



European Communities

EN

EUROPEAN PARLIAMENT

# SESSION DOCUMENTS

English Edition

1990-91

13 November 1990

A3-0304/90

**\*\*II**

## RECOMMENDATION

of the Temporary Committee to consider the impact of the process of German unification on the European Community

in respect of the common positions of the Council with a view to the adoption of the measures proposed by the Commission in connection with German unification:

1. Directive on internal market/technical standards - (C3-364/90-1 - SYN 298)
2. Directive on the recognition of professional qualifications - (C3-364/90-2 - SYN 299)
3. Regulation on Structural Funds - (C3-364/90-3 - SYN 300)
4. Directive on workers' health and safety - (C3-364/90-4 - SYN 301)
5. Directive on the environment - (C3-364/90-5 - SYN 302)

Rapporteur: Mr Alan DONNELLY

DOC\_EN\RR\98916

PE 145.031/fin.  
Or. DE

*A Series Reports - B series Motions for Resolutions, Oral Questions, Written Declarations, etc - C Series Documents received from other Institutions (e.g Consultations)*

**\*** = Consultation procedure requiring a single reading

**\*\*II** = Cooperation procedure (second reading) which requires the votes of the majority of the Members of Parliament

**\*\*I** = Cooperation procedure (first reading)

**\*\*\*** = Parliamentary assent which requires the votes of the majority of the current Members of Parliament



C O N T E N T S

	<u>Page</u>
Procedural page . . . . .	3
A. RECOMMENDATION in respect of the common position of the Council with a view to the adoption of a directive on transitional measures applicable in Germany in the context of the harmonization of technical rules . . . . .	5
RECOMMENDATION in respect of the common position of the Council with a view to the adoption of a directive amending certain Directives on the recognition of professional qualifications with a view to the unification of Germany . . . . .	12
RECOMMENDATION in respect of the common position of the Council with a view to the adoption of a Council Regulation (EEC) concerning the activities of the Structural Funds in the territory of the former German Democratic Republic . . . . .	13
RECOMMENDATION in respect of the common position of the Council with a view to the adoption of a Council directive relating to the transitional measures applicable in Germany in the field of workers' health and safety . . . . .	24
RECOMMENDATION in respect of the common position of the Council with a view to the adoption of a Council directive on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market . . . . .	27
B. EXPLANATORY STATEMENT . . . . .	30



At its sitting of 24 October 1990 the European Parliament had delivered its opinion at first reading on the proposals from the Commission to the Council for directives and regulations concerning 'The Community and German unification'.

At the sitting of 19 November 1990 the President of the European Parliament announced that he had received the common positions of the Council and referred them to the Temporary Committee to consider the impact of the process of German unification on the European Community as the committee responsible, with a view to the adoption of the measures proposed by the Commission in connection with German unification:

- Council directive on the transitional measures applicable in Germany in the context of the harmonization of technical rules  
(COM(90) 400/6 - SYN 298 - C3-264/90)  
(C3-364/90-1)

Opinions: Committee on Budgets

Committee on the Environment, Public Health and Consumer Protection

Committee on Economic and Monetary Affairs and Industrial Policy

- Council directive amending certain Directives on the recognition of professional qualifications with a view to the unification of Germany  
(COM(90) 400/8 - SYN 299 - C3-266/90)  
(C3-364/90-2)

Opinions: Committee on Budgets

Committee on Legal Affairs and Citizens' Rights

- Council Regulation (EEC) concerning the activities of the Structural Funds in the territory of the former German Democratic Republic  
(COM(90) 400/22 - SYN 300 - C3-280/90)  
(C3-364/90-3)

Opinions: Committee on Budgets

Committee on Regional Policy and Regional Planning

Committee on Agriculture, Fisheries and Rural Development

Committee on Social Affairs, Employment and the Working Environment

- Council directive relating to the transitional measures applicable in Germany in the field of workers' health and safety  
(COM(90) 400/23 - SYN 301 - C3-281/90)  
(C3-364/90-4)

Opinions: Committee on Budgets

Committee on Social Affairs, Employment and the Working Environment

- Council directive on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market  
(COM(90) 400/24 - SYN 302 - C3-282/90)  
(C3-364/90-5)

Opinions: Committee on Budgets  
Committee on the Environment, Public Health and Consumer Protection

At its meeting of 10 September 1990 the Temporary Committee to consider the impact of the process of German unification on the European Community had appointed Mr Donnelly rapporteur.

