President

President. — I shall try not to go so fast next time.

Green (PSE). — Mr President, you got the result exactly right. I rise simply to say what some of our colleagues at the back have said, that it is entirely inappropriate to retake votes in that manner. You got it right the first time. If they did not understand, that is their problem. The result was the same anyway and you should have stuck to your guns!

(Applause)

Oomen-Ruijten (PPE). — (NL) Mr President, I would remind Mrs Green and a number of other honourable Members that if a Member of Parliament asks for a check on something, that check should be carried out. If Mrs Green is not happy with that, she should get the Rules of Procedure changed.

President. — Ladies and gentlemen, I am going to slow the proceedings down — I think the only question dividing us is how long it is reasonable to wait until one questions a vote. But in this case, any way, both votes had the same outcome!

* * *

Report (A4-0213/95) by Mr Jacob, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council Regulation establishing the possibility of national aid being granted in compensation for losses of agricultural income caused by monetary movements in other Member States (COM(95) 0343 — C4-0309/95 — 95/0197 (CNS))

(Parliament adopted the legislative resolution)

* * *

Report (A4-0228/95) by Mr Rothley, on behalf of the Committee on Legal Affairs and Citizens' Rights, on the proposal for a Council Regulation introducing special measures to terminate the service of officials of the European Communities as a result of the accession of Austria, Sweden and Finland (COM(95)0327 — C4-0336/95 — 95/0179(CNS))

(Parliament adopted the legislative resolution)

* * *

Motion for a resolution (B4-1203/95) by Mr Wynn on behalf of the Committee on Budgetary Control, and Mr Elles on behalf of the Committee on Budgets, on the implementation of the Community budget for the financial year 1995

(Parliament adopted the resolution)

* * *

Report (A4-0224/95) by Mr Pasty, on behalf of the Committee on Budgetary Control, on giving discharge in respect of the implementation of the budget of the European Parliament for the 1993 financial year

(Parliament adopted the draft decision)

* * *

Report (A4-0205/95) by Mr Bardong, on behalf of the Committee on Budgets, on the draft amending ECSC operating budget for 1995 (SEC(95)0761 — C4-0213/95)

Bardong (PPE), rapporteur. — (DE) Mr President, of the amendments that have been submitted, Amendment No 1 is at odds with the wording proposed by the committee expressing support for a foundation. For that reason, I must oppose it. Amendment No 3 does accept the foundation, as the committee proposed; however, the committee did not want to lay down a detailed remit for the foundation at this stage. For that reason, I am afraid I must also reject Amendment No 3.

(Parliament adopted the resolution)

Explanations of vote

— Medina Ortega report

Cot (PSE), in writing. — (FR) I am voting in favour of the proposal for a Directive on designs and models, as amended by the compromise just adopted. The text preserves the principle of the protection of intellectual property, and that extends into the repair clause, since that clause includes provision for a compulsory licence mechanism. This measure, in particular, will make it possible to combat the fraud and infringement which, on a repair clause specifying the first day of putting on the market would have encouraged.

However, I fear that the compulsory licence procedure is very cumbersome, especially in fields outside the motor vehicle industry. I feel that a different, simpler compromise formula could have been adopted. The previous rapporteur, Carlos Bru Puron, formerly proposed a repair clause involving a five-year period, and it would be useful to think about that during the later stages of the procedure.

I would like to thank Manuel Medina for the important work he has done on this directive.

Now it is up to the Council to do its duty. Let us hope that it will succeed in doing so within a reasonable period.

Fontaine (PPE), in writing. — (FR) The file on the 'protection of designs and models' is, in some respects, a classic example of the work our European Parliament does and the influence it needs to exert. In this instance, we were faced by the daunting task of reconciling the irreconcilable. In other words, we were being asked to square the circle not once but twice: we had to consider the largely conflicting interests of the big industrial companies on one side and the SMEs on the other, not to mention the interests of the consumer; and, in the case of industry, we had to take into account the largely conflicting concerns of some of the sectors affected by this directive (the motor vehicle and textile industries, for example).

Confronted with this legal and political dilemma, has our European Parliament worked a miracle? I don’t think so. Is it even possible?

On the other hand, I must pay tribute to those who have been most involved in this laborious quest: our rapporteurs Manuel Medina and Jimmy Janssen Van Raay, and also Siegbert Alber. I believe we have come up with an acceptable compromise which — at this stage of first reading — preserves a number of principles in which we had a legitimate interest. That left the repair clause which — as we all know — was a matter of serious concern to the European car makers.

Our Parliament has decided on a solution which, at the end of the day, is a fairly balanced one but will have to demonstrate its value in practice. We will have to keep an eye on it.
That is why I voted in favour of the Medina Ortega report.

