

European Communities

EUROPEAN PARLIAMENT

Working Documents

1984-1985

19 March 1984

DOCUMENT 1-1534/83 | A.

Report

drawn up on behalf of the Political Affairs
Committee

on the seat of

- (a) the European Trade Mark Office
- (b) the European Development Organization
- (c) a European Centre for Small and Medium-Sized
Undertakings and Trades

Rapporteur: Mr A. GEROKOSTOPOULOS

PE 87.470/fin. | A.

The European Parliament referred the following motions for resolutions to the Political Affairs Committee, pursuant to Rule 47 of the Rules of Procedure:

- at its sitting of 13.3.1981, the motion for a resolution (Doc. 1-24/81) tabled by Mr Tyrell and others on the site of the European Trade Marks Office;
- at its sitting of 14.5.1982, the motion for a resolution (Doc. 1-261/82) tabled by Mr Welsh and others on the site for a Community Trade Mark Office;
- at its sitting of 14.6.1982, the motion for a resolution (Doc. 1-291/82) tabled by Mr Boyes on the site for a Community Trade Mark Office;
- at its sitting of 5.7.1982, the motion for a resolution (Doc. 1-382/82) tabled by Mrs Castle on the site for a Community Trade Mark Office;
- at its sitting of 9.7.1982, the motion for a resolution (Doc. 1-484/82) tabled by Mr Seal on the site for a Community Trade Mark Office;
- at its sitting of 13.9.1982, the motion for a resolution (Doc. 1-526/82) tabled by Mr Collins on the site for a Community Trade Mark Office and the motion for a resolution (Doc. 1-554/82) tabled by Ms Clwyd on the site of the Community Trade Mark Office;
- at its sitting of 13.10.1982, the motion for a resolution (Doc. 1-734/82) tabled by Ms Hooper and others on the site for a community Trade Mark Office;
- at its sitting of 19.11.1982, the motion for a resolution (Doc. 1-905/82) tabled by Mrs Théobald-Paoli on establishing the headquarters of the Community Trade Mark Office in the Mediterranean town of Toulon;
- at its sitting of 16.12.1982, the motion for a resolution (Doc. 1-405/82) tabled by Mr Schön and others on the seat of the European Trade Marks Office;
- at its sitting of 7.2.1983, the motion for a resolution (Doc. 1-1154/82/rev.) tabled by Mr Bocklet and others on the seat of the Community Trade Mark Office;
- at its sitting of 11.4.1983, the motion for a resolution (Doc. 1-54/83/rev.) tabled by Mr Guertsen and others on the location of the Community Trade Marks Office and the motion for a resolution (doc. 1-93/83) tabled by Mr Lomas on the site for a Community Trade Mark Office;
- at its sitting of 18.5.1983, the motion for a resolution (Doc. 1-291/83) tabled by Mr Ripa di Meana and Mr Arfe' on the seat of the Community Trade Mark Office;

- at its sitting of 6.6.1983, the motion for a resolution (Doc. 1-354/83) tabled by Mr Calvez and others on the seat of the Community Trade Mark Office;
- at its sitting of 14.9.1983, the motion for a resolution (Doc. 1-658/83) tabled by Mr Moorhouse on the location of the Community Trade Mark Office;
- at its sitting of 16.11.1983, the motion for a resolution (Doc. 969/83) tabled by Mr Ceravolo and others on the choice of Venice as the seat of the Community Trade Marks Office and the motion for a resolution tabled by Mr Luster (Doc. 1-971/83) on the seat of the European Trade Marks Office;
- at its sitting of 14.6.1982, the motion for a resolution (Doc. 1-299/82) tabled by Mr Lezzi and Mr Ruffolo on the seat of a European regional development organization;
- at its sitting of 10.3.1983, the motion for a resolution (Doc. 1-1351/82) tabled by Mrs Tove Nielsen on the siting of a European Centre for Small and Medium-Sized Undertakings and Trades.

Motions for resolutions Docs. 1-261/82, 1-291/82, 1-382/82, 1-484/82, 1-526/82, 1-554/82, 1-734/82, 1-905/82, 1-1045/82, 1-1154/82/rev., 1-54/83/rev., 1-93/83, 1-291/83, 1-354/83, 1-658/83, 1-969/83 and 1-971/83 have been referred to the Legal Affairs Committee and the Committee on Regional Policy and Regional Planning for an opinion. Motion for a resolution Doc. 1-299/82 has been referred to the Committee for Regional Policy and Regional Planning for an opinion.

