

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(90) 2136 final - SYN 297 to 302

Brussels, 7 November 1990

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 149.2(b) of the EEC Treaty

COMMENTARY BY THE COMMISSION ON THE COMMON POSITION AND THE JOINT POSITION
OF THE COUNCIL CONCERNING MEASURES PROPOSED BY THE COMMISSION REGARDING
GERMAN UNIFICATION

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I. EXPLANATORY HISTORICAL NOTE

1. The Commission submitted a package of legislative proposals to the Council on 21st August 1990⁽¹⁾.
2. The European Parliament proposed certain amendments to the proposals on 24th October 1990.
3. In conformity with article 149,3 of the EEC Treaty, the Commission sent its revised proposal⁽²⁾ to the Council.
4. The Council adopted a common position and a joint position on 30 October 1990⁽³⁾ and 6 November 1990.

II. GENERAL COMMENTARY BY THE COMMISSION ON THE COMMON POSITION OF THE COUNCIL AND GENERAL CONSIDERATIONS

Generally applicable amendments were proposed by the Parliament in four areas ; the revision of the financial perspectives, the committee structure deemed appropriate in cases where a flexibility clause allowing subsequent modifications is foreseen, and where no existing committee is in place, the question of adequate transparency and the question of the control and supervision of correct application of the transitional measures.

The proposed amendments regarding the recital on financial perspectives did correspond with the Commission's intentions and procedures already underway. The Commission made proposals for modification of the financial perspectives

(1) COM(90) 400 final

(2) COM(90) 495 final

(3) 9533/90 and 9532/90

on 21st September 1990⁽⁴⁾ and the matter is currently the subject of interinstitutional discussions. Decisions in this area can be expected before the final adoption by the Council of the transitional measures regarding German Unification.

Given the steps already undertaken, the Commission considered Parliament's proposed recital could be met by a minutes statement covering the substance of the request. The Council has agreed to such a statement.

On the question of Comitology, the Commission included Parliament's amendment on the IIa procedure (management committee) in its revised proposal, but notes that the Council was unable to accept this amendment, preferring to retain committee structure IIIa (regulatory committee) as originally proposed by the Commission in those areas where no existing committee is in place.

It should, however, be noted that the flexibility clause already foresees committee IIa for agriculture and fisheries, areas where further technical adaptations are the most likely to occur. Here, the Council's position is identical to that of the Parliament. In some areas, for example external relations and social affairs, neither the Commission nor the Council foresee the need for a flexibility clause.

Further, for the proposed directive on statistics based on article 213 EEC the Commission is to be authorised to undertake subsequently necessary technical adaptations without recourse to a committee.

In its modified proposal the Commission, recalling its pragmatic approach in the particular context of German unification, accepted the Parliament's amendments concerning the IIa committee procedure. The Commission maintains its revised proposal on this point.

The third general point concerns information and the association of Parliament in the overall management of the transitional period

(4) SEC(90)1780 final

(transparency). The Commission notes the Council's willingness to accept a great number of Parliament's amendments to this effect which are contained in the Commission's modified proposal.

The Commission considers that the Council took due account of Parliament's amendments, as concluded in the Commission's modified proposal, on control and supervision of the transitional arrangements.

In conclusion, the Commission notes that a number of Parliament's amendments accepted by the Commission have been reflected, as to their substance, in the common position of the Council.

III. CONSULTATION PROCEDURE

1. The general considerations outlined above cover several amendments relevant where the consultation procedure applies.
2. The Commission notes with satisfaction the Council's readiness to consider the concerns of certain member States, as expressed by Parliament in its amendment n° 52. A new proposal covering tariff suspensions for Spanish and Portuguese agricultural products destined for the former GDR is now included in the package of texts agreed by the Council.
3. The length of the tariff concession granted to the CMEA countries, originally proposed for one year with a possible extension of a further year to be decided at the end of 1991, gave rise to a parliamentary request for the immediate granting of a two year period. The Commission agreed to accede to Parliament's request and is content to note Council's readiness to adapt the text in its joint position.
4. Parliament's request for the principle of equal treatment to be included in the structural funds texts was held to be inappropriate in the legal text, but the Commission is content with an appropriate minutes declaration.

5. Concerning the European coal and steel Community, Parliament had proposed to include the phrase "having regard to Parliament's opinion". For the Commission, the proposed Council alternative "Having consulted the European Parliament" is acceptable, since it covers the substantive point at issue, namely consultation of the Parliament on the whole package and on the detailed proposals, as agreed in the interinstitutional agreement of 6 September 1990. Parliament's proposals to ensure adequate control, supervision and reporting arrangements throughout the transitional measures have also been adopted in the ECSC field.

6. The joint position on the proposed agricultural regulation agreed by the Council of Ministers for Agriculture at their meeting on 5/6 November 1990, contains a large number of new recitals and amendments or modifications to the existing recitals proposed by the European Parliament.

The Council itself has also adopted some largely editorial modifications of the recitals, with which the Commission can agree.

The European Parliament had proposed only one modification to article 4 of the text, which has been integrated with a slightly different wording. The Council has itself adopted a number of further modifications of most of the articles. Most importantly, the Council has introduced limitations to the authorisation for Germany to grant state aids, to the flexibility clause and to the safeguard clause. Furthermore it decided that the Regulations shall enter into force on 1 January 1991. Other modifications are mainly of an editorial character.

The Commission is content to accept these modifications.

The European Parliament proposed modifications to annexes III (milk), IX (wine) and XII (structures). These have been accepted and integrated into the annexes in the wording proposed by the European Parliament or in a similar wording.

Council has adopted a number of other modifications which reflect the results of prior discussions of the Commission's proposal.

These concern maximum guaranteed quantities, quota systems for sugar and milk, intervention ceilings for butter, beef, skimmed milk powder and fruit and vegetables.

Other modifications are of an editorial character and of minor importance for the overall approach (pigmeat, sheep and goat meat, processed fruit and vegetables, wine)

Although the Commission has constantly opposed increasing the intervention ceilings and the reduction of the proposed sugar quota for the former GDR territory, the new levels contained in the Council decision are now acceptable to the Commission.