

**Summary Report
on the
XIth Conference of European Affairs Committees
in Bonn on 24th/25th October 1994**

Conference Chairwoman **Dr Renate Hellwig** opened the session and welcomed the delegates - including, in particular, parliamentarians from the four acceding states Austria, Finland, Norway and Sweden as observers. She congratulated the representatives of Austria and Finland on the positive outcome of the referenda on joining the EU, and expressed her thanks for the comprehensive answers to the questionnaires on the three topics on the conference agenda: Internal Security/EUROPOL, Environmental Protection and Application of the Principle of Subsidiarity.

Specifically, she pointed out that COSAC is the only institutionalized body to combine the European Affairs Committees of the national parliaments and committee members from the European Parliament. It is in such a setting, in discussions with representatives of governments, that they have an opportunity to influence governments in a direction their parliaments might wish during the debates in the Councils of Ministers in Brussels.

Agenda item 1:

Internal Security/EUROPOL

The Chairwoman **Dr Renate Hellwig** welcomed State Secretary Prof. Kurt Schelter from Germany's Ministry of the Interior.

State Secretary **Prof. Kurt Schelter** expressed his thanks for the opportunity to report at this Conference on the state of play in the third pillar of the Maastricht Treaty. He pointed out that, in this inter-governmental area, feedback to national parliaments and to the European Parliament and its committees was of special importance. After all, citizens expect answers in this field - not only from their national governments - but also from the European Union.

One year previously, a work and action programme for 1994 had been adopted. It targeted problems which had been known for years already and also reflected the situation in a changing Europe. The opening of borders to the East and the Balkan conflict was making it necessary for us to cope with new flows of refugees and share the burdens to be expected. On top of this, there were problems of returning the illegal migrants, traffic in human beings - which is developing more and more into an area of organized crime - car theft, nuclear crime, as well as racism and xenophobia.

The German Presidency - following on from previous Presidencies - accorded high priority to the third pillar and was making efforts to exploit the existing scope for action.

In the meantime, thanks to the Franco-German initiative, the Consultative Commission against racism and xenophobia had been set up, had given itself a work programme and set itself working goals. Five hearings were planned, two of them to take place even before the European Council meeting due to be held in Essen in December 1994. It was right to seek a common strategy for combating xenophobia and hostility to foreigners, the main reason for which, Prof. Schelter believed, was uncontrolled migration, a phenomenon that required joint control.

The smuggling of illegal immigrants, it is said, is a form of slave trade. In the Federal Republic Germany alone, 2,000 smugglers were seized within one year. These were organized international gangs using the latest technology and already involved in organized and general crime. This being so, it is important to implement the recommendations of the Berlin and Budapest conferences of October 1991 and February 1993. Gratifyingly, he said, the answers to the questionnaire showed a wide consensus that the smuggling of illegal immigrants must be made punishable in all member states, and that there is a willingness to punish smuggling out of one's national territory.

The German Presidency saw in EUROPOL a crucial factor for internal security in the European Union. Implementing the resolution adopted by the European Council of Corfu, it had submitted to the informal Berlin meeting of the Justice and Interior Ministers in September a draft EUROPOL convention which is now the subject of intense debate and has been discussed several times in a responsible committee of the European Parliament.

One particularly difficult issue was the question of the EUROPOL brief. Specific fields of activity would have to be defined as soon as possible. In addition to combating drug trafficking, which was already assigned to the European drug trafficking unit, the smuggling of illegal immigrants, nuclear and organized crime were to be included. Questions of auditing, judicial control, data protection and parliamentary control of EUROPOL had not yet been clarified, however. The Federal Republic of Germany wished to adopt a pragmatic approach in this respect. The reservations were known. At the same time, EUROPOL would also strengthen the confidence of citizens in the European Union's ability to solve problems.

One controversial point is still the question of the executive powers to be given to EUROPOL. Should EUROPOL have specific powers of access? Here, it is necessary to proceed cautiously through possible intermediate steps.

Joint instruction and further training for the police was another controversial question. But better cooperation means getting to know the various techniques and procedures employed in other member states.

As regards car theft, State Secretary Prof. Schelter argued that, in view of the worrying increase in such offences, it is essential that all technical options be exploited and that cooperation be stepped up. In this connection, electronic immobilizers ought to be a condition for registration. If it were possible to come to grips with this area of crime, that would be a good example for EU competence.

Deputy Prof. Dimitris Th. Tsatsos (Greece) agreed with the basic position just presented. The main reason for hostility to foreigners was not uncontrolled migration, however, but a lack of information among citizens. The roots were often to be found in history or in the sociology of peoples.

Deputy António Murteira (Portugal) noted that member states would have to reconsider their policies. At present, there are 20 million jobless in the European Union, and they are in danger of marginalization. Many governments are responding only inadequately to the problems involved. The question of hostility to foreigners had to do with the implications of relations between the developed and the Third World. Third World debt had grown threefold in the last 13 years. The industrialized nations should be spending part of their gross national product on development in the Third World and on combating the reasons for emigration by cooperating with the countries of origin. In addition, clear rules of entry/residence were necessary.

Lord Slynn of Hadley (United Kingdom) felt that Great Britain's experience in connection with the Race Relations Act might provide some pointers for Community policy. In the question of the smuggling of illegal immigrants, he agreed with State Secretary Prof. Scheiter. The problem would have to be tackled in a wider framework. The House of Lords would shortly be considering the EUROPOL convention. The question of the extent to which police should have access to documents and the facilities of member states was not really a matter for Community legislation.

Member **Antonio Vitorino** (European Parliament) stated that the European Parliament's Committee on Civil Liberties and Internal Affairs was considering the third pillar of the Maastricht Treaty. Maastricht had changed nothing in the inter-state character of domestic and legal policy. This being so, the decision-taking process was a lengthy one; there was a lack of parliamentary control and adequate transparency. The European Parliament's role was confined to consultation. The obligation of the Presidency and the Council to consult the European Parliament and possibly consider its opinion is not being applied as envisaged, since the willingness to consult takes various forms in the Council of Ministers.

He appealed to the delegates to exert influence on their Interior and Justice Ministers in order to obtain inter-institutional agreement for more involvement of the European Parliament.

It was necessary, he said, for the 1996 revision conference to work out candidate solutions for better democratic legitimization. In defining the jurisdiction of EUROPOL, it should be borne in mind that the third pillar was no end in itself, but a means for activating European mechanisms to achieve common goals, while taking due account of the subsidiarity principle.

Deputy **Steen Gade** (Denmark) pointed out that the conclusions of Edinburgh had been a crucial factor for Denmark in its decision to accept the Treaty of Maastricht. It was important that the third pillar be implemented. He addressed three questions to the representative of Germany's Federal government:

- How is the jurisdiction of EUROPOL to be demarcated from that of INTERPOL?
- What is the division of function in migratory problems to look like?
- Does the Federal government believe that the solution to present problems consists in having more police and more frontiers? Steen Gade sees the risk of a Fortress Europe, which could injure the feelings of our neighbours, especially in Eastern Europe. Is it not more important in fact to promote the economic and political integration of Eastern Europe as well?

Deputy **Isabel Tocino Biscarolasaga** (Spain) submitted that the determinants of xenophobia and racism were to be found in unemployment, economic crisis, loss of values and illegal immigration. Solving such problems requires a consensus between governments. She would continue to advocate ongoing improvement in the training of EUROPOL members and would support the assignment of certain executive powers to this police level. Internal security has a high priority in public opinion. EUROPOL should assume jurisdiction from INTERPOL and also operate in the areas of nuclear trade, car theft, organized crime and terrorism. She drew attention to the fact that car theft ought not to be a priority item, compared with terrorism.

