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SECOND REPORT

drawn up on behalf of the Committee on Transport

on the proposal from the Commission to the Council
(COM/87/407 - C2-179/87) for a directive on the
approximation of the laws of the Member States
relating to the tread depth of tyres of certain
categories of motor vehicles and of their trailers.

Rapporteur : Mr William NEWTON DUNN

PE 127.240/fin.
Or. EN

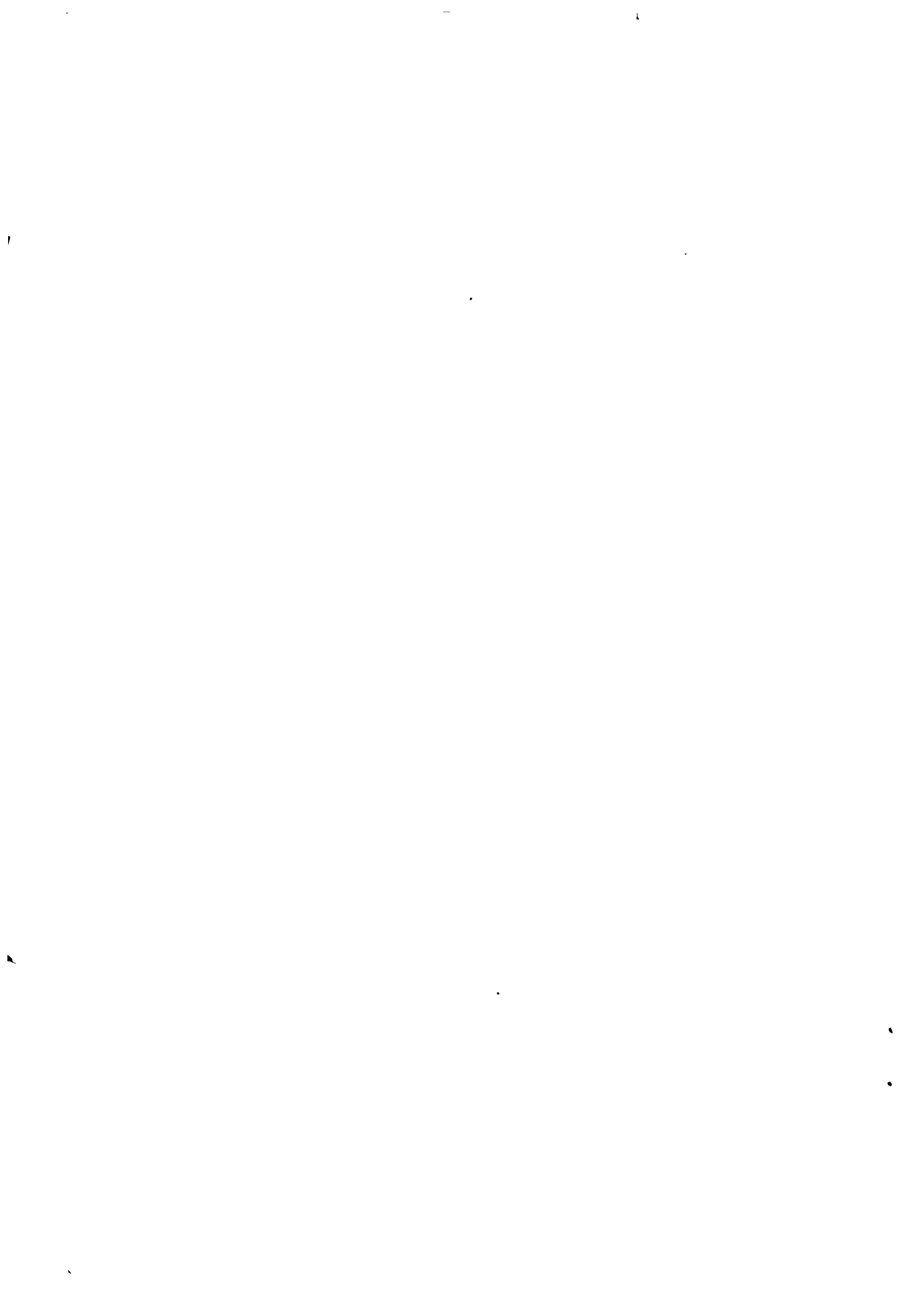
A Series Reports - B series Motions for Resolutions, Oral Questions, Written Declarations, etc - C Series Documents received from other Institutions (e.g. Consultations)

***** = 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



By letter of 13 October 1987, the President of the Council of the European Communities requested the European Parliament, pursuant to Article 75 of the EEC Treaty, to deliver an opinion on the proposal for a Council directive on the approximation of the laws of the Member States relating to the tread depth of tyres of certain categories of motor vehicles and their trailers (COM(87) 407 final - C2-179/87).