It considered the common positions and the draft recommendations at its meeting of 12 November 1990.

At that meeting it adopted the recommendations by 8 votes to 1, with 1 abstention.

The following were present for the vote: Veil, acting chairman; Jensen, vice-chairman; Donnelly, rapporteur; Brok, Cassanmagnago Cerretti, Desama<sup>1</sup>, Fernex<sup>1</sup>, Marck<sup>2</sup>, Piermont<sup>1</sup>, Stephenson<sup>2</sup>, von Wechmar and Welsh.

The recommendations were tabled on 13 November 1990.

The deadline for tabling amendments to the common positions and proposals to reject was fixed for 6 p.m. on Thursday, 15 November 1990.

---

<sup>1</sup> Substitute

<sup>2</sup> Present pursuant to Rule 111(2)

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position established by the Council with a view to the adoption of a directive on transitional measures applicable in Germany in the context of the harmonization of technical rules (COM(90) 400/6)<sup>1</sup>

The Temporary Committee to consider the impact of the process of German unification on the European Community,

- having regard to the common position of the Council (C3-364/90-1 - SYN 298),

recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

See pages 6 to 11

---

<sup>1</sup> Not yet published in the Official Journal

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-364/90-1

A3-0304/1

Title: Common position of the Council with a view to the adoption of the directive on transitional measures applicable in Germany in the context of the harmonization of technical rules

Proposal No.: COM(90) 400/6 - C3-0264/90 - SYN 298  
by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on the Environment, Public Health and Consumer Protection)

	Code Amendement	Séance Pl.
Com. Perm.	II - 11 -	026
Com. Temp.	II - 27 - 001	
Autres	I - -	
Avis CT	I	I
Vote SP	II	II

---

Common position of the Council

Amendments

## Article 1(1)

By way of derogation from the Directives listed in Annexes A and B, Germany is authorized to maintain in force in the territory of the former German Democratic Republic the existing rules and regulations in respect of products which have been or which are manufactured there, on condition that this does not affect the placing on the market and the free movement in that territory of products complying with Community Directives.

Except where the health or safety of the population could be put at risk, by way of derogation from the Directives listed in Annexes A and B, Germany is authorized to maintain in force in the territory of the former German Democratic Republic the existing rules and regulations in respect of products which have been or which are manufactured there, on condition that this does not affect the placing on the market and the free movement in that territory of products complying with Community Directives.



# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-1 - SYN 298

A3-0304/2

Title: **Common position of the Council with a view to the adoption of the directive on transitional measures applicable in Germany in the context of the harmonization of technical rules**

Proposal No.: **COM(90) 400/6 - C3-0264/90 - SYN 298**

by the Temporary Committee to consider the impact of the process of German unification on the European Community

	Code Amendement	S.Pl.
Com. Permanente	II - -	27
Com. Temporaire	II - 27 - 002	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

## Common position of the Council

## Amendment

### Article 1(3)

3. The German authorities may extend the derogations provided for in paragraphs 1 and 2 to include products covered by the agreements referred to in Annexes 1 and 2 to Council Regulation (EEC) No. .../90. Such measures shall be taken within the limits of the maximum quantities and values laid down in the said agreements and to satisfy the market requirements of the former German Democratic Republic.

3. The German authorities may extend the derogations provided for in paragraphs 1 and 2 to include products covered by the agreements referred to in Annexes 1 and 2 to Council Regulation (EEC) No. .../90. Such measures shall be taken within the limits of the maximum quantities and values laid down in the said agreements and to satisfy the market requirements of the former German Democratic Republic.

The extensions will be reported to the Commission which may refer them for review to the Committee mentioned in Article 5, without prejudice to the procedures in Article 5(a). The European Parliament shall also be informed in time for it to give its views before any final decision by the Commission.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-1 - SYN 298

A3-0304/3

Title: **Common position of the Council with a view to the adoption of the directive on transitional measures applicable in Germany in the context of the harmonization of technical rules**

Proposal No.: **COM(90) 400/6 - C3-0264/90-1 - SYN 298**

by the Temporary Committee to consider the impact of the process of German unification on the European Community

	Code Amendement	S.Pl.
Com. Permanente	II - -	
Com. Temporaire	II - 27 - 003	
Autres	II - CT - 200	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 2(3)

Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures. Such measures shall be adopted according to the procedure laid down in Article 5.

