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R E P O R T

of the Committee on Energy, Research and Technology

on the Commission proposal for a Council decision on a specific research and technological development programme in the field of communication technologies (1990-1994)

Rapporteur: Mr Günter RINSCHÉ

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*	= Consultation procedure requiring a single reading	**II	= Cooperation procedure (second reading) which requires the votes of a majority of the current Members of Parliament for rejection or amendment
I	= Cooperation procedure (first reading)	*	= Parliamentary assent which requires the votes of a majority of the current Members of Parliament

C O N T E N T S

	<u>Page</u>
Procedural page	3
A. DRAFT LEGISLATIVE RESOLUTION	4
B. EXPLANATORY STATEMENT	7
Opinion of the Committee on Budgets	8

By letter of 11 June 1990, the Council consulted the European Parliament, pursuant to Article 130q(2) of the EEC Treaty, on the Commission proposal for a Council decision adopting a specific research and technological development programme in the field of communication technologies (1990-1994).

At the sitting of 15 June 1990, the President of Parliament announced that he had referred this proposal to the Committee on Energy, Research and Technology as the committee responsible and to the Committee on Budgets and the Committee on Economic and Monetary Affairs and Industrial Policy for their opinions.

At its meeting of 22 May 1990 the Committee on Energy, Research and Technology appointed Mr Rinsche rapporteur.

At its sitting of 12 December 1990 the European Parliament delivered its opinion at first reading on the Commission proposal for a Council decision on a specific research and technological development programme in the field of communication technologies (1990-1994).

On 13 March 1991 the Commission informed the Enlarged Bureau that the proposal had been withdrawn. This announcement was confirmed at the plenary sitting of 14 March 1991 and by letter of 12 April 1991. A replacement text was forwarded separately to Parliament on 12 April 1991.

At its meetings of 15 and 17 April 1991 the Committee on Energy, Research and Technology considered the new proposal.

On 17 April 1991 the Presidents of the European Parliament, the Council of Ministers and the Commission concluded a tripartite agreement on five proposals, including the present proposal.

At its meetings of 22 April and 2 May 1991 the committee considered the texts.

At the latter meeting it adopted the report by 24 votes to 3.

The following took part in the vote: La Pergola, chairman; Sälzer, Anger, Adam, vice-chairmen; Rinsche, rapporteur; Bettini, Breyer, Chiabrando, Desama, Garcia Arias, Garcia V. (for Capucho), Gasoliba I Böhm, Goedmakers (for Ford), Hervé, Larive, Linkohr, Pierros, Pompidou, Porrazzini, Quisthoudt-Rowohl, Regge, Robles Piquer, Roving, Sanz Fernandez, Schlee, Seligman, Vasquez Fouz (for Schinzel).

The opinion of the Committee on Budgets is attached.

The report was tabled on 2 May 1991.

The deadline for tabling amendments will appear on the draft agenda for the May part-session, at which the report is to be considered.

DRAFT LEGISLATIVE RESOLUTION

embodying the opinion of the European Parliament
on the Commission proposal for a Council decision
on a specific research and technological development programme
in the field of communication technologies (1990-1994)

The European Parliament,

- having regard to Article 149(2) and (3) of the EEC Treaty,
 - having regard to the letter of 13 April 1991 from the President-in-Office of the Council,
 - having regard to the text of the agreement reached between the three institutions in Strasbourg on 17 April 1991,
 - whereas the replacement text, adapted to take account of the conclusions of the triologue of 17 April 1991, is identical to the former common position of the Council as amended by these conclusions,
 - having regard to the report of the Committee on Energy, Research and Technology and the opinion of the Committee on Budgets (A3-0120/91),
1. Approves the proposal, incorporating the conclusions of the triologue as follows:

Second and third recitals

Whereas Article 130k of the Treaty stipulates that the Framework Programme shall be implemented through specific programmes developed within each activity;

Fifth recital

Whereas in the context of this programme an assessment should be made of economic and social impact as well as of any technological risks;

Article 2

1. The funds estimated as necessary for the execution of the programme shall amount to ECU 484.1 m, including expenditure on staff and administration amounting to ECU 41 m.
2. An indicative allocation of funds is set out in Annex II.
3. Should the Council take a decision in implementation of Article 1(4) of Decision 90/221/Euratom,EEC, this Decision shall be adapted accordingly.

Article 6

1. The Commission representative shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay according to the urgency of the matter. The opinion shall be delivered by a qualified majority as provided for in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the Member States' representatives within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.
2. The Commission shall adopt the measures envisaged where they are in accordance with the Committee's opinion.
3. If the measures envisaged are not in accordance with the Committee's opinion, or if no opinion is delivered, the Commission shall forthwith submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.
4. If the Council has not acted within three months of submission of the proposal, the proposed measures shall be:
 - adopted by the Commission in the case of matters covered by the first, second, third, fourth, fifth, seventh and eighth indents of Article 7;
 - adopted by the Commission, except where these measures have been rejected by the Council by a simple majority, in the case of matters covered by the sixth indent of Article 7.