On 26 October 1987, the President of the European Parliament referred this proposal to the Committee on Transport as the committee responsible and to the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on the Environment, Public Health and Consumer Protection for their opinions.

At its meeting on 2 December 1987, the Committee on Transport appointed Mr NEWTON DUNN rapporteur.

The committee considered the Commission's proposal and the draft report at its meetings of 27/1/1988, 23/2/1988 and 17/3/1988. At the last meeting, the committee decided unanimously to recommend to Parliament that it approve the Commission's proposal with the following amendments.

The committee then adopted the draft legislative resolution unanimously.

The following took part in the vote: Mr. ANASTASSOPOULOS, Chairman; Mr. KLINKENBORG and MR. PUERTA, Vice-Chairmen; MR. NEWTON-DUNN, rapporteur; Mr. EBEL; Mr. COIMBRA MARTINS (substituting for Mr. FATOUS); Mr. LALOR (substituting for Mr. MARLEIX); Mr. OPPENHEIM (substituting for Mr. MOORHOUSE); Mr. REMACLE; Mr. SANTANA LOPES (substituting for Mr. WIJSENBEK); Mr. VISSER and Mr. VAN DER WAAL.

The opinion of the Committee on the Environment, Public Health and Consumer Protection is attached. The Committee on Economic and Monetary Affairs and Industrial Policy decided not to deliver an opinion

The report was tabled on 28 March 1988.

As its part-session of June 1988, the Commission declined to accept Amendment no 4 of the Committee on the Environment, Public Health and Consumer seeking to change the legal base from Article 75 to Article 100A. Pursuant to Rule 40(2) of the Rules of Procedure, the plenary accepted the rapporteur's proposal that the report should be referred back to Committee on Transport.

The committee re-considered the Commission's proposal and the 2nd draft report at its meeting of 23 September 1988 and 29 November 1988. At the last meeting, the committee decided by 15 votes to recommend to Parliament that it approve the proposal without changing the legal base but with the following amendments.

The committee then adopted the draft legislative resolution unanimously.

The following were present in the vote: Mr ANASTASSOPOULOS (Chairman), Mr NEWTON DUNN (rapporteur), Messrs TOPMANN and PUERTA GUTIERREZ (vice-chairman), Mr BUTTAFUOCO, Mr CAROSSINO, Mr. COIMBRA-MARTINS (substituting Mr LAGAKOS), Mr EBEL, Mr FATOUS, Mr HOFFMANN, Mr LOO (substituting Mr REMACLE), Mr ROMERA I ALCAZAR, Mr SAPENA GRANELL, Mr SEEFELD (substituting Mr STEWART), Mr VISSER, Mr van der WAAL and Mr WIJSENBEK.

The opinion of the Committee on Legal Affairs and Citizens' Rights is attached.

The report was tabled on 1 December 1988.

The deadline for tabling amendments to this report will be indicated in the draft agenda for the part-session at which it will be debated.

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The Committee of Transport hereby submits to the European Parliament the following amendments to the Commission proposal and draft legislative resolution together with explanatory statement:

Commission's proposal for a Council directive on the approximation of the laws of the Member States relating to the tread depth of tyres of certain categories of motor vehicles and of their trailers;

Text proposed by the Commission
of the European Communities

Amendments tabled by the
Committee on Transport

preamble and first recital unchanged

Amendment No 1

New Recital

whereas the legal minima of tread depth of tyres fitted to certain categories of vehicles vary considerably from one Member State to another and whereas such differences raise serious problems for the marketing of certain categories of vehicles;

Recitals No 2, 3, 4 unchanged

Amendment No 2

New Recital

whereas harmonization of tread depth minima of tyres fitted to certain categories of vehicles will facilitate the latter's free movement across Member States by eliminating the technical barriers presently created by differences in national laws;

Recitals No 5, 6, 7 unchanged

Amendment No 3

Article 1

Member States shall take all necessary steps to ensure that throughout their service life on the road, tyres for category M1, N1, 01 and 02 vehicles, as defined in Annex I to Council Directive 70/156/EEC (1) shall have a tread depth of at least 1.6 mm over their entire tread surface.