Any Member State may refer any difficulties to the Commission. The Commission shall, as a matter of urgency, examine the question and submit its conclusions, possibly accompanied by appropriate measures. Such measures shall be adopted according to the procedure laid down in Article 5, without prejudice to the procedures in Article 5(a). The European Parliament will be informed.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-1 - SYN 298

A3-0304/4

Title: **Common position of the Council with a view to the adoption of the directive on transitional measures applicable in Germany in the context of the harmonization of technical rules**

Proposal No.: **COM(90) 400/6 - C3-0264/90-1 - SYN 298**

by the **Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Economic and Monetary Affairs and Industrial Policy)**

	Code Amendement	S.Pl.
Com. Permanente	II - 04 -	31
Com. Temporaire	II - 27 - 004	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 5

For the purposes of Article 2(3) and Article 4, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

For the purposes of Article 2(3) and Article 4, the Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

Com. Permanente I - 04 - 031

Com. Temporaire I - 27 - 004

Autres I - -

---

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of one month from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

The Commission shall adopt measures which shall enter into effect immediately. However, if these measures are not in accordance with the opinion of the committee, the Commission shall notify the Council of them without delay. In this case:

the Commission may postpone the application of the measures it has adopted for a period not exceeding one month from the date of notification;

the Council, acting by qualified majority, may take a different decision within the period of time provided for in the preceding paragraph.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-1 - SYN 298

A3-0304/5

Title: **Common position of the Council with a view to the adoption of the directive on transitional measures applicable in Germany in the context of the harmonization of technical rules**

Proposal No.: **COM(90) 400/6 - C3-0264/90-1 - SYN 298**

by the **Temporary Committee to consider the impact of the process of German unification on the European Community**

	Code Amendement	S.Pl.
Com. Permanente	II - -	
Com. Temporaire	II - 27 - 005	
Autres	II - CT - 201	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## New Article 5a

If the Commission or a Member State considers that a matter raised pursuant to Article 2(3) or Article 4 of the present Directive poses an important question of principle the Commission shall submit a proposal under normal legislative procedures for adoption by the Council after consultation of the European Parliament.



A  
RECOMMENDATION  
(Cooperation procedure - second reading)

on the common position established by the Council with a view to the adoption of a directive amending certain directives on the recognition of professional qualifications with a view to the unification of Germany (COM(90) 400/8<sup>1</sup>)

The Temporary Committee to consider the impact of the process of German unification on the European Community,

- having regard to the common position of the Council (C3-364/90-2 - SYN 299),

Recommends that the European Parliament approve the common position.

---

<sup>1</sup> Not yet published in the Official Journal





A  
RECOMMENDATION  
(Cooperation procedure - second reading)

on the common position established by the Council with a view to the adoption of a regulation (EEC) concerning the activities of the Structural Funds in the territory of the former German Democratic Republic (COM(90) 400/22<sup>1</sup>)

The Temporary Committee to consider the impact of the process of German unification on the European Community,

- having regard to the common position of the Council (C3-364/90-3 - SYN 300),

Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

See pages 14 to 23

---

<sup>1</sup> OJ No. C 248, 2.10.1990, p. 14

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300

A3-0304/6

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**

by the **Temporary Committee to consider the impact of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)**

	Code Amendment	S.Pl.
Com. Permanente	II - 09 -	109
Com. Temporaire	II - 27 - 006	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

Preamble, first citation

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 126, 127, 130d, 130e and 153 thereof,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 43, 126, 127, 130d, and 130e thereof,

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300

A3-0304/7

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**

by the **Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Budgets)**

	Code Amendement	S.Pl.
Com. Permanente	II - 03 -	113
Com. Temporaire	II - 27 - 007	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

After the last recital, new recital:

Whereas, with respect to its financial consequences, this Regulation can only be implemented through revision of the financial perspective and adjustment of the annual budget, which will allow the budgetary authority to enter the amounts necessary to cover its financial impact during the course of the budgetary procedure.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300

A3-0304/8

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**

by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)

	Code Amendement	S.Pl.
Com. Permanente	II - 09 -	119
Com. Temporaire	II - 27 - 008	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 2(2)

2. The plan may also provide for measures to be taken in pursuit of the objectives envisaged by the Community initiatives provided for in Article 11 of Regulation (EEC) No. 4253/88.

