



European Communities

EUROPEAN PARLIAMENT

SESSION DOCUMENTS

English Edition

27 May 1991

A3-0143/91

**II

RECOMMENDATIONS

of the Committee on Legal Affairs and Citizens' Rights on the **COMMON POSITIONS** established by the Council with a view to the adoption of:

- I. a regulation laying down particular provisions for the application of Articles 37, 39 and 40 of the Agreement between the European Economic Community and the Swiss Confederation on direct insurance other than life assurance (C3-0186/91 - SYN 222)
- II. a directive on implementation of the Agreement between the European Economic Community and the Swiss Confederation concerning direct insurance other than life assurance (C3-0187/91 - SYN 221)
- III. a decision on the conclusion of the Agreement between the European Economic Community and Swiss Confederation concerning direct insurance other than life assurance (C3-0188/91 - SYN 220)

Rapporteur: Mr Willy ROTHLEY

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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
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**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
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**I	= Cooperation procedure (first reading)
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***	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament
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At the sitting of 22 February 1991 the European Parliament delivered its opinion at first reading on three Commission proposals for a Council decision, regulation and directive on the conclusion and implementation of the Agreement between the European Economic Community and the Swiss Confederation on direct insurance other than life assurance.

At the sitting of 17 April 1991 the President announced that the common positions have been received and referred to the Committee on Legal Affairs and Citizens' Rights as the committee responsible and to the Committee on External Economic Relations, the Committee on Economic and Monetary Affairs and Industrial Policy and the Committee on Institutional Affairs for their opinions.

Mr Rothley, rapporteur for the first reading, was confirmed rapporteur for the second reading by the Committee on Legal Affairs and Citizens' Rights.

At its meeting of 2 and 3 May 1991 the Committee on Legal Affairs and Citizens' Rights considered the common positions and adopted them unanimously pursuant to Rule 49 of the Rules of Procedure.

The following took part in the vote: Stauffenberg, chairman; Rothley, second vice-chairman and rapporteur; Bandres Molet, Garcia Amigo, Grund, Marinho, Reymann, Schlechter and Vohrer (for Salema pursuant to Rule 111(2)).

These recommendations were tabled on 24 May 1991.

The deadline for tabling amendments to the common positions or proposals to reject them will appear on the draft agenda for the part-session at which the recommendations are to be considered.

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position established by the Council with a view to the adoption of:

- I. a regulation laying down particular provisions for the application of Articles 37, 39 and 40 of the Agreement between the European Economic Community and the Swiss Confederation on direct insurance other than life assurance (COM(89) 436¹)

The Committee on Legal Affairs and Citizens' Rights,

- having regard to the common position of the Council (C3-0186/91 - SYN 222),

Recommends that the European Parliament approve the common position.

¹ OJ No. C53, 5.3.1990, p. 46

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position established by the Council with a view to the adoption of:

- II. a directive on implementation of the Agreement between the European Economic Community and the Swiss Confederation concerning direct insurance other than life assurance
(COM(89) 436)²

The Committee on Legal Affairs and Citizens' Rights,

- having regard to the common position of the Council (C3-0187/91 - SYN 221),

Recommends that the European Parliament approve the common position.

² OJ No. C53, 5.3.1990, p. 46

A

RECOMMENDATION

(Cooperation procedure: second reading)

on the common position established by the Council with a view to the adoption of:

III. a decision on the conclusion of the Agreement between the European Economic Community and the Swiss Confederation concerning direct insurance other than life assurance
(COM(89) 436)³

The Committee on Legal Affairs and Citizens' Rights,

- having regard to the common position of the Council (C3-0188/91 - SYN 220),

Recommends that the European Parliament approve the common position.

³ OJ No. C53, 5.3.1990, p. 46

B

EXPLANATORY STATEMENT

1. The Council adopted the common positions in question on 21 March 1991. The European Parliament had delivered its opinion on 22 February 1991 when it adopted the corresponding resolutions contained in the report by Mr Rothley (A3-0017/91) which - after first being referred back to the committee - fully endorsed the Commission proposals.
2. The common positions are almost an exact copy of the original Commission proposals. There are only a few minor changes, which do not affect the substance:
 - (a) all three texts make it clear that the last sentence of paragraph 2 of Article 57 of the EEC Treaty constitutes the legal basis.
 - (b) in both the title and Article 2 of the regulation a reference is added to Article 40 of the Agreement which, like Articles 37 and 39, provides for decisions by the Joint Committee.
 - (c) lastly, in the implementing directive both Article 235 of the EEC Treaty and Article 57(2), last sentence, are cited as the legal basis, as is already the case for the regulation and the decision.
3. Given the above remarks and the insignificant changes made in the common positions, your rapporteur recommends that they be adopted unamended.