Deputy **Nic. Tummers** (Netherlands) argued that the cultural side of migration, too, was an important factor. This was giving rise to conflicts with the culture of Old Europe. The multicultural

component ought not to be disturbed. Nor should minorities be hindered in exercising their cultural rights.

Deputy **Oreste Tofani** (Italy) pointed out that Italy was making emphatic efforts to deal with hostility to foreigners. The causes, he felt, are the north-south conflict and the social plight of the Third World. This being so, political relations with Third World countries must be re-examined. Peaceful and dignified coexistence must be the basis of political decisions. With regard to EUROPOL issues, he shared the views expressed by State Secretary Prof. Schelter.

Member of the Dáil **Nora Owen** (Ireland) pointed to the present signs of a solution to the conflict in Northern Ireland. This might be a model for Europe as well.

In view of its island situation, Ireland was less exposed to refugee problems. When it comes to burden-sharing, the hope was expressed that this would not mean assigning large numbers of immigrants to Ireland. Other forms of burden-sharing would have to be found. Ireland welcomes the upcoming extensions to the European Union. The four new members have well developed economies. In any future extensions, there will be a problem when present member states have to surrender privileges in favour of Eastern European countries. This again was a question of burden-sharing.

The Chairwoman **Dr Renate Hellwig** congratulated Ireland on the success in solving its north-south conflict.

Deputy **Daniel Ducarme** (Belgium) expressed the view that racism and xenophobia could be dealt with by a joint strategy to reduce unemployment. In his opinion, EUROPOL should concern itself mainly with drugs/money laundering and organized crime. A network of human, technical and practical resources at European level was necessary, as was cooperation and the joint training of police forces. Further harmonization would have to follow at the practical level of judicial decisions, criminal law, court rules, etc.

The European Parliament should make systematic use of what rights it has and should insist on its right to be consulted, precisely in the case of the EUROPOL convention.

Deputy **Maurice Ligot** (France) recalled that we should not ignore the problems arising in everyday life due to immigration. France is having serious problems with a fundamentalist Muslim minority. The ordre publique must be maintained, and the provisions of democratically passed laws adhered to. With regard to EUROPOL, he advocated a limited jurisdiction, which could be extended in future, of course. It could operate in the fields of nuclear smuggling and terrorism. All the same, EUROPOL should not become a new European police force, but primarily perform coordinating functions and provide a forum for pooling information.

Deputy **Dr Friedrich König** (Austria) addressed three questions to the representative of the Federal government:

- When does the German Presidency expect the conditions to be met for the Schengen Convention to come into force, so that internal borders will no longer be subject to controls?
- What options are envisaged for assistance in controlling common external borders? When it acceded to the Agreement, Austria drew attention to the fact that it has a long eastern border

and did not want to impair its friendly relations with Hungary, the Czech Republic, etc., although it did have to satisfy security needs.

- It must be asked whether there is any point in making electronic immobilizers a precondition for registration, when it is known that they can be bypassed. Would it not be better to leave further developments to the free play of market forces and provide insurance companies with a list of suitable measures? Basing things on one single system might hamper further developments.

Deputy **Antionos Skillakos** (Greece) stated that the causes of xenophobia were poverty, unemployment and illegal migration. Economic collapse in Eastern Europe had launched great waves of migration. The countries of origin must be helped rebuild their economies, while the mass media in the receiving countries must carry out information campaigns. Greece is not yet ratifying the Schengen Agreement because of the lack of controls with regard to the electronic recording of personal data. The member also had to speak out against EUROPOL, since it lacked democratic transparency and control.

Deputy **Pafsanias Zakolikos** (Greece) made it clear that his country's official position had been recorded in the answers to the questionnaire "Internal Security/EUROPOL". Deputy Skillakos was expressing the views of the Greek Communist Party.

Member of the Dáil **Proinsias De Rossa** (Ireland) stated that he wished to speak on his own behalf. In his view, immigration is just one cause of racism. Xenophobia arises from the fears of those with something to lose. As regards EUROPOL, he agreed that transparency and democratic control are important. He recalled the conclusion of the European Council of Corfu and stressed again that no Community-wide monitoring body should exist without being subject to democratic scrutiny.

Deputy **Narcis Bazquez** (Spain) submitted that, if illegal immigration is the main cause of racism and xenophobia, EUROPOL would have to advocate sealing Europe's frontiers. However, there must be no Fortress Europe. Instead, collaboration with the Third World must be stepped up in order to make emigration unnecessary.

Deputy **Pieter Ter Veer** (Netherlands) favoured a programme for asylum seekers. Warding off and returning unlawful asylum seekers, too, requires the mutual support of member states, even when asylum seekers have no valid identification papers. EUROPOL's jurisdiction would have to be clearly demarcated, and the question of monitoring clarified.

Deputy **Panaghiotis Lambrias** (Greece) argued that the recent rise in migratory flows had rekindled certain feelings in the population that people had considered long dead and buried. Europe needs joint asylum regulations. The right to asylum is part of a Western tradition. He pointed out that freedom of movement in the European Union ought to have been completely implemented from 1993, but that there were still obstacles, since the electronic monitoring system was not yet complete. A possibility must exist of finding technical solutions in this respect. Often, it is ideological reasons that make member states hesitate to tackle terrorism together. It must be borne in mind that EUROPOL will not survive without the latest technical equipment. Democratic control, too, must be guaranteed, of course.

Member of the Bundestag **Dieter Schlöten** (Germany) stated that, although the traffic in human beings must be combated, fighting the causes is more important than police action. As a member of the German Social Democratic Party, he had to point out that his party was unable to endorse the

replies to the questionnaire as given by the Chairwoman of the EC Committee in the German Bundestag. His party explicitly supported the replies given by the second house of the German parliament, the Bundesrat, and shared the views expressed there on combating the smuggling of illegal immigrants.

The Chairwoman **Dr Renate Hellwig** explained that the recent meetings of the EC Committee had already been completed when the questionnaire came up for answering, so that she had been unable to check her answers with the members.

Finally, **State Secretary Prof. Kurt Schelter** again made it clear that uncontrolled migratory movements were certainly not the sole main reason, but one of the main reasons. Of course, the root of the problem must be tackled here as well. On the issues involved in burden-sharing, it was necessary to follow on from the Dublin convention, which laid down who was responsible for handling asylum procedures. If major flows of refugees were to occur again, it would be impossible for Germany and, e.g., Austria, to bear the main burden. The problem must be regionalized. Criteria must be found to cope better with these flows. Possible criteria in this respect might be: size of population, GNP, level of development aid. It would suffice if a discussion could be entered into at this point, and he hoped that the problem would be on the agendas of the European Union as well during coming Presidencies. Of course, the problem of migration cannot be solved using political instruments. This approach is only feasible if illegal migrants turn to crime. He referred to the "Flynn Paper", which contains a large number of causes and strategies.

With regard to the technical problems associated with the Schengen information system, he was able to announce that initial test runs had begun and that the problems might well be solved by November 1994.

He did not consider the short-term introduction of a common external border regime to be possible. As regards assistance, he referred to the handbook for external border regimes, which is based on the Schengen handbook.

As for car immobilizers, he considered it necessary to have a consensus on the prerequisites for their introduction. However, it was not possible for a Council directive to deal with technical details.