2. The plan should also provide for measures to be taken in pursuit of one or more of those objectives envisaged by the Community initiatives provided for in Article 11 of Regulation (EEC) No. 4253/88 and, as far as possible, pilot projects and studies relating to regional planning and transfrontier cooperation as provided for in Article 10 of Regulation (EEC) No. 4254/88.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300

A3-0304/9

Title: Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic

Proposal No.: COM(90) 400/22 - C3-0280/90 - SYN 300

by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)

	Code Amendement	S.Pl.
Com. Permanente	II - 09 -	120
Com. Temporaire	II - 27 - 009	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 2(3)

3. A Community support framework for the structural operations, covering the period ending on 31 December 1993, shall be drawn up within a period of three months starting on the date of submission of the plan.

3. A provisional Community support framework for the structural operations for actions covered by Objectives Nos. 3, 4 and 5a and actions in regions which will be eligible under Objectives Nos 1, 2 and 5b, covering the period ending on 31 December 1993, shall be prepared within a period of two months starting on the date of submission of the plan.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300 A3-0304/10

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**  
by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)

	Code Amendement	S.P1.
Com. Permanente	II - 09 -	122
Com. Temporaire	II - 27 - 010	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 2(3)a (new)

3a. Before the Commission draws up the Community support framework, the Council, acting by qualified majority on a proposal from the Commission and in cooperation with the European Parliament, shall adopt, if necessary:

(a) the amendment of Article 8(1) and the annex of Regulation (EEC) No. 2052/88 in relation to the list of regions covered by Objective No. 1,

Com. Permanente	II - 09 -
Com. Temporaire	II - 27 - 010
Autres	I - -

---

(b) the amendments, especially :

(i) of Article 9(2) of Regulation (EEC) No. 2052/88 concerning the eligibility criteria of industrial areas in decline covered by Objective No. 2,

(ii) of Article 11(2) of Regulation (EEC) No. 2052/88 concerning areas eligible under Objective No. 5b and Article 4(1) and (2) of Regulation (EEC) No. 4253/88 with regard to the selection criteria for rural areas eligible under Objective No. 5b.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300

A3-0304/11

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**

by the **Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)**

	Code Amendement	S.Pl.
Com. Permanente	II - 09 -	123
Com. Temporaire	II - 27 - 011	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

Article 2(3)b (new)

3b. The three institutions concerned shall cooperate closely so that the provisions outlined above are adopted as soon as possible.



# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300 A3-0304/12

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**  
by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)

	Code Amendement	S.Pl.
Com. Permanente	II - 09 -	124
Com. Temporaire	II - 27 - 012	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

## Common position of the Council

## Amendment

### Article 2(4)

4. The Community support framework shall be drawn up in accordance with Article 8(5) of Regulation (EEC) No. 2052/88 and Articles 8(3) and 11 of Regulation (EEC) 4253/88.

4. Within one month of the date of adoption by the Council of the amendments referred to in the previous paragraph, the Commission shall draw up the Community support framework in accordance with Article 8(5) of Regulation (EEC) No. 2052/88 and Articles 8(3) and 11 of Regulation (EEC) 4253/88.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300 A3-0304/13

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: **COM(90) 400/22 - C3-0280/90 - SYN 300**  
by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)

	Code Amendement	S.Pl.
Com. Permanente	II - 09 -	130
Com. Temporaire	II - 27 - 015	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 3a (new)

The measures provided for in Article 7 of Regulation (EEC) No. 4254/88 may also apply to elected regional and local representatives, including measures concerning information on regional and local development techniques and on the Community's structural policies and financial instruments.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-3 - SYN 300

A3-0304/14

Title: **Common position of the Council with a view to the adoption of the regulation concerning the activities of the Structural Funds in the territory of the former German Democratic Republic**

Proposal No.: COM(90) 400/22 - C3-0280/90 - SYN 300

by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Regional Policy and Regional Planning)

	Code Amendement	S.Pl.
Com. Permanente	II - 09 -	131
Com. Temporaire	II - 27 - 016	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

## Article 4

Projects which, pursuant to Article 1(5) and (6) of Council Regulation (EEC) No. 4255/88, are eligible solely in the regions concerned by Objective No. 1 shall be eligible throughout the territory of the former German Democratic Republic.

