

# EUROPEAN PARLIAMENT



Delegations to the Conciliation Committee

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## **ACTIVITY REPORT** **1 November 1993 – 30 April 1999**

**From entry into force of the  
Treaty of Maastricht to entry into force of the  
Treaty of Amsterdam**

of the delegations to the Conciliation Committee

Codecision procedure under Article 189b  
of the Treaty of Maastricht

presented by

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**6 May 1999**

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## ACTIVITY REPORT

### FOREWORD: SUMMARY OF THE MAASTRICHT PROCEDURE

1. The legislative codecision procedure was laid down in Article 189b of the Treaty on European Union, which entered into force on 1 November 1993. It applied in the following areas:<sup>1</sup>
  - free movement of workers (Article 49)
  - freedom of establishment (Article 54)
  - special treatment for foreign nationals (Article 56)
  - mutual recognition of diplomas (Article 57(1))
  - measures for self-employed persons (Article 57(2))
  - services (Article 66)
  - measures for harmonisation of the common market (Article 100a)
  - measures for mutual recognition of the common market (Article 100b)
  - education (incentive measures, Article 126(4))
  - trans-European networks (Article 129d)
  - incentive measures for public health (Article 129(4))
  - incentive measures for culture (Article 128(5))
  - consumer protection (Article 129a(2))
  - framework programme for research and technological development (Article 130i)
  - environment programmes (Article 130s)

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<sup>1</sup>The Treaty of Amsterdam, which took effect on 1 May 1999, has widened the scope of codecision, to which we can now add the following areas:

prohibition of any discrimination on grounds of nationality (ex Article 6); citizenship (the right to move and reside freely within the territory of the Member States, (ex Article 8a(1)); free movement of workers (social security for migrant workers in the Community (ex Article 51)); freedom of establishment (special arrangements for foreign nationals (ex Article 56(2)); access to and the pursuit of activities as self-employed persons (ex Article 57); transport (common rules applicable to international transport, conditions allowing non-resident carriers to operate transport services within a Member State, improving transport safety (ex Article 75(1)); sea and air transport (ex Article 84); health and safety of workers, working conditions, information and consultation, equal treatment for men and women, integration of persons excluded from employment (new articles deriving from integration of the social protocol in the Treaty), Social Fund: implementing decisions (ex Article 125); employment (incentives – new article); social policy (equal opportunities and treatment – new article); vocational training: measures to help achieve the objectives (ex Article 127(4)); health (minimum provision for the quality and safety of organs and substances of human origin, blood and blood products, and measures in the fields of veterinary and plant health to protect public health – new article), trans-European networks (funding – ex Article 129d); European Regional Development Fund (implementing decisions – ex Article 130e); research (implementing programmes – ex Article 130o, part); the environment (measures and implementation of programmes – ex Article 130s(1)); development cooperation (ex Article 130w); transparency (general principles and limits on the right of access to documents – new article); anti-fraud measures (new article); customs cooperation (new article); statistics (new article); data protection (creation of an independent supervisory body – new article).

2. Under this procedure Parliament delivered its opinion on the Commission proposal before the Council adopted a common position. At second reading Parliament could then amend the Council common position. The codecision procedure provided for convening the Conciliation Committee in cases where the Council was unable to approve all Parliament's amendments (Article 189b(3)).

The Conciliation Committee could also be convened during the second reading if Parliament indicated that it intended to reject the Council common position (Article 189b(2)(c)).

3. The Committee comprised 15 members of the Council or their representatives and an equal number of Parliament representatives. It had six weeks<sup>1</sup> to draw up a 'joint text' which was then submitted as it stood without any possibility of amendment, in a further time limit of six weeks, for the approval of Parliament and the Council.

If the joint text was not approved by Parliament or the Council the act was deemed not to have been adopted. An adopted joint text bore the signature of the Presidents of Parliament and the Council and their two Secretaries-General.

4. If the Committee failed to reach an agreement the Council could then confirm its common position with or without Parliament's amendments. For this purpose it had a six-week time limit. If the Council did confirm its position Parliament could still reject the Council text in a further six-week time limit (for which it needed at least 314 votes). The act was then deemed not to have been adopted.

## **I. INTRODUCTION**

5. This codecision procedure under Article 189b of the Treaty of Maastricht was applicable for more than five years, from 1 November 1993 to 30 April 1999. It led to the adoption of legislative texts (LEX) signed jointly by the Presidents of Parliament and the Council, for which the two institutions *are equally responsible*. The Conciliation Committee was convened when the two institutions failed to reach agreement at the first or second reading. Of the 165 completed codecision procedures, there were 66 conciliation procedures, representing 40 %. In only 3 of the 66 conciliation procedures was no agreement reached.
6. This report follows the evolution of the procedure and the long journey that the two institutions have made. Conciliation has profoundly affected the institutional balance: Parliament and the Council have both had to change their habits in order to give effect to this innovation created by the Treaty of Maastricht. It seems to us particularly important to make this point in view of the decision to extend and simplify the codecision procedure laid down by the Treaty of Amsterdam which took effect on 1 May 1999. The new Parliament elected in June 1999 will need to learn the lessons of recent years to ensure that Parliament comes to grips with the new logic of the procedure as quickly as possible, in the interest of European citizens.
7. This report includes three annexes. The first contains summaries of the 66 conciliation procedures held under Article 189b of the Treaty of Maastricht; the second, a review of these

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<sup>1</sup>The six-week time limit could be extended by two weeks by common accord between Parliament and the Council.

procedures in figures, including statistics on Members' attendance at Committee meetings; and the third, a list of approved LEX texts for the reference period 1993-1999.

## II. BEGINNINGS OF CONCILIATION

8. To understand how the conciliation procedure evolved we must look at the historical context, which goes back to the origins of the institutions. From 1952 to 1 November 1993, for more than 40 years, the Council was responsible for law-making on its own; although it obviously worked from a Commission initiative and with assistance from Parliament through the consultation and cooperation procedures, it was invariably responsible for the final decision as sole author of the legal act.

As a result, when the Treaty of Maastricht was ratified in 1993 the Council had developed a *legislative culture unused to sharing* political decisions or legislative and administrative responsibilities, such as for legal and linguistic revision, preparation of texts, informing Parliament, co-chairing meetings and so on.

This culture, combined with Parliament's new powers, led to a period of extremely strained relations between the two institutions, at the administrative as well as the political level. At the beginning of the conciliation procedure, every innovation in working methods, even when it was essential for effective management, required a determined effort by Parliament to gain acceptance. Council scepticism as to Parliament's ability to handle a full-scale codecision process was widespread.

9. On the other side, at the time of ratification of the Treaty of Maastricht Parliament did not have any real direct legislative responsibility, and may well have had '*maximalist*' habits as a result of its history as a largely consultative body. The legislative codecision procedure was an opportunity for Parliament to show greater responsibility and working discipline.

## III. KEY STAGES IN THE PROCEDURE

10. Bearing in mind the starting positions of both the Council and Parliament it is interesting to run through the often confrontational stages of this process of mutual understanding, adjustment and *gradual establishment of parity*.

### **Informal negotiations**

11. After the first year of application of the conciliation procedure in 1994 it was clearly essential to organise the work of preparatory negotiations for the Conciliation Committee. In spite of Council reluctance, in the face of political pressure from sensitive cases (such as the biotechnology case (10)<sup>1</sup>1995) the need to hold informal meetings soon proved unavoidable, between the president-in-office of the Council and Parliament (the rapporteur, the chairman of the committee concerned and/or the chairman of the Parliament delegation), in the presence of the Commission. These meetings, which are now known as 'trialogues' and have become

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<sup>1</sup>Large numbers in brackets refer to the procedure number in Annex I to this report.

normal practice for all cases, did not exist when the procedure began<sup>1</sup>. The first formal triologue, to look at compromise texts before the first meeting of the Conciliation Committee, took place for the negotiations on 'Socrates' and 'Youth for Europe' (Mrs Pack and Mrs Fontaine (11 and 12), December 1994) under the German Presidency. However, they did not become standard practice until the Spanish Presidency in the second half of 1995.

12. Thus a year elapsed before the Council and each presidency accepted the principle of such meetings. In general, the trialogues are held as part of an explicit negotiating mandate from the Parliament and Coreper delegations. But there have also been cases where the negotiations preceded the second reading. This occurred with Customs 2000 (Mr von Wogau (23), 1996) and after the intention to reject the common position on European Capital of Culture (Mr Monfils (68), 1999). The two institutions held intensive negotiations on draft amendments. This level of openness to dialogue between the two institutions is bound to be increasingly necessary with the entry into force of the new Treaty of Amsterdam.

### **Rejection by Parliament**

13. Up to the point in July 1994 when Parliament actually rejected a Council common position (Voice telephony, Mrs Read (5)), at the end of the conciliation procedure because of a failure to reach agreement in the committee, the Council was unaware of the profound change that the codecision procedure had made to the institutional equilibrium. Parliament has not misused that power, since in five years it has had recourse to rejection only once after a conciliation without agreement (Voice telephony (5), 1994), once after agreement in conciliation (Biotechnology, Mr Rothley (10), 1995), once closing a file without agreement<sup>2</sup>, (Transferable securities, Mrs Oddy (49), 1998) and twice adopting an intention to reject at second reading (Engine power, Mr Beazley and Mr Barton (67), 1994 and European Capital of Culture, Mr Monfils (68), 1999).
14. The reasons for inflexibility in these cases were largely institutional in origin, as in the argument over committology or the need to safeguard other Parliament powers, but could also be of an ethical nature (Biotechnology (10), 1995).

### **Representative nature of the Parliament delegation**

15. Following rejection in 1995 of the joint text on biotechnologies by the plenary sitting, which did not follow the opinion of the Parliament delegation, questions were asked about the representative nature of the delegation of 15 MEPs. Realising the dangers of this attitude the three Vice-Presidents insisted, as permanent members, on the need to increase cooperation between the Parliament delegation and the political groups. As a result, when the Parliament delegation voted for rejection during the conciliation on Transferable securities (49) in 1998, the Council did not even insist that the plenary sitting should take a decision on the common position at third reading. The credibility and representativeness of the delegation have been one

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<sup>1</sup>Three-way meetings had been a routine practice in the budgetary sphere since 1975 ('budgetary conciliation').

<sup>2</sup>As the Council had not confirmed its common position there was no need to vote on rejection in plenary sitting.

of Parliament's assets, even in cases where the Conciliation Committee attendance of MEPs has been limited<sup>1</sup>.

### **The Conciliation Committee: a place for clarifying the argument**

16. As the Council has refused to take an active part either in parliamentary committees or the plenary sitting, arguments on fundamental issues that cannot be settled by the Commission tend to be put off until conciliation. In a number of cases where the disagreement touched on interpretation of the Treaty and the scope of certain new articles (including Article 129c and 129d on the trans-European networks, and Article 129 on public health) or Parliament's institutional role, as in the case of commitology or the amounts deemed necessary (ADNs) the argument became more explicit in conciliation.

### **New methods**

17. Relations based on trust and a better understanding of each other's standpoint have brought with them new operating methods that respect the responsibilities of each institution:
- a *written procedure* was introduced to close a conciliation procedure and record the end of a procedure in which the Conciliation Committee had already been convened, or to record agreement within the Parliament delegation (in the first Engine power case, Mr Beazley and Mr Barton (9), 1994),
  - *joint working documents* were introduced, drawn up alternately by Parliament and the Council, as the basis for the work of the Committee and the trialogues (the first cases were on Health (16, 17 and 18), 1995 and Trans-European networks, Mr Adam (20), 1996),
  - the practice was introduced of recording '*A-item*' *without debate* agreements on various cases at Conciliation Committee meetings. This practice is being used increasingly, following several trialogue meetings (the first case was on Noise emissions, Mr Collins (13), 1995),
  - a joint *legal-linguistic revision* scheme was set up to revise codecision texts (1994: first joint revision of a joint text; 1996: Parliament began to participate informally in the revision of Council common positions),
  - *provisional dates* were introduced in the two institutions' calendars (from 1998) for convening the Conciliation Committee, as a result of difficulties in agreeing dates at the last minute,
  - *direct exploratory contacts* between Parliament and the Council at the first reading stage were introduced.

## **IV. RELATIONS WITH THE COUNCIL**

18. The potential and dynamic of the codecision and conciliation procedures are illustrated by the development of relations between Parliament and the Council. It has been a long and gradual process, but apart from a few extremely formal encounters we have reached the point of almost weekly informal meetings. *Confidence and respect*, building on reliable and technically

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<sup>1</sup>As a result of this new mutual trust in 1996 the Council resumed the practice of adopting the joint text before Parliament's final vote at third reading (the first case was the report on trans-European energy networks, Mr Adam (29), 1996).

unassailable behaviour, were the factors that coaxed the Council out of its isolation. Although the Council never opened up spontaneously, the results are there.

The fact that the Conciliation Committee meeting on the Fifth Framework Programme for research, at Parliament on 17 November 1998, took place in Strasbourg although the Council had previously always opposed a change of venue, is symptomatic of this change of heart.

19. *A gradual convergence of the pace and methods of work* is continuing. During the conciliation period the pace is set by the frequency of meetings of the delegation from Parliament and Coreper to draw up and examine the compromises concerned. Both Parliament and the Council have incorporated each other's operations in their calendars. Implementation of the Treaty of Amsterdam will complete this process.
20. On the other hand, one aspect which has not improved is the *attendance of Ministers*. Although the Council was represented by several ministers at the early meetings in 1994 (Fourth research programme: 10 ministers; Engine power: two ministers; Socrates: seven ministers), since then only the President-in-office of the Council has been represented by one minister. Under their interpretation of Article 189b of the Treaty, and despite the urging of MEPs, the situation has not changed, even though the Conciliation Committee has sometimes faced deadlock and was meeting at the same time as or just after the relevant Council in the same premises (as with Trans-European transport networks and the Council transport meeting in Luxembourg on 17 June 1996). While it is true that mutual confidence has been developed with the members of Coreper, and especially the deputy permanent representative of the presidency country, increased attendance by ministers could have helped negotiations in difficult cases.
21. Each Council Presidency has *played its part* and now knows that the conciliation procedure demands a special commitment on the part of the chairman of the Coreper concerned. Forward planning is arranged with Parliament to set a provisional timetable for each case. For a number of years the countries coming up for the Council Presidency have been organising training courses for their civil servants, and the prospective chairman of Coreper I attends triologue meetings as an observer. A cruising speed of about 10 conciliations per presidency has been reached in recent years (see Annex II).
22. Every Presidency has its own particular style, and this was especially true in the early years. There were substantial differences when the procedure began. The Presidency's key role is to fully understand Parliament's position, put it to the Council and act as a reliable mediator, helping to draft viable compromises. Chairmen of the Coreper concerned have increasingly fulfilled this role with intelligence, imagination and flexibility; they have a great deal of responsibility for the success or failure of conciliation procedures.

Could this role have been played by the Commission, or has it been? The answer is a complex one.



## V. RELATIONS WITH THE COMMISSION

23. The Commission is also facing the need to review its role in an interinstitutional context undergoing radical change. We have often drawn attention<sup>1</sup> to the Commission's difficulties in finding a place and a role in the conciliation procedure. Parliament is now in direct contact with the Council and no longer needs the mediation and filtering role the Commission played in the past to communicate with the Council. However, the technical and political role of the Commission is crucial in highly technical cases such as the Fifth Framework Programme (Mrs Quishoudt-Rowohl (57), 1998), Community statistics (Mrs Lulling (59), 1999) or Auto-oil cases (Mrs Hautala, Mr Lange (54, 55, 56), 1998). Parliament and the Council frequently turned to the Commission to identify the different solutions available, thus demonstrating their recognition of the role the Commission can play. On some occasions, the Commission has shown a very positive capacity for initiative, but in other cases it has had difficulty incorporating any formal or substantial departure from its original proposal and has tried to resist rather than interpret the changes introduced by Parliament's amendments.
24. There would seem to be a need for some constructive thinking about the Commission's right of initiative and its exercise during the codecision procedure under Articles 250 and 251, ex 189a and 189b. The option of closing the procedure at first reading, introduced by the Treaty of Amsterdam, could lay the foundations for a new Commission role.

## VI. GENERAL ISSUES

25. Codecision and the conciliation procedure in particular have provided an opportunity to restate the terms of certain institutional disputes of long standing. All such disputes have been handled in close cooperation with the committees concerned, particularly the Institutional, Budgets and Legal Affairs Committees.

### (a) Commitology

26. Parliament's main reason for bringing about the failure of two conciliation procedures (Voice telephony (5) in 1994 and Transferable securities (49) in 1998) was the fact that it had proved impossible to reconcile the positions of Parliament and the Council on the issue of commitology. The issues of transparency and scrutiny of the committees set up by the Council decision of 1987, which Parliament had already raised in the past, became crucial and unacceptable after Parliament became a co-legislator in 1993. A provisional solution pending review of the 1987 decision was reached with the 'modus vivendi' on commitology adopted on 5 March 1995, in connection with the conciliation procedure on Socrates and Youth For Europe.

The widening scope of the codecision procedure under the Treaty of Amsterdam and the delay in reviewing the 1987 have once again created a situation of severe political strain, with an uncertain outcome.

The Commission's new proposal of July 1998 did put forward some rather limited changes to the existing structure of the committees, without totally meeting Parliament's wishes. In May

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<sup>1</sup>See previous reports, PE 211.522/rev.2; PE 216.734; PE 223.209; PE 225.314.

1999 Parliament adopted an extremely detailed opinion, the Aglietta report, repeating its previous requests. Unless there is some gesture from the Council to Parliament on this issue we cannot rule out the possibility that when legislative work resumes after the June 1999 elections it will do so in an acrimonious atmosphere.

**(b) Financial amounts included in codecision acts**

27. The joint declaration on financial amounts included in codecision acts, adopted in connection with the March 1995 conciliation procedure on Socrates (12) and Youth for Europe (11), requires the two institutions to add financial statements to the legislative text. This declaration does not provide the necessary flexibility for setting and amending the amounts, especially in multiannual programmes. When the Treaty further requires a unanimous vote in the Council, the negotiations tend to be even harder. We can recall some historic arguments on the Fourth and Fifth research framework programmes (1, 40 and 57), all the cultural programmes (Kaleidoscope (19), Raphael (39)) and education programmes (Socrates (12)) and almost all the health programmes. There is likely to be a review of the joint declaration.

**(c) Statements**

28. The codecision procedure has enabled Parliament to question the Council on the issue of secret Council statements or declarations annexed to the minutes, and the abuse of this practice. Parliament has continued to press the Council<sup>1</sup>, which responded in 1995 with a code of conduct on the publication of statements made when adopting final acts, and in March 1997, partly as a result of the controversy on the Biocides directive (Jensen report (46), 1997) with a commitment to release the statements made when adopting common positions.
29. Parliament has always expressed doubts about statements of any sort which, in its view, undermine the requirement that legislative texts should be self-explanatory. The fact remains that although Parliament has reduced their number, it is often forced to accept or even subscribe to them under the conciliation procedure, as an aspect of the general compromise, while insisting that they are published in the *Official Journal* with the act concerned.