At its meeting of 26-28 May 1982, the Political Affairs Committee decided to draw up a report on the European Trade Mark Office. At its meeting of 22-24 September 1982, the Political Affairs Committee decided to extend the scope of this report to include the motion for a resolution on the seat of the European Development Organization (Doc. 1-299/82).

At its meeting of 24/25 May 1983, the Political Affairs Committee decided to incorporate the motion for a resolution on the siting of a European Centre for Small and Medium-Sized Undertakings (Doc. 1-1351/82) in the report by Mr Gerokostopoulos.

At its meeting of 24/25 May 1983, the Political Affairs Committee considered a working document drawn up by Mr Gerokostopoulos on the seat of the European Trade Mark Office and the seat of the European Development Organization (PE 84.088).

The Political Affairs Committee considered the present report at its meetings of 25-27 January 1984.

At its meeting of _____ the committee adopted the motion for a resolution

The following took part in the vote:

The opinions of the Legal Affairs Committee and the Committee on Regional Policy and Regional Planning are attached.

The report was tabled on

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Annex I: Motions for resolutions on the seat of the European Trade Mark Office (Docs. 1-24/81, 1-261/82, 1-291/82, 1-382/82, 1-484/82, 1-526/82, 1-554/82, 1-734/82, 1-905/82, 1-1045/82, 1-1154/82/rev., 1-54/83/rev., 1-93/83, 1-291/83, 1-354/83, 1-658/83, 1-969/83 and 1-971/83)

Annex II: Motion for a resolution on the seat of a European regional development organization (Doc. 1-299/82)

Annex III: Motion for a resolution on the siting of a European Centre for Small and Medium-Sized Undertakings and Trades (Doc. 1-1351/82)

- Opinion of the Legal Affairs Committee
- Opinion of the Committee on Regional Policy and Regional Planning

The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the seat of the European Trade Mark Office, the European Development Organization and a European Centre for Small and Medium-Sized Undertakings and Trades.

The European Parliament,

- having regard to the motion for a resolution (Doc. 1-24/81), tabled by Mr Tyrell and others on the site of the European Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-261/82) tabled by Mr Welsh and others on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-291/82) tabled by Mr Boyes on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-382/82) tabled by Mrs Castle on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-484/82) tabled by Mr Seal on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-526/82) tabled by Mr Collins on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-554/82) tabled by Ms Clwyd on the site of the Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-734/82) tabled by Ms Hooper and others on the site for a Community Trade Mark Office.

- having regard to the motion for a resolution (Doc. 1-905/82) tabled by Mrs Théobald-Paoli on . . . establishing the headquarters of the Community Trade Mark Office in the Mediterranean town of Toulon,
- having regard to the motion for a resolution (Doc. 1-1045/82) tabled by Mr Schön and others on the seat of the European Trade Marks Office,
- having regard to the motion for a resolution . . . (Doc. 1-1154/82/rev.) tabled by Mr Bocklet and others on the seat of the Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-54/83/rev.) tabled by Mr Geurtsen and others on the location of the Community Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-93/83) tabled by Mr Lomas on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-291/83) tabled by Mr Ripa di Meana and Mr Arfe' on the seat of the Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-354/83) tabled by Mr Calvez and others on the seat of the Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-658/83) tabled by Mr Moorhouse on the location of the Community Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-969/83) tabled by Mr Ceravolo and others on the choice of Venice as the seat of the Community Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1- 971/83) tabled by Mr Luster on the seat of the European Trade Marks Office.
- having regard to the motion for a resolution (Doc. 1-299/82) tabled by Mr Lezzi and Mr Ruffolo on the seat of a European regional development organization,
- having regard to the motion for a resolution (Doc. 1-1351/82) tabled by Mrs Tove Nielsen on the siting of a European Centre for Small and Medium-Sized Undertakings and Trades,
- having regard to the report of the Political Affairs Committee and the opinions of the Legal Affairs Committee and the Committee on Regional Policy and Regional Planning (Doc. . . .)

- With regard to the seat of the European Trade Mark Office

- A. having regard to the Commission's proposals to the Council concerning trade marks and in particular its proposal for a regulation on Community trade marks,¹
- B. having regard to the Turner report drawn up on behalf of the Legal Affairs Committee and the resolution adopted by Parliament on 12 October 1983,²
- C. whereas in its proposal the Commission deliberately omits to mention the place where the European Trade Mark Office would be sited and whereas the European Parliament adopted the same line in the resolution contained in the Turner report,
- D. whereas various Member States have put forward proposals for establishing the seat of the European Trade Mark Office in their territory,
- E. whereas with the delivery of Parliament's opinion to the Council on the Commission's proposals on Community trade marks, the work on this subject has reached an advanced stage which justifies the European Parliament adopting a position on the choice of the seat for the European Trade Mark Office.

