



European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition

27 May 1991

A3-0144/91

R E P O R T

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

on the legal basis for the Commission proposal for a Council
decision on the introduction of a standard Europe-wide
emergency call number
(COM(89) 0452 - C3-0049/91 - SYN 223)

Rapporteur: Sir James SCOTT-HOPKINS

DOC_EN\RR\110432

PE 150.275/fin.
Or.FR

A Series: Reports - B Series: Motions for Resolutions, Oral Questions - 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 a majority of the current Members of Parliament for rejection or amendment
I	= Cooperation procedure (first reading)	*	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

C O N T E N T S

	<u>Page</u>
Procedural page	3
A. MOTION FOR A RESOLUTION	4
B. EXPLANATORY STATEMENT	5
Opinion of the Committee on Legal Affairs and Citizens' Rights	7

By letter of 4 February 1991, the Council forwarded an orientation and consulted the European Parliament on the appropriateness of Article 235 of the EEC Treaty as the legal basis of the Commission proposal for a Council decision on the introduction of a standard Europe-wide emergency call number.

At the sitting of 18 February 1991, the President of the European Parliament announced that he had referred this orientation to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights for its opinion.

At its meeting of 26 February 1991, the committee appointed Sir James Scott-Hopkins rapporteur.

At its meeting of 23 May 1991, it examined the validity and appropriateness of the legal basis pursuant to Rule 36(3) of the Rules of Procedure and adopted the motion for a resolution unanimously.

The following took part in the vote: Schleicher, acting chairman; Sir James Scott-Hopkins, vice-chairman and rapporteur; Alavanos, Avgerinos, Bjørnvig, Bombard, Florenz, Green, Guidolin, Kuhn, Muntingh, Pereira, Pimenta, Llewellyn Smith, Vernier and Vittinghoff.

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

The report was tabled on 27 May 1991.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

MOTION FOR A RESOLUTION

on the legal basis for the Commission proposal for a Council decision on the introduction of a standard Europe-wide emergency call number

The European Parliament,

- having regard to the Commission proposal to the Council (COM(89) 0452 - SYN 223)¹,
 - having regard to the orientation of the Council (C3-0049/91 - Doc. 10334/90/PRO-CIV 22 SAN 90),
 - having been consulted by the Council on the appropriateness of the choice of Article 235 of the EEC Treaty as the legal basis,
 - having regard to its opinion on first reading on the Commission proposal (A3-0119/90)²,
 - having regard to Rule 36(3) of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Protection and the opinion of the Committee on Legal Affairs and Citizens' Rights (A3-0144/91),
1. Disputes the appropriateness of the legal basis proposed by the Council;
 2. Considers that the Commission proposal should be based on Article 100a of the EEC Treaty;
 3. Instructs its President to forward this resolution to the Council and, for information, to the Commission.

¹ OJ No. C 269, 21.10.1989, p. 8

² OJ No. C 231, 17.9.1990, p. 83

B

EXPLANATORY STATEMENT

On 23 November 1990, the Council signified its agreement to the proposal for a decision presented by the Commission (COM(90) 0426 - SYN 223)³ and amended by the European Parliament on first reading on 11 July 1990⁴.

1. The change of legal basis

At that same meeting, the Council decided, contrary to the Commission's opinion, that it was appropriate to take Article 235 of the Treaty as the basis for this subject and not Article 100a. Introduction of the standard Europe-wide emergency call number would not in its opinion contribute to the establishment and functioning of the internal market. The Council decided however to consult the European Parliament on this change of legal basis.

In its statement entered in the minutes, the Commission expressed the view that, in this case, the choice of Article 100a was applicable since the decision in question was concerned with harmonizing a number giving access to the public telecommunications network. This issue also raised the general problem of the legal basis for any future decisions to be taken under the Community's civil protection policy.

At its meeting of 19 March 1991, the Committee on Legal Affairs and Citizens' Rights took the view that Article 100a of the Treaty was the appropriate legal basis. Repeating the arguments put forward by the Commission, the Committee on Legal Affairs and Citizens' Rights felt that the decision in question concerned an aspect of the harmonization of telecommunications services and that the diversity of call numbers in the various Community countries was causing and would continue to cause an increasing number of problems for citizens required to travel throughout the Community on business or privately in connection with completion of the internal market.