**(d) Drafting quality of legislative texts**

30. Over the five years of codecision the need to improve the drafting quality of legislative texts has become a priority concern for the two co-legislators. As a consequence of Declaration 39 of the Treaty of Amsterdam, Parliament, the Council and the Commission have adopted an interinstitutional agreement on the drafting quality of legislative texts (Palacio Vallelersundi report, adopted by Parliament on 18 December 1998). This text sets out clear and precise guidelines for drafting the legislative texts and amendments on which the future legislative work of the three institutions will be based.

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<sup>1</sup>Parliament's President Klaus Hänsch refused to sign one LEX act on the free movement of workers in 1995, which was adopted without conciliation.

## VII. IMPACT OF THE PROCEDURE

31. The codecision procedure has made an impact not only on relations between the institutions but also, of course, on the content of Community policies. Some of that impact is identifiable in the statistics showing the outcome of Parliament votes at second reading under codecision procedure. A review by the Conciliation Secretariat highlights the large number of amendments adopted by the Council unchanged or following a compromise, and the relatively low number of amendments that were withdrawn.

### **Quantitative analysis: rate of acceptance of amendments**

32. A quantitative analysis of the results of conciliation procedures allows us to draw some conclusions. Of the 66 procedures completed, only 3 did not reach an agreement. Of the total 913 amendments adopted at second reading by Parliament in codecision concerning the 63 cases which reach an agreement:
- (a) 244 were accepted unchanged, i.e. 27 %,
  - (b) 328 were accepted in a compromise close to the amendment, i.e. 36 %,
  - (c) 59 were accepted in a compromise with a future commitment, i.e. 6 %,
  - (d) 45 were accepted in a compromise, adding a declaration, i.e. 5 %,
  - (e) 35 were deemed already covered by another part of the common position, i.e. 4 %.<sup>1</sup>
  - (f) 202 amendments were not accepted at the end of the negotiations, i.e. 22 % (of which 98, or 49 %, were replaced by a declaration, representing 11 % of the total).

These figures show that 74 % (a+b+c+d) of Parliament's amendments in conciliation were accepted unchanged or in compromise form. We could add to this figure the 4 % in (e) of amendments already covered by the common position. If so the total would be 78 %. Further analysis has shown that after the early years of direct confrontation between Parliament and Council, the growth of informal contacts and trialogue meetings meant that fewer amendments were accepted unchanged by the Council<sup>2</sup>, but more amendments were accepted in compromise form<sup>3</sup>.

### **Qualitative analysis**

33. It is also true that the amendments adopted have made a real impact on the life of European citizens in several areas:
- higher standards. In legislation on the internal market, especially on protection of the environment and consumers, legal provision was tightened up (for instance in the Auto-oil (Hautala/Lange (54, 55, 56), 1998) and Special foodstuffs (Sandbaek (65), 1999);

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<sup>1</sup>This 4 % is largely concentrated in early codecision years (there was a peak of 14% in 1995).

<sup>2</sup>In 1994, 44 % of amendments were accepted unchanged, whereas in 1999 the figure was only 8 %.

<sup>3</sup>In 1994, 26 % of amendments were accepted as compromises, while in 1999 the percentage reached 59 %.

- a better balance between citizens' rights and duties. The interests of citizens were protected in their relations with national authorities or producers/operators and their rights extended (for instance in personal data protection, 1997 (Medina (52), 1998), consumer goods sales (Kuhn (63), 1999), Lift safety, (Pompidou (15), 1997 and Recognition of diplomas (Gebhardt (66) 1999);
- the scope of Community activities. Parliament made the most of the opportunities provided by the Treaty to ensure that Community action programmes were as effective and extensive as possible (for instance, in all the action programmes in the fields of public health, culture or youth);
- an increase in the available resources. To ensure the effectiveness of Community policies the funding for various programmes was increased (for instance on the Fifth framework programme for research (Quisthoudt-Rowohl (57), 1998), Socrates (Pack (12 and 47), 1995 and 1997) and European Voluntary Service (Fontaine (53), 1998);
- better scrutiny of the implementation of legislation. The issue of commitology may seem very remote from citizens' concerns, but it is essential to ensure that the implementation of directives and action programmes is transparent and clearly defined. For instance, in the directive on Biocides (Jensen (46), 1997), there was an agreement to ensure that the products on the list defined by the 'commitology procedure' could not be marketed unless Parliament was duly informed;
- wider public debate and a greater openness to new initiatives. Some amendments adopted by Parliament led to fresh moves during the conciliation procedure and culminated in new initiatives and commitments that prompted a wider debate at Community or national level (for instance on Television broadcasting in 1997 (Galeote and Hoppenstedt (33)) or Designs and models (Medina (52), 1998).

These examples give an idea of the opportunities provided by the new procedure which could not have been envisaged before the Treaty of Maastricht entered into force.

## VIII. CONCLUSIONS

34. *The outcome and impact of all these changes have profoundly affected the institutional balance.* The spirit of conciliation has by now favourably affected the whole procedure from first reading onwards. Contacts between Parliament and the Council now begin at an early stage, and application of the codecision procedure as revised by the Treaty of Amsterdam, enabling it to be completed at first reading, will further encourage the process and affect the way the institutions behave. They have already recognised that fact by reaching agreement early this year on a *joint statement on practical arrangements for the new codecision procedures* that will replace the 1993 agreement on practical arrangements for operation of the Conciliation Committee. The widening scope of the new agreement points to the importance of seeing conciliation in the context of the procedure as a whole.

The agreement institutionalises the practices that are refined from day to day and will certainly improve working conditions and relations between the three institutions which are obliged to reach agreement.

35. It will become essential for Parliament, the Council and Commission to pursue *a more intensive dialogue* from the beginning of the legislative procedure. In some cases this should enable the procedure to be concluded with the Commission's support, at the time of first reading in Parliament, without recourse to a Council common position. It would probably be more realistic to envisage contacts and discussions between the first and second reading by Parliament; contacts to find a compromise or at least identify as clearly as possible the points of disagreement before any conciliation takes place. Such practices will be especially necessary in view of the increase in the number of procedures subject to codecision and the shorter timetable imposed by the new treaty's provisions.
36. But it is highly likely that Parliament and the Council will face a heavier workload, which may reach a 'physiological' threshold of about 15 conciliations per Presidency. This will require the two institutions to provide a stronger *commitment* and to improve their planning of meetings, extending the number of days set aside for conciliation and choosing timetables that will ensure the best possible attendance rate. *Attendance* is particularly important on Parliament's side if the delegation wants to remain a faithful and representative voice for all MEPs. To this end the 3 Vice-Presidents, as permanent members of the Conciliation Committee, have strongly encouraged the political groups to ensure the direct attendance of Members or their substitutes<sup>1</sup> and promoted the circulation of information and publicity about its work, through a monthly information sheet on progress in the negotiations on current cases.
37. The Treaty has presented both institutions with a major challenge. It will be up to Parliament's new Members and our successors as Vice-Presidents to take up that challenge and ensure that Parliament is able to increase its influence through the codecision process.

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<sup>1</sup>In 1998 the Rules of Procedure were amended to require the appointment of substitute members.

## ANNEX I

### SUMMARY OF COMPLETED CONCILIATION PROCEDURES, 1993-1999

1. **Fourth framework programme for research (COD 004/94) – delegation chairman: Mr Klepsch – rapporteur: Mr Linkohr – Research Committee – 1994**
2. **Deposit guarantee systems – (COD 0415/94) – delegation chairman: Mr Klepsch – rapporteur: Mrs Vayssade – Legal Affairs Committee – 1994**
3. **Mechanical couplings – (COD 0408/94) – delegation chairman: Mr Klepsch – rapporteur: Mr Beazley – Economic Affairs Committee – 1994**
4. **Recreational craft (COD 0410/94) – delegation chairman: Mr Klepsch – rapporteur: Mr Lataillade – Economic Affairs Committee – 1994**
5. **Voice telephony (COD 0437/94) – delegation chairman: Mr Klepsch – rapporteur: Mrs Read – Economic Affairs Committee – 1994**
6. **Time-share contracts (COD 0419/94) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Kuhn – Environment Committee – 1994**
7. **Packaging and packaging waste (COD 0436/94) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Jensen – Environment Committee – 1994**
8. **Volatile organic compound (VOC) emissions (COD 0425/94) – delegation chairman: Mrs Fontaine – rapporteur: Mr Cabrol – Environment Committee – 1994**
9. **Engine power of two- or three-wheel motor vehicles (COD 0371/94) – delegation chairman: Mrs Fontaine – rapporteurs: Mr Beazley and Mr Barton – Economic Affairs Committee – 1995**
10. **Legal protection of biotechnological inventions (COD 0159/94) – delegation chairman: Mrs Fontaine – rapporteur: Mr Rothley – Legal Affairs Committee – 1995**
11. **The Socrates Programme (COD 0001/94) – delegation chairman: Mrs Fontaine – rapporteurs: Mrs Pack, Mr Elliott and Mr Vallvé – Culture Committee – 1995**
12. **The Youth for Europe Programme (COD 0474/94) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Fontaine – Culture Committee – 1995**
13. **Limitation of noise emitted by earth-moving equipment (COD 458) – delegation chairman: Mr Avgerinos – rapporteur: Mr Collins – Environment Committee – 1995**
14. **Prudential supervision (COD 468) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Janssen van Raay – Legal Affairs Committee – 1995**
15. **Approximation of legislation on lifts (COD 394) – delegation chairman: Mrs Fontaine – rapporteur: Mr Pompidou – Economic Affairs Committee – 1995**

16. **Promotion of health, information, education and training (COD 94130) – delegation chairman: Mrs Fontaine – rapporteur: Mr Cabrol – Environment Committee – 1995**
17. **Action plan 1995-1999 to combat cancer (COD 94105) – delegation chairman: Mrs Fontaine – rapporteur: Mr Valverde López – Environment Committee – 1995**
18. **Prevention of AIDS (COD 94222) – delegation chairman: Mrs Fontaine – rapporteur: Mr Mamère – Environment Committee)**
19. **Kaleidoscope (COD 94188) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Augias – Culture Committee – 1996**
20. **Trans-European networks (COD 94009) – delegation chairman: Mrs Fontaine – rapporteur: Mr Adam – Research Committee – 1996**
21. **Trans-European transport networks (COD 94098) – delegation chairman: Mrs Fontaine – rapporteur: Mr Piecyk – Transport Committee – 1996**
22. **Decision on the prevention of drug dependency (COD 94/0135) – delegation chairman: Mr Imbeni – rapporteur: Mr Burtone – Committee on the Environment – 1996**
23. **Customs 2000 (COD 95/087) – delegation chairman: Mrs Fontaine – rapporteur: Mr von Wogau – Economic Affairs Committee – 1996**
24. **Cross-border credit transfers (COD 94/0242) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Peijs – Economic Affairs Committee – 1996**
25. **Labelling of foodstuffs (COD 00/0380) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Schnellhardt – Environment Committee – 1996**
26. **Novel foods (COD 00/0426) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Roth-Behrendt – Environment Committee – 1996**
27. **Distance contracts (COD 00/0411) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Oomen-Ruijten – Environment Committee – 1996**
28. **Investor compensation schemes (COD 00/0471) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Janssen van Raay – Legal Affairs Committee – 1996**
29. **Pressure equipment (COD 00/0462) – delegation chairman: Mr Imbeni – rapporteur: Mr Barton – Economic Affairs Committee – 1997**
30. **Two-wheel vehicles (COD 00/0470) – delegation chairman: Mr Imbeni – rapporteur: Mr Barton – Economic Affairs Committee – 1997**
31. **Trans-European telecommunications networks (COD 95/0214) – delegation chairman: Mrs Fontaine – rapporteur: Mr Hoppenstedt – Economic Affairs Committee – 1997**

32. **ONP interconnection (COD 95/0207) – delegation chairman: Mr Imbeni – rapporteur: Mrs Read -Economic Affairs Committee – 1997**
33. **Television broadcasting activities (COD 95/0074) – delegation chairman: Mrs Fontaine – rapporteurs: Mr Galeote and Mr Hoppenstedt – Culture Committee – 1997**
34. **Health monitoring (COD 95/0238) – delegation chairman: Mrs Fontaine – rapporteur: Mr Poggiolini – Environment Committee – 1997**
35. **Support programme, including translation, in the field of books and reading (Ariane) (COD94/0189) – delegation chairman: Mr Imbeni – rapporteur: Mrs Mouskouri – Culture Committee – 1997**
36. **Competitive environment in telecommunications (COD 95/0280) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Herman – Economic Affairs Committee – 1997**
37. **Free movement of doctors (COD 94/0305) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Fontaine – Legal Affairs Committee – 1997**
38. **Comparative advertising (COD 00/0343) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Oomen-Ruijten – Environment Committee – 1997**
39. **Community action programme in the field of cultural heritage (Raphael) (COD95/0078) – delegation chairman: Mr Imbeni – rapporteur: Mr Sanz Fernández – Culture Committee – 1997**
40. **Decision on the fourth research framework programme – financial supplement (COD 96/0034) – delegation chairman: Mr Imbeni – rapporteur: Mr Linkohr – Research Committee – 1997**
41. **Directive on the protection of personal data – telecommunications sector (COD 00/0288) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Medina Ortega – Legal Affairs Committee – 1997**
42. **Directive on consumer protection in the indication of the prices of products offered to consumers (COD 95/0148) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Oomen-Ruijten – Environment Committee – 1997**
43. **Directive on the coordination of the procedures for the award of contracts in the water, energy, transport and telecommunications sectors (COD 95/0080) – delegation chairman: Mr Imbeni – rapporteur: Mr Langen – Economic Affairs Committee – 1997**
44. **Directive on the common rules for the development of postal services and the improvement of quality of service (COD 95/0221) – delegation chairman: Mrs Fontaine – rapporteur: Mr Simpson – Transport Committee – 1997**



45. Directive on emissions of gases from non-road mobile machinery (COD 95/0204) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Collins – Environment Committee – 1997
46. Directive on the placing of biocidal products on the market (COD 00/0465) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs K. Jensen – Environment Committee – 1997
47. Decision on the Socrates action programme 1995-1999 – financial supplement (COD 97(0103) – delegation chairman: Mr Imbeni – rapporteur: Mrs Pack – Culture Committee – 1997
48. Directive on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications (COD 96/0226) – delegation chairman: Mr Imbeni – rapporteur: Mrs Read – Economic Affairs Committee – 1997
49. Directive establishing a securities committee (COD 95/0188) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Oddy – Legal Affairs Committee – 1998
50. Decision creating a network for the epidemiological surveillance of transmissible diseases (COD 96/0052) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Cabrol – Environment Committee – 1998
51. Decision concerning the review of the Fifth Community programme of policy and action for the environment (COD 96/0027) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Dybkjaer – Environment Committee – 1998
52. Directive on the legal protection of designs and models (COD 00/0464) – delegation chairman: Mrs Fontaine – rapporteur: Mr Medina Ortega – Legal Affairs Committee – 1998
53. Decision establishing a European Voluntary Service (COD 96/318) – delegation chairman: Mr Imbeni – rapporteur: Mrs Fontaine – Culture Committee – 1998
54. Directive on the quality of petrol and diesel fuel (amending Directive 93/12/EEC) (COD 96/0163) ('auto-oil' package) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Hautala – Environment Committee – 1998
- 55/56. Directive on emissions of motor vehicles (amending Directive 70/220/EEC) – general proposal (COD 96/0164) and proposal concerning light commercial vehicles (COD 96/0164) ('auto-oil' package) – delegation chairman: Mrs Fontaine – rapporteur: Mr Lange – Environment Committee – 1998
57. Parliament and Council decision on the Fifth Framework Programme of the European Community for Research and Development, 1998-2002 (COD 97/0019) – delegation chairman: Mr Imbeni – Rapporteur: Mrs Quisthoudt-Rowohl – Research Committee – 1998

58. Directive establishing a list of foodstuffs and ingredients treated by irradiation (COD 169B) – delegation chairman: Mr Imbeni – rapporteur: Mrs Bloch von Blottnitz – Environment Committee – 1998
59. Decision on coffee extracts and chicory extracts (COD 96/0017) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Lannoye – Environment Committee – 1998
60. Directive on telecommunications equipment (COD 97/0149) delegation chairman: Mr Imbeni – rapporteur: Mrs Read – Economic Affairs Committee – 1998
61. Decision adopting a programme on pollution-related diseases (COD 97/0153) – delegation chairman: Mrs Fontaine – rapporteur: Mr Cabrol – Environment Committee – 1999
62. Decision adopting a programme on rare diseases (COD 97/0146) – delegation chairman: Mrs Fontaine – rapporteur: Mr Viceconte – Environment Committee – 1999
63. Directive on the sale of consumer goods and associated guarantees (COD 96/0161) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Kuhn – Environment Committee 1999
64. Decision concerning Common Position (EC) No 46/98 adopted by the Council with a view to the adoption of the European Parliament and Council Regulation amending Council Regulation (EEC) No 3330/91 on the statistics relating to the trading of goods between Member States with a view to reducing the data to be provided (COD 97/0155) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Lulling – Economic Affairs Committee 1999
65. Directive on foodstuffs intended for particular nutritional uses (COD 94/0076) – delegation chairman: Mr Imbeni – rapporteur: Mrs Sandbaek – Environment Committee – 1999
66. Directive establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications (COD 96/0031) – delegation chairman: – Mrs Fontaine – rapporteur: Mrs Gebhardt – Legal Affairs Committee – 1999

#### Summary of procedures of 'intention to reject' 1993-1999

67. Engine power of two- and three-wheeled motor vehicles (COD 0371/94) – delegation chairman: Mrs Fontaine – rapporteurs: Mr Beazley and Mr Barton – Economic Affairs Committee 1994
68. Community initiative for the 'European Capital of Culture' event for 2005-2019 – delegation chairman: Mr Imbeni – rapporteur: Mr Monfils – Culture Committee – 1999

**1. Fourth framework programme for research (COD 004/94) – delegation chairman: Mr Klepsch – rapporteur: Mr Linkohr – Research Committee – 1994**

1. The committee required two meetings, on 4 and 21 March, which in turn were prepared by several informal meetings of the Presidency of the Council, the President of Parliament, and the chairman and rapporteur of the committee responsible.

Negotiations were marked by the fact that the framework programme constitutes, together with the field of culture (Article 128(5)(EC)), the exception to the rule under which the Council, in the codecision procedure, takes decisions by qualified majority. However, unanimity was obtained both from the Council and the Parliament delegation on the compromise proposal finally put forward by the co-chairmen of the committee and the Commissioner responsible for the dossier.

2. The agreement thus reached refers to the overall amount, its distribution between the different activities and other aspects such as assessment, protection of workers, promotion, accompaniment and follow-up activities, and ECSC research. It was achieved by amending the text of the common position (articles and annexes) and by a certain number of statements (unilateral and joint) by the various institutions which were noted in the minutes. There is no doubt that this recourse to statements makes for greater flexibility in the negotiations even if their use should be limited in order to ensure that Community legislation is transparent and 'readable'.
3. It should also be noted that the Parliament's delegation (by means of a declaration noted in the minutes) had made its recommendation to the assembly to approve the joint text conditional on presentation by the Commission of proposals concerning the Thermie II programme. Once the Commission had met this request, the delegation was able to propose to the plenary that it approve the joint text, which it did on 20 April. The Council having also approved the text, the act was signed by the Presidents of the two institutions.