Article 7

1. The procedure laid down in Article 6 shall apply in particular to:
 - the preparation and updating of the work programme referred to in Article 5(3);
 - the contents of the calls for proposals;
 - the assessment of the projects provided for in Annex III and the estimated amount of the Community's contribution to them where this amount exceeds ECU 2 m;
 - departures from the general rules set out in Annex III;
 - the participation in any project by non-Community organizations and enterprises referred to in Article 8(1) and (2);
 - any adaptation of the indicative allocation of the amount set out in Annex II;
 - the measures to be undertaken to evaluate the programme;
 - arrangements for the dissemination, protection and exploitation of the results of research carried out under the programme.

2. Where, pursuant to the third indent of paragraph 1, the amount of the Community contribution is less than or equal to ECU 2 m, the Commission shall inform the Committee of the projects and of the outcome of their assessment.

The Commission shall also inform the Committee of the implementation of the accompanying measures and concerted actions referred to in Annex III.

Article 8(1)

1. The Commission is authorized to negotiate, in accordance with Article 130n of the Treaty, international agreements with third countries belonging to COST, in particular the member countries of EFTA and the countries of Central and Eastern Europe, with a view to associating them with all or part of the programme.

Annex III (2) third subparagraph, final sentence

Contracts relating to shared-cost research projects must, as a general rule, be concluded following a selection procedure based on calls for proposals published in the Official Journal of the European Communities.

2. Recommends that the Council adopt the text updated by the triologue.
3. Instructs its President to forward this opinion to the Council and Commission.

EXPLANATORY STATEMENT

Following the European Parliament's consideration at first reading of this specific programme on 12 December 1990, the Commission submitted its amended proposal on 21 January 1991. This proposal incorporated the full text of 17 of the 30 amendments tabled by the European Parliament and part of certain four amendments.

The Council adopted its common position on 4 March 1991.

Even though all the points relating to the wording of Annex I have been taken up by the Council, we noted great discrepancies in the 'horizontal' amendments, particularly as regards budgetary questions, commitology, the assessment of economic and social impact and technological risks, international relations and the exceptional procedure.

Consideration of this situation led the European Parliament to try to come to a closer agreement with the Commission and the Council.

On 13 March 1991 the Commission informed the Enlarged Bureau that five proposals had been withdrawn, including the present proposal. By letter of 12 April to the President of Parliament, Mr Pandolfi confirmed the implementation of this decision and forwarded the replacement texts the same day (SYN 259, 260, 263, 264 and 268).

The talks between Parliament, the Commission and the Council resulted in a tripartite agreement, dated 17 April 1991, between the presidents of the three institutions.

The points emerging from this agreement constitute the basis for the position of the Committee on Energy, Research and Technology, which has mandated its chairman to waive the right to a further reading if the Council accepts the terms of the tripartite agreement of 17 April 1991.

OPINION
of the Committee on Budgets

Letter from the chairman of the committee to Mr LA PERGOLA, chairman of the Committee on Energy, Research and Technology

Luxembourg, 29 April 1991

Subject: Specific programmes resulting from the 1990 - 1994 framework programme for research (SYN 259, 260, 263, 264, 268) following the Trialogue of 17 April 1991.

Dear Mr La Pergola,

At its meeting of 25 April 1991 the Committee on Budgets considered the conclusions of the Trialogue of 17 April 1991 concerning the specific research programmes under the third framework programme 1990 - 1994, and the relevant replacement texts from the Commission.

The Committee on Budgets considered in particular the procedural provisions, the response to the budgetary and financial aspects, and comitology.

The Committee on Budgets expressed its concern at the fact that the Council continues to dispute Parliament's competence in budgetary matters and draws attention to the power conferred on Parliament as budgetary authority under the provisions of Article 203 of the Treaty, as well as to the Commission's undertakings, to which frequent reference is made, in particular during exchanges of letters with Parliament when the specific proposals under the 1987 - 1991 framework programme, and the Decision 90/221/EEC concerning the 1990 - 1994 framework programme were adopted.

Moreover, as regards comitology, the Committee on Budgets also expressed concern at the fact that the implementation of specific programmes is still being entrusted to type III committees; nevertheless it noted the progress made on provisions relating to transparency in these committee's working methods by means of the improved 'Plumb - Delors' procedure.

In these circumstances, the Committee on Budgets reserves the right to consider problems connected with the implementation of specific programmes in the context of the 'Notenboom procedure', the 1992 budgetary procedure, and consideration of the report which the Commission is to draw up on the working of the financial perspectives, and when the 90/221/EEC framework decision is revised.

The Committee on Budgets has, with these reservations, given a favourable opinion on the revised proposals put forward by the Commission following the Trialogue's conclusions.

Yours sincerely,

Thomas von der VRING

The following were present for the vote: von der Vring, chairman; Lamassoure, 1st vice-chairman; Welsh, 3rd vice-chairman; Arbeloa Muru, Colom i Naval, Desama, Elles, Kellett-Bowman, Miranda da Silva and Tomlinson.

