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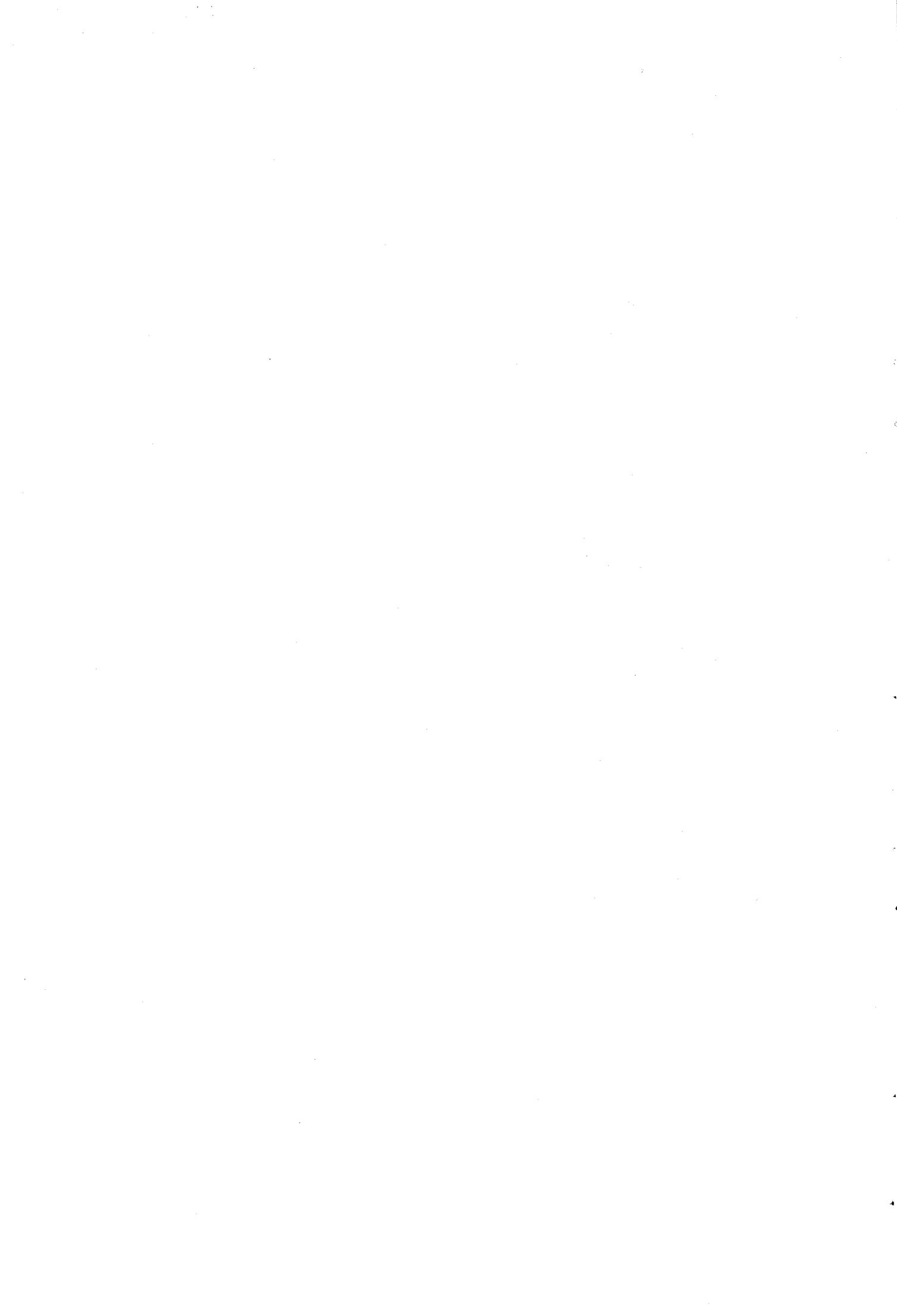
Report

drawn up on behalf of the Committee on Development and Cooperation

on the proposal from the Commission of the European Communities to the Council (Doc. 181/75) for a regulation on the safeguard measures provided for in the ACP-EEC Convention of Lomé of 28 February 1975

Rapporteur: Miss C. FLESCH

PE 41.233/fin.



By letter of 1 July 1975 the President of the Council of the European Communities requested the European Parliament, pursuant to Articles 43 and 113 of the EEC Treaty, to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a regulation on the safeguard measures provided for in the ACP-EEC Convention of Lomé of 28 February 1975.

