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Supplementary Report

drawn up on behalf of

the Legal Committee

on

the Paramountcy of Community Law over the Laws
of Member States

Rapporteur : Mr. Otto WEINKAMM

* This translation must not be treated as an official text. Readers are reminded that the official texts exist only in the Dutch, French, German and Italian languages.

At the close of the debate on the report on the paramountcy of Community Law over the laws of the Member States (Doc. 43/1965-66), drawn up on behalf of the Legal Committee by Mr. Dehousse, the European Parliament decided at its session of 18 June 1965 to defer voting on the draft resolution in respect of that report in order to enable the Legal Committee to examine the amendments to the text that had been tables.

At its meeting of 7 October 1965 the Legal Committee considered these amendments and the proposal submitted by Mr. Herr in a letter to Mr. Weinkamm, Chairman of the Committee.

At the same meeting Mr. Otto Weinkamm was appointed Rapporteur.

The report by Mr. Weinkamm and the draft resolution in respect thereof were unanimously adopted by the Legal Committee at the above meeting.

The following were present when the vote was taken: Mr. O. Weinkamm, Chairman; Mr. L. Granzotto Basso and Mr. J. Drouot L'Hermine, Vice-Chairmen; Mrs. M. Probst, Mr. R. Carcassonne, Mr. F. de Bosio, Mr. Y. Estève, Mr. J. Herr, deputy for Mr. J. Bech, Mr. L. Merchiers, Mr. M. Scelba, Mr. G. Thom, Mr. P.-F. Vermeulen.

SUPPLEMENTARY REPORT

on

the paramouncy of Community Law over
the laws of Member States

Rapporteur : Mr. O. Weinkamm

1. At its meeting of 7 October 1965, the Legal Committee considered the amendments moved by various members of the European Parliament to the draft resolution in respect of the report by Mr. Dehousse on the paramouncy of Community Law over the laws of the Member States (Doc. 43/1965-1966 and Doc. PE 14.481).

At the same meeting, the Committee also dealt with the proposal in Mr. Herr's letter of 22 June 1965 to Mr. Weinkamm (Doc. PE 14.482).

2. At the close of the discussion the Committee unanimously reached the following conclusions and decisions :

a) Amendment No. 1 (Doc. 43/1), moved by Mr. Herr and Mr. Dichgans, was provisionally withdrawn, its authors reserving the right to introduce it again at a later date - in a suitable form and giving appropriate reasons - before the European Parliament.

b) Amendments Nos. 2, 3, 4 and 5 (Doc. 43/2, 43/3, 43/4 and 43/5), moved by Mr. Battaglia and Mr. Baas, were rejected.

c) The first and last paragraphs of Amendment No. 6 (Doc. 43/6), moved by Mr. Scelba, Mr. Pedini, Mr. Carboni, Mr. Edoardo Martino, Mr. Scarascia Mugnozza and Mr. Sabatini, were rejected.

d) The third paragraph of Amendment No. 6 was

inserted after paragraph 5 of the draft resolution appended to the report by Mr. Dehousse.

e) It was decided to adopt the suggestion embodied in the second paragraph of Amendment No. 6 and to ask Mr. Weinkamm, the Committee Chairman, to write to Mr. Victor Leemans, President of the European Parliament, to inform him of the Legal Committee's hope (i) that the Official Gazette of the European Communities would be circulated more widely in future, (ii) that its general get-up would be made more attractive, and (iii) that a separate issue would be published which embodied political decisions and rulings of the Community Authorities but excluded any administrative details.

f) Amendment No. 7 (Doc. 43/7), moved by Mr. Santero and Mr. Carboni, was embodied in the fourth paragraph of the draft resolution appended to the fourth report by Mr. Dehousse.

g) The proposal made in Mr. Herr's letter to Mr. Weinkamm was withdrawn in view of the action already taken in pursuance of Amendment No. 6.

3. In accordance with the above-mentioned decisions, the Legal Committee unanimously adopted the following draft resolution which it lays before the European Parliament trusting that it may replace the draft resolution originally appended to the report by Mr. Dehousse on the paramouncy of Community Law over the laws of Member States.

DRAFT RESOLUTION

relating to the paramountcy of Community Law over the laws of the Member States

THE EUROPEAN PARLIAMENT,

- aware of its duty to attend to the correct application of the Treaties, with a view to achieving all their aims and allowing of the gradual development of the Communities;
- concerned at the trends that have appeared in the case of certain national judicial authorities and which are liable to call into question the very application of the Community provisions;
- convinced, however, of the need to respect the independence of the judicial authority in the Member States, which constitutes one of the pillars of the democratic order.

endorses the conclusions in the report of its Legal Committee (Doc. 43) and affirms the principle and the need to recognize the paramountcy of Community Law over the laws of the Member States;

- considering that this matter is not yet sufficiently known, even in spheres directly concerned, trusts that the national Governments will publish, under the appropriate heading in their Official Gazettes, the binding measures taken by the Communities, whether these be applicable immediately or subsequently - in order to stress their importance, at the national level;

requests its President to circulate the report by Mr. Dehousse (Doc. 43) and the present resolution as widely as possible among the responsible national authorities.