The Chairwoman **Dr Renate Hellwig** thanked **State Secretary Prof. Kurt Schelter** for participation and closed this agenda item.

Agenda item 2:

Environmental Protection

The Chairwoman **Dr Renate Hellwig** welcomed Germany's Federal Minister for the Environment, Nature Conservation and Nuclear Safety, Prof. Klaus Töpfer, in his capacity as President of the EU Council of Ministers for the Environment to address the delegates on the subject of environmental protection.

Federal Minister **Prof. Klaus Töpfer** began by arguing that a national environmental policy by itself is no longer a suitable instrument for ensuring adequate environmental protection in Europe. International cooperation in environmental policy was necessary. Also, environmental policy must be geared to a linkage of environmental problems with development problems, as had become clear at the United Nations Conference on Environment and Development in Rio de Janeiro. The bottom line had been that adequate provision made for the environment and for an active development policy would help preserve peace. This has been fittingly described as "sustainable development".

It is in this overall framework that EU environmental policy has to operate. It must be realized that industrial nations in the past have shifted most of the costs of their own prosperity on to the environment and the Third World, and have not been financing these costs via the price of their products. Hence, the goal of a balanced environmental policy must be to redirect these costs and let the polluters pay. Put another way, external effects will have to be internalized. This being so, a successful environmental policy requires integration with other political areas.

Federal Minister Prof. Töpfer dealt briefly with the chief legal bases for environmental policy in the European Union. He referred to the Single European Act of 1987 and the environmental provisions of the 1993 Maastricht Treaty. Also, some 200 legal instruments of the European Union had been adopted, like quality standards or product labelling regulations, for example. In this connection, he was concerned with the problem of whether EU environmental provisions had been harmonized at too low a level. Federal Minister Prof. Töpfer argued that individual member states must, in principle, be allowed to issue legal provisions that go beyond the environmental standards of the European Union. At all events, this need present no problems in the case of approvals for plants and facilities with possible environmental impact, because these generally had effects that were confined to the territory of one member state. The situation is different in the case of the environmental requirements to be satisfied by products, because different environmental requirements in different member states might impair the free exchange of goods and involve obstacles to trade in the European Union.

Minister Töpfer then identified the specific goals of the German Presidency in the area of environmental policy. One important goal, also in view of the UN Climate Conference due to be held in Berlin in March 1995, was the adoption of the so-called climate package. This concerned stabilizing CO₂ emissions in the European Union at or below the 1990 level by the year 2000 and adopting instruments that oblige and bind member states to adhere to the stipulated quantities. Minister Töpfer was of the opinion that stabilization of CO₂ emissions should be achieved by taking the European Union as a whole in a form of burden sharing. This would enable economically weaker member states with previously rather low CO₂ emission levels to increase their energy consumption, whereas economically further developed member states would have to lower their CO₂ emissions and, hence, their energy consumption, possibly by making above-average reductions.

As instruments for stabilizing CO₂ emissions in the European Union, Minister Töpfer suggested that EU programmes should promote the use of alternative energies and aim at lowering petrol

consumption in motor vehicles. The introduction of a combined energy and carbon dioxide tax, too, could yield an energy-saving effect. In this connection, he pointed out that different views existed in the European Union on the introduction of such taxes. Some states rejected the carbon dioxide tax, and merely wished a limitation of CO₂ emissions as a target. Other member states agreed with taxing CO₂ emissions, but rejected a simultaneous tax on other energy sources. According to Minister Töpfer, it has also been argued that a tax on carbon dioxide should not be introduced in states with low CO₂ emissions. Finally, it was said that discussions should continue on the specific shape to be given to the combined energy and carbon dioxide taxation, since no definitive arrangements could be adopted at the present time. Minister Töpfer stated that the German Presidency would aim at obtaining final arrangements by the end of the year 1994 and present a climate package of concrete targets and instruments being for adoption.

The Federal Minister went into another set of problems associated with environmental policy in the European Union, viz. the problems attaching to hazardous substances. Specifically, he saw a regulatory gap in the case of biocide substances. A draft directive covering the marketing of such hazardous substances had already been presented, however.

Another focus of European environmental policy, he said, was the adoption of a Waste Directive designed to encourage the avoidance of waste. This would involve, inter alia, including the disposal costs of packaging waste in the selling price. In Germany, successes have already been obtained in this respect. Federal Minister Prof. Töpfer expressed the hope that a corresponding EU directive would be issued before the end of the German Presidency.

Among other themes involved in European environment policy, Minister Töpfer mentioned transportation problems. The taxation of aircraft fuel was being discussed, and he supported this. Another aim was to obtain a reduction in vehicle exhausts and to improve the integration of different modes of transportation.

Minister Töpfer then discussed the link between trade policy and environmental policy. Defining general environmental requirements in the system of world trade was one of the still outstanding problems in international relations. He felt that harmonization of environmental requirements must be aimed at on competition grounds. On the other hand, harmonization must not be allowed to entail a lowering of environmental standards in individual states. He pointed out that environmental policy did not endanger Europe as an economic location. In fact, successful environmental policy was a precondition for securing jobs in the future, because orderly environmental conditions were growing to be a locational selling factor in the economy. Also, environmental technology was now an important growth sector. In Germany, this sector has developed into a dynamic export industry.

Summing up, Minister Töpfer called for the European Union to be extended to form an environmental union with an environment policy integrated into all fields of politics. The costs of using the environment in economic activities ought to be included from the outset in the costing process. Market-economy instruments, like a combined energy and carbon dioxide tax, for example, could be employed for this purpose. As a matter of principle, the need to meet environmental requirements must not lead to distortions of competition between the member states of the European Union. Individual member states must still be allowed to adopt higher environmental standards.

The Chairwoman **Dr Renate Hellwig** thanked Federal Minister Prof. Töpfer for his remarks and described the Federal Minister's activity in German environmental policy as an encouragement for environmental protection in Germany and Europe.

Deputy Prof. **Jorge Braga de Macedo** (Portugal) agreed in principle with the remarks of Federal Minister Prof. Töpfer and referred in this respect to the written opinion submitted by the Portuguese parliament. The Portuguese parliament had not yet discussed the introduction of a carbon dioxide tax, but no fundamental objections existed in this respect.

Senator **Yves Guéna** (France) touched on the demarcation problems in environmental policy between the jurisdiction of the European Union and that of the various member states. In view of what are today very complex and highly differentiated national rules, he argued that no new environmental regulations of direct application should be issued at EU level, but merely directives with targets, the details of which the member states would have to translate into practice. In this way, unitary national environmental arrangements would in fact evolve in the EU member states.

The **Earl of Lindsay** (United Kingdom) advocated a blanket EU directive covering environmental damage. He suggested that an independent body be created to collect and evaluate environmental data. This could be done by the European Environment Agency, which could also assume monitoring functions. Pending submission of the results, no new arrangements on environmental protection should be issued at EU level.

Deputy **Steen Gade** (Denmark) called for the integration of environmental protection and economics. The question was that of the extent to which environmental policy affects the economy and labour market. This being so, he suggested a white paper on the integration of environmental policy and economic and employment policy. Environmental policy must be viewed in a larger context and fit into a system that includes other political areas. With regard to the introduction of a carbon dioxide tax, he said that this is advocated in Denmark, but that the automobile industry, too, for example, would have to be included in any such thinking.