¹ Doc. 1-682/80 - COM(80) 635 final

² OJ No. C 307. 14.11.1983, p. 66 et seq. - Turner report Doc. 1-611/83

1. Calls on the Commission to say which localities in the Community possess the necessary attributes to function as the seat of the European Trade Mark Office and in which Member States Community bodies are already established;
2. Calls on the Commission to widen its study of the importance of the procedural language considered most suitable for the activities of the European Trade Mark Office as regards the geographical location of this body;
3. Considers that the Commission must also take account of other criteria for its choice of site, such as the creation of jobs, the problem of commuting and the needs of decentralization and regional development;
4. Intends to draw up its own guidelines, on the basis of the data provided by the Commission, for a careful and reasoned choice of the seat of the European Trade Mark Office;

With regard to the seat of the European Development Company

5. Regrets that the Commission has failed to take due account of the resolution adopted by the European Parliament on 16 February 1982 concerning a Mediterranean Plan,¹ especially as regards the drawing up of proposals for the setting up of a European Development Company, the value of which is stressed in the resolution;
6. Considers that in the absence of firm proposals from the Commission, it would be premature to adopt a position on the seat of this body;

- With regard to the seat of a European Centre for Small and Medium-Sized Undertakings and Trades

7. Recalls its previous resolutions on questions relating to small and medium-sized undertakings in the Community and on the situation of small and medium-sized undertakings in the Community², which point to the need to set up an organization able to ensure cooperation between small and medium-sized undertakings, taking account of their specific position and structure in the field of production;

¹OJ No. C 66, 15.3.1982, p. 26 et seq.

²OJ No. C 63, 13.3.1978, p. 38 and OJ No. C 66, 16.3.1982, p. 97

8. Considers that in the absence of firm proposals from the Commission it would be premature to adopt a position on the seat of this body;
9. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

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Undertakings and Trades

PART B (Explanatory Statement) will be published
separately at a later date

Rapporteur : Mr A. GEROKOSTOPOULOS

PE 87.470/fin./A/rev.

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- at its sitting of 11.4.1983, the motion for a resolution (Doc. 1-54/83/rev.) tabled by Mr Geurtsen and others on the location of the Community Trade Marks Office and the motion for a resolution (Doc. 1-93/83) tabled by Mr Lomas on the site for a Community Trade Mark Office;
- at its sitting of 18.5.1983, the motion for a resolution (Doc. 1-291/83) tabled by Mr Ripa di Meana and Mr Arfe' on the seat of the Community Trade Mark Office;

- at its sitting of 6.6.1983, the motion for a resolution (Doc. 1-354/83) tabled by Mr Calvez and others on the seat of the Community Trade Mark Office;
- at its sitting of 14.9.1983, the motion for a resolution (Doc. 1-658/83) tabled by Mr Moorhouse on the location of the Community Trade Mark Office;
- at its sitting of 16.11.1983, the motion for a resolution (Doc. 969/83) tabled by Mr Ceravolo and others on the choice of Venice as the seat of the Community Trade Marks Office and the motion for a resolution tabled by Mr Luster (Doc. 1-971/83) on the seat of the European Trade Marks Office;
- at its sitting of 16.1.1984, the motion for a resolution (Doc. 1-1238/83) tabled by Mr Eisma on the location of the European Trade Marks Office;
- at its sitting of 14.6.1982, the motion for a resolution (Doc. 1-299/82) tabled by Mr Lezzi and Mr Ruffolo on the seat of a European regional development organization;
- at its sitting of 10.3.1983, the motion for a resolution (Doc. 1-1351/82) tabled by Mrs Tove Nielsen on the siting of a European Centre for Small and Medium-Sized Undertakings and Trades.

Motions for resolutions Docs. 1-261/82, 1-291/82, 1-382/82, 1-484/82, 1-526/82, 1-554/82, 1-734/82, 1-905/82, 1-1045/82, 1-1154/82/rev., 1-54/83/rev., 1-93/83, 1-291/83, 1-354/83, 1-658/83, 1-969/83, 1-971/83 and 1-1238/83 have been referred to the Legal Affairs Committee and the Committee on Regional Policy and Regional Planning for an opinion. Motion for a resolution Doc. 1-299/82 has been referred to the Committee for Regional Policy and Regional Planning for an opinion.

