

EUROPEAN PARLIAMENT

Working Documents

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MOTION FOR A RESOLUTION

tabled by Mr von WOGAU, Mr WEDEKIND, Mr NOTENBOOM,
Mr BLUMENFELD, Mr CHANTERIE, Mr LANGES, Mr BARBAGLI,
Mr Konrad SCHÖN, Mr BEUMER, Mr KLEPSCH, Mr ANTONIOZZI,
Mr PÖTTERING, Mr JONKER, Mr GIAVAZZI, Mr AIGNER,
Mr LANAGRE, Mr FRANZ and Mr TRAVAGLINI

on behalf of the Group of the European People's
Party (CD Group)

pursuant to Rule 47 of the Rules of Procedure

on preventive legal supervision in the Community to
avoid future barriers to trade



The European Parliament,

- A. concerned for the freedom of intra-Community trade in goods,
 - B. whereas barriers to intra-Community goods trade are increasing instead of decreasing,
 - C. convinced that the consultation machinery envisaged by the Commission in its proposal for a Council decision laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No C 253/80 p.2) is not sufficient to effectively prevent the appearance of further barriers to trade in the common market in future, especially those resulting from new legislative measures by the Member States,
 - D. having regard to the provisions of Article 93(3) of the EEC Treaty and the related case law of the Court of Justice of the European Communities¹, according to which national aid arrangements are invalid even within that particular state unless the Commission is informed in good time of the intended introduction or alteration of the aid or if it has initiated the procedure provided for in Article 93(2) of the EEC Treaty,
 - E. convinced that only the adoption of a Community regulation which, in the event of new national arrangements, empowers the Commission to block even the legal provisions of the Member States for an appropriate period of time to establish whether such arrangements are consistent with the principles of the common market, can prevent the appearance of new barriers to trade within the Community,
1. Calls on the Commission to submit forthwith to the Council a proposal for a regulation which, inter alia, requires the Member States to notify the Commission of the European Communities in good time of all intended measures laying down standards which are liable to justify, perpetuate or intensify barriers to trade in the common market, so that the Commission may give its opinion thereon. If the Commission considers that the proposed course of action is incompatible with Community law, it shall initiate a procedure whereby, after allowing the parties concerned a period of time in which to

¹ Court of Justice of the European Communities, judgment of 15.7.1964, Case 6/64 reports 1964 p.585; judgment of 11.12.1973, Case 121/73, rep. 1973, 1495; judgment of 12.10.1978, Case 156/77, rep. 1978, 1881; judgment of 17.9.1980, Case 730/79, rep. 1980, 2671

state their case, it can establish, if need be that the act of laying down the standard contemplated by the Member State in question is incompatible with Community Law. The Member State may not enact the Law in question until the Commission has given a final decision or if it rules that the intended measure runs counter to the provisions of Community Law;

2. Instructs its President to forward this resolution to the Council, the Commission and the Ministers of Justice of the Member States.