Federal Minister Prof. Töpfer commented additionally on the links between economic and ecological efficiency in an economy. As an example, he argued that new and more economic plants are in general ecologically more compatible as well. This had been demonstrated in the retrofitted power plants and in new coal-fired power stations in the former GDR. Hence, the cost burdens for an economy associated with an active environmental policy must be relativized. If environmental standards are to be implemented, however, underlying statutory conditions are necessary, and these must provide for transitional periods that allow for a process of adjustment. In Germany, for example, fixing limit values for the sulphur emissions of coal-fired power plants with transitional periods of several years for older plants had generated new technical solutions. A dynamic process had been launched in the further development of power plant technology.

Nonetheless, Minister Töpfer acknowledged that extending environmental requirements in the European Union does involve a risk of excessive red tape in the issue of approvals for technical plants and, hence, a risk of higher costs. This being so, the aim must be to remove red tape. In this context, he spoke of the current discussion on the form to be given to the environmental requirements to be met by plants. One point being discussed is whether these environmental requirements should be based on the pollution limits for the region concerned or whether the state of the art should be demanded for all plants. This latter option would bring the prevention aspect to the fore.

With regard to the duties of the European Environment Agency, Federal Minister Prof. Töpfer held the view that this body should not perform any executive functions in enforcing environmental requirements.

Deputy **Pafsanias Zakolikos** (Greece) called for a coherent environmental policy in the European Union with balanced and steady development. One specific problem in the environmental field, he pointed out, was being caused by the growing flows of tourism to the Mediterranean area with resulting damage to the local environment. This places considerable burdens on the countries concerned. Deputy Zakolikos argued that poorer countries in the Mediterranean areas were subsidizing richer states by way of tourism. Hence, he felt that the richer countries should pay their share of tourism's consequential costs.

Senator **Jo Cuyvers** (Belgium) asked about the proper scale of EU legislation in the environmental field. He argued that the various member states of the European Union must be given a certain leeway for action within their own specific economic and financial options.

He supported the introduction of a combined energy and carbon dioxide tax, though heed must be paid to the burdens on private households. After the Rio conference, a special responsibility has been placed on EU states to lower the worldwide energy consumption levels and, hence, to restrict CO₂ emissions.

Deputy **Nic. Tummers** (Netherlands) suggested that the European Union should also use the educational systems in the various member countries to produce a change of awareness in order to create environmentally sound behaviour patterns and overcome today's widespread throw-away mentality.

Deputy **Narcis Bazquez** (Spain) noted an underlying consensus in the responses to the remarks by Minister Töpfer. However, he did feel that it was necessary to simplify environmental regulations both at national and at EU level. In his view, the erroneous dichotomy of economics and ecology had already been largely overcome in EU member states.

Deputy Bazquez believed that the EU's joint environmental policy must take account of the various environmental problems in member states. One major ecological problem in southern Europe, for example, was that of desiccation of the landscape, flooding and the frequency of forest fires. At EU level, only joint environmental problems ought to be dealt with in detail, leaving specific regional problems mainly to the jurisdiction of member states. In his own country, one focus in environmental policy, as in Greece, concerned the consequences of tourism. He felt that others could learn from the mistakes made by Spain in expanding its tourism.

Member of the Bundestag **Dieter Schlöten** (Germany) asked about the current state of debate on setting precautionary values for pesticides in drinking water.

Deputy **Marcelle Lentz-Cornette** (Luxemburg) was opposed to any more extensive environmental taxes. The introduction of such a tax on packaging, for example, would, she feared, lead to higher prices and place heavier burdens on consumers.

Deputy **António Murteira** (Portugal) touched on the special problem of keeping border-crossing rivers clean. He wanted to know what importance was attached to such problems at European Union level and what solutions the EU could propose. The special importance of water problems was to be found in the fact that they mainly concerned the weaker economies in the European Union. For the rest, he agreed in principle with the remarks made by Federal Minister Töpfer.

Member **Ursula Schleicher** (European Parliament) argued that joint environmental tasks should be tackled at EU level. It must be borne in mind that a high level of environmental protection might

involve distortions to competition in various member states. She pointed out that the European Parliament holds different views from the EU Council of Ministers when it comes to monitoring environmental regulations. The European Parliament, for example, advocates giving jurisdiction to the European Environment Agency as the body monitoring member states' adherence to environmental regulations. However, it should only act in cases of doubt and by way of random checks.

Member Schleicher felt that the unsettled problems in European environmental policy hitherto included the lack of a unitary definition of the waste concept, the air pollution from large-scale firing installations, and plant protection. Also, it is necessary to solve the problem posed by imports of products containing hazardous materials banned in the European Union. This requires reaching agreement with the importing countries concerned in order to prevent any bypassing of bans proclaimed by the European Union.

In his reply to the remarks submitted by the members of parliaments, Federal Minister **Prof. Töpfer** said that the environmental problems caused by tourism would have to be solved according to market-economy principles by way of the tour price. To provide information for consumers, plans exist at European level first of all for the issue of an information directive to improve the facts available to consumers on individual articles and in order to facilitate an environmentally sound choice of products. In the issue of regulations covering the requirements to be satisfied by products, joint action at European level is necessary in order to avoid distortions to competition. In this respect, there were limits to "going it alone" by the various member states.

With regard to the introduction of a combined energy and carbon dioxide tax, the idea was being considered of introducing this initially for small consumers only, in order to avoid distortions in international competition for firms operating at international level. He considered this to be a feasible route which could bring a start to reducing carbon dioxide emissions. With regard to the fears expressed that introducing new environmental taxes could push up product prices, Minister Töpfer pointed out that environment taxes would involve redesigning the products concerned.

Minister Töpfer advocated educational efforts to create an awareness of environmentally benign behaviour patterns. This could be sensibly accompanied by market-economy instruments to produce better environmental protection. He agreed that regional environmental problems existed in the various EU member states for which differentiated arrangements would have to be made in various areas.

The Chairwoman **Dr Renate Hellwig** thanked Federal Minister Prof. Töpfer and closed the agenda item "Environmental Protection".

Agenda item 3:

Address by Dr Helmut Kohl, Federal Chancellor of the Federal Republic of Germany

Federal Chancellor Dr Helmut Kohl expressed his pleasure at having the opportunity to speak before the COSAC delegates, and extended a special welcome to the observers from Austria, Finland, Norway and Sweden. The relations between national parliaments and European Parliament were certainly not satisfactory - but he did hope that the next four years would bring a dramatic turn for the better.

The Federal Chancellor described his own personal commitment to Europe. He recalled the years 1989/1990 which had brought German unity by peaceful means and with the agreement of neighbouring states. All federal chancellors since the creation of the Federal Republic had defined Germany's future course in - and with - Europe. German unity had marked the end of the East-West confrontation, brought together family members who had been separated for decades and seen the departure of allied and Russian forces. A look at the map shows why Germany, and why he as Chancellor, have supported Europe. He could only repeat some words of Konrad Adenauer's that had impressed him so profoundly as a young man: German unity and European unity are two sides of the same coin. The quality of the European idea should decide and lead to a policy of coexistence. Germany as the country with the highest population and the strongest economy, and one that had brought so much suffering to its neighbours in the past, must do its bit for European unification. The war in the former Yugoslavia showed that European unity is a question of war and peace. There is no alternative to Germany's firm integration into Europe.

Nonetheless, the German Presidency was not marked by actionism. In fact, by ensuring the greatest possible continuity with the Council Presidencies from France, Spain and Italy that will follow, attempts were being made to create the preconditions for the government conference in 1996.