For his part, your rapporteur, not wishing to confine himself to the legal aspects, takes the view that it is regrettable that the Council should have changed the legal basis thereby removing one of Parliament's prerogatives, more especially that of a right to a second reading. The problem is knowing whether the second reading is necessary. For that purpose, your rapporteur has had to analyse the contents of the draft decision as it results from the agreement of 23 November 1990, although the Council has decided to consult the European Parliament only on the legal basis.

2. The changes of substance

Parliament can only welcome the fact that the Council has in its draft maintained the date of 31 December 1992 for the introduction of 112 as the standard emergency call number (Article 2). It can only regret the fact that in the following article it has put back by one year to 31 December 1996 instead of 31 December 1995 the introduction of the 112 number in countries encountering 'particular technical, financial, geographical or organizational difficulties'.

³ OJ No. C 269, 21.10.1989, p. 8

⁴ OJ No. C 231, 17.9.1990, p. 83

Putting back this deadline seems less serious however than the decision to delete from the operative part of the decision any undertaking on the part of the Member States to 'develop arrangements towards increasing the language capabilities of the operators answering calls to the standard Europe-wide emergency call number, in order to optimize its use'. For this purpose, it was stipulated in the Commission proposal that the Member States 'shall ensure the progressive implementation of technical and organizational arrangements, such as the automatic identification of the calling line and the location of the caller and the possibility of automatic transfer to an international operator in case of language difficulties' (Article 5 of the Commission proposal adopted as it stood by the European Parliament). This deletion deprives the draft decision of part of its substance. It is not enough to agree that the Member States will endeavour to take steps to overcome difficulties of comprehension by encouraging, for example, the promotion of printed instructions in the Community languages and appropriate training of switchboard operators.

It can only be hoped that the Member States will have the interests of European citizens at heart particularly when confronted with difficult, grave and alarming circumstances. The 112 call number is also a means of achieving a People's Europe on condition that the calls for help can be heard.

Conclusions

For legal reasons, but above all for reasons of substance, your rapporteur believes that it is not appropriate to accept Article 235 of the Treaty as the legal basis as wished by the Council. Having said this, your rapporteur does not wish to see the introduction of the 112 call number delayed in view of the fact that the Member States which introduce it in 1992 or at the latest in 1996 will be required, whether they like it or not, to take the necessary steps to ensure that the system meets the needs of all European Community citizens.

OPINION

of the Committee on Legal Affairs and Citizens' Rights

Letter from the committee chairman to Mr COLLINS, chairman of the Committee on the Environment, Public Health and Consumer Protection

Brussels, 19 March 1991

Subject: Change of legal basis of the Commission proposal for a Council decision on the introduction of a standard Europe-wide emergency call number (COM(89) 0452 - C3-0049/91 - SYN 223)

Dear Mr Chairman,

At its meeting of 18, 19 and 20 March 1991, my committee considered the merits of the legal basis of the amended proposal for a decision on the introduction of a standard Europe-wide emergency call number (Doc. 10334/91).

The Committee on Legal Affairs and Citizens' Rights took the view, after hearing Mrs SALEMA, member responsible for questions relating to legal bases, that Article 100a of the Treaty was the appropriate legal basis for the proposal in question.

This committee believes that the choice of Article 100a is explained by the special nature of the decision in question which is concerned with harmonizing a number giving access to the public telecommunications network. It is therefore an aspect of the harmonization of telecommunications services and of the diversity of call numbers causing problems, in particular for tourists and businessmen as recipients of services.

In this connection, the Committee on Legal Affairs and Citizens' Rights would draw particular attention to the resolution adopted by Parliament on this proposal on first reading on 11 July 1990. In that resolution, Parliament considered that the legal basis proposed by the Commission was appropriate, i.e. Article 100a of the Treaty.

Yours faithfully,

(sgd) Graf STAUFFENBERG

