

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(91) 395 final

Brussels, 14 November 1991

Amendment to the proposal for a

COUNCIL REGULATION (EEC)

REGARDING THE "EC INVESTMENT PARTNERS" FINANCIAL INSTRUMENT

for Asian, Latin American and Mediterranean Countries

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

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EXPLANATORY MEMORANDUM

During its session of 14 June 1992, the European Parliament has examined the Commission proposal on a Council regulation concerning the "EC Investment Partners" financial instrument for Asian, Latin American and Mediterranean countries COM (90) 575 and has approved unanimously the draft report proposed by its Development Commission.

This report provides for some amendments to the original text.

The present proposal takes into consideration the amendments that the Commission has accepted during the session of 14 June 1991.

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Amendment to the proposal for a

COUNCIL REGULATION (EEC)

REGARDING THE "EC INVESTMENT PARTNERS" FINANCIAL INSTRUMENT

for Asian, Latin American and Mediterranean Countries

Initial proposal of the Commission
of the European Communities (1)

Amendments

First recital

Whereas the Community is fostering financial, technical and economic cooperation with the countries of Asia and Latin America and with the Mediterranean region;

Whereas the Community is fostering financial, technical and economic cooperation with developing countries;

Second recital

Whereas the Council has adopted guidelines on new forms of cooperation to benefit the Mediterranean region, on the one hand, and Asia and Latin America, on the other;

Insert after fifth recital

Fifth recital

Whereas certain benefits can be derived from cooperation between Community firms and enterprises in the developing countries given that it is an excellent vehicle for the transfer of know-how and a catalyst for the provision of further aid;

Whereas joint ventures and investment by EC firms with developing countries can provide certain benefits to developing countries including: capital transfer; know-how; employment; training and skills transfer, enhanced possibility of exports and supply of local needs;

Amendment to the proposal for a Council Regulation (EEC) on the 'EC-International Investment Partners' financial facility for countries of Asia, Latin America and the Mediterranean region (')

(91/C 314/09)

COM(91) 395 final

(Submitted by the Commission pursuant to Article 149 (3) of the EEC Treaty on 20 November 1991)

(¹) OJ No C 81, 26. 3. 1991, p. 6.

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Whereas joint ventures and investment by EC firms with developing countries can provide certain benefits to developing countries including: capital transfer; know-how; employment; training and skills transfer, enhanced possibility of exports and supply of local needs;

Eight recital

Whereas the results attained thus far bear witness to the considerable potential of this financial instrument in achieving the aforementioned objective;

Whereas the use made of the facilities thus far bears witness to the considerable potential of this financial instrument in achieving the aforementioned objective;

Ninth recital

Whereas the continuation and extension of EC-IIP for a further five-year trial period from 1 January 1992 is therefore necessary to meet the new needs of

Whereas the continuation and extension of EC-IIP for a further three-year trial period is necessary to confirm the utility of this instrument and refine its application in

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the countries of Latin America, Asia and the Mediterranean;

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order to meet the new needs of the countries of Latin America, Asia and the Mediterranean;

Article 1

For a five-year trial period starting on 1 January 1992, and as part of its economic cooperation with the countries of Latin America, Asia and the Mediterranean, the Community shall operate special cooperation schemes aimed at promoting investment by economic operators in the Community, particularly in the shape of joint ventures with local operators in the countries eligible.

For a three-year trial period starting on 1 January 1992, and as part of its economic cooperation with the countries of Latin America, Asia and the Mediterranean, the Community shall operate special cooperation schemes aimed at promoting investment by economic operators in the Community, particularly in the shape of joint ventures with local operators in the countries eligible.

Article 3 (1), second subparagraph

On the other hand, in the case of facilities 2, 3 and 4 set out in Article 2, Community funds shall be provided exclusively through the financial institutions defined in Article 4 below; this shall apply to institutions within the Community and to those from an eligible non-Community country that have signed a framework agreement with the Community.

On the other hand, in the case of facilities 2, 3 and 4 set out in Article 2, application for, and provision of, Community funds shall be made exclusively through the financial institutions defined in Article 4 below; this shall apply to institutions within the Community and to those from an eligible non-Community country that have signed a framework agreement with the Community.

Article 3 (2)

2. With regard to facility 3 set out in Article 2, the financial institutions must provide an amount at least equal to that provided by the Community.

2. With regard to facility 3 set out in Article 2, the financial institutions must provide an amount at least equal to that provided by the Community. Priority shall be given to requests from small and medium-sized enterprises.

Article 4

The financial institutions shall be selected by the Commission from among development banks, commercial banks, merchant banks and investment promotion bodies.

The financial institutions shall be selected by the Commission, in the light of the opinion of the committee, foreseen in Article 7a.

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Article 4, second paragraph

(new)

Framework agreements signed by the Commission shall make express provision for the Court of Auditors to have the power, as laid down in Article 206a of the Treaty, to monitor the activities of such institutions which are related to financial projects financed by the Community budget.

