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Report

drawn up on behalf of the Committee on Economic and Monetary Affairs

on the Communication from the Commission of the European Communities to the Council (Doc. 21/75) containing initial proposals for priority projects in data processing

Rapporteur: Mr P-B. COUSTE

By letter of 24 March 1975, the Council of the European Communities requested the European Parliament to deliver an opinion on the communication from the Commission of the European Communities to the Council containing initial proposals for priority projects in data processing.

Parliament referred this communication to the Committee on Economic and Monetary Affairs as the committee responsible and to the Committee on Budgets, the Legal Affairs Committee, the Committee on Regional Policy and Transport, the Committee on Public Health and the Environment and the Committee on Agriculture for their opinions.

On 25 April 1975, the Committee on Economic and Monetary Affairs appointed Mr Cousté rapporteur.

It considered the communication at its meetings of 5 and 6 June and 14 and 15 July 1975.

At its meetings of 14 and 15 July 1975, the committee unanimously adopted the motion for a resolution.

Present: Mr Leenhardt, chairman; Sir Brandon Rhys Williams, vice-chairman; Mr Cousté, rapporteur; Mr Artzinger, Mr Corterier (deputizing for Sir Patrick Gordon-Walker), Mr de Broglie, Mr Delmotte, Mr Hougardy, Mr Lange, Mr Leonardi, Mr Normanton, Mr Prescott, Mr Schwörer, Mr Schwabe (deputizing for Mr Van der Hek), Mr Starke and Mr Suck.

The opinions of the above committees are attached.

C O N T E N T S

	<u>Page</u>
A. Motion for a Resolution	5
B. Explanatory Statement	7
I. <u>THE PROJECTS SELECTED</u>	
(a) description	7
(b) analysis	9
II. <u>MEANS</u>	
(a) procedure	10
(b) financing	10
III. <u>OBJECTIVES</u>	
(a) a viable European data-processing industry by the early 1980's	11
(b) the Community data-processing programme	12
Opinion of the Committee on Budgets	13
Opinion of the Legal Affairs Committee	18
Opinion of the Committee on Regional Policy and Transport	29
Opinion of the Committee on Public Health and the Environment	31
Opinion of the Committee on Agriculture	32

The Committee on Economic and Monetary Affairs 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 the Communication from the Commission of the European Communities to the Council containing initial proposals for priority projects in data-processing

The European Parliament,

- having regard to the Council Resolution of 15 July 1974 on a Community policy on data processing¹;
- having regard to the Communication from the Commission of the European Communities to the Council²;
- having been consulted by the Council (Doc.21/75);
- having regard to the report by the Committee on Economic and Monetary Affairs (Doc.199/75);

- 1.- Regrets the lack of precision in the financial estimates on these projects, which prevents an exact assessment of their budgetary implications;
 - Insists, moreover, that the proposals based on Article 235 of the Treaty should state that the expenditure arising from them is non-compulsory in nature;
 - Expressly declares that the European Parliament cannot in future decide on the content of proposals from the Commission to the Council unless they contain clear and verifiable data on their budgetary and financial implications;
2. Approves the Commission's proposed choice of five projects in the field of applications of data-processing which are the first specific practical measures to be taken with a view to establishing Community data-processing policy;
3. Points out, with regard to the management and implementation of these projects, that the European Parliament has considered it desirable for the Community to conclude cooperation agreements with non-dominant undertakings outside Europe in view of the weakness of the European data-processing industry;
4. Requests the Commission to present as soon as possible other projects in the field of industrial applications concerning particularly computer-aided design.

¹OJ No C 86, 20.7.1974, p.1

²OJ No C 99, 2.5.1975, p.10

5. Considers that, if it is to be more than wishful thinking, the aim of ensuring a fully viable and competitive European-based data-processing industry by the early 1980's calls for extensive means and for resolute determination;
6. Earnestly hopes in this connection that the Commission will accelerate its work on the definition of norms and standards and public procurement policy and generally consider all the measures needed to ensure implementation of the systematic Community programme to promote the European data-processing industry recommended by the Council in its Resolution of 15 July 1974;
7. Points out, that, if they are to be viable, projects in the field of data-processing applications must be accompanied by measures to re-organize and improve the capacity of the European data-processing industry and to open the European market at the technical, legal and financial levels;

EXPLANATORY STATEMENT

1. In its Resolution of 15 July 1974, the Council declared its intention of giving a Community orientation to policies for promoting data-processing. It accordingly approved the Commission's intention to submit priority proposals concerning:

- (a) a limited number of joint projects of European interest in the field of data-processing applications;
- (b) collaboration on standards and applications and in public procurement policy;
- (c) the promotion of industrial development projects in areas of common interest involving transnational cooperation.

The Commission's Communication constitutes the first stage of this programme. It seems appropriate to consider in turn the projects chosen, the means recommended and the way in which these projects fit into the general framework of a Community data-processing policy.

I. PROJECTS SELECTED

(a) description

- creation of a central file to determine organ and blood group compatibility for transplants and transfusions

2. The creation of such a data-bank at Community level has become medically imperative. A file of at least 50,000 individuals is required for there to be a reasonable chance of finding an identical donor-recipient combination for a transplant or transfusion, particularly for the rarer combinations. Some 10,000 to 12,000 people suffer from irreversible kidney failure each year in Europe and require treatment by haemodialysis or preferably transplantation. It is pleasing to note that the Commission has selected this project first, since it illustrates the ways in which data-processing can benefit ordinary people and will help to counter the public's suspicions, which are not entirely groundless, concerning the effects of some of its uses.