At its meeting of 26-28 May 1982, the Political Affairs Committee decided to draw up a report on the European Trade Mark Office. At its meeting of 22-24 September 1982, the Political Affairs Committee decided to extend the scope of this report to include the motion for a resolution on the seat of the European Development Organization (Doc. 1-299/82).

At its meeting of 24/25 May 1983, the Political Affairs Committee decided to incorporate the motion for a resolution on the siting of a European Centre for Small and Medium-Sized Undertakings (Doc. 1-1351/82) in the report by Mr Gerokostopoulos.

At its meeting of 24/25 May 1983, the Political Affairs Committee considered a working document drawn up by Mr Gerokostopoulos on the seat of the European Trade Mark Office and the seat of the European Development Organization (PE 84.088).

The Political Affairs Committee considered the present report at its meetings of 25-27 January 1984 and 28 February - 1 March 1984.

At the latter meeting the Political Affairs Committee adopted the motion for a resolution unanimously.

The following took part in the vote: Mr HAAGERUP, acting chairman and first vice-chairman; Mr CHARZAI, second vice-chairman; Mr FERGUSSON, third vice-chairman; Mr GEROKOSTOPOULOS, rapporteur; Lord BETHELL, Mr BEYER DE RYKE (deputizing for Mr BERKHOUWER), Mr BOCKLET (deputizing for Mr SCHALL), Mr BOURNIAS, Mr CROUX (deputizing for Mr DESCHAMPS), Mr DENIS (deputizing for Mr MARCHAIS), Mr DE PASQUALE (deputizing for Mr PAJETTA), Lady ELLES, Mr EPHREMIDIS, Mr HABSBURG, Mr HANSCH, Mr von HASSEL, Mr ISRAEL (deputizing for Mr de La MALENE), Mr KLEPSCH, Mr LALOR, Mrs LENZ, Mr McCARTIN (deputizing for Mr PENDERS), Mrs MACCIOCCHI (deputizing for Mr CARIGLIA), Mr MOMMERSTEEG (deputizing for Mr BARBI), Mr NEWTON DUNN, Mr d'ORMESSON, Mr PRAG (deputizing for Lord O'HAGAN), Mr SCHIELER, Sir James SCOTT-HOPKINS, Mr SEGRE and Mr ZAGARI.

The opinions of the Legal Affairs Committee and the Committee on Regional Policy and Regional Planning are attached.

The report was tabled on 6 March 1984.

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 Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the seat of the European Trade Mark Office, the European Development Organization and a European Centre for Small and Medium-Sized Undertakings and Trades

The European Parliament,

- having regard to the motion for a resolution (Doc. 1-24/81), tabled by Mr Tyrell and others on the site of the European Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-261/82) tabled by Mr Welsh and others on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-291/82) tabled by Mr Boyes on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-382/82) tabled by Mrs Castle on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-484/82) tabled by Mr Seal on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-526/82) tabled by Mr Collins on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-554/82) tabled by Ms Clwyd on the site of the Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-734/82) tabled by Ms Hooper and others on the site for a Community Trade Mark Office.

- having regard to the motion for a resolution (Doc. 1-905/82) tabled by Mrs Théobald-Paoli on establishing the headquarters of the Community Trade Mark Office in the Mediterranean town of Toulon,
- having regard to the motion for a resolution (Doc. 1-1045/82) tabled by Mr Schön and others on the seat of the European Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-1154/82/rev.) tabled by Mr Bocklet and others on the seat of the Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-54/83/rev.) tabled by Mr Geurtsen and others on the location of the Community Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-93/83) tabled by Mr Lomas on the site for a Community Trade Mark Office,
- having regard to the motion for a resolution (Doc. 1-291/83) tabled by Mr Ripa di Meana and Mr Arfe' on the seat of the Community Trade Mark Office,
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- having regard to the motion for a resolution (Doc. 1-658/83) tabled by Mr Moorhouse on the location of the Community Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-969/83) tabled by Mr Ceravolo and others on the choice of Venice as the seat of the Community Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-971/83) tabled by Mr Luster on the seat of the European Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-1238/83) tabled by Mr Eisma on the location of the European Trade Marks Office,
- having regard to the motion for a resolution (Doc. 1-299/82) tabled by Mr Lezzi and Mr Ruffolo on the seat of a European regional development organization,
- having regard to the motion for a resolution (Doc. 1-1351/82) tabled by Mrs Tove Nielsen on the siting of a European Centre for Small and Medium-Sized Undertakings and Trades,
- having regard to the report of the Political Affairs Committee and the opinions of the Legal Affairs Committee and the Committee on Regional Policy and Regional Planning (Doc. 1-1534/83),