Member States shall take all necessary steps to ensure that the tread depth of tyres fitted to vehicles of categories M1, N1, 01 and 02, as defined in Annex I to Council Directive 70/156/EEC (1) shall not be fitted with tyres having a tread depth, measured in the immediate proximity of the tread wear indicator, of less than 1.6

Amendment No. 4

Article 2

After consulting the Commission, Member States shall adopt and publish before 31 December 1987 the laws, regulations and administrative provisions necessary for the implementation of this Directive from 1 June 1988.

After consulting the Commission, Member States shall adopt and publish before 31 March 1989 the laws, regulations and administrative provisions necessary for the implementation of this Directive from 30 September 1989.

Member States shall inform the Commission of the texts of the provisions they adopt to implement this Directive.

Member States shall inform the Commission of the textes of the provisions they adopt to impliment this Directive

Article 3 unchanged

(1) OJ L 42, 23.2.1970, p. 1

A.

Draft Legislative Resolution

embodying the opinion of the European Parliament on the proposal from the Commission to the Council for a directive on the approximation of the laws of the Member States relating to the tread depth of tyres of certain categories of motor vehicles and their trailers.

The European Parliament,

- having regard to the proposal from the Commission to the Council (¹),
 - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. C2-179/87),
 - considering the proposed legal basis to be appropriate,
 - having regard to the second report of the Committee on Transport and the opinions of the Committee on the Environment, Public Health and Consumer Protection and the Committee on Legal Affairs and Citizens' Rights (Doc. A2-290/88);
1. Approves the Commission's proposal in accordance with the vote thereon;
 2. Calls on the Commission to take over Parliament's amendments pursuant to Article 149 (3) of the EEC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again should the Council intend to make substantial modifications to the Commission's proposal;
 5. Instructs its President to forward this opinion to the Council and Commission of the European Communities.

1 - OJ No. C 279 of 17.10.1987, p. 5

I. Introduction

1. Pursuant to Rule 119 of the Rules of Procedure, the explanatory statement is the responsibility of the rapporteur and should be in accord with the amendments and resolution of the proposal in question. As to paragraphs 2 to 15a, the rapporteur states his own view on the appropriateness of the legal base of the proposal in question. It does not necessarily reflect the majority view of the Committee on Transport but it might or might not reflect the majority view of Parliament.
2. Given the serious question of the insitutional balance between the Parliament, the Council and the Commission, a consequent result of the entry into force of the Single Act, the rapporteur believes that the success of the Single Act mainly depends on a closer cooperation between these institutions, the democratic process of decision making and the respect of the institutional rights. In such a context both the opinions of the Legal Service and the Committee on Legal Affairs are welcome but are not convincing on the appropriateness of the chosen legal base.
3. The Legal Service, in its opinion (PE 119.421), argued that Article 75 and not Article 100A should be the legal base of the proposal in question. Its argument is based on the following :
 - a) the principal objective of the proposal is road safety which may be covered by Article 75, parag. 1 (c).
 - b) the secondary objective of the proposal is to facilitate the transfrontier movement of vehicles.
4. The rapporteur agrees that it is correct that IF the principal objective were road safety the legal base of Article 75, parag. 1(c) would be "appropriate"; and that if there is a double legal base- one Article for the main objective and another for the secondary- the Article of the principal objective determines the legal base.
5. In its letter of 18 February 1988, the Committee on Legal Affairs, "on the basis of a written note from the Legal Service of Parliament of 4 January 1988... expressed its entire agreement with the conclusions drawn by the Legal Service." Your rapporteur was not given notice of their meeting, nor was invited to be present.