Furthermore, this project can be justified economically; the Commission estimates that the total investment cost can be offset in a little over two years by the savings in current national health budgets made possible by the system.

- study of existing or projected data-processing systems in the Community for information on imports/exports, and on the management of agricultural market organizations and their financial control with the objective of determining a framework for compatible and coordinated Community-wide development

3. Large quantities of information required for the administration of the Customs Union and common agricultural policy are currently exchanged by letters or telex which in the majority of cases require conversion into another form for data input into the local computer.

Savings would result from the coordinated use by the Commission and the Member States of data-processing systems.

Furthermore, such systems are required to enable Community decisions to be taken rapidly and for the effective detection of frauds.

- study of requirements of users (Member States, public authorities, universities, practising lawyers) and systems both existing or being developed in the Community with the aim of defining a framework for compatible development giving access to Community law.

4. Taking into account the rapid development of Community legislation (4,000 new texts were added in 1973 to the existing body of 25,000 texts), the need for a Community retrieval system is apparent. Moreover, increasing harmonization and interpenetration of national laws make it desirable to establish Community norms and ensure the compatibility of national and Community systems, with particular reference to data organization and access to data.

- study of data-processing systems for air traffic control and common European requirements to identify the developments and actions necessary to determine design specifications for replacement data-processing systems in the 1980's

5. This project concerns a highly technical field in which the safety of individuals and aeronautical equipment is at stake. It is therefore desirable for the European industry to participate in and benefit from such a project which would greatly increase its experience and capability in advanced data-processing techniques.

Moreover, the development of air traffic control data-processing systems requires substantial investment. Considerable savings may be possible through a common approach at the European level.

- development studies in computer-aided design techniques (CAD)
in two areas: electronics and construction

logical circuit design in electronics

6. The expression of the logical processes necessary to meet the specific control and monitoring requirements of complex automated systems is difficult. Computer aids are required to improve this process as well as the basic system design to which it is closely related. According to the Commission, the economic benefits to be gained from the application of computer-aided design techniques could be very considerable. The time taken to design and perfect a synchronous logic system for transfer lines and machine tools could be reduced from one or several years to a matter of months. The more reliable final design would also reduce the cost of maintenance. Collaboration in this study would eliminate duplication and help to formulate a wider and more balanced view.

CAD systems in the field of construction

7. The current trend in all engineering disciplines is to look beyond individual computer applications and instead consider the total design process from inception to construction and manufacture.

In the construction industry there is a demand for an integration of applications aimed at simplifying their use and gradually moving towards an integration of the disciplines involved in the total construction process. Tests have shown that use of interacting design systems, which enable the type of construction and layout to be rapidly optimized, reduce design costs from 10% to 6%.

(b) Analysis

8. The choice of these five projects gives rise to no special criticism. It is based on well-founded criteria. These projects meet an international need and combine, at the technical level, a concern for health, human safety, efficiency, rapid decision-making and economic use of public funds, with a desire to promote the European data-processing industry, to make it more competitive and widen the market available to it.

Only two of the projects are, however, of an industrial nature; the three others have a medical or administrative purpose.

The first project - which because of its humanitarian nature should not be confined solely to the Community - and the next two which aim at improved Community administration and are of undisputed value, are nevertheless of limited economic scope.

Only projects 4 and 5 relate to areas likely to foster the development of a genuine data-processing industry.

Having regard to the considerable technical and economic benefits of data-processing applications, it is therefore regrettable that the Commission has limited the number of projects proposed to such an extent.

II. MEANS

(a) procedure

9. The Commission points out that there are four separate phases in the identification and implementation of a project:

- (1) the selection phase, which may require an exploratory study;
- (2) a basic study (feasibility, quantification of requirements, selection of strategies, specification of the system);
- (3) development (implementation of all or some parts of the system);
- (4) utilization.

Projects 2, 3, 4 and 5 come within phase 2 and project 1 covers phase 3. The Commission rightly points out that there is no project covering phase 4; the role of a Community data-processing policy is to act as a catalyst and not to provide user support.

For the management of this programme, the Commission proposes the setting-up of a Consultative Committee on Data-Processing Projects, with which will be associated, for each project, a project leader and a Technical Committee representing the users. Implementation of the projects will be entrusted to consortia of European companies.

10. It should be noted in this connection that while the European Parliament considered it desirable for research and development to be conducted in industrial establishments situated in the Community, it also felt that because of the present weakness of the European data-processing industry, the promotion of a European data-processing industry required the conclusion of cooperation agreement with non-dominant companies outside Europe.

(b) financing

11. The estimates of expenditure are based on the assumption that the projects would begin in July 1975. All things considered, the implementation of these five projects over a three year period would require financial intervention of the order of 4 million u.a. Having regard to the successive phases of these projects, the Commission felt unable to estimate the budgetary implications of these proposals for a five year period as requested in the Council resolution.

The greater part of these estimates of expenditure is allocated to projects Nos. 1 and 4. In this connection, it seems likely that the amount of the Community financial intervention will have to be increased if there is a real desire to promote the European data-processing industry; this is a key sector which is expected to become the world's third largest industry by 1980, after the oil and motor vehicle industries. Increased financing would enable a greater number of projects to be carried out in the area of computer-assisted design (CAD); the projects could also progress more rapidly.

12. It is stated in an accompanying note from the Commission that expenditure on each project should be broken down into two groups: technical and implementation costs on the one hand, which would be higher because they include the costs of the contracting party (development, equipment, and installation costs) and administrative costs on the other (Consultative Committee and Technical Committee).