Projects which, pursuant to Article 1(5) and (6) of Council Regulation (EEC) No. 4255/88, are eligible solely in the regions concerned by Objective No. 1 shall be eligible throughout the territory of the former German Democratic Republic.

However, Article 1(6) shall continue to apply until 31 December 1993.

Article 7 of Regulation (EEC) No. 4255/88 shall not apply.

Article 7 of Regulation (EEC) No. 4255/88 shall not apply.



**A**  
**RECOMMENDATION**

(Cooperation procedure: second reading)

on the common position established by the Council  
with a view to the adoption of a directive  
relating to the transitional measures applicable in Germany  
in the field of workers' health and safety  
(COM(90) 400/23<sup>1</sup>)

The Temporary Committee to consider the impact of the process of German unification on the European Community,

- having regard to the common position of the Council (C3-0364/90-4 - SYN 301),

Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

See pages 25 to 26

---

<sup>1</sup> Not yet published in the Official Journal

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-4 - SYN 301      A3-0304/15

Title: **Common position of the Council with a view to the adoption of the directive relating to the transitional measures applicable in Germany in the field of workers' health and safety**

Proposal No.: **COM(90) 400/23 - C3-0281/90 - SYN 301**  
 by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Budgets)

	Code Amendement	S.Pl.
Com. Permanente	II - 03 -	134
Com. Temporaire	II - 27 - 017	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

After the last recital, new recital:

Whereas, with respect to its financial consequences, this Directive can only be implemented through revision of the financial perspective and adjustment of the annual budget, which will allow the budgetary authority to enter the amounts necessary to cover its financial impact during the course of the budgetary procedure.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-4 - SYN 301

A3-0304/16

Title: **Common position of the Council with a view to the adoption of the directive relating to the transitional measures applicable in Germany in the field of workers' health and safety**

Proposal No.: **COM(90) 400/23 - C3-0281/90 - SYN 301**  
by the Temporary Committee to consider the impact of the process of German unification on the European Community

	Code Amendement	S.Pl.
Com. Permanente	I - 11 -	
Com. Temporaire	I - 27 - 018	
Autres	I - CT - 202	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

New Article 2a

The information and reports forwarded to the Commission pursuant to Articles 1 and 2 shall be transmitted to Parliament.





**A**  
**RECOMMENDATION**  
(Cooperation procedure: second reading)

on the common position established by the Council  
with a view to the adoption of a directive  
on the transitional measures applicable in Germany with regard to  
certain Community provisions relating to the protection of the  
environment, in connection with the internal market  
(COM(90) 400/24)<sup>1</sup>

The Temporary Committee to consider the impact of the process of German unification on the European Community,

- having regard to the common position of the Council (C3-0364/90-5 - SYN 302),

Recommends that the European Parliament amend the common position as follows:

Common position of the Council

Amendments

See pages 28 to 29

---

<sup>1</sup> Not yet published in the Official Journal

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-5 - SYN 302

A3-0304/17

Title: **Common position of the Council with a view to the adoption of the directive on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market**

Proposal No.: **COM(90) 400/24 - C3-0282/90 - SYN 302**  
by the Temporary Committee to consider the impact of the process of German unification on the European Community

	Code Amendement	S.Pl.
Com. Permanente	I - -	137
Com. Temporaire	I - 27 - 019	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

Recital 6a (new)

Whereas such delegation of powers must be accompanied by adequate democratic accountability; whereas regular information must be submitted to the European Parliament on the evolution of the situation; whereas, moreover, any proposed additional adapting measures and/or derogations should be submitted to the European Parliament so that it can give its views before any final decision.