At the plenary sitting of 7 July 1975 the President of the European Parliament referred this proposal to the Committee on Development and Cooperation as the committee responsible.

On 2 July 1975 the Committee on Development and Cooperation had appointed Miss Flesch rapporteur.

It considered this proposal at its meeting of 29 September 1975 and unanimously adopted the motion for a resolution and the explanatory statement.

Present: Miss Flesch, chairman and rapporteur; Mr K. Nielsen and Mr Sandri, vice-chairmen; Mr Behrendt (deputizing for Miss Boothroyd), Mr Bersani, Mr Broeksz, Mr De Freitas, Lord Reay, Lord St. Oswald, Mr Walkhoff, Lord Walston and Mr Zeller.

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The Committee on Development and Cooperation hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on a proposal from the Commission of the European Communities to the Council for a regulation on the safeguard measures provided for in the ACP-EEC Convention of Lomé of 28 February 1975.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council pursuant to Articles 43 and 113 of the EEC Treaty (Doc. 181/75),
 - having regard to the report of the Committee on Development and Cooperation (Doc. 284/75),
1. Approves the Commission's proposal;
 2. Emphasizes that such measures are only to be taken where absolutely necessary and then in such a way that trade between the EEC and the ACP States is disturbed as little as possible;
 3. Hopes that extensive use will be made of the possibility, provided for under Article 11(3) of the Lomé Convention, of consultation in the Council of EEC-ACP ministers on the measures taken.

¹ OJ No. C 159, 16 July 1975, p.8

EXPLANATORY STATEMENTI. INTRODUCTION

1. The aim of this proposed regulation is to lay down rules for implementing Article 10 of the Lomé Convention, which provides for the adoption of safeguard measures in certain cases.

In the recital of the Internal Agreement to be signed by the Member States, it is stated that the Council of the European Communities will fix in a regulation the procedures according to which the safeguard clause provided for in Article 10 may be put into operation. Although the actual regulation does not have to be signed by the Member States, it will be forwarded to them in explanation of the Internal Agreement. Since the Internal Agreement will be dealt with by the national parliaments at the same time as the Lomé Convention, consideration of this proposed regulation by the European Parliament is a matter of urgency if delays in signing are to be avoided.

For the contents of the proposed regulation, reference should be made to the Commission's text (Doc. 181/75).

2. Article 1 concerns the possibility of the Commission deciding, on its own initiative or at the request of the Member States, to apply certain safeguard measures to products originating in the ACP States. This article relates both to products in respect of which a market organization exists under the common agricultural policy and to other products.

Articles 2 and 3 do not relate to the first category of products and lay down the rules to be applied should the Commission empower one or more Member States to take the necessary safeguard measures.

Article 5 stipulates, as in the last part of Article 10(1) of the Lomé Convention, that the Commission shall inform the Council of EEC-ACP ministers without delay of the measures taken and the methods of applying them.

The proposed regulation will enter into force at the same time as the Lomé Convention itself.

II. OBSERVATIONS AND CONCLUSIONS

3. Your committee considers that safeguard measures should be taken only if, as a result of applying the provisions of Chapter I of the Convention, 'serious disturbances occur in a sector of the economy of the Community or of one or more of its Member States, or jeopardize their external financial stability, or if difficulties arise which may result in a deterioration in a sector of the economy of a region of the Community' (Article 10(1) of the Lomé Convention). Since neither the term 'serious disturbances' nor the term 'external financial stability' are clearly defined, the Community and the Member States are advised to exercise the greatest caution in this matter. It would obviously run against the spirit of the Lomé Convention to make unwarranted use of the possibility provided under Article 10. Paragraph 2 of this article does emphasize that trade relations between the EEC and the ACP states and the attainment of the objectives of the Lomé Convention should be disturbed as little as possible, and the last part of this paragraph rightly stipulates that 'the measures shall not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen'.

4. Your committee draws particular attention to Article 11(3) of the Lomé Convention. This paragraph provides the possibility of consultation within the Council of Ministers, at the request of the contracting parties, on the measures taken, with a view to ensuring compliance with Article 10(2). Your committee was rather surprised that the proposal for a regulation makes no mention of this. On the other hand, Article 5 of the proposal stipulates that the Commission shall inform the EEC-ACP ministers without delay of the safeguard measures taken. This Article seems somewhat superfluous since it adds virtually nothing to what has already been laid down in Article 10(1) of the Lomé Convention.

Subject to the above observations, your committee approves this proposal for a regulation.