II. Why Article 100A is the appropriate legal base

6. Your rapporteur believes that the Legal Service's opinion is not well documented and that another legal interpretation is more sound for the following reasons:
 - i) First, of the 7 recitals of the Commission proposal, 2 (i.e. first and second) explicitly refer to road safety although the second refers to Parliament's resolution of 18 February 1986 based on the FAITH report (A2-202/85) which neither specifies the legal base nor does it consider the tread depth of tyres separate or in isolation from the vehicles fitted to. Furthermore the Commission's proposal contains not one word

of evidence to support their first recital that the proposal will increase road safety; their first recital appears to be a sop to satisfy one of the demands of the FAITH report.

- ii) Second, the order of appearance of recitals is not meaningful. 4 recitals out of 7 (4th, 5th, 6th and 7th) refer specifically to the necessity of harmonisation of national standards. There is no reason why the two recitals referring to road safety should be considered to be the main objective while the last four recitals referring to harmonization of national standards should be considered as a secondary objective.
 - iii) Third, since the main objective of the proposal is disputed, one should consider whether the reasoning underlying Articles 8A and 100A is met by this proposal.
7. The Legal Service says in the explanatory memorandum, page 2, that it is stated that the 'principal objective of the directive is to improve road safety' (PE 119.421, p.8). But the Commission proposal states: "This proposal...aims...to improving traffic conditions for all means of transport and in particular road vehicles; in this context road safety measures are particularly important. "Therefore, measures is the key word and not road safety. As measures, we have the harmonization of national standards. In fact the entire content of the proposal (part B of explanatory memorandum) is devoted to explaining the differences in Member States's laws on tread depth.
 8. From the above, the question whether road safety or harmonization of national laws is the principal objective of the proposal is not clear. There are arguments for or against. There is however an alternative approach.
 9. Article 100A stipulates that it will apply, if two conditions are met:
 - a) The proposal in question contributes to the "achievement of the objectives set out in Article 8A". That is to say "...adopt measures with the aim of progressively establishing the internal market...in which the free movement of goods, persons, services and capital is ensured..." (Article 8A).
 - b) The proposal in question is considered as a measure that ensures the "...approximation of the provisions laid down by law, regulation or administrative action in Member States". (Art. 100A, § 1).
 10. Now, condition (a) is not separable from condition (b) because the one depends upon the other. But the Legal Service considers them as separate entities and says that condition (b) is fulfilled by the proposal in question but condition (a) is in doubt. It gives three reasons for proving why condition (a) is not fully met:
 - (i) The absence of a market in second-hand tyres.
 - (ii) The proposal mainly facilitates the free movement of persons.
 - (iii) The lack of examples suitable as precedents.
 11. As to the first reason (the absence of a market in second-hand tyres) the Legal Service's argument is weak and unconvincing because whereas there is no extensive market for second-hand tyres, the market of second-hand motor vehicles (M1), light goods vehicles (N1) and trailers (O1 and O2) is considerable and is found in all 12 Member States. Hence the sale of any second-hand vehicle of category M1 or N1 or even of a

trailer of category 01 or 02 might be inhibited by existing national laws that allow differences in tread depths. On the contrary, the harmonisation of the tread depth of tyres mainly facilitates the marketing of used-cars and these used-cars ought to be fitted to a tyre of tread depth of 1.6 m.m.

12. As to the second reason (free movement of persons) it is true that parag. 2 of Article 100A excludes harmonisation measures relating to the free movement of persons. But this only applies to category M1 vehicles which are for passengers of up to 8 persons. Categories N1, 01 and 02 are, all three, used for transporting goods and therefore the overall objective is about the free movement of goods which fulfills parag. 1 of Article 100A concerned with the functioning of the internal market.

13. As to the third reason about no-precedents, it should be said that:
(i) Directive 70/156/EEC is based on Article 100. The first preamble states: "Having regard to the Treaty ...and in particular Article 100 thereof;".

Logical consistency requires that any proposal from the Commission that aims at changing part or the whole of Directive 70/156/EEC - as the proposal in question seeks to change it in part - might be based on either Article 100 or Article 100A. But President DELORS has said that pending or future proposals from the Commission, originally based on Article 100, will be changed to or could be based on Article 100A (see Doc. C2-2/87).

As examples of this change in the legal base, which can be taken as precedents, are two proposals from the Commission, still pending before the Council, which concern the approximation of the laws of the Member States relating to tyres for motor vehicles and their trailers (OJ No C37, 14.2.1977, p.1) and the approximation of the Member States relating to the weights and dimensions of certain motor vehicles (OJ No C15, 20.1.1977, p.4). For both the above proposals, the Legal Service of the Parliament agrees to Article 100A but cannot agree to the proposal in question concerning the tread depth of tyres. Consequently, the Legal Service's argument is logically inconsistent.