Article 5, introductory phrase

Four types of criteria shall be applied by the Commission in selecting the projects:

The Commission shall ensure that the projects are selected on the basis of the following four types of criteria, and in the light of the appropriations adopted by the budgetary authority:

Article 5 (2)

2. the contribution to development in terms of:

- creation of added value,
- creation of local jobs,
- promotion of local entrepreneurs,
- transfer of technology,
- transfer of know-how,
- impact on the balance of payments,
- favourable impact on the environment,
- manufacture and supply to the local market of products that have been difficult to obtain or are of a lesser quality;

2. the contribution to development in terms of:

- (a) impact on the local economy;
- (b) creation of added value;
- (c) encouragement of local entrepreneurs;
- (d) transfer of technology and know-how, and enhancement of techniques employed;
- (e) training and skills acquisition by local managers and workforce;
- (f) effects on women;
- (g) creation of local jobs in conditions that do not exploit the people employed;
- (h) impact on the balance of payments;
- (i) favourable impact on the environment,
- (j) manufacture and supply to the local market of products that have been difficult to obtain or are of a lesser quality;

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Article 5 (3)

3. compatibility with the sectoral, and geographical aspects of Community policy;

3. compatibility with the sectoral, geographical, environmental, social, human rights and development aspects of Community policy.

Article 6

Countries eligible shall be those that have concluded a cooperation or association agreement with the Community.

Countries eligible shall be those that have concluded a cooperation or association agreement with the Community. The Commission and the European Investment Bank consult each other in order to ensure that their actions in relation to the Mediterranean region are coherent and complementary, avoiding overlap.

Article 7, second paragraph

(new)

The Commission shall report on the possibility of creating a separate EC-IIP fund with legal identity, managed by the Commission or the European Investment Bank, and subject to review by the Court of Auditors, which would be the vehicle for equity holdings and equity loans, to which repayments would be returned.

Article 7a

(new)

1. The Commission shall be assisted by the committee established by Article ... of Council Regulation (EEC) No ... on financial and technical assistance to and economic cooperation with the developing countries of Latin America and Asia, and by Article ... of Council Regulation (EEC) No ... on cooperation with the Mediterranean countries.

2. The committee shall deliver its opinion on the choice of financial partners, the general approach to direct equity holdings, and other matters relating to EC-IIP referred to it by the Commission.

3. Concerning matters pointed out in paragraph 2, 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

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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.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission shall defer application of the measures which it has decided for a period to be laid down in each act adopted by the Council, but which may in no case exceed three months from the date of communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous paragraph.

Article 8

The Commission shall send to the European Parliament and to the Council an annual progress report and an appraisal report at the halfway stage and at the end of the five-year period.

The Commission shall send to the European Parliament and to the Council an annual progress report, notably on the projects selected, the appropriations granted and the repayments to the Community budget, and an appraisal report at the halfway stage and at the end of the three-year period.

Article 8a

(new)

The Commission shall consider and report to Parliament and Council on the feasibility of extending this programme, funded under existing Lomé arrangements, to ACP countries.

Article 8b

(new)

Subject to its conclusions based on the annual and appraisal reports, and an independent evaluation, the Commission shall propose not later than 1 January 1994 a draft regulation setting up a five-year renewable programme of the EC-IIP type.

Proposal for a Council Regulation (EEC) on the protection of animals at the time of slaughter or killing

(91/C 314/10)

COM(91) 136 final

(Submitted by the Commission on 25 November 1991)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Directive 74/577/EEC⁽¹⁾ established rules on the stunning of animals before slaughter;

Whereas the European Convention for the Protection of Animals for Slaughter was approved on behalf of the Community by Council Decision 88/306/EEC⁽²⁾; whereas the scope of the Convention is wider than existing Community rules on the matter;

Whereas national laws concerning the protection of animals at the time of slaughter or killing have an impact on the conditions of competition and accordingly on the operation of the common market in agricultural products;

Whereas there is, therefore, a need to establish common minimum standards for the protection of animals at the time of slaughter or killing in order to ensure rational development of production and to facilitate the completion of the internal market in animals and animal products;

Whereas at the time of slaughter or killing animals should be spared any avoidable pain or suffering;

Whereas, however, it is necessary to allow for technical and scientific trials to be carried out and to take account of the particular requirements of certain religious rites;

Whereas the rules should also ensure satisfactory protection, at the time of slaughter or killing, for animals not covered by the Convention;

Whereas Directive 74/577/EEC should therefore be replaced by this Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

1. This Regulation shall apply to the movement, lairaging, restraint, stunning, slaughter and killing of animals for food, skin, fur or other products and for the purpose of disease control.

2. It shall not apply to technical or scientific trials relating to the procedures mentioned in paragraph 1, carried out under the supervision of the competent authority, and shall not affect national provisions concerning special methods of slaughter which are required for particular religious rites.

Article 2

For the purposes of this Regulation the following definitions shall apply:

1. *slaughterhouse*: any premises, including facilities for moving or lairaging animals, used for the commercial slaughter of animals;

2. *movement*: unloading of animals or driving of them from unloading platforms, stalls or pens at slaughterhouses to the premises or place where they are to be slaughtered;

3. *lairaging*: keeping animals in stalls, pens, covered areas or fields at slaughterhouses in order to give them the necessary attention (water, fodder, rest) before they are slaughtered;

4. *restraint*: the application to an animal of any procedure designed to restrict its movements in order to facilitate stunning or killing;

⁽¹⁾ OJ No L 316, 26. 11. 1974, p. 10.

⁽²⁾ OJ No L 137, 2. 6. 1988, p. 25.