The Federal Chancellor then mentioned six items to characterize the focal points of Germany's Council Presidency:

1. To the fore was the need to safeguard Europe as an economic location in line with the White Paper of Commission President Jacques Delors, with priority going above all to the creation of trans-European networks.
2. Cooperation in domestic and legal policy must be improved to combat international crime syndicates and to preserve internal peace. He advocated the buildup of EUROPOL and the creation of a European asylum law.
3. Joint action in external and security policy must be improved.
4. The strengthening of democracy in Central and Eastern European states must be continued. Certainly, requirements would have to be met by these states, but offering a perspective of hope. A comprehensive Mediterranean policy was necessary, since the Mediterranean is as European as the Baltic.
5. More scope must be found for the subsidiarity idea. In Germany's view, it will not be possible to create a central state in Europe. He advocates a Europe based on plurality, pointing out that the famous statement by Winston Churchill in 1946 on the creation of a United States of Europe should not be understood as meaning that Europe must follow the model of the United States of America.

6. Finally, it is necessary to strengthen democracy in Europe, and Europe is making good progress in this respect. Cooperation with the European Parliament in the appointments to the Commission is one good example. Also, the European Parliament must be included in the preparations for the government conference.

Finally, the Federal Chancellor pointed out that the moves to deepen and enlarge the EU were interdependent. The object was to have no more war in Europe. Gestures are especially important for the new acceding countries. The Federal Chancellor appealed to the members of COSAC to pool their knowledge in a personal commitment toward preserving Europe's cultural identity. He himself was filled with a realistic optimism in pressing ahead with European values: humanity, receptiveness, peace and freedom.

Deputy **René van der Linden** (Netherlands) was very impressed by the Federal Chancellor's remarks. Regarding the paper submitted by the CDU/CSU parliamentary group in the German Bundestag "Reflections on European Policy" (Schäuble/Lamers paper), he asked whether there was in fact any alternative to a multi-speed Europe. He was opposed to any creation of first and second-class countries.

Federal Chancellor **Dr Helmut Kohl** replied that the paper was merely meant to give a boost to further discussion. The crucial point was that things should start moving and that the process should not drag on. In fact, he did not want to conduct such a debate at all. An attempt should be made to find out what is possible; if the final outcome of the discussions was two speeds, then that should be accepted, but it should not be planned from the outset. He felt it is important that as many as possible are in the boat - but that the speed should not be decided by one passenger alone, of course. He was afraid that, if Europe makes no progress, tensions could arise with the Central and Eastern European countries.

MP **Nigel Spearing** (United Kingdom) remarked that it was essential for the Community to implement closer cooperation within the framework of a core Europe.

Member **Nicole Fontaine** (European Parliament) said that a more democratic Europe was also the aim of the European Parliament. She asked Chancellor Kohl whether a clear vision of the goals for Europe was also shared by the other heads of government. This has quite specific implications for the populations of the various member states. The variable geometry must be translated into Community institutions and lead to greater cooperation with the Maghreb states.

Federal Chancellor **Dr Helmut Kohl** replied that the Schäuble/Lamers Paper was not the subject of a CDU resolution. There had always been differences in member states' participation in joint tasks. He pointed to the example of the Eurocorps, which will go on growing. With regard to the variable geometry, he stated that, if the peace process between Israel and the Palestinians succeeds, a special status should be accorded to that region, as to the Maghreb states and Turkey.

Deputy **Kent Kirk** (Denmark) pointed to the divide between politicians and citizens in the Community. Decision-taking processes with regard to internal security would have to be stepped up, although the subsidiarity principle must be heeded in this respect; agreement on guidelines for a joint security and economic policy would suffice.

Deputy **Isabel Tocino Biscarolasaga** (Spain) pointed out that Europe would not have been able to exist for long with a divided Germany. Chancellor Kohl's presence was an endorsement of a

democratic Europe. The Maastricht Treaty itself allowed for two speeds. Nobody should feel excluded by operation of the Schäuble/Lamers Paper.

Deputy **Nora Owen** (Ireland) stated that the smaller member states, too, needed protection specifically in any future enlarging of the EU.

Deputy **Prof. Dimitris Th. Tsatsos** (Greece) added that there is now a crisis of confidence with regard to Europe. He asked the Federal Chancellor whether he could accept a dual-speed Europe. This would amount to abolishing Europe. Such a debate should not be held, since it was merely a hindrance on the road to European unification. A distinction should be made between those who are unwilling and those who are unable.

Federal Chancellor **Dr Helmut Kohl** replied that the object of the Schäuble/Lamers Paper had merely been to avoid any stagnation in European developments. It would be his goal in the next four years to make the European process irreversible - figuratively speaking: to get the locomotive on track. The pace would then be a secondary consideration. Each member state would learn that it can also be outvoted. The final accounts would look much better again. Europe needed an advance in the way of confidence. People must come to realize that most of the world moves outside Europe.

MP **Jimmy Hood** (United Kingdom) pointed to the worrying situation in Cyprus which proposes to submit an application for membership in January. He asked whether Germany would support this project.

Deputy **Daniel Ducarme** (Belgium) said that the 1996 government conference would have two goals: firstly, the creation of more federalism; and secondly, coming to grips with the problems of internal security. The Schäuble/Lamers Paper could initiate a debate in this respect.

Deputy **Marcelle Lentz-Cornette** (Luxemburg) asked whether representatives of the national parliaments or the Troika might take part in the government conference.

Deputy **Prof. Jorge Braga de Macedo** (Portugal) said that he had received new ideas from this discussion. The Portuguese population was impressed by the process of European integration. A thinking process had been initiated, and great progress could be reported in Portugal. Encouragement must be given to those countries that wish to approach the European average.

Federal Chancellor **Dr Helmut Kohl** urged that the vision of Europe should not be lost. The road to the European house should be made irreversible before the generation that experienced World War II finally leaves the stage. National parliaments could not be represented at the government conference, but had options for exerting influence inside their countries. He declined to answer the question about Cyprus. What was necessary was a solution based on reason.

Finally, he pointed out that Germans were making efforts to be good Europeans. The object was to combine German unity with European unity.

The Chairwoman **Dr Renate Hellwig** thanked Federal Chancellor **Dr Kohl** for his participation and closed this agenda item.

Agenda item 4:

Status of the Ratification of the EU Accession Treaties with Austria, Finland, Norway and Sweden

The Chairwoman **Dr Renate Hellwig** commenced by summing up the results of a poll organized by the European Parliament on the status of ratification of the treaties of accession in the national parliaments. The procedures in Denmark and in Ireland would be completed before the end of October, in Belgium, Italy, Luxemburg and Great Britain in November, in France before Christmas and in Greece, Portugal and The Netherlands, too, in time. Germany had already ratified the treaties before the summer recess.

Deputy **Pieter Ter Veer** (Netherlands) confirmed that the first and the second chambers of the States General would complete their ratification procedures in the second half of 1994.

Deputy **Fabio Evangelisti** (Italy) reported that the treaties had been submitted to the Senate of the Republic on 5 September and that they were currently being scrutinized in the Foreign Affairs Committee. Once the legislation was passed in the Senate, a final vote would be taken in the House of Representatives. The double reading in committee and in plenary session required by Art. 72 of the Rules of Procedure had given rise to procedural problems, but there were no political issues at stake and no risk of delay.

Deputy **Antonio Costa Costa** (Spain) announced that the ratification procedure was under way in the Spanish parliament. Overall adoption of the legislation in the Senate was planned for the coming week, and final proceedings in parliament for December. He added that Spain would not be attaching conditions to the ratification of the accessions.