III. Why Article 75 is not the appropriate legal base

14. The Legal Service advances three arguments in favour of Article 75:

- The first concerns the main objective of the proposal, i.e. road safety, but we argue above that it is far from being proved the principal objective.
- The second argument is about the appropriate Article of the Treaty that covers adequately 'road safety'. The Legal Service proposes Article 75, parag. 1 (c) on the grounds that:
 - (i) Directive No 77/143/EEC on the roadworthiness tests for motor vehicles and their trailers, is considered as referring to road safety because its first recital mentions 'safety' and it is based on Article 75. However, when Directive No 77/143/EEC was adopted, the Single Act did not exist.
 - (ii) Support in favour of Article 75, parag. 1(c) covering road safety is also sought in legal commentaries. But there is no Court ruling on such a matter.
- The third argument of the Legal Service relates to its interpretation that "The measures to approximate national laws necessary in the transport sector must be governed in the first instance by the rules of the Treaty in Title IV on 'Transport'. The key phrase here is "in

the first instance" which means that priority should be given to Articles contained in Title IV and if found insufficient then invoke Article 100A.

This interpretation is serious and calls for equally serious and exhaustive examination. It simply says that for each proposal in the transport sector relating to measures to approximate national laws, Articles 74-84 should be used as legal base first before considering, say, Article 100A. That is to say the relation between Article 75 and Article 100A should be proved a case of 'lex specialis'.

15. But the Legal Service is wrong because:

- . First the "lex specialis" interpretation has not yet been applied to the transport field and then there is no Court's decision which could act as 'precedent'.
- . Second, references to similar legal cases in sectors other than transport which seek to prove, by inference and inductive logic, that a transport case might be governed by the same rules do not constitute well reasoned arguments.
- . Third, whether Title IV of the Treaty or the Single Act with its provisions applicable to the transport sector, is a more efficient instrument to pursue the common transport policy or the progressive establishment of the internal market, is purely theoretical. Application of both instruments will tell us which of the two is more effective.

15a. Conclusions

1. The principal objective of the proposal in question cannot be inferred from references to the sequence of the recitals or the explanatory memorandum alone. It should be seen in the wider context of the predecessor directive governing the characteristics of the M1, N1, O1 and O2 categories of vehicles and trailers.
2. The overall objective of the proposal in question is to adopt a measure (i.e. Article 1 specifying the 1.6 mm of the tread depth) which would progressively establish a common market for certain categories of vehicles contained in the proposal.
3. This measure (i.e. the 1.6 mm) will ensure through the approximation of standards in Member States -which range from 1.0 mm to 1.6 mm- the establishment and functioning of the internal market within the meaning of Article 100A.
4. The proposal in question primarily concerns the free movement of certain categories of vehicle (N1) and of trailers (O1 and O2) and hence goods, and is consistent with the definition of the internal market stated in Article 8A. It only indirectly promotes the free movement of persons through the category of vehicle M1 (though even the strength of this point of view is doubtful because to the M1 the trailer O1 is attached) and still is governed by the provisions of Article 100.
5. The proposal in question entails amendments to Directive 70/156/EEC which is based on Article 100. The President of the Commission has proposed that any amendment to or follow up from this Directive should be based on Article 100A (see Doc. C2-2/87).

6. Article 75, §1 (c) could only be considered as the correct legal base for the proposal provided that it fulfils two conditions:
 - (a) Article 75 contributes more efficiently to the free movement of goods, persons, services and capital (Article 8A) than does 100 A.
 - (b) Article 75 is a more efficient measure for the approximation of national laws necessary in the transport sector than 100 A.
7. The choice of Article 100A for the proposal is the correct one.

IV. CONTENT OF THE PROPOSAL

16. This proposal covers passenger vehicles with not more than eight seats, light vans and light trailers both of not more than 3.5 tonnes.
17. The purpose of tread depth on tyres of motor vehicles is to provide grip in wet conditions, when it clears away surface water on the road, so allowing the rubber to grip the road. In dry road conditions treads are hardly important. Most tyres start life with a tread depth of between 7 mm and 9 mm.
18. The rapporteur considers that the legal base to this proposal should have been Article 100A - because the subject is approximation of existing national laws.