- With regard to the seat of the European Trade Mark Office

- A. having regard to the Commission's proposals to the Council concerning trade marks and in particular its proposal for a regulation on Community trade marks¹,
- B. having regard to the Turner report drawn up on behalf of the Legal Affairs Committee and the resolution adopted by Parliament on 12 October 1983²,
- C. whereas in its proposal the Commission deliberately omits to mention the place where the European Trade Mark Office would be sited and whereas the European Parliament adopted the same line in the resolution contained in the Turner report,
- D. whereas various Member States have put forward proposals for establishing the seat of the European Trade Mark Office in their territory,
- E. whereas with the delivery of Parliament's opinion to the Council on the Commission's proposals on Community trade marks, the work on this subject has reached an advanced stage which justifies the European Parliament adopting a position on the choice of the seat for the European Trade Mark Office,

¹ Doc. 1-682/80 - COM(80) 635 final

² OJ No. C 307, 14.11.1983, p.66 et seq. - Turner report Doc. 1-611/83

1. Calls on the Commission to state which localities in the Community meet the requirements dictated by the criteria set out below to function as the seat of the European Trade Mark Office and in which Member States Community bodies are already established;
2. Considers that the Commission must also take account of other criteria for its choice of sites such as job creation, the problem of commuting and the needs of decentralization and regional development; it must also consider the costs of the necessary buildings, the need to meet staff accommodation requirements, the general transport situation, the possibility of effective coordination with other European bodies and a high standard of infrastructures;
3. The views of the European trade mark professional organizations should be taken into account. Each national organization as well as the European organizations should be requested to name their first and second choices;
4. Intends to draw up its own guidelines, on the basis of the data provided by the Commission, for a careful and reasoned choice of the seat of the European Trade Mark Office;

With regard to the seat of the European Development Company

5. Regrets that the Commission has failed to take due account of the resolution adopted by the European Parliament on 16 February 1982 concerning a Mediterranean Plan¹, especially as regards the drawing up of proposals for the setting up of a European Development Company, the value of which is stressed in the resolution;
6. Considers that in the absence of firm proposals from the Commission, it would be premature to adopt a position on the seat of this body;
7. Calls on the Commission to submit specific proposals on the European Development Organization without delay;

¹ OJ No. C 66, 15.3.1982, p.26 et seq.

- With regard to the seat of a European Centre for Small and Medium-Sized Undertakings and Trades

8. Recalls its previous resolutions on questions relating to small and medium-sized undertakings in the Community and on the situation of small and medium-sized undertakings in the Community², which point to the need to set up an organization able to ensure cooperation between small and medium-sized undertakings, taking account of their specific position and structure in the field of production;
9. Considers, in view of the discussions in the Committee on Economic and Monetary Affairs and the vote of the European Parliament on item 7777 of the budget of the Communities for 1984, 'the European Centre for Small and Medium-Sized Undertakings and Trades', which stipulated that this Centre would be a private, independent and representative legal entity, that it will fall to the constituent assembly of the Centre to determine where it shall have its seat;
10. Instructs its President to forward this resolution to the Council and Commission of the European Communities.

² OJ No. C 63, 13.3.1978, p. 38 and OJ No. C 66, 16.3.1982, p. 97

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PART B: EXPLANATORY STATEMENT

Rapporteur: Mr A. GEROKOSTOPOULOS

PE 87.470/fin. / B.

B

EXPLANATORY STATEMENT

I. INTRODUCTION

1. Eighteen motions for resolutions tabled by various Members relating to the choice of a seat for the European Trade Mark Office which is to be set up,¹ a motion for a resolution on the choice of a seat for the European Development Organization² and a motion for a resolution on the siting of a European Centre for Small and Medium-Sized Undertakings and Trades³ have been referred to the Political Affairs Committee for consideration.

The Committee on Regional Policy and Regional Planning and the Committee on Legal Affairs have been asked for opinions. The Committee on Regional Policy has delivered an opinion on the seat of the European Trade Mark Office and the seat of the European Development Organization.⁴ The Legal Affairs Committee has given its opinion on the seat of the European Trade Mark Office.⁵

2. It is worth pointing out from the outset that none of the three bodies to which the above motions for resolutions refer has so far been established.