The estimates of the technical and implementation costs would be drawn up on the basis of an estimate received from Unidata in 1974, including a reserve of 10% per year to take account of inflation.

13. However, as the Commission itself notes in its communication, industry should itself assume responsibility, in a reasonable measure, for the financial risks where work assigned to it would allow it to increase its competitive position on the market and its area of competence.

III. OBJECTIVES

(a) a viable European data-processing industry by the early 1980's

14. These five proposals for priority projects in data-processing cannot be considered in isolation. They must be viewed against the background of the central objective defined in the Council resolution of 15 July 1974: 'a fully viable and competitive European-based industry by the early 1980's.' While naturally approving these first practical and specific proposals which it had itself requested, the European Parliament regrets their excessively limited nature and fears that their implementation and utilization will be too slow.

(b) Community data-processing programme

15. It is also evident that if these few practical projects are to be implemented effectively, a great many other measures will also be required. It is regrettable that the Commission has so far made little progress on the second and third aspects of the priority measures laid down in the Council resolution. In the area of norms and standards, the only result achieved so far is the creation of a working party of national experts which is studying a strategy to approach the problem; the same applies to public procurement policy. However, these two areas are the key to opening the European data-processing market at the technical and legal levels. As to the financial aspects, the Commission has indicated that it is preparing a proposal on aid for leasing to support the European industry.

In its communication on a Community data-processing policy, the Commission also proposed to promote the necessary restructuring of the European data-processing industry and to stimulate its progress through development contracts.

All these essential measures combine to facilitate the implementation of this systematic Community programme to promote research, industrial development and the application of data-processing as recommended by the Council - following the views of the European Parliament - in its resolution of 15 July 1974.

It is, however, regrettable to note the lack of determination shown by the Commission whose intention, with the annual report on the present state of data-processing, is to define its position on the desirability of placing the Community measures in the framework of a multi-year programme.

OPINION OF THE COMMITTEE ON BUDGETS

Draftsman: Mr R. PÊTRE

On 29 April 1975 the Committee on Budgets appointed Mr Pêtre draftsman of the opinion.

At its meeting of 26 June 1975 the Committee considered the draft opinion and adopted it unanimously.

Present: Mr Lange, chairman; Mr Aigner and Mr Durand, vice-chairmen; Mr Pêtre, draftsman of the opinion; Mr Artzinger, Mr Brugger, Mr Gerlach, Mr Früh, Mr Lautenschlager, Mr Radoux and Mr Shaw.

Basic information on the priority projects in data-processing

1. The Committee on Budgets must give its opinion on the financial aspects of the five following data-processing projects:

- (1) Data-bank for organ and bloodmatching system;
- (2) Data-processing systems for information on imports/exports etc.;
- (3) System for legal document retrieval in the Community;
- (4) Study of data-processing systems required for air traffic control;
- (5) Computer-aided design techniques;
 - i. logic circuit design aids;
 - ii. computer aided design systems;

2. The Commission of the Communities shows the total cost of these projects and their breakdown in the years 1975, 1976 and 1977 as follows:

	<u>Total cost</u> (u.a.)	<u>1975</u>	<u>1976</u>	<u>1977</u>
(1)	1,360,500	92,500	1,237,500	30,500
(2)	668,000	163,000	423,500	81,500
(3)	437,500	111,500	269,000	57,000
(4)	923,000	172,500	566,500	184,000
(5) i.	313,000	110,000	203,000	
ii.	<u>305,500</u>	<u>107,000</u>	<u>198,500</u>	
Total expenditure	4,007,500	756,500	2,898,000	353,000

3. The monthly project budget is as follows:

	<u>duration of project in months</u>
(1)	22
(2)	18
(3)	18
(4)	18
(5) i.	12
ii.	12

4. Within the overall cost, the Commission also indicates estimated expenditure for payment of project leaders.

5. The explanatory remarks preceding the decision which should enable the Council to adopt all these priority projects in data-processing, show the following principal reasons for these projects:

- (a) priority for projects capable of meeting the requirements of users and increasing the capacity of the European-based data-processing industry;

- (b) the needs of public health;
- (c) Community legislation, particularly in the agricultural sector;
- (d) the above-mentioned projects seem to be necessary to attain certain Community objectives within the framework of the common market.

6. Implementation of the projects (see Article 1 of proposal for a decision) should begin on 1 July 1975 and the appropriations necessary for carrying them out are to be entered in the budget of the Communities.

Opinion of the Committee on Budgets

Priority nature of these five projects

7. While recognizing the merit of these five projects and welcoming the humanitarian and health reasons which are the basis for one of them, the Committee on Budgets is not able to make an adequate assessment of the priority nature of the five projects proposed, for the simple reason that the Commission's document does not comprise a general summary of the data-processing projects which could be initiated on the basis of existing Community legislation or, at a wider level, of the Community's objectives.

A general summary would, however, enable the priorities to be assessed and provide essential information for evaluating the cost of each project.

Financial elements of each proposal

8. The financial elements indicated and referred to in the comments on each project are purely descriptive or in the nature of simple affirmations. No explanation is given of the criteria for estimating the funds considered necessary or of the factors used to determine the amount of these credits. No explanation is given either of the distribution over the three financial years (1975 to 1977) of the overall credits requested for each project.

This situation, criticized by the Committee on Budgets in connection with many other proposals from the Commission, conflicts with the commitments given by that institution when, after long prompting by Parliament, it forwarded to the Committee on Budgets a specimen financial schedule worked out for Community acts with financial implications.