# EUROPEAN PARLIAMENT

Amendment to Doc. C3-0364/90-5 - SYN 302

A3-0304/18

Title: **Common position of the Council with a view to the adoption of the directive on the transitional measures applicable in Germany with regard to certain Community provisions relating to the protection of the environment, in connection with the internal market**

Proposal No.: COM(90) 400/24 - C3-0282/90 - SYN 302

by the Temporary Committee to consider the impact of the process of German unification on the European Community (taken over from the Committee on Budgets)

	Code Amendement	S.Pl.
Com. Permanente	II - 03 -	138
Com. Temporaire	II - 27 - 020	
Autres	I - -	
Avis Com. Temp.	I	I
Vote Séance Pl.	II	II

Common position of the Council

Amendment

After the last recital, new recital:

Whereas, with respect to its financial consequences, this Directive can only be implemented through revision of the financial perspective and adjustment of the annual budget, which will allow the budgetary authority to enter the amounts necessary to cover its financial impact during the course of the budgetary procedure,



B.

EXPLANATORY STATEMENT

Background

1. Parliament gave its first reading on the package of transitional Community measures on German unification at its second plenary session in October 1990. It was hoped that the Council would adopt its views on the whole package in the following week, but the Council was not able to reach agreement on the agricultural part of the package. As a result the original timetable could not be adhered to. A common position was adopted by the Council on 30 October on those five proposals within the package which required a second reading. The Council also adopted conclusions on 12 other proposals formally requiring only a single reading by the Parliament. The Council recognized, however, the need for all the proposals to remain part of a single package, and did not formally adopt these single reading proposals. Instead it went in for some institutional innovation, and came up with a new way of describing its conclusions, namely "draft texts to which the Council has given sympathetic consideration". One point of the original package, however, the recommendation for a Council decision on a negotiating mandate on textile agreements, was removed and not resubmitted to the Parliament.
2. Discussions on the agricultural part of the package however, continued until midnight on 6 November. Parliament was given a copy of these new draft texts on agricultural matters (to which Council had also given sympathetic consideration) on 7 November in one language. The text in all languages, and the Council's reasons on agricultural matters, were only transmitted to the Parliament on 8 November, only six working days before its plenary session. Moreover a new proposal was adopted regarding access to the former GDR for certain Spanish and Portuguese agricultural products, on which Parliament has not yet given a view at all.

Initial comments

3. Parliament has consistently done all it could to speed up its consideration of the package of measures on German unification, stretching to the limit its normal procedures and giving its relevant committees very little time to comment. The late submission of the whole package to Parliament for its second examination of the different measures has made satisfactory Parliament scrutiny of the issues concerned even more difficult to achieve. Your rapporteur believes, however, that Parliament should still try to give its second reading during its November plenary so that Parliament will be seen to have done its utmost to revert to the original timetable in spite of Council's delays. Your rapporteur recognizes, however, that failure to agree with the Commission and Council on the central issues of principle concerned may still require a postponement of Parliament's final approval of the package.

4. As regards what happened to Parliament's initial amendments your rapporteur considers that Parliament has had mixed fortunes. Parliament adopted 111 amendments (counting separate amendments to the same paragraph as one amendment) to the whole package. Of these 37 were accepted by the Commission in their initial Parliament wording, of which 32 were subsequently accepted by the Council (15, however, only concerning recitals). Eight other Parliament amendments were accepted by the Commission, but in a different form, of which four were then accepted by the Council.

Parliament had also tabled six amendments on the central issue of Commitology. The Commission agreed with the Parliament but the Council has not. This issue is decided in more detail below.

A further set of 19 amendments were not accepted by the Commission as legislative additions. The Commission considered, however, that they should be the subject of Commission or Council undertakings. Four of these amendments were on transmission of Commission implementing measures, one on equal opportunities for men and women in the context of structural fund activities and fourteen were on the revision of the financial perspective. Again these issues are discussed below.

The remainder of Parliament's amendments were rejected outright.