**2. Deposit-guarantee schemes (COD 0415/94) – delegation chairman: Mr Klepsch – rapporteur: Mrs Vayssade – Legal Affairs Committee – 1994**

4. The committee agreed a joint text at a single meeting on 12 April. At its second reading the Parliament had adopted seven amendments to the common position in order to strengthen the protection of the rights of depositors and to maintain the reliability of the credit institutions. Most of these amendments were included in the joint text without any need being felt for adding statements. Contacts with the Presidency and the Secretariat-General of the Council had made it possible to determine the exact positions held and to suggest compromise solutions. The joint text was approved by Parliament on 5 May and by the Council on 16 May.
5. It should be noted that two useful precedents were created on this occasion. On the one hand the committee amended the common position on a point which had not been the subject of Parliament's amendments. On the other it decided to subject a decision concerning implementation of the directive to the ordinary legislative procedure and not to a committee procedure (in this case a regulatory committee).

- 3. Mechanical coupling devices (COD 0408/94) – delegation chairman: Mr Klepsch – rapporteur: Mr Beazley – Economic Affairs Committee – 1994**
6. The meeting of the Conciliation Committee on 26 April was able to reach agreement. The joint text was approved on 5 May in plenary. The Council approved it on 16 May. Differences concerning commitology threatened however to block this file. In the end the Council proposed the withdrawal of the text of the article providing for a regulatory committee. It believed that the committee provided for by the framework directive could apply here, an interpretation which was not shared by the Parliament delegation. This solution maintains at this stage the position of the Parliament which is that no regulatory committee may be included in acts adopted after the entry into force of the TEU.
- 4. Recreational craft (COD 0410/94) – delegation chairman: Mr Klepsch – rapporteur: Mr Lataillade – Economic Affairs Committee – 1994**
7. On this dossier too, the Conciliation Committee was able to approve a joint text on 26 April, which was subsequently adopted in plenary on 5 May. The Council did however have some difficulty in approving it. It had to request a two-week extension of the six-week period due to it, in order to allow one of the countries applying for accession to make its views known in the context of the internal Council procedure relating to the consultation of candidate countries. The Ecofin Council finally approved the joint text on 16 June 1994; France, which voted against, and the United Kingdom, which abstained, made their indication of vote public.
8. Parliament accepted the maintenance of the consultative committee provided for in the text, on the basis of a Commission declaration in which the latter undertook to keep Parliament fully informed of the work of the committee. In doing this the Commission abandoned the exceptions based on confidentiality and urgency which it had reserved the right to make in the 'Delors-Plumb' agreement of 1988. The Council also accepted the two substantive amendments put forward by the Parliament, with some stylistic changes.
- 5. Voice telephony (COD 0437/94) – delegation chairman: Mr Klepsch – rapporteur: Mrs Read – Economic Affairs Committee – 1994**
9. A first meeting of the committee on 29 March had brought the positions of the institutions significantly closer on technical points concerning the internal market. One fundamental difference remained, regarding commitology. Faced with this hold-up, the Commission undertook to submit a proposal for the revision of the Council decision of 1987 on commitology for acts to which the codecision procedure applied. It forwarded its proposal on 19 April, but it should be noted that this was a 'draft interinstitutional agreement' rather than a proposal to revise the 1987 decision.
10. A second meeting of the committee was finally convened on 26 April. Despite some rapprochement on the substance (prepared by informal meetings), the committee was not in a position to reach a joint text: the Parliament delegation considered that the guarantees provided for users remained insufficient; moreover, no move had been made by the Council concerning commitology (neither an ad hoc solution nor an undertaking to start negotiations at an early date on the basis of the Commission proposal).

11. Under these conditions, in accordance with Rule 78(1) of the Rules of Procedure, the President asked the Commission to withdraw its proposal and the Council not to make a decision in application of Article 189b(6) of the EC Treaty. The Council, for its part, purely and simply confirmed its initial common position (while paradoxically taking sole responsibility for a proposal for a joint declaration concerning the effectiveness of national regulatory authorities). In the forwarding letter, it repeated its position concerning commitology. At the same time the Council invited the Commission to reconsider its interpretation of Article 189a EC.
12. The Council took its decision by a qualified majority despite the fact that the Commission, after the second reading by Parliament, had amended its proposal to include certain Parliament amendments. The Commission believed that the Council decision constituted an amendment of its proposal and therefore required, on the basis of Article 189a, a unanimous vote. The Council pointed out that Article 189b(2)(d) laid down that the Commission should 'deliver an opinion' on the Parliament amendments and not, as is the case with the cooperation procedure, a 'reexamined proposal'. According to the Council Article 189a(1) is therefore not applicable in this case.
13. The Council agreed not to make its decision formal until the end of June 1994 in order to give Parliament the possibility of taking a position on it at its July part-session. At its constituent sitting the new Parliament stressed the urgent need for a solution to the commitology issue and rejected the Council text on 19 July by 379 votes to 45, with 13 abstentions. The absolute majority of Members of Parliament required for rejection at that time was 284 votes.

**6. Time-share contracts (COD 0419/94) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Kuhn – Environment Committee – 1994**

14. The Conciliation Committee reached agreement in a single sitting on 20 September 1994 when Parliament gained acceptance for three out of four of its substantive amendments, concerning the legal protection of purchasers of time-share contracts. Parliament considered it important from the point of view of consumer protection that the directive should enter into force as soon as possible, and obtained concessions on this point, which had been the subject of its fifth amendment.
15. This conciliation was characterised by two innovations: it was the first occasion on which the Council indicated in writing which amendments it could not accept, information usually only communicated orally to Parliament in the meeting. This was the first time Parliament was in a position to have the joint text finalised by its own lawyer-linguists before submitting it, after its signature by the Presidents of the two institutions, to the Official Journal for publication. It managed to finalise the text with remarkable speed: the European Parliament adopted the text on 28 September and the Council on 25 October. Signed on 26 October, the text was published in the Official Journal on 29 October. This was probably also the first legislative act of the Community to carry Strasbourg as its place of signature.

**7. Packaging and packaging waste (COD 0436/94) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Jensen – Environment Committee – 1994**

16. This conciliation required three successive meetings of the committee, on 20 September, 19 October and 8 November and, for the first time, an extension by two weeks of the six-week deadline before agreement could be reached. Parliament adopted, at second reading, 19

amendments of which the Council accepted 18, indicating this again in writing at the request of Parliament at the beginning of the conciliation.

17. Parliament requested the committee to consider five amendments which were proposed at its second reading but not adopted by plenary, in the event of the Council insisting that Parliament should abandon its one outstanding amendment (concerning economic instruments). This proved unnecessary as agreement was reached on a text containing the substance of the outstanding amendment. The problem of commitology in this directive was solved by a declaration by the Commission containing a stronger undertaking to keep Parliament informed than already existed under present arrangements ('Plumb-Delors' letter) and by the Council taking note of Parliament's declaration that this *ad hoc* solution was in no way to be considered as a precedent for other conciliations or for the general agreement between the institutions.
18. An additional problem was caused by provisions of the directive purporting to delegate powers to adopt implementing decisions to the Council alone whereas Parliament insisted on reserving such powers to both institutions jointly. A way round this was found partly by amending the articles concerned and partly by a Commission declaration saying that it was the objective content of proposed measures which determined their legal basis and thus the decision-making procedure to be followed. Parliament was assured that implementing measures changing the directive would have the same legal basis and thus be based on Article 189b.
19. This procedure witnessed a difference of interpretation about the Treaty time-limit. Once the Conciliation Committee reached agreement on a joint text, the Council maintained that the deadline of six weeks given to the two institutions to adopt the act is calculated from the date of that agreement. Parliament insisted that this deadline is calculated from the date on which the joint text is formally transmitted to the institutions by the delegation chairmen. This was in accordance with the interinstitutional agreement, which lays down that the joint text can only be approved once it has been finalised in all the official languages.

Members involved in the negotiations on the 'modus vivendi' on commitology insisted on postponing the vote on this dossier in order to put pressure on the Council. The final texts were in fact delivered by the Council only two days before the vote in Parliament on this dossier.

**8. Volatile organic compound (VOC) emissions (COD 0425/94) – delegation chairman: Mrs Fontaine – rapporteur: Mr Cabrol – Environment Committee – 1994**

20. The Council accepted only one of the seven second-reading amendments adopted by Parliament, indicating this in writing at the beginning of the conciliation. After two previous meetings and compromise proposals by both the Commission and the Council, on 8 November the committee approved a compromise based on three of Parliament's amendments. Of the other three amendments, Parliament's delegation had considered one unimportant and another was deemed to have been already covered by other provisions of the joint text. In addition, the delegation accepted the same statement on commitology as it had done for the packaging directive.

The same problem with Treaty deadlines occurred as for the packaging directive.

**9. Engine power of two- or three-wheel motor vehicles (COD 0371/94) – delegation chairman: Mrs Fontaine – rapporteurs: Mr Beazley and Mr Barton – Economic Affairs Committee – 1995**

21. After adopting an intention to reject the common position at second reading (see Section 1, paragraphs 115 to 119) and the subsequent adoption of several amendments the Conciliation Committee agreed on a compromise on 18 October 1994, comprising amendments to two articles of the directive and three statements by the Commission. Parliament obtained the removal of the provision which sought to lay down a limit on engine power, so that on this point the content of the directive was restricted to a study on the links between engine power and safety.
22. However, disagreement on the question of commitology delayed final approval of the joint text until 13 December and necessitated an extension by two weeks of the six weeks given to the committee. The delay was occasioned because the delegation wished to wait for the result of the parallel negotiations between the institutions on a general ‘horizontal’ commitology agreement. Noteworthy also was the fact that the final agreement was effected by an exchange of letters between delegations without the need for a formal meeting of the Conciliation Committee. In the subsequent third reading Parliament’s delegation also used the written procedure for approving its report to plenary.

**10. Legal protection of biotechnological inventions (COD 0159/94) – delegation chairman: Mrs Fontaine – rapporteur: Mr Rothley – Legal Affairs Committee – 1995**

23. By a procedural accident, Parliament was only able to adopt 3 amendments to the recitals of the directive in May 1994, although the committee responsible had approved 15 for presentation to plenary. Since the three months given to Parliament, with a one-month extension, expired before the next plenary session was held in July (no plenary was held in June because of the elections) Parliament was not able to complete its second reading as planned. Significantly, the Council for the first time had to request a one-month extension of the three-month time-limit in order to finish its second reading.
24. Conciliation was nevertheless necessary, with three meetings of the committee being held before agreement was found on 23 January on the very last day of the deadline imposed by the Treaty. The Council was able to accept two of the three amendments relatively easily while the third amendment (concerning the non-patentability of the human body or parts of the human body) raised questions of fundamental importance on which both sides differed and had to compromise. In addition to a satisfactory compromise on its remaining amendment, Parliament successfully requested changes to two other recitals and one other article (concerning germ line therapy and animal protection). The ability of the Conciliation Committee to change the text in the interests of a politically-acceptable compromise was thus confirmed.
25. The compromise was accompanied by interpretative statements, on one hand by all three institutions and on the other by Council and Parliament separately. In the interests of transparency, Parliament insisted that one of the joint statements be published in the Official Journal alongside the directive, and the committee agreed the same for a declaration by the German, Austrian and Italian delegations. The publication of both these kinds of declaration in the Official Journal represented a precedent.

26. Parliament's delegation nevertheless made its recommendation to plenary as regards the joint text conditional on a commitment by the Commission to present a legislative proposal to guarantee a derogation for farmers allowing them to breed their own animals without having to pay licence fees for animal patents. The Commission made a declaration on 1 March 1995 at the start of the debate in plenary before the vote on the joint text. Several contributors to this debate found the declaration inadequate. Plenary later voted by 240 to 188 against the recommendation of Parliament's delegation and the act was thus deemed not to have been adopted.

**11. The Socrates Programme (COD 0001/94) – delegation chairman: Mrs Fontaine – rapporteurs: Mrs Pack, Mr Elliott and Mr Vallvé – Culture Committee – 1995**

**12. The Youth for Europe Programme (COD 0474/94) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Fontaine – Culture Committee – 1995**

27. Taken together, the two programmes required two meetings of the Conciliation Committee, under different Council Presidencies, on 5 December and 25 January. For each meeting the Council had envisaged an earlier date which had to be cancelled because of insufficient progress on horizontal problems, the first time at Parliament's request and the second time at the request of the Council.

The first meeting reached a compromise on the amendments to the content of the decisions concerned. Thanks to regular contacts before and after Parliament's second reading between the chairman and the rapporteurs of the committee responsible and the Council Presidency, almost all the amendments were accepted, apart from minor adjustments (18 out of 20 for Socrates and 5 out of 6 for Youth for Europe).

28. At the second meeting commitmentology was no longer a problem as the '*modus vivendi*' had been signed on 20 December. Parliament insisted that a reference be made to this agreement and the committee agreed to add a recital to this effect.

Since this procedure had proven successful for the commitmentology problem, the Committee on Budgets, at the request of the conciliation delegation, appointed two 'explorer's to negotiate with the Council on the question of the 'amounts deemed necessary'. They came to an agreement with Council Presidency only a few days before the final conciliation meeting. The Committee on Budgets gave its approval to the joint declaration on ADNs on the morning before the meeting but Coreper was not able to do the same.

29. At the meeting of the Conciliation Committee on 25 January, after many separate delegation meetings both sides finally accepted the text of the joint declaration as it stood and the corresponding articles of the two decisions were modified accordingly. At the request of three Council delegations the joint declaration was accepted on condition that the Council confirm its agreement before the end of the time-limit given to the Conciliation Committee, which it did with some difficulty. To reach this agreement several informal meetings had to be organised between Parliament's delegation, the Council Presidency and Members of the German Government.

A final agreement was reached on the financial framework for the programmes (ECU 850 m for Socrates and ECU 126 m for Youth for Europe) at a lower figure than Parliament had origi-



nally wished but accompanied by an undertaking to conduct a global revision of the Socrates programme in 1997 by the institutions, in a joint declaration which Parliament insisted should be published in the Official Journal.

30. This conciliation is therefore a good example of cooperation between parliamentary committees (Culture, Budgets and Institutional Affairs), and of cooperation between Parliament and the Council starting in the early phases of the procedure.

**13. Limitation of noise emitted by earth-moving equipment (COD 458) – delegation chairman: Mr Avgerinos – rapporteur: Mr Collins – Environment Committee – 1995**

31. The institutions disagreed only on a committee procedure question. The second reading had taken place prior to the agreement on the ‘modus vivendi’. The delegation to the Conciliation Committee therefore gave its agreement in March 1995 to have the amendments replaced by a new recital referring to the ‘modus vivendi’ (which has now become standard practice). However, Parliament reserved the right to alter the committee procedures provided for in legislative acts if that proved necessary in future (see explanatory statement accompanying the De Giovanni report, A4-0105/95, of 11 May 1995). This solution, approved by the delegation by written procedure, was subsequently submitted on 30 March 1995 to a meeting of the Conciliation Committee, dealing with a different matter as an ‘A’ item (agreement without debate).

**14. Prudential supervision (COD 468) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Janssen van Raay – Legal Affairs Committee – 1995**

32. Known as the ‘BCCI’ Directive, this concerns the monitoring of financial organisations and protection of users against the risks of bankruptcy and fraud. On 30 March 1995 the Conciliation Committee approved one of the two Parliament amendments, which concerned auditors’ obligations: the divulging by an auditor acting in good faith of certain information on the financial condition of a banking institution does not constitute a violation of restrictions on the divulging of information imposed by contract or by the law and has no legal consequences. Taking the view that the amendment, which had been taken over virtually unchanged by the committee, was the key issue, the delegation withdrew the other amendment.

**15. Approximation of legislation on lifts (COD 394) – delegation chairman: Mrs Fontaine – rapporteur: Mr Pompidou – Economic Affairs Committee – 1995**

33. At its very first meeting, on 21 March 1995, the Conciliation Committee found a satisfactory solution for three of the four amendments adopted by Parliament at second reading; and, in particular, since the Directive only relates to lifts recently placed on the market, the Commission agreed to address a recommendation to the Member States concerning the modernisation of lifts already installed.
34. The fourth amendment concerned the provisions to be included in the directive in order to enable disabled persons to have access to and use lifts, and necessitated a host of meetings of Parliament’s delegation and triologue sessions with the Council Presidency and the Commission. As a result of a hearing organised by the Committee on Economic and Monetary Affairs on 18 April 1995 with representatives of European disabled persons’ federations and the lift industry, the strategy of Parliament’s delegations was consolidated.

The legal basis – Article 100a of the EC Treaty (internal market) – does not permit rules to be laid down on disabled persons' access to *buildings*; rather, it only permits the removal of obstacles to free movement. Until then, such a rule in respect of disabled persons had never been incorporated into legislation governing an industrial product.

35. The final compromise provided firstly for a joint declaration in which the three institutions encouraged the Member States to take all measures to make buildings accessible to the disabled (a 'recommendation', so to speak, adopted under the codecision procedure) and, secondly, for the Parliament amendment to be reworded to guarantee disabled access to *lift cabins*. The agreement was approved by the Council delegation on 11 May 1995 and by the Parliament delegation on 16 May 1995 in Strasbourg, just before expiry of the time limit laid down by the Treaty.
- 16. Promotion of health, information, education and training (COD 94130) – delegation chairman: Mrs Fontaine – rapporteur: Mr Cabrol – Environment Committee – 1995**
- 17. Action plan 1995-1999 to combat cancer (COD 94105) – delegation chairman: Mrs Fontaine – rapporteur: Mr Valverde López – Environment Committee – 1995**
- 18. Prevention of AIDS (COD 94222) – delegation chairman: Mrs Fontaine – rapporteur: Mr Mamère – Environment Committee)**
36. The Conciliation Committee reached agreement at a single meeting, on 19 December 1995, on these three texts, which required intensive groundwork involving a number of dialogue sessions and informal and technical meetings.

Parliament secured a satisfactory overall compromise on 54 of the 59 amendments. A host of points dear to Parliament and affecting individuals' daily life were incorporated: including children among the target groups, stressing the importance of sex education, also at school and via an information campaign, the proper use and accessibility of condoms, integration of HIV-positive children into schools, coherence with measures to be taken to combat exclusion and high-risk situations, indirect steps in the direction of needle-swapping measures, broadening the role of NGOs, etc. and, last but not least, launching of a media campaign against passive smoking, involving opinion leaders.

37. Despite its initial considerable opposition, the Council ultimately agreed to all Parliament's demands concerning the financial amounts indicated in the legislative texts – an area where good cooperation with the Committee on Budgets proved essential to the delegation's strategy.

Commissioner Flynn gave an undertaking in plenary not to submit individual financing projects to the management committee (see minutes of 14 February 1996) which in reality fall within his exclusive power of budget implementation (Article 205 of the Treaty). In addition to the guarantees given to Parliament under the 'modus vivendi', the Commission gave an undertaking before the Conciliation Committee to provide Parliament with the same information as is forwarded to that committee.