Entry of these credits in the budget

9. In its general introduction to the five projects, the Commission indicates that a preliminary draft supplementary budget will be introduced in good time to cover appropriations for the five projects and exploratory studies for which there are no funds or budget line¹.

The Committee on Budgets also finds it unsatisfactory that this statement by the Commission contains no commitment as to a precise date (despite the announcement that these credits should already be operational in 1975). Admittedly it is said that these credits could be operational on 1 July 1975 but no assurance is given regarding their consolidation with appropriations which would make a supplementary budget necessary. Failing a precise commitment by the Commission, the Committee on Budgets therefore fears that the 'policy' of supplementary budgets is being continued instead of being phased out in accordance with the guidance expressly given by Parliament on this matter.

Conclusions

10. A. Financial elements of the 5 proposals under consideration

The Committee on Budgets feels once more impelled to remind the Commission of the European Communities how important it is to provide the committee not merely with summary financial schedules (as annexed to the 5 proposals under consideration), or fragmentary additional information (and that incidentally, supplied only at meetings at which proposals with financial implications are discussed with a view to delivering an opinion), but with such information as will enable the committee to assess the financial forecasts advisedly. This is not a new demand. Since the adoption and implementation of the Treaty of 22 April 1970 the Committee on Budgets has been pressing for adequate analyses of the financial implications of Community acts so that Parliament can fully exercise its budgetary powers. It must be said that more often than not this requirement is not met, or not met fully, despite the fact that two years ago the Commission of the European Communities had submitted to the Committee on Budgets a specimen of the financial schedule which it was to make out for in-house use for all proposals having financial implications. It is clear that until these requirements are met, any opinion by the Committee on Budgets on the financial implications of Community acts can only be offered with reservations. That applies in full to these 5 proposals for priority projects in data-processing.

¹ See page 8, Doc. COM(75) 35 final

B. Legal basis of the proposals

The legal basis of the proposals is Article 235 of the Treaty which provides for appropriate measures (to be taken by the Council, acting unanimously on a proposal from the Commission and after consulting the Assembly) for actions that are not expressly covered by the rules of the Treaty. The Committee on Budgets, having been asked for its opinion on these 5 proposals in data-processing, wishes to emphasize that the Commission of the European Communities, whenever it introduces proposals on the basis of this Article, should always state the non-compulsory nature of the consequent expenditure, being 'other than that necessarily resulting from the Treaty or from acts adopted in accordance therewith'. In this connection, the committee refuses to accept the idea, which seems to be gaining ground within the Commission of the European Communities, that expenditure resulting from measures taken in accordance with Article 235 should nevertheless be considered compulsory when the exact annual amount is specified in the basic text.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman: Mr H. LAUTENSCHLAGER

On 17 April 1975, the Legal Affairs Committee appointed Mr LAUTENSCHLAGER draftsman.

It considered the draft opinion at its meeting of 26 May 1975 and adopted it unanimously with one abstention.

Present: Sir Derek Walker-Smith, chairman; Mr Brugger, vice-chairman; Mr Lautenschlager, draftsman; Mr Aigner (deputizing for Mr Springorum), Mr Broeksz, Mr De Keersmaecker, Mr Geurtsen, Mr Kirk (deputizing for Mr Shaw), Mr Memmel, Mr Outers, Mr Santer, Mr Scelba, Mr Schmidt, Mr Schwörer and Mr Vernaschi.

1. On 15 July 1974 the Council adopted a Resolution on a Community policy on data processing¹, setting out the basic principles for an industrial policy in this increasingly important sector of the economy.

In that Resolution the Council declares its intention to give a Community orientation to policies for promoting data processing in the Community, with two main objectives:

- (a) to satisfy user requirements in view of the importance of data processing for all aspects of modern society;
- (b) to create a strong European-based computer industry, since 'the structure of the data processing industry in the world is unbalanced and the applications of data processing within the Community are not yet satisfactory'.

2. In connection with (b) it should be mentioned that the Commission is following attentively the French Government's negotiations for close collaboration between the French computer company CII (Compagnie Internationale de l'Informatique) and the American firm, Honeywell. Cooperation between European and American companies need not necessarily stand in the way of the creation of a strong European computer industry. It would extend the market available to European companies and, moreover, make it easier for European industry to gain access to America's much more advanced computer technology.

Nevertheless, in this particular case collaboration presents two dangers:

- (a) Honeywell's superiority may give them such an influence that policy as far as cooperation is concerned may be completely subordinated to American strategy guidelines;
- (b) The UNIDATA group, formed three years ago from the European concerns, Siemens, Phillips and CII, could split up, so leading to the failure of this first attempt at integration by the European data processing industry.

3. One of the methods proposed by the Council in its Resolution of 15 July 1974 to achieve its objectives is the selection of 'a limited number of joint projects of European interest in the field of data processing applications'.

¹ OJ No. C86, 20.7.1974

The Commission's Communication (Doc. 21/75) containing initial proposals for priority projects in data processing deals with five such projects. The Legal Affairs Committee was asked by the President of the European Parliament to deliver an opinion for the committee responsible, the Committee on Economic and Monetary Affairs, on the third project entitled 'Study of requirements for legal document retrieval systems in the Community' (Annex 3 to Annex A, p.30).

4. This Annex is concerned mainly with the importance of the CELEX system set up by the Commission to meet the problem of the increasing inaccessibility of Community law. The need to make Community legal documentation more accessible to the Institutions, the Member States and the public is also recognized by the Council, which (in the Council of Ministers of Justice) adopted a Resolution on 26 November 1974 on the automation of legal documentation¹.