3. From a simple reading of the motions under review it is clear that the first sixteen of them deal with an issue which has nothing whatever to do with the subjects referred to in the other two motions for resolutions.

For this reason your rapporteur feels that it is appropriate to deal with the three subjects separately.

¹ Docs. 1-24/82, 1-261/82, 1-291/82, 1-382/82, 1-484/82, 1-526/82, 1-554/82, 1-734/82, 1-905/82, 1-1045/82, 1-1154/82/rev., 1-54/83/rev., 1-93/83, 1-291/83, 1-354/83, 1-658/83, 1-969/83 and 1-971/83

² Doc. 1-299/82

³ Doc. 1-1351/82

⁴ See PE 84.239/fin.

⁵ See PE 86.421/fin.

II. PROPOSALS FOR THE SEAT OF A EUROPEAN TRADE MARK OFFICE

1. Historical background

4. As stated above, there are altogether eighteen motions for resolutions on this subject. Ten of these (Doc. 1-24/81 by Mr Tyrell and others, Doc. 1-261/82 by Mr Welsh and others, Doc. 1-291/82 by Mr Boyes, Doc. 1-382/82 by Mrs Castle, Doc. 1-484/82 by Mr Seal, Doc. 1-562/82 by Mr Collins, Doc. 1-554/82 by Ms Clwyd, Doc. 1-734/82 by Ms Hooper and others, Doc. 1-93/83 by Mr Lomas and Doc. 1-658/83 by Mr Moorhouse) suggest various cities in the United Kingdom as the site of the future European Trade Mark Office. A further two (Doc. 1-354/83 by Mr Calvez and others and Doc. 1-905/82 by Mrs Théobald-Paoli) suggest cities in France, while three other motions for resolutions (Doc. 1-1045/82 by Mr Schön and others, Doc. 1-1154/82/rev. by Mr Bocklet and others and Doc. 1-971/83 by Mr Luster) suggest cities in Germany. Finally, a motion for a resolution (Doc. 1-54/83/rev. by Mr Geurtsen and others) suggests that the seat should be established in the Netherlands and two motions (Doc. 1-291/83 by Mr Ripa Di Meana and Mr Arfe' and Doc. 1-969/83) by Mr Ceravolo and others) recommend that the site should be located in Italy.

5. This copious tabling of motions was triggered off by two texts which the Commission submitted to the Council of Ministers in November 1980, the 'proposal for a first Council directive to approximate the laws of the Member States relating to trade marks' and 'the proposal for a Council regulation on Community trade marks' (COM(80) 635 final or Bulletin of the European Communities - Suppl. 5/1980).

The starting-point for these two texts was the preliminary draft of an inter-state convention 'for a European Trade Mark' (1964), and the related Commission memorandum of 6 July 1976 (Bulletin of the European Communities - Suppl. 8/1976).

B. Regulation for a Community trade mark

6. Since the above-mentioned proposal for a directive is of no interest in the case under consideration, your draftsman will confine himself to presenting, firstly, the regulation proposed by the Commission and, secondly, the action taken on that question.

7. The text in point contains a detailed explanatory statement setting out in full the reasons why a Community trade mark should be created, analysing the related provisions, for the implementation of which it is planned to set up a Community Trade Mark Office, and, to conclude, stressing the need for preference to be given, as a legal basis for issuing the proposed regulation, to Article 235 of the Treaty of Rome.
8. According to information provided by the Commission Director responsible, certain governments still have strong reservations about using Article 235 of the Treaty, and consider that a better solution would be to conclude an inter-state convention, as was originally envisaged in 1964 (see above, paragraph 5).
9. The proposed regulation contains 127 articles, which almost all refer to the creation of a Community trade mark, its registration and recognition, the necessary operational and economic provisions and the establishment of the Community Trade Mark Office, whose task will be the implementation of the regulation in its entirety.
10. The last paragraph of Article 99 is aimed at settling the question of where the seat should be, although it deliberately omits to mention the specific place where it would be sited.
11. In its explanatory statement (p. 83 of the Bulletin of the European Communities - Suppl. 5/80), the Commission justifies the omission in the following terms: 'The Commission thinks it would be premature to make a proposal on the headquarters of the Office at this stage. Four Member States have so far (note: November 1980) put forward candidates: Belgium (Brussels), France (Strasbourg), the Netherlands (The Hague) and the United Kingdom (London). It is possible that other Member States, too, will wish to have the Office within their territory.' In fact, Italy has subsequently put forward Venice as a candidate, while Greece has proposed Salonika. However, the Commission added that: 'In selecting the location it is to propose, the Commission will have to take further factors into consideration. One such factor will be the past allocation of Community agencies. The question of the seat is also to some extent bound up with the question of languages. Finally, it would be unwise to complicate the discussion of the Regulation by bringing in the political problem of the seat at too early a stage. The Commission therefore thinks it best to wait before making its proposal on this matter.'