Deputy **Katerina Daskalaki** (Greece) noted that the ratification procedure would present no problems in Greece.

Lord **Boston of Faversham** (United Kingdom) stated that no problems were to be expected in Great Britain either. The ratification procedure had already been completed in the House of Commons, and final debates were now under way in the House of Lords.

Deputy **Robert Pandraud** (France) said that ratification would take place in France as well by the end of the year. However, the proceedings in parliament would only commence after the still outstanding referenda in Norway and Sweden and the decisions of the parliaments in Austria and Finland.

Deputy **Prof. Jorge Braga de Macedo** (Portugal) stated that the ratification procedure had commenced in his country on 13 September and would be completed in time.

Member of the Dáil **Nora Owen** (Ireland) reported that the debate on the treaties of accession had commenced in the previous week, and that it would be completed in the following week.

Agenda item 5:

Application of the Principle of Subsidiarity

On this agenda item the Chairwoman **Dr Renate Hellwig** welcomed Federal Minister for Economics, **Dr Günter Rexrodt**.

Economics Minister **Dr Günter Rexrodt** stated that subsidiarity and deregulation were to be regarded as principles and maxims for action designed to obtain more freedom and room for manoeuvre. Subsidiarity and deregulation were also part of the Federal Republic of Germany's location policy and were the subject of selective and programmatic use there. The same applied to Europe as a location. Europe was in a state of competition not only with the triad, but also with the economies of the newly industrialized countries.

Minister Rexrodt went on to speak of developments in the German economy. Now that the deep recession has been overcome, the German economy is again in a healthy state, and the labour market has stabilized. The "Upswing East" has gathered momentum in the meantime.

European high-wage countries ought to be solving their typical problems in location policy by imparting a new dynamism to research and innovation and by reducing the costs borne by business, above all energy and social costs. On the labour market, flexibility was essential. An export offensive must be launched in the direction of Asia and Latin America.

Deregulation and subsidiarity meant that laws must be simplified and procedures shortened. Europe is often perceived by citizens to be a law-making machine and is not accepted as such. The initiative for subsidiarity and deregulation should not be directed against Europe, but show Europe to be necessary and citizen-friendly in the eyes of the population. Nor should this reduce standards. A Community Europe needs regulations and harmonization, but 35 years on, it must be asked whether some deregulation may not be advisable in some cases. The object is to make the law simpler, more readily comprehensible and verifiable for citizens and business and to allow more freedom.

In the meantime, the Commission has set up a European expert group to examine Community law from the point of view of deregulation. A first interim report is expected for the European Council meeting in Essen in December. What matters is that we strengthen the awareness that governments should not intervene unnecessarily in business life.

The subsidiarity principle, too, is imperative for implementing further integration. It must be systematically employed in creating new Community law, so that decisions can be taken that are more attuned to citizens' concerns. Examining whether a situation can be adequately regulated at member state level or whether an EU regulation might be a better solution would lead to a concentration on important measures at EU level.

Following the inter-institutional agreement of Community bodies in December 1993 with reference to the conclusions in Edinburgh, the Commission is required to heed the subsidiarity principle in examining any proposal, as must the Council and the European Parliament. He did not fear any misuse by anti-integrationists or renationalization. It was only an instrument to avoid overregulation at EU level.

What is important is justiciability by the European Court of Justice. Certainly the Court would allow wide legislative discretion in this respect, but in any blatant infringement, the Court must have the right to declare a legal instrument invalid. He hoped that the two houses of the German parliament,

too, would examine bills according to the subsidiarity principle and, in doing so, employ the Federal government's checklist.

The European Council meeting in Essen in December 1994 should, on the one hand, make a further examination of the depth of regulation and, on the other, declare which areas fall within the exclusive competence of the Community, where the subsidiarity principle is to be applied as well.

The Federal government holds the view that the administrative implementation of Community law must, as a rule, be a matter for member states and is to be done at Community level only in exceptional cases.

He wished to stress once more that the German government is operating no anti-European demagoguery by advocating the subsidiarity principle and certainly does not wish to kindle any anti-European sentiments. The German government's entire policy is aligned to a further deepening of integration. On the other hand, the subsidiarity principle brings greater citizen involvement by regulating matters at the lowest possible level. Again, self-scrutiny by all European bodies creates transparent law-making.

The Chairwoman **Dr Renate Hellwig** thanked Minister Rexrodt for his remarks. She added that one consequence of deregulation and the subsidiarity principle would have to be a mutual recognition of the equivalence of national regulations. This must not lead to a situation where the member states seal themselves off from each other.

Member **Manuel Medina Ortega** (European Parliament) referred to the resolution of the European Parliament of 28 April 1994. The Maastricht Treaty mentioned the subsidiarity principle once in the Preamble and then, adding precision, in Art. 3 b. It could be understood as a rule governing the exercise of jurisdiction. Like integration itself, the subsidiarity principle is undergoing constant evolution. He warned against invoking it to implement national privileges. Each institution taking part in the legislative process - and not only the Commission - must heed the subsidiarity principle. Differences of opinion would have to be solved at political level; no veto rights should be allowed to emerge. In scrutinizing the subsidiarity principle, the Legal Affairs Committee of the European Parliament in particular could play a special role.

Deputy **Rui Carlos Alvarez Carp** (Portugal) endorsed the views of member Medina Ortega. In Portugal, the subsidiarity principle was interpreted both as a legal and as a political principle. The important point here was to have a Community policy attuned to citizens' needs as part of a transparent democracy. The three principles of democracy, transparency and subsidiarity must be instrumentalized.

Senator **Pierre Jonckheer** (Belgium) argued that, in view of the various interpretations, the subsidiarity principle was a concept that could cause confusion. However, simplification of EC provisions and their application, and better control options were to be welcomed.

There were some contradictions in this area. Minister Töpfer had just pointed to the necessity of a European environmental policy. And there were still many open questions: was the EC also to have jurisdiction in the fiscal area, possibly even with majority decisions?

Minister **Dr Günter Rexrodt** replied that decisions ought to be taken at European level, of course, but application and implementation would generally have to be left to national authorities. Only the excesses in the way of EU regulatory density were to disappear or be prevented. Many detailed

arrangements did not necessarily have to be defined by the EU. There were areas - like environmental policy, say - that could only be handled at European level. A transition to majority decisions was quite conceivable once the Maastricht criteria are satisfied; however, the question must be left open for the present.

Deputy **Pieter Ter Veer** (Netherlands) stated that the subsidiarity principle must be given a top place in the list of priorities. Market forces would have to come to bear in Europe. What was needed was more research and technological development, more innovation; there was a need for redistribution and for a transformation of social burdens. The labour market required greater flexibility. This could not be achieved without rules and regulations, of course. The Netherlands wished to press ahead with deregulation and suggested that information centres be set up where citizens or business people could lodge complaints against too much bureaucracy. This model was already implemented in his own country and could prove its worth in the European Union as well. As regards the subsidiarity principle, criteria should be formulated for a strict political discussion. In agricultural policy in particular, there was an excess of regulations, although the Council of Ministers of Agriculture was already trying to find remedies.

MP **Nigel Spearing** (United Kingdom) pointed out that there was in fact agreement on the content of the subsidiarity principle, but that Art. 3 b of the EC Treaty did not allow this interpretation in practice. Since application of the subsidiarity principle always meant venturing to forecast future developments, this was not a legal, but a political question. According to the wording, the subsidiarity principle only applies to cases of a split jurisdiction. In practice, this means that it concerns only a few areas. In its answer to question 2 on the application of the subsidiarity principle, the German Upper House (Bundesrat) had spoken of legal and judicial verifiability. The question of whether a national measure is superior to Community arrangements is more a political than a legal issue. The European Court of Justice is not a suitable institution for verification in this case. He recommended that the Edinburgh code be translated into practice and that all national parliaments should adhere to this.