These programmes represented the first occasion on which new Article 129 of the Treaty concerning public health was applied.

38. There was also a favourable response to Parliament proposals on the future development of Community-level health policy: submission by the Commission of an action programme on allergies and consideration of the scope for creating a health observatory modelled on that existing in the US.

**19. Kaleidoscope (COD 94188) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Augias – Culture Committee – 1996**

39. Following two meetings of the Conciliation Committee (one under the Spanish Presidency, the other under the Italian Presidency of the Council), Parliament and the Council reached agreement on the outstanding points at issue after the second reading: duration of and budget for the programme, with a clause extending and developing the programme, insertion of '9 May' as a project selection criterion, insertion of the European Cities of Culture with an undertaking by the Commission to submit, in 1996, an independent programme as of 2001 (under the codecision procedure) and limiting the committee's activity to measures of general application without decision taking on management and financing of individual projects. The last-named aspect was more closely defined by two statements by the Commission and Parliament respectively.

40. Negotiations suffered because of the need for unanimity within the Council (Article 128). During conciliation, the Parliament delegation raised the problem of financing the cultural programmes (Raphael and Ariane), on which there was deadlock in the Council at that time. Parliament regarded the deadlock as unacceptable and maintained that, should the deadlock continue, it might consider itself no longer to be bound by the budgetary undertakings entered into with the Council under the Kaleidoscope decision.

This conciliation procedure was the first occasion on which new Article 128 of the Treaty, on culture, was applied.

**20. Trans-European networks (COD 94009) – delegation chairman: Mrs Fontaine – rapporteur: Mr Adam – Research Committee – 1996**

41. This was the first codecision act provided for by Articles 129c and 129d of the EC Treaty on the guidelines and projects of common interest concerning trans-European energy networks. Following two Conciliation Committee meetings and 26 informal preparatory meetings the two institutions, whose original positions were far apart, reached agreement on a highly balanced solution which also respected the Commission's executive role. Differences of opinion concerned Parliament's role in identifying projects of common interest.

42. For the Council, identification of projects of common interest provided for by the Treaty under the codecision procedure did not cover updating of the list of those projects contained in the annex. For Parliament (five amendments adopted at second reading) the annex was an integral component of the codecision text and any modification to it had therefore to be submitted under the codecision procedure. A compromise was reached on rewording of the annex to provide a better description of the 43 projects of common interest, without too specific references to cities and regions, leaving the Commission to attend to the technical specifications. That annex is modifiable only under the codecision procedure.

The Commission, which had originally supported the Council's position, ultimately strongly supported Parliament's position following a personal undertaking given by Mr Papoutsis, Commissioner.

43. The outcome of this conciliation procedure is regarded as a model of institutional balance and respect for subsidiarity. The Conciliation Committee was able to work in a highly autonomous fashion, completely rewording the annex itself contrary to the initial opinion of the Council and the Commission, which was a most interesting precedent.

**21. Trans-European transport networks (COD 94098) – delegation chairman: Mrs Fontaine – rapporteur: Mr Piecyk – Transport Committee – 1996**

44. Four meetings of the Conciliation Committee (one lasting from 4 p.m. until 4.30 a.m.) and a number of trialogue sessions and technical meetings were needed in order for agreement to emerge on what is a highly complex matter.

As during conciliation on the trans-European energy networks, the debate focused on interpretation of Articles 129c and 129d because of the concept of 'identification' of projects of common interest, which, as such, become inter alia eligible for Community funding. The negotiations were burdened by other aspects surrounding interpretation of the Treaty, i.e. the setting of priorities, the scope of Member States' veto on projects affecting their territory, the binding nature of the decision, and Community competence with regard to environmental impact.

45. On the basis of the 111 Parliament amendments, the final compromise produced:
- Annexes I and II, which identify the projects of common interest,
  - a new recital and a new article on the environment,
  - a new Annex III with 14 projects considered to be of particular importance and referred to in a new article in the enacting terms, together with a new article on the priority to be given to multimodal transport and traffic management,
  - 18 new projects in Annex I,
  - a large number of technical amendments to the enacting terms,
  - a joint political statement by the three institutions on the importance of the network and on Parliament's vote at second reading,
  - five Commission statements on ports, environmental standards, pipelines, the amendments to Annex I rejected by the Council, the financial commitment, and multimodal projects connecting the outlying regions.
46. Initially, the strategy of Parliament's delegation was to take a tougher institutional stand because, among other reasons, of a complete lack of cooperation and a minimalist interpretation of the Treaty by the Council and the Commission.

The ultimate outcome was regarded as the 'only possible compromise' in what was a tense and highly complex situation because of the marked and sometimes contradictory interests of the players involved, i.e. the Member State delegations, the Council, the Commission and the European Parliament.

47. Just prior to the vote in plenary, the Florence European Council 'noted' a proposal to alter priorities in Annex III in respect of two Member States. Commissioner Kinnock and Mr Dini

President-in-Office of the Council at the time of conciliation, took the view – respectively in a letter to Mr Cornelissen, chairman of the Committee on Transport, and in an address to plenary – respectively, that any appropriate modification would in due course be submitted under the codecision procedure.

On that basis, Parliament adopted the joint text on 17 July 1996 following adoption by the Council on 16 July 1996. It did not emerge until the end of July that, in an opinion from its Legal Service annexed to the minutes of the Council meeting at which the text was adopted, the Council maintained its minimalist position on the legal value of Annex III. After the summer recess, the President of Parliament responded with a reassertion of Parliament's position.

**22. Decision on the prevention of drug dependency (COD 94/0135) – delegation chairman: Mr Imbeni – rapporteur: Mr Burtone – Committee on the Environment – 1996**

48. One meeting of the Conciliation Committee on 1 October 1996 was sufficient to secure an agreement on this proposal, which dealt with a sensitive topic and which also gave rise to a debate on the interpretation and import of the word 'prevention', on the basis of Article 129 of the Treaty. The Council has always given a very restrictive interpretation of this word, but it can be noted with satisfaction that, at Parliament's request, the programme was expanded to incorporate social aspects, the global approach to prevention, consistency with other Community programmes (health, education, social), coverage of all types of drug, the prison environment, training for former drug addicts, cooperation with public and private sector associations, work at street level, dialogue with young people and potential users and recognition of the role of families and friends in fighting this scourge.

**23. Customs 2000 (COD 95/087) – delegation chairman: Mrs Fontaine – rapporteur: Mr von Wogau – Economic Affairs Committee – 1996**

49. In dealing with this proposal Parliament and the Council, both acting in good faith, endeavoured to reduce or eliminate the points of contention before the negotiations started. However, despite many informal meetings between the first and second readings, it proved impossible to avoid conciliation, which dealt with both technical and politically symbolic aspects.

50. A number of meetings of the Parliament delegation and triologue meetings (as from July 1996) were held to prepare the meeting of the Conciliation Committee, which took place on 10 October 1996. The Committee on Budgetary Control (represented by Mrs Wemheuer) played an active part in the proceedings. At the meeting of the Conciliation Committee, the Council called into question certain informal agreements entered into by the Presidency. Despite that, after five hours' negotiation an overall compromise was reached on the strengthening of the programme and, subsequently, on improvements to data-processing systems, cooperation with the countries of Central Europe, exchanges of customs officials, and the fixing of new monitoring criteria at Community level. The very controversial concept of the 'European domestic market' was accepted and, in addition, the national administrations will be invited (but not forced) to produce uniforms for customs officials with badges bearing the European stars.

**24. Cross-border credit transfers (COD 94/0242) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Peijs – Economic Affairs Committee – 1996**

51. The disputes in connection with this proposal concerned highly technical aspects, in particular the scope of the directive (transfers of up to ECU 30 000, as proposed by the Council, or up to ECU 50 000, as advocated by Parliament) and the amount of the reimbursement guarantee (Parliament – ECU 20 000; Council – ECU 10 000). All the other amendments, which concerned the reimbursement procedures, were dealt with quickly at the meeting of the Conciliation Committee held on 10 October 1996. However, agreement was reached on a ceiling of ECU 50 000 and a reimbursement guarantee of ECU 12 500 and a strengthening of the claim and appeal procedures only after a subsequent triilogue meeting and an exchange of letters between the co-chairmen of 18 November 1996. As regards the deadline for the implementation of the directive (EP: 18 months, Council: 30 months), Parliament accepted the Council's position, but with an undertaking by the Member States, in the form of a declaration, that they would comply with the directive as from 1 January 1999.

**25. Labelling of foodstuffs (COD 00/0380) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Schnellhardt – Environment Committee – 1996**

52. Although Parliament adopted only five amendments at second reading in October 1995, the informal phase of this conciliation was extraordinarily prolonged because of the issue involved was both highly technical but also one of principle (respect for the case law of the Court of Justice).

53. At stake was whether the list of ingredients on a foodstuff gave enough information to the consumer or whether the Member States could demand that a descriptive name be added to the sales name – at the risk of impeding the free movement of goods in the internal market. Parliament (and the Commission) were satisfied that the compromise solution eventually found was fully in line with the Court's case-law. Solutions for all the amendments having been found in informal meetings with Council, agreement was reached 'without debate' in the Conciliation Committee on 16 October 1996. An ancillary issue raised by Parliament in the conciliation was the fate of that part of the Commission's original proposal that concerned the labelling of alcoholic drinks. The Commission had 'split' this part from the rest of the proposal in order to enable the Council to adopt a common position but had not sent the modified proposal to Parliament. As a result of pressure from the delegation the Commission undertook to come forward with the proposal.

**26. Novel foods (COD 00/0426) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Roth-Behrendt – Environment Committee – 1996**

54. At the beginning of this conciliation Parliament's delegation was astonished that Council was willing to accept all six amendments (second reading in March 1996) but wanted to attach a series of statements which flatly contradicted the intentions behind the amendments.

55. Relations with the Commission were soured by the fact that it had opposed most of the Environment Committee's amendments and was prepared to associate itself with the Council's secret statements. The controversial issue in this dossier was the labelling requirements for genetically – modified foodstuffs. It took 3 meetings of the Conciliation Committee (16 October, 4 and 27 November 1996) and intensive informal negotiations to reach a compromise

under which a wider range of genetically-modified foodstuffs would have to be labelled than Council originally intended. The highly divisive and emotive nature of the issue involved necessitated decisions by a majority vote in both EP and Council delegations.

**27. Distance contracts (COD 00/0411) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Oomen-Ruijten –Environment Committee – 1996**

56. Council made this conciliation difficult from the start by initially not accepting a single amendment among the 31 adopted by Parliament (second reading in December 1995). Two meetings of the Conciliation Committee, many meetings of the delegation and several dialogues were necessary before agreement was reached on all the issues (confirmed ‘without debate’ in Conciliation Committee on 27 November 1996). This mainly involved the degree of protection to be accorded to consumers in the growing field of sales ‘at a distance’ (by telephone, Internet, etc.). twenty-six amendments were taken over either as they stood or in compromise form. Parliament notably obtained a longer ‘cooling-off’ period of 7 working days; the principle of re-imburement without extra charge; the requirement that a supplier give his address if he wants payment in advance; better protection for consumer against unsolicited advertising by mail and telephone; information for consumers about the directive; encouragement of codes of conduct; and a feasibility report from the Commission on setting up a system for dealing with cross-border complaints.

57. Although the Directive was based on Article 100a of the Treaty (harmonisation) the Member States were more reluctant than Parliament to strengthen consumer protection in this sector since it touches on their civil and contract law.

**28. Investor compensation schemes (COD 00/0471) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Janssen van Raay – Legal Affairs Committee – 1996**

58. This directive was designed to give investors a minimum level of protection (ECU 20 000) in the event of a bank or investment firm failing. Parliament adopted 8 amendments at second reading in March 1996. The principal point at issue were amendments concerning an ‘export-ban’ i.e. banks or investment firms should not offer the higher level of compensation under their home country scheme in another Member State which provides a lower level of cover. The situation was complicated by the fact that an action by Germany was pending in the Court of Justice to annul a related Parliament and Council directive on deposit guarantee schemes, notably because of its opposition to the ‘export-ban’ clause also foreseen in that directive.

59. In the light of developments in the Court (it eventually found against Germany) a compromise was found on the basis of 4 of Parliament’s amendments and a maintenance of the ‘export-ban’, but providing for the simultaneous review of both the directives in order to ensure legal coherence (Conciliation Committee on 18 December 1996).

**29. Pressure equipment (COD 00/0462) – delegation chairman: Mr Imbeni – rapporteur: Mr Barton – Economic Affairs Committee – 1997**

60. This directive concerned the harmonization of technical requirements and safety standards for pressure vessels or ‘boilers’ of all types. Parliament’s second reading comprised 14 amendments (in July 1996). Conciliation began in January 1997 with a long round of informal talks. These revealed that Council could accept nearly all the amendments. The main issue of substance

turned out to be Amendment 8 to Article 10 of the directive concerning the requirement to have products inspected and tested by independent bodies. In an interesting precedent, the rapporteur organized an open meeting of manufacturers and safety assessment organizations to consult on this question.

61. The Conciliation Committee was able to reach agreement in one sitting on 4 February 1997. The compromise on Article 10 ensured that a minimum degree of obligatory inspection and testing of items of pressure equipment would have to be permitted for the most dangerous categories of pressure vessels, even though the Council's common position was originally too vague on this question for Parliament's liking. In the debate approving the results the rapporteur marked Parliament's opposition to a statement in the Council minutes that was to be maintained until the final adoption of the Directive.

**30. Two-wheel vehicles (COD 00/0470) – delegation chairman: Mr Imbeni – rapporteur: Mr Barton – Economic Affairs Committee – 1997**

62. Known as the 'multi-Directive', this legislation concerned all the remaining technical aspects of motorbikes not already harmonised by previous legislation (19 amendments adopted in September 1996). Informal negotiations in January 1997 enabled the Conciliation Committee to reach agreement on 4 February. Satisfactory compromises were found on all issues balancing the interests of motorbike users, industry and the environment. Parliament, for example, successfully deleted the possibility for manufacturers to insist on certain brands of tyres. On the issue of noise limits, the compromise was to require the involvement of all concerned (users as well as industry) in a consultative process before any further reductions in noise emissions were proposed.

**31. Trans-European telecommunications networks (COD 95/0214) – delegation chairman: Mrs Fontaine – rapporteur: Mr Hoppenstedt – Economic Affairs Committee – 1997**

63. A number of technical meetings, several trialogue meetings and a single meeting of the Conciliation Committee, on 7 March 1997, produced an agreement on this proposal, which laid down guidelines for the establishment of trans-European telecommunications networks. The dispute focused on a series of technical amendments (priorities for the projects, trans-nationality, generic services, social impact, etc.), on which agreement was quickly reached, and on the institutional problem of the interpretation of Articles 129c and 129d, which stipulate that the document laying down guidelines for the networks must identify projects of common interest.
64. On the basis of the compromises already reached in respect of the energy and transport networks, Parliament secured a solution whereby projects of common interest are identified in Annex I, which cannot, as originally laid down, be identified by the committee procedure (commitology). The new Annex I will be deemed to have lapsed in the event of a legal vacuum at the end of the fourth year. On a proposal from the Commission, the Conciliation Committee approved the incorporation of a new project of common interest, dealing with satellite communications, which had not featured either in Parliament's amendments or the common position.



**32. ONP interconnection (COD 95/0207) – delegation chairman: Mr Imbeni – rapporteur: Mrs Read – Economic Affairs Committee – 1997**

65. Following a number of technical trialogue meetings attended primarily by the rapporteur, Mrs Read, a compromise solution was found at a single meeting of the Conciliation Committee, on 19 March 1997. The agreement consists of compromise texts on the following subjects, which will also be key issues in the forthcoming negotiations on future legal texts dealing with telecommunications: the financing of the universal service which should be encouraged and enhanced by the Member States; the establishment of a European regulatory authority, which will be subject to close scrutiny with a view to the revision of the directive; the settlement of transfrontier disputes, a matter which had been ignored by the Council and in respect of which a balanced solution was found which is consistent with the powers of the national regulatory authorities; the ‘portability’ of telephone numbers, a measure designed to protect the consumer; the interconnection fee, which will be calculated in a transparent fashion on the basis of actual costs for those bodies which have a dominant position in the market; and assistance for new actors entering the market.

**33. Television broadcasting activities (COD 95/0074) – delegation chairman: Mrs Fontaine – rapporteurs: Mr Galeote and Mr Hoppenstedt – Culture Committee – 1997**

66. This proposal reached conciliation after two readings which had given rise to a heated debate in Parliament. The amendments dealing with the key issues at first reading, i.e. the compulsory quotas and the incorporation of the new services into the scope of the directive, were not adopted in plenary at second reading and were thus not dealt with in the negotiations. The Conciliation Committee met on 16 April 1997.

67. The conciliation agreement focused on: the right to broadcast events of major interest (chiefly sporting events). The solution adopted provides for the compilation by the Member States of lists of events (national and non-national) which will be disseminated by the Commission and which will be recognized and protected by the other Member States so that the events concerned can be broadcast in unencoded form and, if necessary and appropriate, by means of deferred coverage, and the completion by the Commission of a study into the technical means of protecting young people against television violence (V-CHIP).

68. Compromise texts were drawn up dealing with, inter alia, the new services, the Guarantee Fund and independent producers, and the Commission gave an formal undertaking to keep Parliament informed of the activities of the Contact Committee.

**34. Health monitoring (COD 95/0238) – delegation chairman: Mrs Fontaine – rapporteur: Mr Poggiolini – Environment Committee – 1997**

69. This five-year programme for the establishment of health indicators at European level was adopted after a single meeting of the Conciliation Committee, on 16 April 1997, and several technical trialogue meetings involving the rapporteur, Mr Poggiolini. In the final compromise, Parliament secured the incorporation in the text at a number of points of the concept of comparable data and indicators (rather than ‘harmonised’, a term the Council regarded as too strong), along with cooperation with NGOs, support for the Member States and the analysis of health systems.

70. As regards the financial framework, the outcome was relatively modest (ECU 13.8 m over five years), but the Commission has given an undertaking to incorporate better health statistics into the statistical programme (1998-2002), thus meeting one of Parliament's calls.

**35. Support programme, including translation, in the field of books and reading (Ariane) (COD94/0189) – delegation chairman: Mr Imbeni – rapporteur: Mrs Mouskouri – Culture Committee – 1997**

71. On 28 May 1997 Parliament and the Council concluded the conciliation procedure on the Ariane programme, which had been deadlocked for a number of months because of the dispute concerning the financial framework. All the substantive amendments were accepted by the Council, in particular concerning the least widely used languages, the semantic database and small independent publishing houses. Because there was unanimity within the Council (Article 128), Parliament was forced to accept a financial framework of ECU 7 m for a period of two years from 1997 (Parliament had adopted ECU 10.5 m at second reading). Parliament's delegation very much regretted the Council's inability to make a move towards Parliament's position.

**36. Competitive environment in telecommunications (COD 95/0280) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Herman – Economic Affairs Committee – 1997**

72. Agreement was reached at informal meetings on the six amendments adopted at second reading by Parliament. The outstanding issues were the feasibility of the European Regulatory Authority, the need for a single legal text, and number portability. The agreement was ratified by Parliament's delegation on 28 May 1997 and adopted as an A item without debate at the Conciliation Committee meeting on Ariane on 28 May 1997.