5. Your rapporteur is particularly pleased that the Commission and the Council (the latter after considerable discussions have been able to support Parliament's position as regards a two year duration of the transitional tariff measures for the Soviet Union and the other Eastern European countries, as well as accepting Parliament's position on anti-dumping measures. Your rapporteur also welcomes the Commission and Council's acceptance of a number of Parliament amendments which would provide for a Parliament opinion on certain measures, and for information to the Parliament on others. Parliament has also been particularly successful in certain policy fields, such as fisheries policy, but less so on others, such as on the structural funds. On certain matters of principle, notably commitology, the Council's position is also unsatisfactory.
6. As a result of the rapporteur's review of what happened to Parliament's amendments in first reading he has tabled a number of amendments in second reading to the proposals covered by Council's common position.
7. A different problem, however, is posed by the other proposals examined by the Council, those to "draft texts to which it has given sympathetic consideration". On the one hand the legal basis of these texts mean that Parliament only has a single reading on them in the formal sense. On the other hand a clear political will has been expressed by Council, Commission and Parliament that all the proposals, whatever their legal basis, are to be treated as a single package. It would thus appear fully legitimate for Parliament to comment in some form on these texts as well. The Council has indeed left the door open in this respect by not formally adopting these texts but only giving them "sympathetic consideration". Pending a final decision on the form in which Parliament's views on these

texts can be expressed your rapporteur has put forward a number of amendments on which he would like the Commission and Council to respond favourably.

8. Moreover your rapporteur considers that there should be conciliation between the Parliament and Council on a number of these texts

#### Rapporteur's suggested amendments

9. Your rapporteur's amendments are mainly grouped under two key headings. The first of these concerns commitology.

10. Commitology

Commitology is a matter of central importance in the context of the transitional measures for the former GDR because of the extent of the delegated powers which are involved. It is not a matter of abstract principle, as the Council has recognized in the reasons for its common position.

The Commission originally proposed Article 3 A Regulatory Committees for those cases where the special provisions for the former GDR would need to be adopted or modified during their period of application. The Parliament changed all such Committee procedures into 2 A Management Committees, and this was supported by the Commission (minus the paragraph the Parliament added which was not in conformity with the 1987 Commitology decision). The Council has insisted, however, on 3 A Regulatory Committees, arguing that the delegation of powers to the Commission would otherwise be too great, and that the Council should retain the power to overrule the Commission in such cases. The Council was apparently unanimous in reaching such a position, and spent very little time discussing it.

The Parliament will have to decide :

- whether to insist on Article 2 A procedures (in all cases, or in certain key cases, such as the basic internal market regulation)
- whether to seek a compromise on the basis of Article 2 B procedures
- whether to further harden our position by calling for full legislative consultation of the Parliament instead of delegation of power to the Commission and to Committee

Your rapporteur's continued preference is for Article 2 A procedures, which give discretion to the Commission while giving a significant role to the Council. He has thus retabled Parliament's amendments for 2 A procedures as regards the major internal market proposal (deleting the paragraph contested by the Commission). On the texts on which Council has given sympathetic consideration your rapporteur suggests that Parliament insist on 2 A procedures in the internal market field, in the field of statistics and in the fields of transport and the environment. Your rapporteur notes that the Commission still supports the Parliament on this point.

Your rapporteur has also carefully examined the Council's reasons for rejecting the Parliament's amendments, notably the phrase in which the Council states that the proposed delegation of powers in certain areas is so great (exceeding normal powers of execution and including in certain areas the power to prolonge derogations) that there must be sufficient guarantees for the Council, and that the Council must be able to overrule the Commission when necessary.

If this argument is true for the Council then it also has great significance for the Parliament, which should not be completely left out in such cases. Your rapporteur has thus tabled on series of amendments providing for full legislative procedures and not commitology when the Commission or a Member State considers that an important issue of principle is involved, such as prolongation of certain derogations (another possible criterion for moving to legislative procedures might be when there is a dispute in a Committee). The Parliament would thus be able to give a formal opinion, and the Council's prerogatives would be respected.

It might be argued that your rapporteur's compromise proposals providing for legislative proceedings in sensitive political areas would undercut the principle of flexibility that is sought by the Commission and the German authorities.

Your rapporteur would make two observations in this context. The first is that legislative procedures would be likely to be exceptional. For the vast majority of areas, including all genuine technical adoptions of the measures, Article 2 A procedures would apply, and the Commission would fully retain its discretionary powers. Secondly, your rapporteur recognizes that there might be cases where real urgency is required. Your rapporteur believes that there could be the subject of a special agreement between Commission, Council and Parliament providing for accelerated procedures.