12. Exactly the same terms were used in the answer given by Commissioner NARJES to a written question on this subject by our colleague Mr COUSTE (Official Journal of the Communities, No. C 25, 31.1.1983, p. 13).

13. Article 103 of the proposed regulation, which refers to the procedural language to be used in the Office, must also be viewed as relating to the question of the seat, even if indirectly. In this case too, on which our committee has not been called upon to pronounce, the Commission follows the tactic it used on the question of the seat in paragraph 3 of Article 99: that is, for reasons of economy and to expedite procedures, it envisages a single language being used, without, however, defining which one will finally be preferred, and, as it says in its explanatory statement, it will wait until the appropriate time before making its proposal on the matter.

C. Action taken on the Commission's proposals

14. In December 1980, the Council of the European Communities asked Parliament to give its opinion on the proposals from the Commission for a first directive to approximate the laws of the Member States relating to trade marks and a regulation on Community trade marks. The proposals were referred to the Legal Affairs Committee as the committee responsible and at its meeting of 20-21 June 1983 the committee adopted the report drawn up by Mr Turner.¹ The motion for a resolution contained in the report was debated and adopted by Parliament at its sitting of 12 October 1983.² On 28 October 1982 the Committee on Economic and Monetary Affairs, which had been asked for its opinion, adopted a document favourable to the Commission's proposals drawn up by Mr von Bismarck.

15. It is worth pointing out that in neither of the above reports nor in the abovementioned resolution by Parliament, is the question of the location of the future Community Trade Mark Office touched on. It may be concluded with certainty from this that all the organs of Parliament unreservedly endorse the Commission's view that it is premature at this stage to submit any proposal as to the seat.

This point of view was again maintained by Commissioner NARJES in a statement he made to the Legal Affairs Committee, which was also published as a document (PE 82.301), on the occasion of the first presentation of the report by the rapporteur, Mr TURNER, on 24 November 1982.

¹ Doc. 1-611/83

² OJ No. C 307, 14.11.1983, p. 66 et seq.

It should be noted that in this statement the Commissioner confirmed the fact that certain governments still have reservations about the use of Article 235 of the Treaty of Rome as the legal basis for issuing the regulation to create a Community trade mark (see paragraph 26 of the statement).

16. In its opinion, the Committee on Regional Policy and Regional Planning takes the view that it would be premature at this stage to consider the choice of seat and that 'the European Parliament should first of all decide on a general policy for selecting the location of bodies to be set up by the Community'. Nevertheless, it stresses the importance, as far as the choice of location is concerned, of the criteria of job creation and, to a lesser extent, the question of commuting.¹

17. The Legal Affairs Committee, however, has adopted a very clear position on the legal basis for setting up a European Trade Mark Office (Article 235 of the EEC Treaty) and has declared its strong support for establishing such a body. The committee therefore takes the view that the matter of the seat of the European Trade Mark Office is now 'ripe for discussion at the level of the European Parliament, if not quite ripe for decision'.²

¹ See PE 84.329/fin. p. 3 et seq.

² See PE 86.421/fin. p. 6

D. Observations and conclusions

18. On the basis of the facts set out above, your rapporteur has reached the following conclusions:

(a) The uncertainty and suspense which surrounded the question of the legal basis to be used as grounds for the Community action to create the Community trade mark, and the question of what form the body under consideration would take, prompted the view that the Legal Affairs Committee should also address itself to the matter of the seat. However, it is clear from the opinion of the Legal Affairs Committee that the preliminary question of whether or not the European Trade Mark Office should be established has been favourably resolved, and the use of Article 235 of the EEC Treaty as the legal basis removes all doubts as to the Community nature of the new body.