**37. Free movement of doctors (COD 94/0305) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs Fontaine – Legal Affairs Committee – 1997**

73. In October 1996 Parliament adopted four amendments essentially concerned with the procedures for implementing the directive in question ('commitology'), the need to maintain a consultative role for the Advisory Committee on Medical Training in the field of mutual recognition and the need to consider the problem of third-country nationals. In an interesting precedent, Council accepted Parliament's amendments changing the commitology (from Regulatory to Management Committee). Slightly different wording was found for the other points. The Council in principle accepted all 4 amendments despite the fact that they had all been rejected by the Commission. The Conciliation Committee approved the compromise package on 28 March 1997 'without debate', although the Council surprised Parliament by asking for a declaration to be made at the last minute, which necessitated further consultation on Parliament's side due to its objection to this practice. Given the uncontroversial nature of the file, Parliament's delegation made extensive use of written procedure in order to avoid unnecessary meetings.

**38. Comparative advertising (COD 00/0343) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Oomen-Ruijten – Environment Committee – 1997**

74. This directive sought to extend existing legislation on misleading advertising. Sixteen amendments adopted at second reading in October 1996 prompted conciliation. Extreme

difficulties were experienced in finding a date for the Conciliation Committee and even for informal meetings throughout March, April and May, when the time available was nevertheless used to advance the file through the exchange of written proposals. The conciliation concentrated on the 7 amendments the Council could not accept, a limited number of issues remaining to be settled in the Conciliation Committee itself, which met on 25 June 1997. A controversial issue, as in other consumer legislation, was how to deal with cross-border complaints, which was resolved along similar lines as the Distance Selling Directive. Another key amendment for Parliament was the ban on comparative advertising which presented goods as imitations or replicas of goods bearing a protected trade mark, where a majority in Council eventually rallied round Parliament's position.

**39. Community action programme in the field of cultural heritage (Raphael) (COD95/0078) – delegation chairman: Mr Imbeni – rapporteur: Mr Sanz Fernández – Culture Committee – 1997**

75. Two meetings of the Conciliation Committee (on 28 May and 2 July) were needed to reach an agreement on this programme, which had been blocked for six months owing to the Council's inability to secure a unanimous decision on the financial framework. All the substantive amendments were accepted; as regards commitment, the established 'Kaleidoscope'<sup>1</sup> solution was adopted, with two statements to prevent the selection of individual projects by the committee.

76. As regards the financial framework, agreement was reached on the basis of a compromise solution: the Council secured agreement on the amount it had been advocating, i.e. ECU 30 m over four years, but was forced to accept that there would be no annual breakdown. The annual budget will be adopted by Parliament as part of the budgetary procedure. This solution opens up fresh prospects for the interpretation of the declaration of 6 March 1995 on financial provisions. A clause providing for a revision of the decision after two years and a Commission undertaking to submit a comprehensive cultural programme in 1998 add to the implications of this agreement.

**40. Decision on the fourth research framework programme – financial supplement (COD 96/0034) – delegation chairman: Mr Imbeni – rapporteur: Mr Linkohr – Research Committee – 1997**

77. The dispute with regard to this conciliation procedure has its roots in the 1994 basic Decision on the fourth framework programme – itself the first item of legislation to which the new procedure was applied. Agreement having been reached in 1994 to make provision for a mid-term increase in the overall funding allocation to the framework programme, the only problem to be resolved in this conciliation procedure was to decide on the precise amount. The way in which the financial perspective had developed and the blanket budget restrictions with a view to monetary union did not allow the ECU 700 m increase agreed in 1994. On the contrary, given the unanimity rule within the Council, which proposed no more than ECU 100 m in its common position, and even with the most creative efforts being deployed during the budgetary procedure, Parliament only succeeded, at the Conciliation Committee meeting of 23 September 1997, in securing a symbolic increase of ECU 15 m in the amount proposed by the Council.

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<sup>1</sup> See Point 19.

Nonetheless, this limited increase (ECU 115 m) has made it possible to continue certain projects, as is necessary, which are regarded as having priority, such as research into antipersonnel mines.

**41. Directive on the protection of personal data – telecommunications sector (COD 00/0288) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Medina Ortega – Legal Affairs Committee – 1997**

78. The Council entered into these negotiations after accepting four of Parliament's 11 amendments as they stood, or subject to slightly different rewording. The matters resolved at the Conciliation Committee meeting of 24 September 1997 (after four triologue sessions) focused on the protection offered not only to natural persons, but also to legal persons and the charges to be paid by subscribers for ex-directory status (those costs must cover only the actual costs incurred in altering directories).

79. An interesting compromise was also found with regard to the committee procedure: the Commission will have to give Parliament due notification of its intention to alter the annex to the Directive by means of the committee procedure in the case of technical adaptations; in all other instances, the legislative procedure will automatically apply. Final agreement was recorded by an exchange of letters dated 5 November 1997.

**42. Directive on consumer protection in the indication of the prices of products offered to consumers (COD 95/0148) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Oomen-Ruijten – Environment Committee – 1997**

80. An adequate solution was found for all 22 amendments (7 accepted unamended by the Council, 6 resolved by means of compromises reached at four preparatory triologue sessions, 9 resolved at the Conciliation Committee meeting of 6 November 1997). The main point at issue (5 amendments) was the requirement to indicate unit price and the derogation from that obligation, for small retail businesses only, for a transitional period which Parliament wished to limit to 6 years. The compromise involved laying down an unlimited exemption pending, within three years, a Commission proposal which would have to resolve the problems in this area. Parliament and the Council undertook to take a decision on such a proposal within three years.

**43. Directive on the coordination of the procedures for the award of contracts in the water, energy, transport and telecommunications sectors (COD 95/0080) – delegation chairman: Mr Imbeni – rapporteur: Mr Langen – Economic Affairs Committee – 1997**

81. Agreement was reached at informal meetings on the five amendments adopted at second reading by Parliament. The outstanding matters were the volume and level of information required for statistical purposes and the protection of the commercial interests of firms awarded contracts. Two amendments were taken over by the Council as they stood; compromise also involving a Commission declaration was negotiated for the others. The final agreement was confirmed by Parliament's delegation on 17 September 1997 and was adopted as an A item without debate at the Conciliation Committee meeting of 6 November 1997 on the price indication legislation.

**44. Directive on the common rules for the development of postal services and the improvement of quality of service (COD 95/0221) – delegation chairman: Mrs Fontaine – rapporteur: Mr Simpson – Transport Committee – 1997**

82. Because of the sensitive nature of the legislation, the rapporteur, Mr Simpson, had entered into very intense contacts with the Council and Commission prior to second reading in order to avoid convening the Conciliation Committee. In spite of his efforts, there were legal-linguistic differences between some of the five amendments adopted in plenary, and, moreover, Amendment 2 on mail delivery to homes had to be reworded in a more flexible fashion. Agreement was sought at informal meetings, and final agreement was confirmed by the Parliament delegation on 22 October 1997 and recorded as an A item without debate at the Conciliation Committee meeting of 6 November 1997 on the price indication legislation.

**45. Directive on emissions of gases from non-road mobile machinery (COD 95/0204) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Collins – Environment Committee – 1997**

83. The three amendments concerned only the committee procedure (type of committee, transparency and notification of Parliament under the *modus vivendi*). As a result of pressure brought to bear by the delegation, in liaison with the President of Parliament, Mr Gil Robles, the Commission President, Mr Santer, undertook in a letter dated 4 November 1997 (the day of the Conciliation Committee meeting) that his institution would bring forward the reform proposal to the start of June 1998 instead of submitting it by the end of the year. Having thus been able to raise fundamental institutional questions concerning the Intergovernmental Conference declaration asking the Commission to submit a proposal to reform the committee procedure system, and having obtained that undertaking, Parliament agreed to withdraw two of the three amendments.

**46. Directive on the placing of biocidal products on the market (COD 00/0465) – delegation chairman: Mr Verde i Aldea – rapporteur: Mrs K. Jensen – Environment Committee – 1997**

84. The Council accepted two technical amendments of the five amendments adopted in plenary. Parliament agreed to withdraw one of the other amendments (concerning the deadline for implementation of the directive) in return for an overall compromise on the key points raised by the two remaining amendments. With its amendments, Parliament sought to rule out 'empty' annexes in which the Commission might classify biocidal substances under a committee procedure. Instead of deleting the annexes, Parliament accepted them on condition that the Commission undertook to inform Parliament of the substances it envisaged including in the annexes. Parliament also secured a strengthening of the text as regards consumer protection, and the Council undertook to withdraw the ten or so statements included in its minutes when it adopted the common position. Following the Conciliation Committee meeting on 11 November 1997, the global agreement was confirmed in an exchange of letters on 11 December 1997.

**47. Decision on the Socrates action programme 1995-1999 – financial supplement (COD 97(0103) – delegation chairman: Mr Imbeni – rapporteur: Mrs Pack – Culture Committee – 1997**

85. Only one Conciliation Committee meeting and four trialogue sessions were needed to reach agreement on the sole difference between Parliament and Council positions on the financial framework. The starting point for the negotiations were: ECU 850 m for the basic programme already adopted in 1995, an additional ECU 50 m proposed by the Commission, an additional ECU 25 m proposed by the Council, and an additional ECU 100 m proposed by Parliament. Only after raising awareness of the issue at the Education Council on 20 November 1997 and after protracted pressure brought to bear on the Budget Council, meeting on 27 November 1997, was agreement reached on 10 December 1997 on the figure of ECU 70 m; this is also the result of qualified-majority voting within the Council (Article 126 of the TEU). Within this procedure, Council was very much alive to the threat that, in the framework of the basic act already adopted, Parliament might increase the financial framework outside the scope of the codecision procedure via the budgetary procedure. To prevent that, the Council ultimately took a more open line and displayed 'generosity', which it failed to do on other items of legislation (see fourth framework programme, financial supplement, and the European Voluntary Service for Young People).

**48. Directive on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications (COD 96/0226) – delegation chairman: Mr Imbeni – rapporteur: Mrs Read – Economic Affairs Committee – 1997**

86. Following two trialogue sessions, delegation meetings and several technical meetings, a compromise agreement was reached, at a single meeting (on 10 December 1997), on the 17 amendments adopted by Parliament at second reading. With regard to this highly sensitive item of legislation, which is accompanying the final stage of the liberalisation of the telecommunication sector, Parliament concentrated its amendments on the concept of affordable price, the cost of universal service, consumer protection, quality of services in contracts, the protection of disabled users (compromise relates to the concept of equal access for all the services proposed), number portability and committee procedure. Acceptable compromise texts were produced – thanks also to the Commission's efforts – on all the matters under discussion.

**49. Directive establishing a securities committee (COD 95/0188) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Oddy – Legal Affairs Committee – 1998**

87. This item of legislation has taken a remarkable route. It amends two basic Directives (on investment services and capital adequacy) in respect of which, in the past, the Council, being unable to agree on a committee procedure for inclusion in the acts, arrogated implementing powers to itself (Article 145 of the EC Treaty). Under the codecision procedure involving the European Parliament, the Council wished to impose a type III(b) committee. At the Conciliation Committee meeting on 10 February 1998, Parliament opposed that procedure. By letter of 3 April 1998, the co-chairman of the committee established that the committee was unable to reach agreement. Bringing forward the new procedure provided for by the Treaty of Amsterdam, the Council indicated that it did not propose to confirm its common position and that the proposal for an act was therefore deemed to have fallen, with the basic acts remaining in force. The President of Parliament made a statement to plenary at the sitting of 12 May 1998

to inform Parliament that the conciliation procedure had been wound up (under Rule 78(1) of the Rules of Procedure).

**50. Decision creating a network for the epidemiological surveillance of transmissible diseases (COD 96/0052) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Cabrol – Environment Committee – 1998**

88. The Conciliation Committee meeting on 27 May 1998 succeeded in reaching agreement on the most contested issues, i.e. chiefly the nature and location of the ‘European Centre’ which would have to be able to manage the network. The committee kept the establishment of a ‘permanent network’ and agreed that the Commission would coordinate it. The Commission also undertook to establish a duly identified structure with sufficient staffing. Other matters on the table: incorporation of an early warning system in the network (hence not only ‘surveillance’), flexibility as regards finance (flexibility for the Commission to finance the network with new money and not only under existing health programmes), and the annex listing the diseases covered by the decision is no longer ‘indicative’, but definitive.

**51. Decision concerning the review of the Fifth Community programme of policy and action for the environment (COD 96/0027) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Dybkjaer – Environment Committee – 1998**

89. Intensive informal groundwork (four trialogue sessions) allowed the Conciliation Committee meeting on 2 June 1998 to establish agreement as an A item without debate, with compromises on all 28 European Parliament amendments. The crux of the matter was the quality of the legislative act, Parliament placing the emphasis on its mandatory nature, the Council seeking to limit that aspect. The compromise formula found is closer to the treaty (Article 130s(3)) and is without prejudice to positions of principle. The committee also agreed to provide for follow-up to the programme after it expires, which is scheduled for 2000. The Council had not initially planned for this. Accordingly, according to the rapporteur, the outcome of this conciliation procedure has put down important markers for the future development of Community environment policy.

**52. Directive on the legal protection of designs and models (COD 00/0464) – delegation chairman: Mrs Fontaine – rapporteur: Mr Medina Ortega – Legal Affairs Committee – 1998**

90. Although this directive affords legal protection to designs in all industrial and commercial sectors, the central political question was how to harmonise the rules on designs of spare parts used for repair purposes. In particular in the motor vehicle sector, the Council, in its common position, was unable to make provision for harmonised rules on this and left the Member States complete freedom to maintain or alter their relevant legal provisions. Parliament nonetheless inserted a ‘repair clause’, in its amendments, harmonised on the basis of fair remuneration for the design holder. The Parliament delegation defended that clause right to the end; but ultimately, faced with the Council’s unanimous opposition, accepted a compromise at the second Conciliation Committee meeting on 24 June 1998. That compromise consists in freezing the legal situation: the Member States may amend their relevant legal provisions only if the amendments lead to liberalisation of the market for spare parts. Prior to the next revision of the Directive, the Commission is required to attempt to secure voluntary agreement between the

parties concerned (the motor vehicle manufacturers and spare part manufacturers), taking into consideration a system of remuneration as an option.

**53. Decision establishing a European Voluntary Service (COD 96/318) – delegation chairman: Mr Imbeni – rapporteur: Mrs Fontaine – Culture Committee – 1998**

91. During conciliation, the crux of Parliament's ten amendments was the programme's financial framework (common position: ECU 35 m; Commission's initial proposal: ECU 60 m; Parliament: ECU 80 m), the status of young volunteers and access to the programme and the complementary nature of European and national activities. Parliament had also adopted amendments on the committee procedure.
92. Following two trialogue sessions, an overall agreement was reached at the first Conciliation Committee meeting, on 11 June 1998, on all the questions apart from the budget. With regard to the budget, the Council proposal (ECU 47.5 m for 1998-1999) was considered at a further meeting of Parliament's delegation, which ultimately decided to approve it while regretting that the financial framework remained far below Parliament's proposal and the Commission's initial proposal. The delegation's decision was communicated to the Council by letter without convening a further Conciliation Committee meeting.

**54. Directive on the quality of petrol and diesel fuel (amending Directive 93/12/EEC) (COD 96/0163) ('auto-oil' package) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Hautala – Environment Committee – 1998**

Following a very intensive negotiating phase (4 delegation meetings, 4 trialogue sessions, 5 technical meetings) completed in no more than a good two months, the Conciliation Committee reached agreement on 29 June. The general compromise was as follows: the Council accepted the amendments making the environmental specifications for fuels mandatory for the period beginning in 2005, while Parliament accepted the Council's figures concerning the specifications for 2000 and 2005 and abandoned the more stringent figures which it had itself proposed; the Council accepted Parliament's amendments bringing forward the introduction of diesel fuel conforming to the 2005 specifications; the Committee also agreed to apply the same provision to the early introduction of petrol meeting the 2005 specifications. Accordingly, cleaner petrol and diesel fuel of enhanced environmental quality can be placed on the market before 2005, i.e. as of 2000. The final agreement within the Committee includes satisfactory compromises on 27 of the 36 initial amendments.

**55/56. Directive on emissions of motor vehicles (amending Directive 70/220/EEC) – general proposal (COD 96/0164) and proposal concerning light commercial vehicles (COD 96/0164) ('auto-oil' package) – delegation chairman: Mrs Fontaine – rapporteur: Mr Lange – Environment Committee – 1998**

94. These proposals for directives formed part of a package with the directive on the quality of petrol and therefore all this legislation – known as the 'auto-oil' package – was considered at the same time within the Committee, meeting on 29 June 1998, with the same very intensive informal preparation.
95. The overall compromise was as follows: the Council accepted Parliament's amendments making the projected 2005 limit values for vehicle emissions mandatory, whereas its common



position provided for indicative limit values only, while Parliament accepted the figures concerning those limit values which the Council had specified in its common position and abandoned the more stringent figures which it itself had proposed.

96. The other important components were compromises on tax incentives, the revision clause and the content of the Commission's 'auto-oil II' programme on CO<sub>2</sub> emissions and on emission control technologies – all in all, then, satisfactory compromises concerning 44 of the 67 second-reading amendments.

**57. Parliament and Council decision on the Fifth Framework Programme of the European Community for Research and Development, 1998-2002 (COD 97/0019) – delegation chairman: Mr Imbeni – Rapporteur: Mrs Quisthoudt-Rowohl – Research Committee – 1998**

97. One of the more complex negotiations was on the Fifth Framework Programme on Research, because of the technical nature of the subject, the scale of funding, the length of the programme and the need for Council unanimity under Article 130i. The Conciliation Committee had to hold four meetings, one of which took place in Strasbourg for the first time, six delegation meetings and six trialogues to complete the joint text. Of 35 amendments adopted in plenary sitting at second reading, compromise solutions were found for more than 30. The most contentious issues were: research assistants for small businesses; research on the medical problems of disabled people; transparency of procedures; and the ban on research into human cloning. It was not until the last meeting that agreement was reached on global funding, its breakdown and the 'guillotine clause', inserted by the Council in its common position in order to stop the programme unilaterally if overall funding did not comply with the new financial perspective. Parliament obtained the right to be involved in any review of the programme. The final funding decided was ECU 13 700 million, which can be regarded as a fair compromise between the ECU 12 960 million of the common position and the ECU 15 040 million adopted by Parliament.

**58. Directive establishing a list of foodstuffs and ingredients treated by irradiation (COD 169B) – delegation chairman: Mr Imbeni – rapporteur: Mrs Bloch von Blottnitz – Environment Committee – 1998**

97. The original proposal of the Commission dated back to December 1988. The proposed directive was blocked in the Council for almost a decade. In the common position, the Council produced two directives, a framework directive concerning food irradiation and an implementing directive on a positive list of foodstuffs which may be treated by irradiation. The European Parliament adopted 14 amendments to the common position. After two trialogue meetings, four meetings of the delegation and extensive exchanges of positions in writing, a broad compromise was found on all matters other than the key question of analytical test methods (at the first meeting of the Conciliation Committee on 15 October 1998).