11. Information to the Parliament on all implementing measures proposed by the Commission

Parliament put forward a number of amendments calling for certain measures to be submitted to the Parliament at the same time as to the relevant Committees so that Parliament could give its views. At present such measures are covered, in theory at least, by the procedures agreed upon by Presidents Plumb and Delors, which call for such measures to be submitted to the Parliament with certain exceptions, primarily linked to the urgency or confidentiality of the matter under question. In practice, whether because of these factors or because of lack of knowledge of these procedures within certain services of the Commission only a limited number of such measures have been sent to the Parliament. Moreover they have normally arrived too late for Parliament to give its views, even on an informal basis. Often the Parliament is not even informed of the timetable.

This issue is now of considerable importance, in view of the extent of the delegated powers that will be granted to the Commission and to the relevant Committees on matters related to the special regime for the former GDR. For the emergency measures adopted in September the Commission undertook to submit all implementing measures to the



Parliament, without exception. The German authorities also made a unilateral undertaking to the Parliament to provide it with information.

The Council has now rejected Parliament's amendments on this issue on the grounds that they are not compatible with the 1987 Commitology decision, and states that Parliament's "legitimate concern to be informed" must be covered by procedures to be agreed upon between the Commission and the Parliament.

Your rapporteur considers that the most important objective for the Parliament on this issue must be to obtain agreement from the Commission for procedures reinforcing those already agreed upon between President Plumb and Delors, but this time without any limiting provisions. Moreover proposals should be submitted to the Parliament on a much more timely basis than at present. In cases where particularly sensitive issues are involved the Commission and Parliament could agree on special confidential procedures on the basis of those used in the field of budgetary control, and in the context of the first stage of Economic and Monetary Union.

Pending a formal declaration by the Commission on the above lines (to be accompanied by an exchange of letters between the two Presidents) your rapporteur has retabled the relevant amendments but would withdraw them if the appropriate undertakings were given by the Commission.

Again your rapporteur is not making a stand on a matter of theoretical principle. The powers that are to be delegated to the Commission in the context of measures for the former GDR are very considerable and in most cases there will be a formal involvement by Parliament. At the very least, therefore, the Parliament should be fully informed at the same time as the relevant Management or other Committees. A declaration on the above issues would help to achieve this objective.

#### Other amendments

12. Your rapporteur has also retabled a certain number of other amendments that were adopted by the Parliament in first reading but not supported by Commission or Council.

#### Amendments not retabled by your rapporteur

13. Your rapporteur has not sought to retable amendments that have been resubmitted by the specialised committees. Two sets of issues call for additional comment, however, since they have been the subject of declarations in the Council minutes.

#### (i) Budgetary questions

Parliament adopted a series of identical amendments on this issue, but the Commission and Council do not wish to have these included directly in the legislative texts but to be subject to a declaration in the Council minutes. This would be worded as follows "The Council affirms that the integration of the former GDR within the Community implies the necessity of revision of the different elements of the financial perspectives and the inscription of the appropriate credits within the 1991 budget. The Council notes that the procedures for the revision of the financial perspectives have already been initiated. The Council expects this process to be concluded as rapidly as possible".

Your rapporteur is concerned about when this revision will be completed, and would like the declaration to be worded in stronger terms in this respect. He has not, however, retabled Parliament's former amendments, although he understands that the Budgets Committee intends to do so.

(ii) Equality of opportunities for men and women in structural fund actions

A declaration has also been made on this subject by the Commission in the Council minutes. Your rapporteur believes that this declaration is satisfactory, and that Parliament's former amendment to this effect need not be further pursued.

Other declarations in the Council minutes

14. Your rapporteur welcomes the fact that the two above declarations have not only been made in the Council minutes, but have been explicitly mentioned in the Council's reasons for its common position. He understands, however, that no less than 38 other declarations, by the Commission, the Council and individual national delegations, have been included in the Council minutes. Given the importance of these declarations in interpreting and implementing the final package your rapporteur greatly regrets that they too have not been communicated to the Parliament. They should also be submitted in order to ensure openness and democratic accountability on this matter of key importance.