The Legal Affairs Committee has discussed the application of the CELEX system at length and your rapporteur would therefore refer readers to the summary of these discussions (PE 40.631) (attached to this opinion), which also includes the introductory remarks of the Secretary-General, Mr Nord, and explanatory comments by the Commission representative, Mrs BAUER-BERNET.

5. However, your committee wishes to make three observations, mainly regarding procedure.

- (a) A working party of representatives from the Member States, Community institutions and the Economic and Social Committee was set up on the basis of the abovementioned Council Resolution of 26 November 1974. This working party, in which the European Parliament is represented at official level, has been instructed to examine a number of specific aspects of the further development of the CELEX system. It is to submit a preliminary report to the Committee of Permanent Representatives within six months.

Furthermore, according to the proposal for a Council decision (p.15) in the Commission's Communication, the Commission will be responsible for carrying out the five projects listed in the Communication. It will be assisted in this by the Consultative Committee on Data Processing Projects. The separate draft decision (p.48 of the Communication) provides for the setting up of this Consultative Committee. It is to consist of representatives of the Member States, its chairman being a representative of the Commission. The Commission is required, moreover, to present a report to the Council each year. The other Institutions are not represented on this Consultative Committee.

¹ OJ No. C20, 28.1.1975

The European Parliament, which - in view of the need for effective organization in its work - has a considerable interest in the foundling of a European data processing system, should press its right to take part in the work of this Committee, particularly since its participation in the working party will probably cease on 15 June 1975.

If the working party were to continue in existence after that date, there would in fact be a certain amount of duplication, although it would be possible to reduce this by coordinating the work of the two groups and the tasks assigned to them.

- (b) In paragraph I.8 (p.31) the Commission speaks of 'the need for compatibility of national and Community systems, particularly with regard to organization of data and access to it'.

It is therefore also important - not only for the automation of legal documentation but also for the other four projects - for the Member States to inform the Commission of the measures which they propose taking in the data processing sector in line with Community intentions. This would mean that the Consultative Committee could take these measures into account in its deliberations.

- (c) The last paragraph (p.18) of Article 3 of the proposal for a decision provides that the Commission shall present a report to the Council each year. This Article should be amended to ensure that the Commission also informs Parliament and makes its future intentions clear. Your rapporteur therefore proposes that the last paragraph of Article 3 should read as follows:

Article 3, last paragraph :

The Commission shall present a report to the Council and the European Parliament each year on the position with regard to the Community data-processing programme and future developments.

6. The Commission has based its proposal for a decision on Article 235 of the EEC Treaty, since it states in its preamble 'the projects referred to are seen to be necessary in order to attain certain Community objectives within the framework of the common market'.

Your committee accepts this legal justification. The five projects proposed (Article 1 of the proposal for a decision) do in fact represent an important means of helping to achieve the common market, although the Treaty does not provide the Institutions with specific powers for the purpose.

SUMMARY RECORD

of the exchange of views on 17 April 1975 on the letter dated 14 January 1975 from the President of the European Parliament to the chairman of the Legal Affairs Committee concerning the participation of the European Parliament in the 'CELEX' system (automation of legal documentation - see PE 39.627)

A. Introduction by the Secretary-General, Mr NORD (résumé)

The rapid increase in the number of Community decisions has made Community law more and more impenetrable. In many cases, outsiders are unable to ascertain what law applies without having recourse to the appropriate official in the Commission or one of the other institutions. This is hardly surprising as the Commission and the Council have adopted some 25,000 legal acts (and new ones are being adopted at the rate of 4,000 a year).

In order to bring more clarity to the Community law, the Commission started programming these texts into a computer for its own use in 1969. In 1970 it invited the other institutions to take part in consultations on the further development of the legal documentation system and the possibility of making the system of Community law accessible in this way to those interested both within and outside the Communities. At first contacts in connection with this consultation were rather sporadic, but were stepped up in 1974. Moreover, the project was sanctioned by the Council (of Ministers of Justice) in its resolution of 26 November 1974. Inter-institutional consultation is taking place within a group of experts consisting of representatives of the Member States and representatives of the institutions and the Economic and Social Committee. The European Parliament is also represented officially, since the acceptance by its former President of the invitation from the President of the Commission to take part in the consultations.

The Commission started operating the 'CELEX' system in 1969.

- the scope of the system:

The following have so far been processed:

- the Treaties
- the regulations, directives and decisions
- international agreements

- the method:

The method used for this system is the 'formal analysis' method, under which the computer provides the title and location of the text required.

- languages:

Until now, information has only been fed into the computer in French; in future, however, information is to be translated into other languages.

- access to the computer:

Access to the computer is restricted so far to the institutions; in future however it could be open for consultation by the Member States and other authorities - judges, lawyers, universities, etc. subject to legal and technical conditions still to be specified.

The European Parliament's interest in the further development of the CELEX system can be summed up under three headings:

- as user; the Secretariat will be able to use it to inform Members of the position as regards Community law;
- as a provider of information; by feeding its opinions and decisions into the computer;
- as the representative of Community citizens.

Throughout the inter-institutional consultations the Parliament has always maintained that the system should include not only the actual text of acts (regulations, directives, decisions, etc.,) but also background documents such as the Commission's original proposal, the opinions of the European Parliament and the Economic and Social Committee, where appropriate, the Commission's amendments to its original proposals, national implementation measures case law from the Court of Justice and national courts regarding Community measures or those derived from Community law and, finally, parliamentary questions. While the other institutions have accepted this, the group of experts has shown some reluctance to accept the idea of computer-storing all this information at Community level both for reasons of principle (desirability or otherwise of assembling a documentary field containing items not directly linked to Community legislation difficulties of incorporating at Community level the national extensions of Community law) and for technical or budgetary reasons.