98. The question of analytical test methods was solved, after two more meetings of the delegation, at the second meeting of the Conciliation Committee on 8 December 1998. The Member States are to ensure that the methods used to detect irradiation are such that judicial control of the tests is possible. In a joint declaration, the Member States and the Commission gave a commitment to develop standardised or validated analytical test methods for all products.

**59. Decision on coffee extracts and chicory extracts (COD 96/0017) – delegation chairman: Mr Verde i Aldea – rapporteur: Mr Lannoye – Environment Committee – 1998**

100. This directive is part of a group of ‘vertical’ directives dealing with packaging and consumer protection issues to prevent obstructing the free movement of certain goods. Of three amendments, two of which dealt with the pre-packaging weight and one with the ISO standard for the carbohydrate content, negotiations began informally. After a trialogue and several Parliament delegation meetings a compromise agreement was reached on the basis of a review before July 2000 of the ‘horizontal’ directive on packaging and a compromise text on monitoring the carbohydrate level. The case was adopted as an A item without debate at the conciliation meeting on irradiated foodstuffs of 8 December 1998.

**60. Directive on telecommunications equipment (COD 97/0149) delegation chairman: Mr Imbeni – rapporteur: Mrs Read – Economic Affairs Committee – 1998**

101. The object of this draft directive was to replace the present system of approval prior to placing radio and telecommunications equipment on the market with a more flexible regime. The 15 Parliament amendments adopted at second reading included several formal amendments and clarifications of ambiguities, better definitions of essential requirements and procedural aspects to ensure the proper implementation and to deal with emergency problems, provisions for more transparency in the implementation of the Directive and prospective issues for the future assessment and revision of the Directive.

102. Following informal contacts with the Presidency in office of the Council the Parliament was confident that conciliation could be avoided. This proved not to be the case, but after one trialogue meeting and two meetings of the delegation a satisfactory compromise was found. The Council accepted 10 of the 15 amendments as such or with only formal changes. The EP delegation agreed to withdraw two amendments which did not affect the content of the directive. For the remaining problems a satisfactory compromise was reached as an A item in the Conciliation Committee on 8 October 1998.

**61. Decision adopting a programme on pollution-related diseases (COD 97/0153) – delegation chairman: Mrs Fontaine – rapporteur: Mr Cabrol – Environment Committee – 1999**

103. The proposal concerned a programme of action relating to pollution-related diseases. The Parliament adopted 14 amendments to the common position. The conciliation procedure was relatively difficult, because the Council did not show particular interest in the programme. Nevertheless, following three trialogues Parliament’s delegation obtained satisfaction on amendments relating to public information, programme follow-up, information to be provided to Parliament and epidemiological studies. The delegation also succeeded in clarifying certain parts of the common position where the Council’s text was almost incomprehensible.

104. Parliament’s delegation noted Council’s unwillingness to give way on the budget for the programme. It appeared that, in view of the negotiations on Agenda 2000, several Council delegations had been instructed not to make any concessions. Whilst regretting this situation, Parliament’s delegation accepted the amount specified in the common position, with a joint declaration relating to the Commission proposal for the adoption of a new framework programme in the field of public health after the Treaty of Amsterdam enters into force.

**62. Decision adopting a programme on rare diseases (COD 97/0146) – delegation chairman: Mrs Fontaine – rapporteur: Mr Viceconte – Environment Committee – 1999**

105. The proposal concerns a programme of action relating to rare diseases, which is seen as a particularly good example of the relevance of Community action and cooperation: where there are only few sufferers of a particular illness or condition in one Member State, it is only through cross-border cooperation that appropriate actions and expertise can be maximised.
106. For the 20 amendments the conciliation procedure was relatively straightforward, because the Council showed considerable interest in this programme and was able to accept the majority of Parliament's amendments as they stood or in the form of an acceptable compromise. Parliament's delegation obtained satisfaction on the development of an information network on rare diseases, transnational cooperation of voluntary organisations, training and refresher courses for professionals and promotion of the networking of experts.
107. Concerning the budget, a similar solution to pollution related diseases was accepted.

**63. Directive on the sale of consumer goods and associated guarantees (COD 96/0161) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Kuhn – Environment Committee 1999**

108. The intention of the proposal was to create minimum harmonisation of the statutory provisions of the individual Member States on legal guarantees. Parliament adopted 14 amendments to the common position.
109. The conciliation procedure was smooth because all three institutions acknowledged the importance of a speedy conclusion, agreement being found after two trialogue meetings. On 12 of the 14 amendments, the EP amendment was accepted as such or a compromise text very close to the Parliament's original amendment was agreed.
110. The main improvements from the point of view of the consumer were a strong recommendation to provide consumers with manufacturers' contact addresses where the goods are sold in several Member States, the inclusion in the directive of contracts where the consumer supplies a substantial part of the material and the inclusion in the definition of lack of conformity of cases where the installation instructions are incorrect.

**64. Decision concerning Common Position (EC) No 46/98 adopted by the Council with a view to the adoption of the European Parliament and Council Regulation amending Council Regulation (EEC) No 3330/91 on the statistics relating to the trading of goods between Member States with a view to reducing the data to be provided (COD 97/0155) – delegation chairman: Mrs Fontaine – rapporteur: Mrs Lulling – Economic Affairs Committee 1999**

111. The Commission proposed two regulations on statistics for the trading of goods (on nomenclature and variables) in 1997. The common position on the nomenclature regulation was blocked by the Council, whereas the variables regulation was given a second reading by Parliament. Of the nine amendments adopted by Parliament five dealt, for political reasons, with the nomenclature regulation (simplifying collection) and four with the variables regulation (reducing the number of variables and fixing the threshold for small businesses). Following a

trialogue and several Parliament delegation meetings, a compromise agreement was reached and adopted as an A item without debate on 18 March 1999 at the Conciliation Committee meeting on the recognition of diplomas. The compromise concerns a Council Recital and Declaration and a Commission Declaration on the nomenclature Regulation and its simplification; and secondly, reducing the number of optional variables and defining the small-business threshold in the commitology procedure, as requested by Parliament.

**65. Directive on foodstuffs intended for particular nutritional uses (COD 94/0076) – delegation chairman: Mr Imbeni – rapporteur: Mrs Sandbaek – Environment Committee – 1999**

112. The purpose of the directive proposal was to reduce the number of groups of dietetic foods for which the Commission should adopt specific directives. In its second reading Parliament adopted one amendment to the common position aiming to limit the baby foods covered by the directive to foodstuffs which are pesticide-free. The Council could not accept the EP amendment because the framework directive was not the context for provisions on pesticide levels. After about six months of deadlock, the Commission made two proposals for Commission directives on residual levels for pesticides in baby foods.

113. After the approval of these proposals the EP delegation decided to withdraw the amendment. Although one of the longest, this conciliation procedure had a significant influence on the content of the Commission directives even if the Parliament had no formal decision making powers on these directives. The outcome, a maximum level of 0.01 mg/kg, is the lowest possible detectable level of pesticide residues and in practice means pesticide-free baby foods.

**66. Directive establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications (COD 96/0031) – delegation chairman: – Mrs Fontaine – rapporteur: Mrs Gebhardt – Legal Affairs Committee – 1999**

114. One amendment prompted this difficult conciliation procedure, concerning the possibility of choice by the migrant worker (Parliament's position) between the training course and the aptitude test, compared with the Council position which left the choice to the host country. After two trialogues, several Parliament delegation meetings, a Conciliation Committee meeting and an exchange of letters on 21 and 22 April 1999, a compromise agreement was reached. The Council accepted the possibility of choice by the migrant worker but insisted on introducing a let-out clause concerning self-employed and the directors of companies in activities covered by Annex A, Part I which were the subject of specific laws in the Member States. The Parliament delegation sought equal treatment for migrant workers and the host-country nationals.

**Intention to reject and 'mini-conciliation'**

**67. Engine power of two- and three-wheeled motor vehicles (COD 0371/94) – delegation chairman: Mrs Fontaine – rapporteurs: Mr Beazley and Mr Barton – Economic Affairs Committee 1994**

115. Following adoption of an intention to reject on 9 February 1994, the Conciliation Committee meeting of 22 March failed to align the positions of the institutions either on the substance of

the text (whether a limit on engine power should be maintained or not) or on the question of commitology which also plays a dominant role in this dossier.

116. Moreover, the situation was complicated by an institutional divergence. The Council believed that at this stage of the procedure (which it calls a 'mini-conciliation'), it can only 'clarify its position'. The Parliament, on the other hand, believed that the Treaty extended the period for this procedure by two months precisely in order to allow the institutions to negotiate an agreement.
  117. The Council had at all events given a mandate to its Presidency to sound out the Parliament informally on certain compromise possibilities. These contacts were inconclusive, principally because of the outstanding problems on commitology. Taking note of these disagreements, the Parliament sought to confirm its rejection of the common position at the sitting of 20 April, but was unable to muster the number of votes required (252 votes for, 25 against and 6 abstentions).
  118. Parliament therefore adopted amendments to the Council's common position on 5 May, by a very large majority.
  119. A problem of interpretation nevertheless arose regarding the respective roles of the delegation and the committee responsible in the presentation of the new amendments to the plenary (Rule 70(2) of the Rules of Procedure). It was agreed that this presentation should be done jointly by the delegation and the committee without this creating a precedent for the future.
  120. As the Council was unable to accept the amendments, a Conciliation Committee was convened in the following parliamentary term on the basis of Article 189b(3) – see Point 9, paragraphs 21-22.
- 68. Community initiative for the 'European Capital of Culture' event for 2005-2019 – delegation chairman: Mr Imbeni – rapporteur: Mr Monfils – Culture Committee – 1999**
121. On 13 January 1999 Parliament adopted for the second and last time (as this stage of the procedure was repealed by the Treaty of Amsterdam) an intention to reject which under the Treaty of Maastricht launches a 'mini-conciliation' in which the Council can 'explain further its position'. Parliament's intention to reject must be put to a second vote within two months, either to confirm the rejection or adopt amendments to the common position. The first case, on engine power in 1994, led, following the vote on amendments at second reading, to a conciliation which reached agreement.
  122. The 'European Capital of Culture' case, establishing a procedure for choosing European capitals of culture from the year 2005 to 2019, under Article 128 of the Treaty requiring Council unanimity, had already caused argument when the common position was first announced. The President of Parliament, at the Culture Committee's request, refused to recognise the Council text as a common position because the Council had fundamentally deviated from the Commission proposal and Parliament's amendments by establishing a rota system for countries and giving the Member State concerned the right to choose the city without assessing the cultural content of the projects in any way. The Legal Affairs Committee was consulted on the issue but did not encourage Parliament to request renewed consultation on the text of the common position. Parliament then adopted its intention to reject.

123. Two trialogues and several Parliament delegation meetings resulted in draft amendments that were analysed by Coreper and then adopted by the Committee on Culture at the plenary sitting of 10 March 1999. As result of these amendments, which were subsequently adopted unanimously by the Council without conciliation, Parliament did accept the rota system for countries and the Council's vote, but it obtained agreement on opening up applications to several cities, establishing an external selection board to assess applications, introducing cultural criteria in the establishment of programmes and requiring Parliament's opinion on the selection board's report.

## ANNEX II CODECISION IN FIGURES

### A. Proportion of legislative activity

- 1 Since the Treaty on European Union entered into force, 278<sup>1</sup> proposals for legislative acts governed by the codecision procedure have been forwarded to Parliament. The procedure has been completed on 165 proposals<sup>2</sup>. The procedure at present covers about 22.5 % of *Community legislative activity*.

Situation at 30 April 1999

Awaiting first reading at Parliament	17
Awaiting adoption of Council common position	67
Council common position adopted, awaiting reception	-
Awaiting second reading at Parliament	-
Awaiting Council consideration of Parliament's amendments	1
Awaiting convening of Conciliation Committee	-
Conciliation not finished	-
Conciliation finished without agreement	-
Joint text in progress	4
Awaiting Council ratification	3
Awaiting signature or publication in the <i>Official Journal</i>	6
Finished: adopted and published	149
Finished: rejected	3
Finished: withdrawn before adoption of common position	21
Finished : Change of procedure	7
<b>TOTAL CODECISION PROCEDURES</b>	<b>278</b>

*In the case of the 165 codecision procedures concluded before the Treaty of Amsterdam entered into force, the situation is as follows:*

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<sup>1</sup>21 have since been withdrawn and in 7 cases the legal basis has been changed.

<sup>2</sup>See Section III, Socrates on next page.

They include: Joint text under way,  
Awaiting Council ratification,  
Awaiting signature or *OJ* publication,  
Finished: adopted and published,  
Finished: rejected.

- I. - *in 162 cases* agreement was reached between the two institutions:
- 99 without convening the Conciliation Committee (63 without amending the common position, 36 with the Council incorporating amendments),
  - 63 following approval of a joint text by the Conciliation Committee and plenary sitting.
- II. - in 3 cases agreement could not be reached between the two institutions:
- Case 1: the Committee was unable to conclude a joint text and the Council nevertheless confirmed its common position, which was then rejected by Parliament (Voice telephony, July 1994);
  - Case 2: the Committee did agree on a joint text, but it was rejected by Parliament (Biotechnology, March 1995);
  - Case 3: the Committee was unable to conclude a joint text, the Council did not make use of its option to confirm its common position (thus anticipating the Treaty of Amsterdam) and the proposed act was deemed not adopted (Transferable securities committee, May 1998).
- III. In one case, Socrates 2000 – 2007, Parliament adopted its second reading in 1999 and the procedure will be completed by convening the Conciliation Committee after the Parliament's elections, following the Council's second reading.



## B. Attendance at meetings of the Conciliation Committee

Date	Subject	Council: Ministers	Coreper	Parliament: President	Vice- Presidents	Chairman, committee responsible	Committee responsible	Other Members	Commiss- ioner
04.03.94	FP Research	9	3	-	3	1	5	2	1
21.03.94*	FP Research	10	2	1	2	1	3	3	1
22.03.94	Engine power	2	10	1	3	1	5	-	1
29.03.94*	Voice telephony	1	11	1	2	1	3	-	-
12.04.94*	Deposit guarantees	1	11	1	1	1	5	1	1
26.04.94	Recreational craft + mechan. couplings + voice telephony	1	11	1	2	1	3	-	-
20.09.94*	VOC + packaging Time share contracts	1	11	1	2	1	8	1	2
18.10.94	Engine power	1	11	-	1	1	5	-	1
10.10.94*	VOC + packaging	1	11	-	3	1	8	-	1
08.11.94	VOC + packaging	1	11	-	2	1	9	-	1
28.11.94	Biotechnology	1	11	-	2	1	4	2	1
05.12.94*	Youth + Socrates	7**	6	-	2	1	5	1	1
13.12.94 (EL)	Engine power	-	-	-	-	-	-	-	-
12.01.95*	Biotechnology	1	14	-	1	1	7	3	1
23.01.95	Biotechnology	1	14	-	2	1	7	4	1
25.01.95	Youth + Socrates	2**	14	-	3	1	6	3	1
21.03.95*	Lifts	1	15	-	1	1	7	1	1
30.03.95	Prudential supervision + Noise emissions (SD)	1 1	15 15	- -	- 2	- -	- 6	- -	1
04.12.95*	Kaleidoscope	1	15	-	3	1	4	-	1
19.12.95	Health (cancer + AIDS +public health)	1	15	-	1	1	8	-	1
29.01.96 (EL)	Kaleidoscope	-	-	-	-	-	-	-	-
07.02.96*	Energy	1	15	-	3	1	6	5	1
27.03.96	Energy	1	15	-	2	1	6	5	1
24.04.96	Transport	1	15	-	2	1	9	3	1
28.05.96*	Transport	1	15	-	2	1	9	3	1
12.06.96	Transport	1	15	-	2	1	8	3	1
17.06.96 ***	Transport	1	15	-	2	1	8	2	1
01.10.96	Drug dependence	1	15	-	1	1	8	-	1

01.10.96	Distance contracts	1	15	-	1	1	4	-	1
10.10.96*	Customs 2000	1	15	-	1	1	6	-	1
10.10.96*	Cross-border credit transfers	1	15	-	2	-	7	-	1
16.10.96*	Novel foods + Labelling (SD)	1	15	-	-	1	13	-	1
04.11.96	Novel foods	1	15	-	1	1	10	-	1
07.11.96	Distance contracts	1	15	-	2	1	7	-	1
18.11.96 (EL)	Cross-border credit transfers	-	-	-	-	-	-	-	-
27.11.96*	Novel foods + distance contracts (SD)	1 1	15 15	- -	1 1	1 1	12 5	- -	11
18.12.96*	Investor compensation	1	15	-	2	-	4	-	1
04.02.97	Two- and three-wheel motor vehicles + pressure equipment	1	15	-	1	1	13	-	-
07.03.97*	TEN-Telecom	1	15	-	1	1	2	-	1
19.03.97	ONP interconnection	1	15	-	1	1	7	-	-
16.04.97*	TV broadcasting	1	15	-	2	1	14	-	1
16.04.97*	Health monitoring	1	15	-	1	1	6	1	1
28.05.97	Ariane/Raphael + Doctors (SD) + Telecom competition (SD)	1	15	-	2	1	6	-	1
25.06.97*	Comparative advertising	1	15	-	1	1	8	-	1
02.07.97	Raphael	1	15	-	1	1	5	-	1
09.09.97*	Fourth framework programme for RTD	1	15	-	2	1	6	1	1
23.09.97	Fourth framework programme for RTD	1	15	-	2	1	10	1	1
24.09.97*	Data protection	1	15	-	2	1	3	-	1
05.11.97 (EL)	Data protection	-	-	-	-	-	-	-	-
06.11.97*	Price indication +postal services (SD) +water contracts (SD)	2**	15	-	1	1	5	-	1
11.11.97	Biocidal products + mobile machinery	1	15	-	2	1	9	1	1
10.12.97*	Socrates	1	15	1	3	1	6	-	1
10.12.97*	ONP-voice telephony	1	15	-	1	1	9	3	-
11.12.97 (EL)	Biocidal products	-	-	-	-	-	-	-	-

10.02.98	Securities	-	15	-	1	-	3	-	1
07.04.98 (EL)	Securities	-	-	-	-	-	-	-	-
27.05.98	Epidemiological surveillance	1	15	-	2	1	8	-	1
02.06.98	Designs and models + 5th environment programme (SD)	1	15	-	1	-	17	-	1
11.06.98*	European voluntary service	1	15	-	2	1	4	-	1
24.06.98	Designs and models	1	15	-	2	1	10	-	1
23.06.98 (EL)	European voluntary service	-	-	-	-	-	-	-	-
29.06.98	Auto-oil (diesel + 2 x air pollution)	1	15	-	1	1	7	1	1
29.09.98*	Fifth framework programme for RTD	1	15	-	2	-	12	-	1
12.10.98	Fifth framework programme for RTD	1	15	-	1	-	11	1	1
15.10.98	Food irradiation	1	15	-	1	1	7	-	-
10.11.98*	Fifth framework programme for RTD	1	15	-	2	1	14	-	2
17.11.98*	Fifth framework programme for RTD + coffee/chicory (SD) + telecom equip.(SD)	1	15	-	2	1	18	-	1
08.12.98*	Food irradiation	1	15	-	2	1	6	-	-
04.02.99*	Rare diseases + pollution + Euro-City of Culture (SD)	1	15	-	2	1	6	-	1
18.03.99*	Qualifications + Statistics (SD) + Sales and guarantees (SD) + Foodstuffs (SD)	1	15	-	1	1	5	-	1
22.04.99 (EL)	Qualifications	-	-	-	-	-	-	-	-

\* On Parliament's premises; the other meetings were held on the Council's premises.

