pour avis: Anthony SIMPSON (PPE) (0 point)
   Fond: ECON R (READ Imelda Mary - PSE)
   Avis: AGRI A

II. Nomination de rapporteurs pour avis sur des propositions de résolution, art: 63

3. Libre circulation sur les axes routiers communautaires (25/93)
   SAPENA GRANELL Enrique (PSE), COIMBRA MARTINS António
   T01698 - (B3-1955/90 - - -
   (B3-1553/92 - - -
   - Le 20/3/91, la comm JURI a décidé de ne pas donner AVIS sur prop.rés.B3-1955/90 portant sur le même sujet que B3-1553/92
   Fond: TRAN R (SAPENA GRANELL Enrique - PSE)
   - Décision de ne pas faire avis.

4. Lutte contre la pauvreté et l'exclusion sociale dans la CE (44/93)
   CRAWLEY Christine M. (PSE), CRAMPTON Peter Duncan, COATES Kenneth, MCMAHON Hugh R.
   T02402 - (B3-0314/93 - - -
   - La comm. JURI a été saisie pour AVIS en séance le 23/4/93.
   - La comm. ASOC a décidé de joindre cette proposition de résolution au rapport d'initiative de Mme HADJIGEORGIIOU qui devrait être adopté le 1/7/93
   Fond: ASOC R (HADJIGEORGIIOU Menelaos - PPE)
   Avis: PETI
   - Décision de ne pas faire avis.

III. Nomination de rapporteurs au fond sur des initiatives (suite à la décision du Bureau élargi du 19 mai 1993)

5. Incompatibilité des contrôles frontaliers exercés par la British Airways avec l'art. 8 A du traité CEE (18/93)
   - Rapporteur au fond: David W. MARTIN (S) (1 point)
   - 12 -
   PE 204.837/ANN.II
6. Harmonisation de certains secteurs du droit privé des États membres (54/93)
   - Rapporteur au fond : Carlos Maria BRU PURON (S) (1 point)

7. Recours en carence pour faire constater la violation art. 8 A du traité CEE sur la libre circulation des personnes (60/93)
   Avis : LIBE
   - Rapporteur au fond : Manuel MEDINA ORTEGA (S) (1 point)

IV. Nomination de rapporteur au fond sur des propositions de résolution, art. 63

8. Deuxième recours en carence dans le domaine des transports
   (51/93 + 65/93)
   (B3-0431/93 de M. TOPMANN - B3-0452/93 de M. MÜLLER)
   - rapporteur au fond : Lord INGLEWOOD (PPE) (1 point)
ANNEXE III

Décisions sur la procédure à suivre au sujet de propositions de résolution déposées conformément à l'article 63 au cours de la période de session du 19 au 23 avril 1993 et renvoyées pour examen au fond à la commission juridique et des droits des citoyens

200. Réglementation des services érotiques offerts par les télécommunications
ROBLES PIQUER Carlos (PPE)
B3-0126/93
Avis : ECON S
JEUN S
Pas de rapport

201. Mesures contre la discrimination et la xénophobie
ARBELOA MURU Victor Manuel (PSE)
B3-0132/93
Avis : LIBE S
Pas de rapport

202. Discrimination fondée sur l'âge dans les institutions communautaires
JACKSON Christopher M. (PPE)
B3-0323/93
- Rapporteur : Marie-Claude VAYSSADE (S)

203. Discrimination fondée sur l'âge dans les institutions communautaires
SIMPSON Anthony M.H. (PPE)
B3-0324/93
- Rapporteur : Marie-Claude VAYSSADE (S) (1 point).

204. Imposition de limites d'âge pour le recrutement des fonctionnaires des institutions communautaires
JACKSON Christopher M. (PPE), SIMMONDS Richard J., SIMPSON Anthony M.H., INGLEWOOD The Lord
B3-0325/93
- Rapporteur : Marie-Claude VAYSSADE (S)

205. Déontologie politique et mandats privés des hommes politiques
STAES Paul M.J. (V)
B3-0327/93
- Rapporteur : Christine Margaret ODDY (S) (1 point).

- 14 -
206. La réforme de la Convention européenne des Droits de l'homme (52/93)
ARBELOA MURU Victor Manuel (PSE)
B3-0446/93
Pas de rapport.

207. Les droits et devoirs des minorités en Europe (53/93)
ARBELOA MURU Victor Manuel (PSE)
B3-0447/93
Pas de rapport.
**ANNEXE IV**

*VOTE*

le projet de rapport sur une proposition de directive relative à la protection juridique des bases de données

(COM(92)0024 - C3-0271/92 - SYN0393)

Rapporteur : M. GARCIA AMIGO

(PE 204.504 - PE 204.504/A/Am.29-69)

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**Article 1**

*Paragraphe 1*

Am. 31 Rapp. + Am. 33 BRU PURON

"ou non électroniques de l'Am. 31 Rapp.

Am. 32 FREMION Caduc

Am. 33 BRU PURON Caduc

Am. 34 FONTAINE Caduc

*Paragraphe 1 bis (nouveau)*

Am. 35 FONTAINE Adopté | (9/0/1)

*Paragraphe 1 ter (nouveau)*

Am. 36 FONTAINE Adopté | (9/0/1)
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