It is intended that Parliament should later have its own terminal so that it can consult the computer directly. However, this will have budgetary implications, principally arising from the engagement of staff for this purpose.

The overall aim is to make it possible for the institutions of the Community, the Member State and the people to receive correct and rapid information on the state of European law.

B. Statement by Mrs Bauer-Bernet, of the Commission's Legal Department

Mrs BAUER-BERNET.--(F) Mr chairman, thank you. The few words which I wish to say about the system are purely complementary and concerned with details, in comparison with the excellent introduction provided by the Secretary-General. I shall simply give further information on some points I noted during the course of the discussion.

One question referred to the coding which takes places when information is fed into the machine and the guarantee of objectivity offered by the inter-institutional system of automated documentation for Community law. I would like to point out that, apart from the information coded by the 'formal analysis' system, legislation and the case law pertaining to it are fed into the machine in full, where necessary and possible. The output selectors could thus be terms used by the legislator or the judge, as well as the codes supplied by the analysts, which are consequently not the only way of tracing information; there are several 'entry points' for tracing a document and all in all a certain guarantee of objectivity.

Another question referred to access costs for users. No decision has been taken on this yet, but general guidelines have been put forward. The Commission's proposal would be to exclude the two extreme solutions of free use - which might lead to abuse of the system - or cost-based fees (costs including initial investment) which would be right for a commercial undertaking but not for a public service; it would also be unfair in that, however many outside users there may be in the future, the institutions created the documentation system for their own use. The compromise advocated is a contribution towards costs, that is the user would simply pay the cost of access. This would cover, for instance, the hiring of consoles, the hiring of telephone lines, the cost of copies of magnetic tapes, etc. There would still be one problem, that of guaranteeing equality of access to this public service for everyone and avoiding much higher costs for information in Galway, Edinburgh, or Copenhagen than Luxembourg. In reply to this concern a standardization of costs, as already practised in certain information networks, is contemplated; under this system the overall cost of the lines is totalled up and then divided by the number of consoles connected to the lines.

Another more technical point concerns ways of subdividing information to allow detailed selection despite the growth in the mass of documents. Under the inter-institutional system it is possible, and will become increasingly easier, to select and sort information. On the entry side, short-term management provisions - regulations valid for a single day or week which would just as easily be located by consulting the Official Journal of the date of reference as by putting them in a computer, - are not being fed into the system. Consequently there is no risk of them appearing in the print-out as they are not even fed into the system. If a reply does nevertheless contain

a large number of documents it is possible to sort them by using various options when feeding in the instructions for information (so that they appear in direct or inverse chronological order, for instance, so that either the oldest ones or the latest ones appear first) or it is possible to select certain categories (for instance, only Council regulations, or only texts which are still in force). In this way it only takes a matter of minutes to select the most relevant documents. If a document in the reply is very long (for instance the complete text of a 30-page regulation) it is possible to read the pages rapidly on the console and find the most interesting paragraphs (in which the key words in the search seem to be used in the most illuminating way) and to print only these paragraphs. Also, if the terms in the full text or in the title of a document do not make it possible to be selective enough, it would be possible to narrow down the analysis (and therefore also the instruction criteria); if the degree of selection is insufficient, it could gradually be improved with time to meet the needs of users by feedback, i.e. with the users feeding back information themselves.

As regards the question of the direct applicability of instruments in connection with the date of updating of the files, I believe that the following would be the most practical way to proceed: let us imagine that a user wishes to know what is applicable directly and since when. Using the computer rather than conventional search methods he would be able to find out much more rapidly in which basic judgement the Court of Justice gave its decision on, for instance, the direct applicability of directives: using the case law, the user would then be in a position to look into the applicability of the directives. The description 'directly applicable' is not fed into the computer. So the maintenance of the files - as regards directives, for example - is not affected by the judgement. This is a further stage of research. On the other hand the date of updating is fed in, at two levels. A distinction has to be made between the 'intellectual' updating date, that is the date on which it is noted that the information stored in the machine is still valid as it is, or needs to be modified, and the 'physical' updating date, that is the date of a modification which may have been necessary to record a change arising between two 'intellectual' datings. These are two different dates which come under two different headings. They can be read on the console and this is one of the users' guarantees of the transparency of the system: there are others.

There was a question on the recording of the action taken - or not taken - on texts. The inter-institutional system would make it possible to show proposals still pending, questions not yet replied to and directives which have been applied incompletely. The computer can be used as an aid to control but not as a control agent; it cannot decide whether a legislative measure complies or does not comply with Community law. It could record a judgement of conformity, but this is a human judgement which cannot, either now or in the future, be made by a computer. As regards national provisions relating

to Community law, it must be emphasized that the user should be able to receive information on national implementing measures not only of his own country, but also of other Member States, since Community law forms a whole; the same applies to national case law in the different Member States relating to the application of provisions of Community law.

As regards legal responsibility arising from the supply of documentary information the only possibility, as far as I can see, is to exclude any such responsibility. But in practice the user has a basic guarantee which is inherent in the system's organization: as the institutions have created the inter-institutional system for their own needs, they will have a cardinal interest in the quality of the system and will keep a constant check on it through their own use of it. So it could be assumed that the user has the guarantee of access to a system which, without being perfect (there are plenty of printing errors in the acts published in the Official Journals) is the best possible system within the limits of the resources available to the Institutions.