\*\* The Presidency was represented by two ministers.

\*\*\* On the Council's premises in Luxembourg: all the other meetings were held in Brussels.

EL Meeting replaced by an exchange of letters.

SD Adopted by the Committee as an 'A Item' or 'without debate'.

**C. Completed codecision procedures, broken down by parliamentary committee**

Committee	Total	Without conciliation	With conciliation		Rejected	Awaiting ratification of joint text
			during 2nd reading	after 2nd reading		
Agriculture	1	1				
Economic	43	27	(1) <sup>1</sup>	16	(1)	(1)
Legal Affairs	30	21		9	(2)	(1)
Environment	60	33		27		(2)
Research	10	6		4		
Transport	5	3		2		
Ext. Ec. Relations	1	1				
Culture	13	5	(1) <sup>1</sup>	8		
Social Affairs	1	1				
Civil Liberties	1	1				
<b>TOTAL</b>	<b>165</b>	<b>99</b>		<b>66<sup>2</sup></b>	<b>(3)</b>	<b>(4)</b>

**D. Completed conciliation procedures broken down by presidency<sup>3</sup>**

Greece	I/94	4	Ireland	II/96	7
Germany	II/94	5	Netherlands	I/97	10
France	I/95	6	Luxembourg	II/97	10
Spain	II/95	3	United Kingdom	I/98	8
Italy	I/96	3	Austria	II/98	4
			Germany	I/99	6

**E. Acceptance rate for amendments in conciliation**  
(see Activity report Section VII, 31).

<sup>1</sup>Engine power and European Capital of Culture.

<sup>2</sup>Including the three rejections and ratifications in process.

<sup>3</sup>Total for procedures completed is 66, including 63 by agreement (4 in process of ratification) and 3 rejections.

## **F. Average length of procedure**

The average length of a codecision procedure was:

Without conciliation:	634 days
With conciliation:	815 days
Overall average:	710 days.

It is worth noting that the average length of the cooperation procedure is longer, at 734 days (source: *Co-Governing after Maastricht: the European Parliament's institutional performance 1994-1998*, A. Maurer).

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## ANNEX III

### LEX LEGISLATIVE ACTS

The following table shows the date of signature of each of the Lex legislative act adopted by codecision. The conciliation procedure was applied in cases where the text corresponds to a joint text.

LEX No	SUBJECT	COD PROCEDURE No	DATE OF SIGNATURE	TEXT CORRESPONDS TO
1	Directive 94/9/EC of the European Parliament and of the Council of 23 March 1997 on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (OJ L 100, 19.4.1994)	375	23.3.94	Common position
2	Directive 94/10/EC of the European Parliament and of the Council of 23 March 1994 materially amending for the second time Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 100, 19.4.1994)	445	23.3.94	EP second reading
3	Directive 94/11/EC of European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994)	378	23.3.94	Common position
4	Directive 94/12/EC of the European Parliament and of the Council of 23 March 1994 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Directive 70/220/EEC (OJ L 100, 19.4.1994)	448	23.3.94	Common position
5	Decision No 1110/94/EC of the European Parliament and of the Council of 26 April 1994 concerning the fourth framework programme of the European Community for activities in the field of research and technological development (1994-1998) (OJ L 126, 18.5.1994)	94/0004	26.4.94	Joint text following conciliation
6	Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft (OJ L 164, 30.6.1994)	410	16.6.94	Joint text following conciliation
7	Directive 94/18/EC of the European Parliament and of the Council of 30 May 1994 amending Directive 80/390/EEC coordinating the requirements for the drawing up, scrutiny and distribution of the listing particulars to be published for the admission of securities to official stock-exchange listing, with regard to the obligation to publish listing particulars (OJ L 135, 31.5.1994)	451	30.5.94	Common position

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
8	Directive 94/19/EC of the European Parliament and of the Council of 30 May 1994 on deposit-guarantee schemes (OJ L 135, 31.5.1994)	415	30.5.94	Joint text following conciliation
9	Directive 94/20/EC of the European Parliament and of the Council of 30 May 1994 relating to the mechanical coupling devices of motor vehicles and their trailers and their attachment to those vehicles (OJ L 195, 29.7.1994)	86	30.5.94	Joint text following conciliation
10	Directive 94/21/EC of the European Parliament and of the Council of 30 May 1994 on summer-time arrangements (OJ L 164, 30.6.1994)	469	30.5.95	Common position
11	Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons (OJ L 164, 30.6.1994)	412	30.5.94	EP second reading
12	Directive 94/27/EC of the European Parliament and of the Council of 30 June 1994 amending for the 12th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the restrictions on the marketing and use of certain dangerous substances and preparations (nickel) (OJ L 188, 22.7.1994)	456	30.6.94	Common position
13	Directive 94/34/EC of the European Parliament and of the Council of 30 June 1994 amending Directive 89/107/EEC on the approximation of the laws of Member States concerning food additives authorised for use in foodstuffs intended for human consumption (OJ L 237, 10.9.1994)	422	30.6.94	Common position
14	Directive 94/35/EC of the European Parliament and of the Council of 30 June 1994 on sweeteners for use in foodstuffs (OJ L 237, 10.9.1994)	423	30.6.94	EP second reading
15	Directive 94/36/EC of the European Parliament and of the Council of 30 June 1994 on colours for use in foodstuffs (OJ L 237, 10.9.1994)	368	30.6.94	EP second reading
16	Directive 94/47/EC of the European Parliament and of the Council of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a time-share basis (OJ L 280, 29.10.1994)	419	26.10.94	Joint text following conciliation
17	Decision No 3092/94/EC of the European Parliament and of the Council of 7 December 1994 introducing a Community system of information on home and leisure accidents (Ehlass) (OJ L 331, 21.12.1994)	94/0031	7.12.94	Common position

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
18	Directive 94/48/EC of the European Parliament and of the Council of 7 December 1994 amending for the 13th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (flammable substances - aerosols) (OJ L 331, 21.12.1994)	473	7.12.94	Common position
19	Directive 94/52/EC of the European Parliament and of the Council of 7 December 1994 amending for the second time Directive 88/344/EEC on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJ L 331, 21.12.1994)	484	7.12.94	Common position
20	Directive 94/60/EC of the European Parliament and of the Council of 20 December 1994 amending for the 14th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (carcinogenic substances) (OJ L 365, 31.12.1994)	414	20.12.94	Common position
21	Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste (OJ L 365, 31.12.1994)	436	20.12.94	Joint text following conciliation
22	Directive 94/63/EC of the European Parliament and of the Council of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994)	425	20.12.94	Joint text following conciliation
23	Regulation (EC) No 3378/94 of the European Parliament and of the Council of 22 December amending Regulation (EEC) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks and Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails following the Uruguay round of the multilateral trade negotiations (OJ L 366, 31.12.1994)	94/0229	22.12.94	Common position
24	Directive 95/1/EC of the European Parliament and of the Council of 2 February 1995 on the maximum design speed, maximum torque and maximum net engine power of two- or three-wheeled motor vehicles (OJ L 52, 8.3.1995)	94/0371	2.2.95	Joint text following conciliation



<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
25	Directive 95/2/EC of the European Parliament and of the Council of 21 February 1995 on food additives other than colours and sweeteners (OJ L 61, 18.3.1995)	94/0424	20.2.95	EP second reading
26	Decision No 818/95/EC of the European Parliament and of the Council of 14 March 1995 establishing the Community action programme Youth for Europe (OJ L 87, 20.4.1995)	94/0474	14.3.95	Joint text following conciliation
27	Decision No 819/95/EC of the European Parliament and of the Council of 14 March 1995 establishing the Community action programme Socrates (OJ L 87, 20.4.1995)	94/0001	14.3.95	Joint text following conciliation
28	Decision 1729/95/EC of the European Parliament and of the Council of 19 June 1995 on the extension of the programme 'Europe against Aids' (OJ L 168, 18.7.1995)	483	19.6.95	EP second reading
29	Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States on lifts (OJ L 213, 7.9.1995)	394	29.6.95	Joint text following conciliation
30	Directive 95/26/EC of the European Parliament and of the Council of 29 June 1995 amending Directives 77/780/EEC and 89/646/EEC in the field of credit institutions, Directives 73/239/EEC and 92/49/EEC in the field of non-life insurance, Directives 79/267/EEC and 92/96/EEC in the field of life assurance, Directive 93/22/EEC in the field of investment firms and Directive 85/611/EEC in the field of undertakings for collective investment in transferable securities (UCITS), with a view to reinforcing prudential supervision (OJ L 168, 18.7.1995)	468	29.6.95	Joint text following conciliation
31	Directive 95/27/EC of the European Parliament and of the Council of 29 June 1995 amending Directive 86/622/EEC on the limitation of noise emitted by hydraulic excavators, rope-operated excavators, dozers, loaders and excavator-loaders (OJ L 168, 18.7.1995)	458	29.6.95	Joint text following conciliation
32	Directive 95/28/EC of the European Parliament and of the Council of 24 October 1995 relating to the burning behaviour of materials used in the interior construction of certain categories of motor vehicles (OJ L 281, 23.11.1995)	00/0417	24.10.95	Common position
33	Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995)	00/0287	24.10.95	EP second reading

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
34	Directive 95/47/EC of the European Parliament and of the Council of 24 October 1995 on the use of standards for the transmission of television signals (OJ L 281, 23.11.1995)	00/0476	24.10.95	EP second reading
35	Decision No 2493/95/EC of the European Parliament and of the Council of 23 October 1995 establishing 1996 as the 'European year of lifelong learning' (OJ L 256, 26.10.1995)	94/0199	23.10.95	EP second reading
36	Decision No 2717/95/EC of the European Parliament and of the Council of 9 November 1995 on a set of guidelines for the development of the Euro-ISDN (integrated services digital network) as a trans-European network (OJ L 282, 24.11.1995)	00/0495	9.11.95	EP second reading
37	Directive 95/58/EC of the European Parliament and of the Council of 29 November 1995 amending Directive 79/581/EEC on consumer protection in the indication of the prices of foodstuffs and Directive 88/314/EEC on consumer protection in the indication of the prices of non-food products (OJ L 299, 12.12.1995)	94/0300	29.11.95	Common position
38	Decision No 3052/95/EC of the European Parliament and of the Council of 13 December 1995 establishing a procedure for the exchange of information on national measures derogating from the principle of the free movement of goods within the Community (OJ L 321, 30.12.1995)	00/0489	13.12.95	Common position
39	Directive 95/62/EC of the European Parliament and of the Council of 13 December 1995 on the application of open network provision (ONP) to voice telephony (OJ L 321, 30.12.1995)	95/0020	13.12.95	EP second reading
40	Directive 96/1/EC of the European Parliament and of the Council of 22 January 1996 amending Directive 88/77/EEC on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from diesel engines for use in vehicles (OJ L 40, 17.2.1996)	94/0312	22.1.96	Common position
41	Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996)	96/0393	11.3.96	EP second reading

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
42	Decision No 616/96/EC of the European Parliament and of the Council of 25 March 1996 adapting Decision No 1110/94/EC concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998) following the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union (OJ L 86, 4.4.1996)	95/0092	25.3.96	Common position
43	Directive 96/10/EC of the European Parliament and of the Council of 21 March 1996 amending Directive 89/647/EEC as regards recognition of contractual netting by the competent authorities (OJ L 86, 3.4.1996)	94/0099	21.3.96	EP second reading
44	Decision No 645/96/EC of the European Parliament and of the Council of 29 March 1996 adopting a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health (1996-2000) (OJ L 95, 16.4.1996)	94/0130	29.3.96	Joint text following conciliation
45	Decision No 647/96/EC of the European Parliament and of the Council 29 March 1996 adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health (1996-2000) (OJ L 95, 16.4.1996)	94/0105	29.3.96	Joint text following conciliation
46	Decision No 646/96/EC of the European Parliament and of the Council 29 March 1996 adopting an action plan to combat cancer within the framework for action within the field of public health (1996-2000) (OJ L 95, 16.4.1996)	94/0222	29.3.96	Joint text following conciliation
47	Decision No 719/96/EC of the European Parliament and of the Council 29 March 1996 establishing a programme to support artistic and cultural activities having a European dimension (KALEIDOSCOPE) (OJ L 99, 20.4.1996)	94/0188	29.3.96	Joint text following conciliation
48	Directive 96/27/EC of the European Parliament and of the Council of 20 May 1996 on the protection of occupants of motor vehicles in the event of a side impact and amending Directive 70/156/EEC (OJ L 169, 8.7.1996)	94/0322	20.5.96	Common position
49	Decision No 1254/96/EC of the European Parliament and of the Council of 5 June 1996 laying down a series of guidelines for trans-European energy networks (OJ L 161, 29.6.1996)	94/0009	5.6.96	Joint text following conciliation

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
50	Regulation (EC) No 1610/96 of the European Parliament and of the Council of 23 July 1996 concerning the creation of a supplementary protection certificate for plant protection products ( OJ L 198, 8.8.1996)	94/0285	23.7.96	EP second reading
51	Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network (OJ L 228, 9.9.1996)	94/0098	23.7.96	Joint text following conciliation
52	Directive 96/56/EC of the European Parliament and of the Council of 3 September 1996 amending Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 236, 18.9.1996)	95/0325	3.9.96	Common position
53	Directive 96/58/EC of the European Parliament and of the Council of 3 September 1996 amending Directive 89/686/EEC on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 236, 18.9.1996)	94/0279	3.9.96	Common position
54	Directive 96/57/EC of the European Parliament and of the Council of 3 September 1996 on energy efficiency requirements for household electric refrigerators, freezers and combinations thereof (OJ L 236, 18.9.1996)	94/0272	3.9.96	EP second reading
55	Directive 96/69/EC of the European Parliament and of the Council of 8 October 1996 amending Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by emissions from motor vehicles (OJ L 282, 1.11.1996).	94/0286	8.10.96	EP second reading 16.7.96
56	Regulation (EC) No 2061/96 of the European Parliament and of the Council of 8 October 1996 amending Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (OJ L 277, 30.10.1996)	95/0287	8.10.96	Common position
57	Directive 96/70/EC of the European Parliament and of the Council of 28 October 1996 amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters (OJ L 299, 23.11.1996)	94/0235	28.10.96	EP second reading 22.5.1996

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
58	Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provisions of services (OJ L 18, 21.1.97)	00/0346	16.12.96	Common position 18.9.1996
59	Regulation (EC) No 2232/96 of the European Parliament and of the Council of 28 October 1996 laying down a Community procedure for flavouring substances used or intended for use in or on foodstuffs (OJ L 299, 23.11.1996)	00/0478	28.10.96	EP second reading 22.5.1996
60	Directive 96/73/EC of the European Parliament and of the Council of 16 December 1996 on certain methods for the quantitative analysis of binary textile fibre mixtures (OJ L 32, 3.2.1997)	94/0008	16.12.96	Common position 18.6.1996
61	Directive 96/74/EC of the European Parliament and of the Council of 16 December 1996 on textile names (OJ L 32, 3.2.1997)	94/0005	16.12.96	Common position 18.6.1996
62	Decision No 102/97/EC of the European Parliament and of the Council of 16 December 1996 adopting a programme of Community action on the prevention of drug dependence within the framework for action in the field of public health (1996-2000) (OJ L 19, 22.1.1997)	94/0135	16.12.96	Joint text following conciliation
63	Directive 96/79/EC of the European Parliament and of the Council of 16 December 1996 on the protection of occupants of motor vehicles in the event of a frontal impact and amending Directive 70/156/EEC (OJ L 18, 21.1.1997)	94/0323	16.12.96	EP second reading
64	Decision No 210/97/EC of the European Parliament and of the Council of 19 December 1996 adopting an action programme for customs in the Community (Customs 2000) (OJ L 33, 4.2.1997)	95/0087	19.12.96	Joint text following conciliation
65	Directive 96/83/EC of the European Parliament and of the Council of 19 December 1996 amending Directive 94/35/EC of the European Parliament and of the Council on sweeteners for use in foodstuffs (OJ L 48, 19.2.1997)	95/0251	19.12.96	Common position 23.10.1996
66	Directive 96/84/EC of the European Parliament and of the Council of 19 December 1996 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses (OJ L 48, 19.2.1997)	94/0327	19.12.96	Common position 23.10.1996
67	Decision No 292/97/EC of the European Parliament and of the Council of 19 December 1996 on the maintenance of national laws prohibiting the use of certain additives in the production of certain specific foodstuffs (OJ L 48, 19.2.1997)	95/0085	19.12.96	Common position 23.10.1996

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68	Directive 96/85/EC of the European Parliament and of the Council of 19 December 1996 amending Directive 95/2/EC on food additives other than colourings and sweeteners (OJ L 86, 28.3.1997)	95/0114	19.12.96	Common position 23.10.1996
69	Regulation (EC) No 82/97 of the European Parliament and of the Council of 19 December 1996 amending Regulation (EEC) No 2913/92 establishing a Community Customs Code (OJ L 17, 21.1.1997)	95/0182	19.12.96	Common position 23.10.1996
70	Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (OJ L 27, 30.1.1997)	00/0384	19.12.96	Common position 11.12.1996
71	Directive 97/5/EC of the European Parliament and of the Council of 27 January 1997 on cross-border credit transfers (OJ L 43, 14.2.1997)	94/0242	27.1.97	Joint text following conciliation
72	Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 on novel foods and novel food ingredients (OJ L 43, 14.2.1997)	00/0426	27.1.97	Joint text following conciliation
73	Directive 97/4/EC of the European Parliament and of the Council of 27 January 1997 amending Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 43, 14.2.1997)	00/0380	27.1.97	Joint text following conciliation
74	Directive 96/100/EC of the European Parliament and of the Council of 17 February 1997 amending the Annex to Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State (OJ L 60, 1.3.1997)	95/0254	17.2.97	Common position 13.11.1996
75	Directive 97/7 /EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (OJ L 144, 4.6.1997)	00/0411	20.5.97	Joint text following conciliation
76	Directive 97/9/EC of the European Parliament and of the Council of 3 March 1997 on investor-compensation schemes (OJ L 84, 26.3.1997)	00/0471	3.3.97	Joint text following conciliation
77	Decision No 710/97/EC of the European Parliament and of the Council of 24 March 1997 concerning a coordinated approach to authorisations in the sphere of personal satellite communications services in the Community (OJ L 105, 23.4.1997)	95/0274	24.3.97	Common position 20.2.1997