(b) The choice of the seat is directly tied to the language question. Although no indication has yet been given as to which procedural language is thought most suitable for the specific purposes of the European Trade Mark Office, the Commission's proposal does stipulate that the Office should use a single procedural language. There is much to be said, therefore, for the view put forward by the Legal Affairs Committee that 'the role of the European Parliament.... is to provide some political guidance as to the criteria upon which the commission should base its own selection for the seat from amongst the sites which are considered technically adequate'.¹

(c) In order to provide this political guidance with an adequate knowledge of the facts, it is necessary to determine first of all which of the proposed cities, in the Commission's view, possess the necessary attributes for the seat of the European Trade Mark Office, and, secondly, in which Member States other bodies set up by the Community have already been established.

¹ See PE 86.421/fin., p. 7

III. MOTION FOR A RESOLUTION ON THE SEAT OF A EUROPEAN REGIONAL DEVELOPMENT ORGANIZATION

19. The above motion was tabled by our colleagues Mr LEZZI and Mr RUFFOLO (Doc. 1-299/82), who: (a) stress the need for the creation of a 'European Regional Development Company' to enable the Community to carry out its task as regards correcting regional imbalances, and (b) call upon the Commission to consider the case of Naples as a seat for the company in question.
20. The aforesaid Members, in making their proposal, have anticipated events, because so far not only has no Community body with the aforesaid title and the function described above been established, the question of setting such a body up has not even been studied.
21. In fact, the only decision yet taken has been the incorporation, of a similar motion for a resolution by Mr RUFFOLO (Doc. 1-359/81) into the resolution 'on a Mediterranean plan' adopted by Parliament on 16 February 1982 and known as the 'PÖTTERING resolution'.
22. It should be recalled in this connection that that resolution called on the Commission to examine, besides other things, the advisability of establishing a 'European development company' which would see to the transfer of technical and administrative know-how to the disadvantaged Mediterranean regions.
23. So far the Commission has not taken any follow-up action on this important initiative by the European Parliament, although the resolution gave it a three-month deadline for submitting the necessary proposal for a regulation to the Council of Ministers. In its opinion, the Committee on Regional Policy and Regional Planning deeply regretted that no action had been taken on Parliament's resolution of 16 February 1982 and therefore took the view that it would be premature to deliver an opinion on criteria for the seat of the European Development Company.¹
24. Your rapporteur's observations and conclusions on the matter in hand are as follows:
- (a) There is no doubt whatever that the establishment of a body with the objective described in the 'PÖTTERING Resolution' and the LEZZI and RUFFOLO motion would be a decisive contribution to the reduction or elimination of regional disparities. It is therefore necessary for action to be taken on the aforesaid resolution.

¹ See PE 84.329/fin., p. 5

(b) At the same time, however, it definitely remains not just premature but a contradiction in terms to expect the seat of a body to be fixed when that body is non-existent and when, at least for the moment, there is no prospect of its being established.

(c) The Political Affairs Committee therefore takes the view that it should confine itself at the present time to drawing the Commission's attention to the resolution adopted by the European Parliament on 16 February 1982, calling on it to take action on this resolution, taking account also of the guidelines put forward in the motion for a resolution by Mr Lezzi and Mr Ruffolo.

IV. MOTION FOR A RESOLUTION ON THE SITING OF A EUROPEAN CENTRE FOR SMALL AND MEDIUM-SIZED UNDERTAKINGS

25. The motion for a resolution tabled by Mrs Tove Nielsen (Doc. 1351/A) calls similarly for the siting in Denmark of an organization for which there is a clear need, but which as yet is non-existent. The arguments in favour of a body of this type are fully developed in the report drawn up by Mr Deleau on behalf of the Committee on Economic and Monetary Affairs on the creation of a European Centre for Small and Medium-Sized Undertakings and Craft Industries.¹

26. Nevertheless, the remarks made above concerning the seat of a European Development Company apply equally in this case. The Political Affairs Committee can do no more than draw the attention of the Commission, whose task it is to take the initiative in submitting proposals, to the arguments in favour of setting up a European Centre for Small and Medium-Sized Undertakings, as set out in the abovementioned resolutions by Parliament.² As in the case of the European Trade Mark Office, it will only be at a much later stage that Parliament can provide the necessary political guidance for the choice of the seat of the body referred to in this motion for a resolution.

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Doc. 1-901/83 of 26 October 1983

²Resolutions on 'questions relating to small and medium-sized undertakings in the Community', (OJ No. C 63, 13.3.1978, p. 38 et seq.) and on 'the situation of small and medium-sized undertakings in the Community' (OJ No. C 66, 15.3.1982, p. 97 et seq.)