The present situation is that a motorist whose tyres are just legal in one member state can be illegal in a neighbouring member state, where the legal minimum is higher. From the rapporteur's own researches, it appears that the only legal basis for the member states of the European Community to accept each other's motorcars, despite different minima tread depths, is the "Final Act of the United Nations Conference and Appended Resolutions, Convention on Road Traffic and Protocol concerning countries and territories at present occupied" - which was agreed at Geneva in September 1949.

This set out the standards under which states agreed to accept foreign-based cars into their territory. For tyres the agreed standard states:

"The wheels of motor vehicles and their trailers shall be fitted with pneumatic tyres, or with some other tyres of equivalent elasticity."

Subsequently, a "Convention On Road Traffic" was drawn up at Vienna in November 1968 - but this has never been ratified by all Member States of the European Community.

Clearly, thirty-nine years later in 1988, it is appropriate that the European Community should pass a new law on what is, and is not, acceptable on tread depths for tyres. A similar update for other features of motorcars would seem to be overdue.

19. The European Parliament will welcome the proposal because it will help the creation of the Single Market by 1992, and is fully in line with the aims and activities of Road Safety Year 1986. The proposal will also help to improve road safety and to avoid problems concerning free movement of vehicles.
20. Unless national laws concerning minimum tyre depths are harmonised, motorists of certain nationalities could find themselves breaking the laws of other Member States or finding their insurance invalidated because their tyre tread depths were found to be illegal.
21. The Commission's proposal did not contain a complete set of details about the minima in all twelve member states. Here is a fuller list:

European Community

Other

1.6 mm across the whole width of the tyre:

Luxembourg

Austria, Japan
Sweden, Australia
Switzerland, and
most parts of USA

1.0 mm across the whole width of the tyre:

Belgium, Denmark, France,
F. R. Germany, Ireland, Italy,
Netherlands, Greece (not enacted)

Czechoslovakia,
Norway, Finland
South Africa

1.0 mm across 75% of the width of the tyre, and visible tread pattern on the remaining 25%:

United Kingdom

1.0 mm across 75% of the width of the tyre:

Portugal

visible tread across the whole tyre width:

Spain

22. The rapporteur considers it interesting that in the United Kingdom the government's official policy is to change the tyres of motor cars provided for ministers when the tread reaches 2.0 mm, although the legal minimum is only 1.0 mm across only three quarters of the tyre.
23. Objectors to the Commission's proposal argue that it would create an extra cost for the motoring public because some drivers would have to renew their tyres sooner than at present. This ignores that the new designs of tyres have an increased life - in some cases doubled although tyre prices have not doubled over the long term. The extra cost to the motorist of this proposal is estimated to be of the order of 0.5 ECU per tyre per year - not a lot to pay for extra safety.
24. An increase in the minimum tread depth would bring an unquantifiable saving in human life, and therefore savings to national health services which have to repair damaged humans following road accidents.
- It is impossible to quantify the financial savings that would result from this proposal: one cannot show that a particular number of accidents would have been avoided, or would have been less serious, if a vehicle had been able to stop twenty meters sooner. But it is self-evident that there must be many such potential savings each year on the roads of the Community.
25. The rapporteur is surprised that the Commission appears to have no firm plans for harmonising the equivalent minima for lorries greater than 3.5 tonnes, and he looks forward to an early proposal from them.

O P I N I O N

(Rule 120 of the Rules of Procedure)

of the Committee on the Environment, Public Health and Consumer Protection

Draftsman: Mrs Caroline JACKSON

On 21st October 1987, the Committee on the Environment, Public Health and Consumer Protection appointed Mrs Caroline Jackson draftsman of the opinion.

The Committee considered the draft opinion at its meeting of 26/28 January 1988. It adopted the draft opinion on 28 January 1988 by 11 votes to 7.

The following took part in the vote: Mrs Schleicher, vice-chairman and acting chairman; Mrs Car. Jackson, draftsman; Mr Alber; Mrs Bloch von Blottnitz; Mr Bombard; Mr Collins; Mrs Diez de Rivera; Mr Figueiredo Lopes; Mr Gama (deputizing for Mr Nordmann); Mrs Hammerich; Mr Hughes; Mrs Lentz-Cornette; Mrs Llorca Vilaplana; Mr Muntingh; Mr Schmid; Mr Sherlock; Mrs Squarcialupi; Mr Van der Lek (deputizing for Mr Roelants du Vivier).