Deputy **Antonio Costa Costa** (Spain) stated that it must be made clear to citizens that the Single European Market would not have been feasible without a large number of EC regulations. Many European laws had been essential for the progress that has been made. At all events, the level achieved in Europe should be maintained, even with application of Art. 3 b of the EC Treaty. Deregulation and subsidiarity ought not to be confused. Conversely, deregulation and the subsidiarity principle are not opposites. The subject matter of the subsidiarity principle is the question of whether a particular issue can be dealt with better at European level or in the member states or at some subordinate level. It would be dangerous for progress in the European Union if deregulation were to be brought into the subsidiarity debate. The question that must be asked is whether a standard is necessary for each member state, whether the effectiveness of a law can be better ensured at EU level or at the level of the member states.

Deputy **Rui Carlos Alvarez Carp** (Portugal) stated that he could not agree with the remarks just made. The subsidiarity principle would be poorly employed if it were not clearly defined. The citizens of Europe often confused the construction of Europe with European bureaucracy. If the subsidiarity principle could not be sensibly employed here, it must be feared that a countermovement could emerge among European peoples. Owing to lack of experience, many civil servants were not employing the subsidiarity principle. This being so, improvements ought to be made in the options available for contacts between national and European civil services.

Member of the Bundestag **Dieter Schloten** (Germany) emphatically endorsed the statements of his Spanish colleague. The subsidiarity principle had been intensely discussed for nearly a year now. He regretted that it had not been possible within the scope of this Conference to debate the problem, since the addresses and the discussions with representatives of the Federal government had taken up too much time. He hoped that a new structure could be found for the conference in future.

Lord Slynn of Hadley (United Kingdom) stated that the European Court of Justice was not a suitable body for applying Art. 3 b of the European Community Treaty, since the decisions required were of a political or administrative nature. The European Court of Justice should merely create more legal certainty by providing clear definitions. The question of subsidiarity should be discussed in national parliaments and their committees and not become the subject of judicial proceedings.

The Chairwoman **Dr Renate Hellwig** announced that the German Upper House (Bundesrat) had been responsible for preparing this topic and had worked out the questionnaire. It was not possible, however, to exhaustively discuss the subject - in spite of the preliminary work, which she felt had been outstanding - in the present setting. The discussion had shown that some tension existed. Not all member states held the same views on this issue. She recommended that the topic be further debated in the EU committees and be put down as a subject for further discussion in one of the next Presidencies.

Deputy **Antionos Skillakos** (Greece) stated that, with deregulation, small businesses had lost and big business won. The subsidiarity principle, as set forth in the Treaty of Maastricht, was capable of interpretation. Attempts were being made here, using the subsidiarity principle, to dismantle more member states' sovereignty and to weaken national parliaments. In his view, decisions should always be taken at the lowest level. National parliaments should not simply express opinions on bills after the event. The improvements in the Treaty for the European Parliament were not satisfactory either. Nor was the subsidiarity principle strengthening its position. Monitoring of the subsidiarity principle ought not to be a function of the Commission or the European Court of Justice, since the issues concerned were political questions and principles, so that those bearing political responsibility were in charge and would have to negotiate.

Deputy **Prof. Joao Pocos Santos** (Portugal) pointed out that the assignment of jurisdictions was a sensitive business. In future, the demarcation debate would be an important one. The impression that citizens had, viz. that there was too much red tape, was not entirely wrong. What was needed was a reasonable balance between central power in Brussels and the member states. In this respect, pragmatic requirements in particular ought to be heeded. In national parliaments, a process of rethinking was very much more in evidence, and they were dealing more often with this set of problems. The crucial point now was to find a clear definition of and to concretize the subsidiarity principle.

Agenda item 6:

**Report on the Activity of German Council Presidency
by the State Secretary in the Foreign Office Dr Hans-Friedrich von Ploetz.**

The Chairwoman **Dr Renate Hellwig** welcomed the State Secretary of the Federal Foreign Office, **Dr Hans-Friedrich von Ploetz**, who would report on the activity of the Council Presidency on behalf of Federal Minister for Foreign Affairs **Dr Klaus Kinkel**, who had been prevented from attending.

State Secretary **Dr Hans-Friedrich von Ploetz** conveyed to the Conference the greetings of the current Chairman of the Council of Ministers of the European Union, Federal Foreign Minister **Dr Klaus Kinkel**, who regretted being unable to speak in person to the Conference delegates owing to the upcoming coalition negotiations in Germany.

State Secretary von Ploetz started by explaining that he wished to draw up an interim balance of the German Presidency, taking special account of foreign affairs. He explained that the situation at the start of the Presidency had been marked by a re-elected European Parliament, by a Commission at a transition point between terms in office, by uncertainty on the application of the (new) Union Treaty, and by a "backlog" of unfinished business from former Presidencies. He drew attention to the fact that the European Union will be judged by its citizens according to what it achieves in the areas of combating unemployment and strengthening internal and external security. These three fields and the development of a citizens' Europe, i.e. the further democratization of the European Union, were the main focal points of German Presidency. He added that what was being aimed at was continuity in the work of the Council and a long-term linkup with the following Presidencies from France, Spain and Italy.

He asked about what kind of Europe people wanted with regard to 1996. On this point he said that Germany was aiming at full application of the Treaty on the European Union and would, in case of doubt, always opt for a Europe with its own democratically legitimated institutions. As examples for the application of new Treaty provisions, he named

- co-determination by the European Parliament in the formation of the Commission;
- the financing of joint measures in the areas of foreign, internal and justice policy; he added that, although these areas were reserved for inter-governmental decision, the European Parliament did have a say when financing with Community funds was to be resolved;
- the setting up of committees of inquiry by the European Parliament whose rights were still in need of clarification, especially in their relations with national parliaments;

and one more difficult and controversial point:

- Comitology, above all the involvement of the European Parliament in implementing directives.

Among the unfinished jobs - and now finished business - taken over at the start of the Presidency were the fixing of agricultural prices, agreement in the Council on the composition of the new Commission and the resolution about the Union's own resources.

State Secretary **Dr von Ploetz** then reported on the area of external security. He stressed that securing peace was and would remain a central theme for the Union. Following conclusion of the

Treaty on the accession of the four EFTA countries, the joint foreign and security policy was concentrating on the region in the east and southeast of Europe, and on the Mediterranean riparian states in the south of the Union.

He pointed out that Finland's accession would mean the first crossing of the bloc boundaries drawn by the Cold War. This extension has "put paid" to the rival model to the European Union, the EFTA Free Trade Association.

With regard to developments in the east of Europe, he emphasized that destabilization there would impact the entire European Union. From this, he concluded that a strategy would have to be developed for bringing these states closer to the European Union. This did not mean starting preliminary entry negotiations already, but deepening institutional contacts and, above all, a strategy to bring these countries closer to the Single European Market.

Concerning the Mediterranean area, he stated this was not a matter of pursuing the interests of individual Mediterranean countries; the interests of the European Union as a whole must be to the fore. He pointed out that fourth-generation agreements had been negotiated with Morocco, Tunisia and Israel, and the customs union with Turkey.