Kirsten Jensen (PSE), in writing. — (DA) The Danish Social Democrats are not happy with the draft legislative resolution by Mr Medina Ortega on the legal protection of designs. The Danish Social Democrats want to curb monopolistic practices as much as possible, and in our view the Medina Ortega report goes much further than the Commission proposal in hindering free access, for example, to the market in automobile spare parts. The Danish Social Democrats find it unacceptable that the directive should contain a provision under which the holder of the property right is offered ‘fair and reasonable remuneration’ for the use of the designs. To begin with, such an arrangement is not conducive to free competition. Secondly, it is extremely bad legal usage.

In view of the above, the Danish Social Democrats voted against the report.

Moscoveci (PSE), in writing. — (FR) On Thursday 12 October 1995, Parliament voted at first reading on the proposal for a directive relating to the legal protection of designs and models. I totally disapprove of the decision taken by this House today.

We have been called upon to vote on a text which will have a far-reaching effect on the future of our industries and is particularly important for the European car industry, especially Article 14 of the proposal for a directive, which introduces a specific clause relating to products used for repair, limiting the period of protection for these to three years.

At the time of this vote I supported the amendment tabled by Mrs Schaffner and Mr Florio which proposed a ten-year period of protection for parts used for repair, this being the only solution consistent with the various texts recently adopted by this House: the report on the car industry, the report on the campaign against infringement, the report on intellectual property, etc. It is also the only solution consistent with the letter and spirit of the new World Trade Organization. There is no possible justification for Europe to abandon this principle of tolerance when its main competitors will quite certainly be able to exploit it, just as they have done in the past, opposing Europe’s universally liberal attitude with a protectionist stance — sometimes veiled but always aggressive — designed to defend their own interests as best they can.

I have maintained this position, in the awareness that it is currently a minority one but it is also the only logical position and the only one which does justice to the investment by the proprietors of designs and models. The result of the vote, which falls short of the Legal Committee’s compromise involving a zero period backed up by a system of payment to the proprietor, is the worst of all possible solutions.

This proposal is due for a second reading, first by the Council then by Parliament, between now and January 1996: we must make further and more energetic efforts to persuade the supporters of this absurd position to abandon it.

Pique (GUE/NGL), in writing. — (FR) The directive relating to the legal protection of industrial models and designs is not a mere technical file. It has economic and social repercussions, especially for the motor vehicle industry.

The European Commission has recognized that designs and models should enjoy legal protection for 25 years. An exception to this general rule is made for certain parts, where the limit of protection is set at 3 years. In the case of the motor vehicle industry, this exception relates essentially to bodywork parts, with a view to protecting innovation and design. As far as the French members of the confederal GUE/NGL group are concerned, this derogation should be eliminated.

That is why we opposed the PPE Group’s Amendment No 15 and the Legal Committee’s Amendment No 10, which are designed to eliminate this period of protection and make it possible for third parties to imitate any bodywork component from the first day that a new vehicle model appears on the market. This will amount to a disincentive to innovation in Europe, and will encourage motor vehicle producers to relocate to third countries, with serious consequences for employment and increased risks to passenger safety.

— Sanz Fernández report

Blot (ND), in writing. — (FR) The Fernández report has the virtue of emphasizing a failing of the founding fathers of the European Community: their lack of interest in cultural matters. Having said that, I find the tenor of the report somewhat disappointing. It disregards the impact of television and even of the national education systems of the various countries, which are systematically neglecting the defence of the European cultural heritage and disseminating a mass subculture imported from America.

In the circumstances, we are abstaining on this report, which fails to address this fundamental question relating to the access of our fellow citizens to the European cultural heritage.

Ephremidis (GUE/NGL), in writing. — (EL) The immensely human culture of the European continent has no need of ostentatious parading by the Community or of an outpouring of worthless and empty promises about preserving and projecting it. And because the funding allocated for it in no way matches the grandiose objectives that it sets, the Raphael cultural heritage programme is precisely that — a promise with no substance. In short, the Raphael programme cannot possibly provide effective protection of the great riches of our cultural and historical heritage that are at risk because of indifference, abandonment and theft, and much less can it effectively promote them for the inculcation of cultural, moral, aesthetic and human values. With a miserly 0.014% of its budget set aside for culture, and with the Raphael programme having a budget of Ecu 67 million for a whole host of objectives spread over 5 years and 15 countries, how can the European Union possibly claim that it can achieve objectives of any real significance?

We place great emphasis on the need for immediate documenting of the cultural goods of the European heritage and for the compilation of a complete inventory of cultural objects which have been unlawfully removed with a view to immediate action to facilitate their recovery. As a victim of theft look at Greece, the ‘cradle of civilization’, which is having to beg for its own heritage and to search around Europe and the whole world for the enormous number of cultural treasures that were taken from it in difficult periods of its history. The Elgin marbles from the Parthenon, which have still not been returned to the place for which they were created, are one typical example.

One particularly worrying aspect is the proposal to hand over the protection of Europe’s cultural heritage to the self-seeking interests of private capital on a sponsoring basis, with funding from Community programmes for restoration and conservation projects and, thereby, worst of all, for the inculcation of a new national and European cultural consciousness based on profit and an individualistic perception far removed from the human and democratic values of Europe’s peoples and their mass