INTRODUCTION

1. The Commission's Proposal is a direct response to the request made by the European Parliament on several occasions that attention be paid to the question of the tread depth of tyres in the context of road safety.

2. At the present moment most Member States have residual tread depth laws laying down the tyre tread depth below which it is illegal to drive and in all cases except Luxembourg the depth is 1 mm. The Commission's Proposal seeks to align the minimum at the higher level i.e. 1.6 mm. The Proposal would also bring European standards into line with standards being applied in Japan and the United States.

3. Numerous studies have shown that 1.6 mm is the minimum depth required for safe operating in both dry and wet conditions and the Proposal is clearly in the consumer's interest insofar as greater road safety is concerned. Although statistics for deaths resulting from road accidents show a slight decline, the number of injuries resulting from road accidents has increased. This measure is therefore to be welcomed.

4. The Committee regrets that the Commission did not see fit to evaluate the impact on consumer prices of the Proposal. However, it seems likely that the benefits associated with higher standards of safety will outweigh the cost impact.

CONCLUSIONS

5. The Committee welcomes this very positive step towards greater road safety.

6. The Committee is particularly glad to see that the European Commission is prepared to opt for harmonisation at a higher standard of safety than that existing in most Member States.

7. Regrets that the Commission has failed to supply, in its explanatory statement, any details of the relationship between tread depths and braking distance, since this is primary information which supporters of the measure will need to have available.

8. The Committee believes that it is a legitimate task for the Commission to make proposals which would give European consumers the same standard of safety as that given by their national legislation to the Americans and Japanese.

9. The Committee recognises nevertheless that the implementation of the directive will mean a certain cost for individual consumers, and considers that this might have been mentioned in the Impact Statement annexed to the proposals.

10. The Committee nevertheless maintains its full support for the proposal, whose once-and-for-all cost impact is paralleled by past experience with the introduction of seat belts and crash helmets.

11. The Committee believes that this measure should be based on Article 100A, and intends moving an amendment to this effect in the plenary session, or supporting such an amendment if moved by the Transport Committee.

12. The Committee will also table an amendment to Article 1 of the proposed directive as follows:

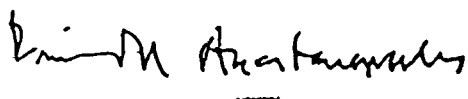
"Member States shall take ... a tread depth of at least 2.0 mm over their entire tread surface."

O P I N I O N

of the Committee on Legal Affairs and Citizens' Rights

Letter from the chairman to Mr ANASTASSOPOULOS, chairman of the
Committee on Transport

Brussels, 29 September 1988


—

Thank you for your letter of 13 July concerning the vote in plenary on the report by Mr NEWTON DUNN on tread depth of tyres (Doc. A2-34/88).

The question of the legal basis of the Commission proposal for a Council Directive on the approximation of the laws of the Member States relating to the tread depth of tyres of certain categories of motor vehicles and of their trailers (Doc. C2-179/87 = COM(87)407 final) has been dealt with by the Committee on Legal Affairs and Citizens' Rights at its meeting of 17 and 18 February 1988, on the basis of a written note from the Legal Service of Parliament of 4 January 1988. Following an oral introduction by

Mr JANSSEN VAN RAAY, the Committee on Legal Affairs and Citizens' Rights unanimously expressed its entire agreement with the conclusions drawn by the Legal Service in general and the Commission's choice of legal basis in particular. In adopting Mr NEWTON DUNN's report without any amendment to the legal basis, your committee indicated its agreement with this appreciation.

I am certainly aware of the fact that Parliament adopted an amendment tabled by Mrs JACKSON on behalf of the Committee on the Environment, Public Health and Consumer Protection to the legal basis during its vote on this report on 17 June 1988. However, this was clearly against the views of both the committee responsible and the committee responsible for legal affairs. In the absence of any new legal or factual element, and in view of the general workload of my committee, I do not consider it appropriate to include the item in our agenda again.


Dimitris Anastassopoulos