That concludes my observations; thank you for your attention.

I would add that fuller information on the system is to be found in two internal Commission documents¹ and in the documents forwarded today to the Secretariat of the Council for the attention of the Working Party set up by the Council Resolution of 26 November 1974 on the automation of legal documentation.²

- ¹ 'Guide to the use of the CELEX system for Commission officials' (3 documents) JUR/366/1/75 rev. 1, JUR/366/2/75 rev. 2 and JUR/366/75 rev. 1
'CELEX - a system of automated documentation for Community law' JUR/3097/73
- Working document on the automation of legal documentation and report on the automation of legal documentation R/1156/74 (JUR 74)
 - Working document on the evaluation of the budgetary implications of the automation of documentation relating to Community law R/1886/74 (JUR 118) (FIN 421)
 - Supplementary note on the evaluation of the budgetary implications of the automation of documentation relating to Community law R/2070/74 (JUR 133) (FIN 476)
 - Working document on the objectives of the inter-institutional system of automated documentation for Community law T/148/75 (JUR)
 - Working document on the medium term development plan for the inter-institutional system T/203/75 (JUR)
 - Questionnaire on the needs of potential users of the inter-institutional system R/962/75
 - Working document on the evaluation of the budgetary implications of the inter-institutional system T/269/75 (JUR) (FIN)
 - Working document on the legal and technical problems of legal information processing SEC(75) 1698
 - Working document on the evaluation of the cost of realising the objectives defined in the 1975-1977 development plan for the inter-institutional system SEC(75) 1696
 - Working document on the establishment of a list of Community legislation SJ 198/75

² OJ No. C 20, 28.1.1975, pp. 2 and 3

C. Points arising from the exchange of views in the Legal Affairs Committee¹

- a. The Working Party referred to in Part III of the Council Resolution of 26 November 1974 has already been set up and has met once or twice; in due course this Working Party is to make a report to the Committee of Permanent Representatives.
- b. Every Member State and institution of the Communities is individually responsible for the appointment of its representatives to this Working Party.
- c. A large number of legal experts will be in charge of feeding data into the computer.
- d. It is also intended that national measures for the implementation of Community decisions shall be processed in the computer.
- e. The computer should also be able to show which Commission proposals have not yet been dealt with by the Council or by the European Parliament.
- f. The latest amendment to every text shall immediately be fed into the computer.
- g. The operational record of the system until now justifies appropriation of financial resources.
- h. The codification of texts is also to be fed into the system.
- i. The public should be informed about which sectors are covered by European law, so that people know in what cases the computer should be consulted.
- j. Selection criteria are being applied for optimal subdivision of subjects: short-term agricultural regulations are not being fed into the system, for practical reasons.
- k. The aim should be to fix rates for consulting the computer without regard to the place within the Community where consultation takes place, so that those furthest from the computer centre are not at a financial disadvantage.
- l. Consideration should be given in inter-institutional consultations to the question whether the institutions can be made responsible for possible mistakes in the replies given by the computer. If the decision is not to

¹ Questions were put by (successively) Mr SHAW, Mr BROEKSZ, Mr SCHWORER, Mr SANTER, Mr LAUTENSCHLAGER, Lady ELLES, Mr BERKHOUWER, Mr GEURTSSEN and Mr PIANTA. The questions were answered by Mr NORD and Mrs BAUER-BERNET of the Commission's Legal Department.

make the institutions responsible in principle, it is considered advisable to make this clear each time to the user. The margin of error should however be kept as small as possible.

OPINION OF THE COMMITTEE ON REGIONAL POLICY AND TRANSPORT

Letter from the chairman of the committee to Mr Francis LEENHARDT,
Chairman of the Committee on Economic and Monetary Affairs

Brussels, 22 April 1975

Subject: Opinion on Annex 4 to Annex A of the Communication from the Commission of the European Communities to the Council containing initial proposals for priority projects in data-processing (Doc. 21/75)

Dear Mr Chairman,

1. The Committee on Regional Policy and Transport was asked for its opinion on Annex 4 to Annex A of the abovementioned document. This annex is 'A study of real time data processing systems required for air traffic control (ATC) in the 1980's'.

At its meeting of 22 April 1975, the Committee on Regional Policy and Transport considered this proposal from the Commission for a study project.

2. In its resolution of 15 July 1974, the Council's intention was to give Community guidelines for policies to encourage and promote data-processing.

In its Communication of 13 March 1975 the Commission submitted five priority projects to the Council, including the one relating to ATC.

3. This project relates to a highly technical field involving the safety of passengers and aeronautical equipment.

Data-processing systems are already in existence, and users in several Member States of the European Communities and third countries are associated in an international body, (Eurocontrol). But arrangements must now be made for the replacement of these systems by advanced

data-processing systems more suited to the 1980's taking into account advances in technology and the growth of air traffic.

The problem is basically an international one and requires substantial investment exceeding the capability of a single country.

4. The Commission proposes to finance a study with the objective of seeking possible solutions at Community level and of putting them into practice through advanced and unified data-processing techniques.

The Commission feels that this research will also be of incidental value to other industries requiring sophisticated data-processing techniques.

The adoption of these techniques by the European data-processing industry could also increase its competitiveness in fields other than ATC.

5. At present matters are still at the research stage. On the basis of the results of the study, the Commission will submit new proposals for the implementation of the chosen systems.