He continued that it was necessary for the essence of the European Union that the GATT Uruguay Round be translated into practice. This being so, he appealed to member states to take the requisite steps, if necessary, before 1 January 1995 to ratify the agreement.

State Secretary Dr von Ploetz summed up by remarking that the deepening of the Union had tended to be upstaged during the German Presidency. The focus would be on this in 1996. Thereafter, further enlarging of the Union could be tackled. The goal was a democratically legitimated Union that is able to act and is more than an economic union.

As the central message of the German Presidency, he stressed that Germany was serious about continuing and strengthening the European Union; peace and stability were the outstanding goals.

The Chairwoman **Dr Renate Hellwig** pointed to the importance of including national parliaments in the process, from 1996 on, and then opened the discussion.

Member **Renzo Imbeni** (European Parliament) started by agreeing on the democratic legitimation and the transparency of the Union. He noted that the treaties on extending the Union had so far been ratified only by the European Parliament and Germany. He recalled the controversial discussion in the European Parliament on the eve of the vote and concluded that wisdom had triumphed in the end. He felt that it would be a poor signal if ratification of the accession treaty were to take place in one member state only with conditions attached.

Deputy Prof. **Dimitris Th. Tsatsos** (Greece) spoke of the procedure for appointments to the European Court of Justice. He asked whether the German Presidency would consider proposals to rethink the procedure with a view to allowing a discussion between nominees and the Legal Affairs Committee of the European Parliament prior to any appointment.

Member **Inigo Mendes De Vigo** (European Parliament) submitted that the Treaty contained clear arrangements with regard to the European Parliament's committees of inquiry. He did not feel that there would be any interference with the affairs of national parliaments. Also, he advocated a concrete initiative in a southerly direction.

Deputy **Katerina Daskalaki** (Greece) inquired about the opinion of the Germany Presidency on the accession of Cyprus and Malta. She recalled that the European Parliament had supported not just the accession of EFTA countries but also an extension to the south. She called for the process to be stepped up with regard to Cyprus and Malta.

State Secretary **Dr Hans-Friedrich von Ploetz** started by expressing his appreciation of the way the European Parliament dealt with the resolution on the EU's own resources. This had cleared the way for national ratification of the resolution. He hoped that no links be created between accession and other issues.

With regard to the appointment of judges, he made it clear that it was the opinion of the Twelve to stick to the procedure envisaged in the Treaty. No institutional changes were intended.

As for the problems that setting up committees of inquiry in the European Parliament would entail, he pointed to the comparable situation in Germany between the German Bundestag and the parliaments of the federal states.

With regard to southern extensions, he announced that the Council was arranging for the development of a concept for a Mediterranean conference. A corresponding proposal of the Commission would be presented. He also referred to the known situation as regards resolutions on Cyprus and Malta, which had recently been noted by the European Council of Corfu. This had also been noted in Cyprus and Malta.

The Chairwoman **Dr Renate Hellwig** thanked State Secretary von Ploetz for taking part and concluded this agenda item.

Agenda item 7:

A Look Forward to the XIIth COSAC in Paris, February 1995

The Chairwoman **Dr Renate Hellwig** commenced by speaking of the great interest shown by the press in the current Conference and then gave the French delegation permission to speak on the prospects for the XIIth COSAC.

Deputy **Robert Pandraud** (France), like the following speakers, started by expressing his thanks for the organization of the Conference in Bonn and then announced that the XIIth COSAC would be held in the French Senate, Palais du Luxembourg, on 27 and 28 February 1995. Plans included a talk with Prime Minister Balladur, the next President of the Council, Foreign Minister Juppé, as well as minister of state for European affairs Lamassoure. Among the topics to be discussed will be the combating of fraud in the European Union and the role of national parliaments in the institutional development of the European Union. To discuss this latter point, an expert group had been set up in Corfu. Both themes would be prepared with the aid of a questionnaire. He considered it possible that an extraordinary COSAC meeting could be organized at the start of the Spanish Presidency in order to discuss the development of the European Union.

The Chairwoman **Dr Renate Hellwig** announced that the documents of this Conference, including the results, would be distributed to the ministries as well.

Lord Boston of Faversham (United Kingdom), on behalf of Britain's two houses of parliament, welcomed the intention of including fraud problems as one of the main themes at the next COSAC meeting.

He stated that the Select Committee on European Communities in the House of Lords was planning an investigation for early 1995 on the eve of the government conference on the Maastricht Treaty to examine the questions to be discussed there.

Lord Boston pointed out that the idea of a conference of parliaments had not been taken up so far in Westminster. The COSAC was no body of the national parliaments, but a consultative conference. Nor was the Troika the correct body when it came to noting the opinions of the parliaments of the member states. He suggested that the members of the study group ought to visit the national parliaments on the eve of the government conference.

Deputy **Prof. Jorge Braga de Macedo** (Portugal) considered the presence of the Federal Chancellor and the specialist ministers at the Conference to be a forward-looking element and thanked the French Presidency for the intention to continue including government representatives in the COSAC.

He referred to a document of the Portuguese parliament which, in view of the changes in the Community, would contain a proposal for 1996.

He shared the view that fraud was an important subject for the conference and suggested that the questionnaires be mailed in December already, if possible.

Deputy **Prof. Braga de Macedo** was of the opinion that COSAC, in spite of some faults, had functioned well and was needed as an advisory body. There was no better instrument than this Conference available at present.

The Chairwoman **Dr Renate Hellwig** informed the Conference that no substantive proposal of the Troika for 1996 was being intended. The Troika had merely steering functions.

Member **Inigo Mendes De Vigo** (European Parliament) stressed the importance of including national parliaments in the 1996 reform conference. He referred to the declaration to this effect on the Treaty of Maastricht and to a relevant statement by the President of the European Parliament Dr. Hänsch. An exchange of information was possible via COSAC or contacts between national parliaments and the European Parliament. At all events, involvement of the parliaments should be ensured before decisions are taken.

Deputy **Pafsanias Zakolikos** (Greece), on the contribution made by national parliaments to revising the Maastricht Treaty in 1996 stressed that inclusion of the national parliaments in the runup was generally desired. He suggested the quickest possible preparation of a questionnaire designed to obtain a snap overview of existing views. Further, he referred to the suggestion of a conference of the chairpersons of EC committees in national parliaments with experts following the assumption of work by the expert body, but prior to the regular COSAC meeting envisaged during the Spanish Presidency.

Deputy **Prof. Charles-Ferdinand Nothomb** (Belgium) considered a meeting of the speakers of the parliaments within the scope of the preparations of national parliaments for the 1996 government conference. The conference of the parliaments should only be held if there was a need for this. He stressed the advantage of the COSAC, viz. that it represented majorities and minorities in national parliaments. A frank discussion was possible.

Deputy **Pieter Ter Veer** (Netherlands) argued that the duties of the COSAC also included information for national parliaments, say, on certain papers like the "Bitterlich Report".

Deputy **Antonio Costa Costa** (Spain) felt that the COSAC should recollect its object: exchanging information and experience. At present, he was not submitting a concrete proposal with regard to an extraordinary COSAC, but would not close his eyes to such ideas.

Lord Boston of Faversham (United Kingdom) made it clear that the COSAC must be exploited for consultations and the expression of opinions by parliamentarians.

Deputy **Robert Pandraud** (France) considered the convening of an extraordinary COSAC to be possible and would like to leave the decision on this to the Troika.

The Chairwoman **Dr Renate Hellwig** closed the Conference by expressing her thanks to all delegates, including the staff of the secretariats, as well as the interpreters and technicians.