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
78	Directive 97/13/EC of the European Parliament and of the Council of 10 April 1997 on a common framework for general authorisations and individual licences in the field of telecommunications services (OJ L 117, 7.5.1997)	95/0282	10.4.97	Common position 20.2.1997
79	Directive 97/16/EC of the European Parliament and of the Council of 10 April 1997 amending for the 15th time Directive 76/769/EEC on restrictions on the marketing and use of certain dangerous substances and preparations (OJ L 116, 6.5.1997)	94/0287	10.4.97	Common position 16.1.1997
80	Decision No 1047/97/EC of the European Parliament and of the Council of 29 May 1997 amending Decision No 1254/96/EC of the European Parliament and of the Council laying down a series of guidelines for the trans-European networks in the energy sector (OJ L 152, 11.6.1997)	96/0203	29.5.97	Common position 12.3.1997
81	Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment (OJ L 181, 9.7.1997)	00/0462	29.5.97	Joint text following conciliation
82	Directive 97/24/EC of the European Parliament and of the Council of 27 June 1997 on certain components and characteristics of two or three-wheel motor vehicles (OJ L 226, 18.8.1997)	00/0470	27.6.97	Joint text following conciliation
83	Decision No 1336/97/EC of the European Parliament and of the Council of 17 June 1997 concerning a series of guidelines for trans-European telecommunications networks (OJ L 183, 11.7.1997)	95/0124	17.6.97	Joint text following conciliation
84	Directive 97/27/EC of the European Parliament and of the Council of 22 July 1997 concerning the masses and dimensions of certain categories of motor vehicles and their trailers and amending Directive 70/156/EEC (OJ L 233, 25.8.1997)	00/0348	22.7.97	EP second reading
85	Directive 97/33/EC of the European Parliament and of the Council of 30 June 1997 on interconnection in telecommunications with regard to ensuring universal service and interoperability through application of the principles of open network provision (ONP) (OJ L 199, 26.7.1997)	95/0207	30.6.1997	Joint text following conciliation

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
86	Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 202, 30.7.1997)	95/0074	30.6.1997	Joint text following conciliation
87	Decision No 1400/97/EC of the European Parliament and of the Council of 30 June 1997 adopting a programme of Community action on health monitoring within the framework for action in the field of public health (1997-2001) (OJ L 193, 22.7.1997)	95/0238	30.6.1997	Joint text following conciliation
88	Eighth Directive (97/44/EC) of the European Parliament and of the Council of 22 July 1997 on summer-time arrangements (OJ L 206, 1.8.1997)	96/0082	22.7.1997	Common position 11.6.1997
89	Directive 97/50/EC of the European Parliament and of the Council of 6 October 1997 amending Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications (OJ L 291, 24.10.1997)	94/0305	6.10.1997	Joint text following conciliation
90	Decision No 2085/97/EC of the European Parliament and of the Council of 6 October 1997 establishing a programme of support, including translation, in the field of books and reading (Ariane) (OJ L 291, 24.10.1997)	94/0189	6.10.1997	Joint text following conciliation
91	Directive 97/51/EC of the European Parliament and of the Council of 6 October 1997 amending Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications (OJ L 295, 19.10.1997)	95/0280	6.10.1997	Joint text following conciliation
92	Directive 97/52/EC of the European Parliament and of the Council of 13 October 1997 amending Directives 92/50/EEC, 93/36/EEC and 93/37/EEC concerning the coordination of procedures for the award of public service contracts, public supply contracts and public works contracts respectively (OJ L 328, 28.11.1997)	95/0079	13.10.97	Common position 14.5.1997
93	Directive 97/55/EC of the European Parliament and of the Council of 6 October 1997 amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising (OJ L 290, 23.10.1997)	00/0343	6.10.1997	Joint text following conciliation



<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
94	Decision No 2228/97/EC of the European Parliament and of the Council of 13 October 1997 establishing a programme of Community action in the field of cultural heritage - RAPHAEL programme (OJ L 305 , 8.11.1997)	95/0078	13.10.97	Joint text following conciliation
95	Directive 97/54/EC of the European Parliament and of the Council of 23 September 1997 amending, as regards the maximum design speed of wield, agricultural or forestry tractors, Council Directives 74/150/EEC, 74/151/EEC, 74/152/EEC, 74/346/EEC, 74/347/EEC, 75/321/EEC, 75/322/EEC, 76/432/EEC, 76/763/EEC, 77/311/EEC, 77/537/EEC, 78/764/EEC, 78/933/EEC, 79/532/EEC, 79/533/EEC, 80/720/EEC, 86/297/EEC, 86/415/EEC and 89/173/EEC (OJ L 277 , 10.10.1997)	96/0129	23.9.97	Common position 16.7.1997
96	Directive 97/56/EC of the European Parliament and of the Council of 20 October 1997 amending for the 16th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (OJ L 333 , 4.12.1997)	96/0252	20.10.97	Common position 15.7.1997
97	Directive 97/60/EC of the European Parliament and of the Council of 27 October 1997 amending for the third time Directive 88/344/EEC on the approximation of the laws of the Member States on extractions solvents used in the production of foodstuffs and food ingredients (OJ L 331, 3.12.1997)	96/0195	27.10.97	Common position 15.7.1997
98	Directive 97/63/EC of the European Parliament and of the Council of 24 November 1997 amending Directives 76/116/EEC, 80/876/EEC, 89/284/EEC and 89/530/EEC on the approximation of the laws of the Member States relating to fertilisers (OJ L 335, 6.12.1997)	96/0280	24.11.97	Common position 17.9.1997
99	Decision No 2535/97/EC of the European Parliament and of the Council of 1 December 1997 adapting for the second time Decision No 1110/94/EC on the fourth framework programme of the European Community for Research, Technological Development and Demonstration (1994-1998) (OJ L 347, 18.12.1997)	96/0034	1.12.97	Joint text following conciliation
100	Directive 97/66/EC of the European Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the tele-communications sector (OJ L 24, 30.1.1998)	00/0288	15.12.97	Joint text following conciliation

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
101	Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ L 15, 21.1.1998)	95/0221	15.12.97	Joint text following conciliation
102	Directive 97/68/EC of the European Parliament and of the Council of 16 December 1997 on the approximation of the laws of the Member States relating to measures against the emission of gases and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (OJ L 59, 27.2.1998)	95/0209	16.12.97	Joint text following conciliation
103	Directive 98/4/EC of the European Parliament and of the Council of 16 February 1998 amending Directive 93/38/EEC coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunication sectors (OJ L 101, 1.4.1998)	95/0080	16.2.1998	Joint text following conciliation
104	Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained (OJ L 77, 14.3.1998)	94/0299	16.2.1998	Common position 19.11.1997
105	Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998)	95/0148	16.2.1998	Joint text following conciliation
106	Directive 98/7/EC of the European Parliament and of the Council of 16 February 1998 amending Directive 87/102/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit (OJ L 101, 1.4.1998)	96/0055	16.2.1998	Common position 19.11.1997
107	Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998)	00/0465	16.2.1998	Joint text following conciliation
108	Decision No 576/98/EC of the European Parliament and of the Council of 23 February 1998 amending Decision No 819/95/EC establishing the Community Action Programme Socrates (OJ L 77, 14.3.1998)	97/0103	23.2.1998	Joint text following conciliation

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
109	Directive 98/10/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment (OJ L 101, 1.4.1998)	96/0226	26.2.1998	Joint text following conciliation
110	Decision No 888/98/EC of the European Parliament and of the Council of 30 March 1998 adopting a programme of Community action intended to improve systems of indirect taxation in the internal market (Fiscalis programme) (OJ L 126, 28.4.1998)	97/0128	30.3.1998	Common position 18.2.1998
111	Directive 98/13/EC of the European Parliament and of the Council of 12 February 1998 relating to telecommunications terminal equipment and satellite earth station equipment, including the mutual recognition of their conformity (OJ L 74, 12.3.1998)	95/0309	12.2.1998	Common position 19.11.1997
112	Decision No 889/98/EC of the European Parliament and of the Council of 7 April 1998 amending Council Decision 92/481/EC concerning the adoption of an action plan for the exchange, between administrations of Member States, of national officials responsible for the implementation of Community legislation necessary for the establishment of the internal market (Karolus programme) (OJ L 126, 28.4.1998)	97/0214	7.4.1998	Common position 10.3.1998
113	Directive 98/26/EC of the European Parliament and of the Council of 19 May 1998 on settlement finality in payment and securities settlement systems (OJ L 166, 11.6.1998)	96/0126	19.5.1998	EP 2nd reading 29.1.1998
114	Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests (OJ L 166, 11.6.1998)	96/0025	19.5.1998	Common position 12.3.1998
115	Directive 98/30/EC of the European Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas (OJ L 166, 11.6.1998)	00/0385	22.6.1998	Common position 30.4.1998
116	Directive 98/32/EC of the European Parliament and of the Council of 22 June 1998 amending, as regards in particular mortgages, Council Directive 89/647/EEC on the capital adequacy of investment firms and credit institutions (OJ L 204, 21.7.1998)	96/0121	22.6.1998	Common position 30.4.1998

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
117	Directive 98/33/EC of the European Parliament and of the Council of 22 June 1998 amending Article 12 of Council Directive 77/780/EEC on the taking up and pursuit of the business of credit institutions, Articles 2, 5, 6, 8 of and Annexes II and III to Council Directive 89/647/EEC on a solvency ratio for credit institutions and Article 2 of and Annex II to Council Directive 93/6/EEC on the capital adequacy of investment firms and credit institutions (OJ L 204, 21.7.1998)	96/0003	22.6.1998	Common position 30.4.1998
118	Directive 98/31/EC of the European Parliament and of the Council of 22 June 1998 amending Council Directive 93/6/EEC on the capital adequacy of investment funds and credit institutions(OJ L 204, 21.7.1998)	96/0124	22.6.1998	Common position 30.4.1998
119	Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 204, 21.7.1998)	96/0300	22.6.1998	Common position 30.4.1998
120	Directive 98/37/EC of the European Parliament and of the Council of 22 June 1998 on the approximation of the laws of the Member States relating to machinery (OJ L 207, 23.7.1998)	96/0305	22.6.1998	Common position 30.4.1998
121	Decision No 1496/98/EC of the European Parliament and of the Council of 22 June 1998 establishing a programme of action on the improvement of awareness of the legal professions to Community law (Robert Schuman Project) (OJ L 196, 14.7.1998)	96/0277	22.6.1998	Common position 30.4.1998
122	Directive 98/43/EC of the European Parliament and of the Council of 6 July 1998 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ L 213, 30.7.1998)	00/0194	6.7.1998	Common position 13.5.1998
123	Decision No 1686/98/EC of the European Parliament and of the Council of 20 July 1998 establishing the Community action programme 'European Voluntary Service for Young People' (OJ L 214, 31.7.1998)	96/0318	20.7.1998	Joint text following conciliation
124	Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 concerning the review of the Community programme of policy and action for the environment and sustainable development - 'towards sustainable development' (OJ L 275, 10.10.1998)	96/0027	24.9.1998	Joint text following conciliation

LEX No	SUBJECT	COD PROCEDURE No	DATE OF SIGNATURE	TEXT CORRESPONDS TO
125	Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 creating a network for the epidemiological surveillance and control of transmissible diseases in the European Community (OJ L 268, 3.10.1998)	96/0052	24.9.1998	Joint text following conciliation
126	Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations (OJ L 217, 5.8.1998)	96/0220	20.7.1998	EP 2nd reading 14.5.1998
127	Directive 98/44/EC of the European Parliament and of the Council of 6 July 1998 on the legal protection of biotechnological inventions (OJ L 213, 30.7.1998)	95/0350	6.7.1998	Common position 12.5.1998
128	Directive 98/61/EC of the European Parliament and of the Council of 24 September 1998 amending Directive 97/33/EC with regard to operator number portability and carrier pre-selection (OJ L 268, 3.10.1998)	97/0250	24.9.1998	EP second reading 14.5.1998
129 <sup>(1)</sup>	Directive 98/69/EC of the European Parliament and of the Council of 13 October 1998 relating to measures to be taken against air pollution by emissions from motor vehicles and amending Council Directive 70/220/EEC (OJ L 350, 28.12.1998) <i>(<sup>1</sup>) concerns 2 procedures, COD 96/0164 (general proposal) and COD 96/0164B (proposal for light commercial vehicles)</i>	96/0164 + B	13.10.1998	Joint text following conciliation
130	Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council directive 93/12/EEC (OJ L 350, 28.12.1998)	96/0163	13.10.1998	Joint text following conciliation
131	Directive 98/71/CE of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs (OJ L 289, 28.10.1998)	000/0464	13.10.1998	Joint text following conciliation
132	Directive 98/72/EC of the European Parliament and of the Council of 15 October 1998 amending Directive 95/2/EC on food additives other than colours and sweeteners (OJ L 295, 4.11.1998)	96/0166	15.10.1998	Common Position 15.7.1998
133	Directive 98/78/EC of the European Parliament and of the Council of 27 October 1998 on the supplementary supervision of insurance undertakings in an insurance group (OJ L 330, 5.12.1998)	95/0245	27.10.1998	Common Position 16.9.1998

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
134	Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (OJ L 331, 7.12.1998)	95/0013	27.10.1998	EP 2nd reading 18.6.1998
135	Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access (OJ L 320, 28.11.1998)	97/0198	22.11.1998	EP 2nd reading 8.10.1998
136	Decision No 182/99/EC of the European Parliament and of the Council of 22 December 1998 relating to the Fifth framework programme of the European Community for research, technological development and demonstration activities )(1998-2002) (OJ L 26, 1.2.1999)	97/0119	22.12.1998	Joint text
137	Directive 98/91/EC of the European Parliament and of the Council of 14 December 1998 relating to motor vehicles and their trailers intended for the transport of dangerous goods by road and amending directive 70/156/EEC relating to the type approval of motor vehicles and their trailers (OJ L 11, 16.1.1999)	96/0267	14.12.1998	Common position 20.10.1998
138	Decision No 128/99/EC of the European Parliament and of the Council of 14 December 1998 on the coordinated introduction of a third generation mobile and wireless communications system (UMTS) in the Community (OJ L 17, 22.1.1999)	98/0051	14.12.1998	Common position 18.11.1998
139	Decision No 276/99/EC of the European Parliament and of the Council of 25 January 1999 adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (OJ L 33, 6.2.1999)	97/0337	25.01.1999	EP 2nd reading 17.11.1998
140	Directive 98/37/EC of the European Parliament and of the Council of 22 December 1998 amending directive 79/116/EEC on the approximation of the laws of the Member States relating to fertilisers, as regards the marketing in Austria, Finland and in Sweden of fertilisers containing cadmium (OJ L 18, 23.1.1999)	98/0026	22.12.1998	Common position 3.12.1998
141	Directive 99/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999)	97/0169	22.2.1999	Joint text following conciliation

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
142	Directive 99/3/EC of the European Parliament and of the Council of 22 February 1999 on the establishment of a Community list of foods and food ingredients treated with ionising radiation (OJ L 66, 13.3.1999)	97/0169B	22.2.1999	Joint text following conciliation
143	Directive 99/3/EC of the European Parliament and of the Council of 22 February 1999 relating to coffee extracts and chicory extracts (OJ L 66, 13.3.1999)	96/0117	22.2.1999	Joint text following conciliation
144	Decision No 283/99/EC of the European Parliament and of the Council of 25 January 1999 establishing a general framework for Community activities in favour of consumers (OJ L 34, 9.2.1999)	98/0028	25.1.1999	Common position 15.12.98
145	Directive 99/3/EC of the European Parliament and of the Council of 9 March 1999 relating radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999)	97/0149	9.3.1999	Joint text following conciliation
146	Decision No 476/99/EC of the European Parliament and of the Council of 22 February 1999 amending Decision No 2085/97/EC establishing a programme of support, including translation, in the field of books and reading (Ariane) (OJ L 57, 5.3.1999)	98/082	22.2.1999	Common position 17.12.1998
147	Decision No 477/99/EC of the European Parliament and of the Council of 22 February 1999 amending Decision No 719/96/EC establishing a programme to support artistic and cultural activities having a European dimension (Kaleidoscope) (OJ L 57, 5.3.1999)	98/0283	22.2.1999	Common position 17.12.1998
148	Decision No 372/99/EC of the European Parliament and of the Council of 8 February 1999 adopting a programme of Community action on injury prevention in the framework for action in the field of public health (1999 to 2003) (OJ L 46, 20.2.1999)	97/0132	8.2.1999	Common position 16.12.98
149	Decision No ../99/EC of the European Parliament and of the Council of 29 April 1999 adopting a programme of Community action on rare diseases within the framework for action in the field of public health (1999 to 2003)	97/0146	29.4.1999	Joint text following conciliation
150	Decision No ../99/EC of the European Parliament and of the Council of 29 April 1999 adopting a programme of Community action on pollution-related diseases in the context of the framework for action in the field of public health (1999 to 2001)	97/0153	29.4.1999	Joint text following conciliation

<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
151	Directive 99/ /EC of the European Parliament and Council on certain aspects of the sale of consumer goods and associated guarantees	96/0161		Joint text following conciliation
152	Regulation (EC) No 995/99 of the European Parliament and of the Council of 13 April 1999 amending Council Regulation (EEC) No 2913/92 with regard to the external transit procedure (OJ L 119, 7.5.1999)	97/0242	13.4.1999	Common position 16.12.1999
153	Directive 99/ /EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations	96/0200		Common position 10.2.1999
154	Directive 99/41/EC of the European Parliament and of the Council amending Council Directive 89/398/EEC on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses	94/0076		Joint text following conciliation
155	Regulation (EC) No ../99 of the European Parliament and of the Council of 10 May 1999 amending Council Regulation (EEC) No 3330/91 on the statistics relating to the trading of goods between Member States with a view to reducing the data to be provided	97/0172	10.5.1999	Joint text following conciliation
156	Directive 99/33/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 67/548/EEC as regards the labelling of certain dangerous substances in Austria and Sweden	98/0290	10.5.1999	Common position 10.3.1999
157	Decision No ../99/EC of the European Parliament and of the Council establishing a Community action for the 'European Capital of Culture' event for the years 2005 to 2019	97/0290		Common position 11.3.1999
158	Directive 99/34/EC of the European Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products	97/0244	10.5.1999	Common position 23.3.1999
159	Directive 99/42/EC of the European Parliament and of the Council establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications	96/0031		Joint text following conciliation



<b>LEX No</b>	<b>SUBJECT</b>	<b>COD PROCEDURE No</b>	<b>DATE OF SIGNATURE</b>	<b>TEXT CORRESPONDS TO</b>
160	Directive 99/ /EC of the European Parliament and of the Council amending, for the 17th time, Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain substances and preparations.	98/0005		Common position 10.2.1999
161 (* )	Regulation of the European Parliament and of the Council on the European Regional Development Fund	98/0114		EP second reading 6.5.1999
162 (* )	Regulation of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European anti-fraud office (OLAF)	98/0329	25.5.1999	EP first reading 6.5.1999
163 (* )	Regulation of the European Parliament and of the Council on the European Social Fund	98/0115		EP second reading 6.5.1999
164	Decision No ../99/EC of the European Parliament and of the Council adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic Interchange of Data between Administrations (IDA)	97/0341		EP second reading 13.4.1999

(\* ) Adoption under Treaty of Amsterdam.