In view of the above factors, the Committee on Regional Policy and Transport approves the Commission's proposal and has asked me to forward to you this opinion in the form of a letter.

(sgd) Charles B. McDONALD, T.D.

Present: Mr McDonald, Mr Nyborg, Mr Gerlach, Mr Ariosto, Mr Corrie, Mr De Clercq, Mr Fabbrini, Mr Giraud, Mr Johnston, Mrs Kellett-Bowman, Mr Mursch, Mr Noè, Mr Romualdi, Mr Scholten, Mr Schwabe and Mr Thornley (deputizing for Mr Kavanagh)

OPINION OF THE COMMITTEE ON PUBLIC HEALTH AND THE ENVIRONMENT

Letter from the chairman of the committee to Mr Francis LEENHARDT
Chairman of the Committee on Economic and Monetary Affairs

Brussels, 27 May 1975

At its meeting of 27 April 1975 the Committee on Public Health and the Environment discussed the Communication from the Commission of the European Communities to the Council containing initial proposals for priority projects in data processing (Annex 1 to Annex A) (Doc.21/75).

The project described in the above-mentioned Annex concerns the development of a data-bank for organ and bloodmatching systems, whereby computer techniques would be used to match up patients urgently requiring a transplant with compatible organs from among those available.

The committee has noted with satisfaction that this project, which will establish a system for the exchange of information throughout the Community about potential kidney transplant recipients and potential blood donors and donors of other transplant material, will represent a significant advance in the sphere of public health.

The committee has also noted that there are already four centres within the Community which employ computer facilities for the exchange of kidneys, but that the systems used are mutually incompatible, which points up the need for a data-bank system at Community level.

In addition, the committee hopes that a telecommunications network for data transmission will be set up as soon as possible so that greater progress may be achieved in the data processing sector.

This project will make a valuable contribution to endeavours to save human lives and also reduce expenditure in this field, provided the research on matching organs and patients can be carried out on a sufficiently wide scale. Consequently, the committee approves the Commission's project and hopes that, once the Council has given its decision, it can be completed within the stipulated period of 22 months.

(sgd.) Libero DELLA BRIOTTA

¹Members present:

Mr Erhard Jakobsen, acting chairman, Mr Adams, Lord Bethell, Mr Didier, Mr Hansen (deputizing for Mr Kristian Albertsen), Mr Meintz, Mr Martens, Mr Ney, Mr Noé, Mr Scelba (deputizing for Mr Rosati), Mr Spicer, Mr Springorum

PE 40.502/fin.

OPINION OF THE COMMITTEE ON AGRICULTURE

Draftsman: Mr A. ZELLER

On 17 April 1975 the Committee on Agriculture appointed Mr ZELLER draftsman.

It considered the draft opinion at its meeting of 26 and 27 June 1975 and adopted it unanimously.

Present: Mr Houdet, chairman; Mr Laban, vice-chairman; Mr Zeller, draftsman; Mr Boano, Mr Frehsee, Mr Jakobsen (deputizing for Mr Howell), Mr Klepsch (deputizing for Mr Früh), Mr de Koning, Mr Martens, Mr E. Muller (deputizing for Mr Bourdellès), Mrs Orth, Lord St. Oswald and Mr Scott-Hopkins.

1. The technique of data-processing is spreading rapidly in all sectors of the economy and the business world. The computer industry, the third largest in the world, is expanding at the rate of 20% a year in Europe.
2. In awareness of the importance of data-processing for all aspects of modern life and hence for the whole Community and its economic and technological position in the world, the Council adopted on 15 July 1974 a Resolution¹ on a Community data-processing policy, setting out basic policy principles in this highly important sector.
3. In this Resolution the Council stressed that it intended to give a Community slant to policies for encouraging and promoting data-processing and approved the Commission's intention to submit proposals for a limited number of joint projects of European interest in the field of data-processing applications.
4. The Commission has accordingly presented in the form of a communication to the Council a first proposal comprising five projects to be adopted as from 1 July 1975. The Committee on Agriculture is concerned only with the second. This consists of a study - of 18 months' duration - of data-processing systems for information on imports and exports, the management of agricultural market organizations and their financing control. These proposals are the outcome of studies, consultations and negotiations with the different Member States.
5. The main aim is to ensure that in the management of the Customs Union and the common agricultural policy, data exchanged between the Commission and the Member States on imports, exports and related aspects of managing the agricultural market and its financial control are passed and processed promptly.
6. Large volumes of data on agricultural transactions in general are exchanged daily between the Member States and the Commission. Some of these data (prices, levy rates, etc.) are urgently required and often prompt political decisions at Community level. A great deal of time could be saved if a co-ordinated method of data-processing and transmission could be used between the Commission and the Member States.

This is the purpose of the scheme referred to Parliament for its opinion.

7. The total cost of the project is estimated at 668,000 u.a. and is to be charged to the Community budget (163,000 u.a. for 1975; 423,500 u.a. for 1976 and 81,500 u.a. for 1977).
8. The Commission will be responsible for implementing the projects with the assistance of a Consultative Committee; for each project a project leader and a technical committee representing users will be associated with this committee in its work.

¹ OJ No. C 86, 20.7.1974

A draft Council decision setting up this consultative committee on data-processing projects is annexed to the Commission's Communication.

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9. The Committee on Agriculture has no objection to these initial proposals for priority actions in data-processing. Recognizing that they will help to strengthen the economic structure of the Community and improve the management of agricultural markets, and will require the full cooperation of Member States, the Committee on Agriculture recommends that the European Parliament adopt them.