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European Communities

EUROPEAN PARLIAMENT

Working Documents

1974-1975

27 May 1974

DOCUMENT 101/74

Report

drawn up on behalf of the Committee on Public Health and the Environment

on the proposal from the Commission of the European Communities to the Council (doc. 25/74) for a resolution on the adaptation to technical progress of directives on the protection and improvement of the environment

Rapporteur: Mr W. MÜLLER



By letter of 27 March 1974 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a resolution on the adaptation to technical progress of directives on the protection and improvement of ~~the~~ environment.

On 3 April 1974 Parliament referred this proposal to the Committee on Public Health and the Environment as the committee responsible.

The committee appointed Mr Willi Müller rapporteur on 3 April 1974.

It considered the proposal at its meeting of 10 May 1974.

On 10 May the committee unanimously adopted the motion for a resolution and explanatory statement.

The following were present: Mr Jahn, vice-chairman and acting chairman; Mr Willi Müller, rapporteur; Mr Brégégère, Mr Delmotte (deputizing for Mr Eisma), Mr Martens, Mr Noè, Mrs Orth, Mr Premoli, Mr Rosati, Mr Springorum and Mr Walkhoff.

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The Committee on Public Health and the Environment 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 proposal from the Commission of the European Communities to the Council for a resolution on the adaptation to technical progress of directives on the protection and improvement of the environment.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council (Doc. 25/74);
 - having regard to the report of the Committee on Public Health and the Environment (Doc. 101/74);
1. Approves of the establishment of committees of experts for the adaptation to technical progress of directives on the protection and improvement of the environment, but insists nevertheless that these committees have only an advisory function and that they may not curtail the powers of the Commission, which must take decisions solely on its own responsibility;
 2. Requests further that on all important decisions the committee should put proposals directly to the Council, which should decide by a qualified majority;
 3. Welcomes the flexible nature of the provision contained in the resolution to the effect that 18 months from the first application of the procedure envisaged, the Council should investigate, in the light of experience, whether this procedure ought to be amended;
 4. Requests the Commission of the European Communities to incorporate the following amendments into its proposal pursuant to Article 149 second paragraph of the EEC Treaty;
 5. Instructs its President to forward this motion for a resolution and its committee's report to the Council and Commission of the European Communities.

¹

OJ No. C 44, 19 April 1974, p.26

Proposal for a Council resolution on the
adaptation to technical progress of
directives on the protection and
improvement of the environment

Recitals unchanged

A. Paragraphs 1 and 2 unchanged

A. 3. (a) The Commission shall adopt the procedures proposed when these have the support of the Committee.

(b) When the measures proposed do not have the support of the Committee, or when no decision is reached, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

(c) If, after a period of three months from the time the matter is brought before the Council, the Council has given no judgement, the measures proposed shall be adopted by the Commission.

B. Provides that in cases which, in the opinion of the Commission, are of special importance, the Commission shall bring proposals directly before the Council, and the Council shall act on these by a qualified majority;

A. 3. (a) The Committee shall decide on measures which shall then be implemented forthwith.

(b) When these measures do not, however, have the support of the Committee, they shall be communicated, without delay, by the Commission to the Council. In this case the Commission may postpone the application of the measures decided upon for a period of up to one month after such communication.

(c) The Council, acting by a qualified majority, may take another decision within a period of three months.

B. Provides that in all important decisions the Commission shall bring proposals directly before the Council, and the Council shall act on these by a qualified majority;

C and D unchanged

¹

For full text see OJ No. C44, 19 April 1974, p.26

EXPLANATORY STATEMENT

1. In drafting this Council resolution, the Commission realized that the implementation of the European Communities' environmental action programme of 19 July 1973 would require the adoption by the Council of Community rules which would be partly of a technical nature. It may therefore be necessary to adapt the measures contained in these Community rules to technical progress by an ad hoc procedure.

2. The Commission therefore suggests a procedure broadly similar to the procedure created by the Council in its resolution of 28 May 1969 for the elimination of technical barriers to trade.

It is proposed, therefore, in principle to solve this matter by setting up committees composed of representatives of the Member States and chaired by a representative of the Commission. These committees will be responsible for expressing an opinion on the amendments proposed to the Community directives affected by such a procedure.

In certain cases of particular importance or when the committees have expressed no opinion or come to no agreement, the Commission will put proposals directly to the Council, which will act by a qualified majority.

3. The Committee on Public Health and the Environment and other parliamentary committees have repeatedly opposed the working procedure set out here, though they are not opposed in principle to such 'committees for implementing provisions.'

To quote one of many examples, we might refer to the remarks in Mr BEHRENDT's report on the Commission's proposal for a directive on the regulation of health problems connected with intra-Community trade in certain kinds of cut fresh meat (Doc. 88/68), dealing with the setting up of a 'Standing Veterinary Committee'. In Section 13 of the explanatory statement, we find the words:

'The committee emphasizes once again that the Veterinary Committee can act only in an advisory capacity.

'The Commission is not entitled to transfer any part of its own powers to this Committee. Nor may it be bound by the decisions of the Committee, but must decide on its own responsibility. It must also be free to take a decision differing from the opinion of the Veterinary Committee. Such a ruling is, in fact, called for by the need for proper supervision of the Commission by the European Parliament in the veterinary sector.

'If on the other hand, the regulation envisaged by the Commission is implemented, the Commission will then be dependent on a favourable vote of the Veterinary Committee, which would thus have more than an advisory function. Only when the Council cannot bring itself to take a decision within a period of three months may the Commission itself decide. The committee cannot agree to the Commission submitting a proposal which would further reduce its own powers. It is not acceptable that the Commission's responsibilities should be gradually transferred to the Council.'

In line therefore with previous opinions of the European Parliament, your committee urges that paragraph A.3 of the draft resolution should be amended as follows:

- '3. (a) The Committee shall decide on measures which shall then be implemented forthwith;
- (b) When these measures do not, however, have the support of the Committee, they shall be communicated, without delay, by the Commission to the Council. In this case the Commission may postpone the application of the measures decided upon for a period of up to one month after such communication;
- (c) The Council, acting by a qualified majority, may take another decision within a period of three months.

As regards the period of three months which the Council is allowed, the committee has now decided against the period of one month proposed in Mr BEHRENDT's report and in other reports of the European Parliament, as it seems too short for the Council to reach a decision.

4. The committee further expresses the wish that the Commission make the maximum possible use of the provision laid down in paragraph B of the draft resolution to the effect that in cases of special importance the Commission should bring proposals directly before the Council.

The committee also urges that this should happen not only in 'cases of special importance' but 'on all important decisions'. Paragraph B of the draft resolution should therefore be amended accordingly.

5. The committee welcomes the flexible nature of the provision in paragraph D of the draft resolution to the effect that 18 months after the first application of the procedure envisaged, the Council shall, in the light of experience, investigate whether this procedure ought to be amended.

6. Subject to the reservations set out above, the committee approves the draft resolution and invites the Council to adopt it during the first half of 1974.