

3. Text of Parliaments Amendments in the second reading

Amendment 1

The final amount of appropriations and the number of staff shall be determined on the basis of decisions taken annually by the budgetary authority in accordance with real needs.

Amendment 2

The Commission shall take measures which shall enter into force immediately. However, where these measures are not in accordance with the opinion of the Committee, the Commission shall notify the Council of these measures immediately. In this case the following provisions shall apply:

- The Commission may postpone the implementation of the measures it has adopted by a maximum period of one month following notification.
- The Council may reach a different decision by qualified majority within the period of time referred to above.

Re-examined proposal for a Council Decision on a Community programme in the field of information technology and telecommunications applied to road transport — Dedicated road infrastructure for vehicle safety in Europe (DRIVE)

COM(88) 360 final — SYN 94

(Submitted by the Commission pursuant to Article 149 (2) (d) of the EEC Treaty on 23 June 1988)

(88/C 214/09)

1. Re-examination of the revised proposal

The Commission, pursuant to the provisions of Article 149 (2) (d) and

- having regard to the proposal from the Commission ⁽¹⁾,
 - having regard to the opinion of the Parliament ⁽²⁾,
 - having regard to the revised proposal of the Commission ⁽³⁾,
 - having regard to the position of the Council ⁽⁴⁾,
 - having regard to the position of the Commission ⁽⁵⁾,
 - having regard to the amendments proposed by the Parliament in the second reading ⁽⁶⁾,
- has re-examined the proposal on which the Council has based its common position.

As a result of the re-examination the Commission modifies its revised proposal COM(88) 167 final — SYN 94 as follows:

— *Twenty-second recital to read:*

‘Whereas the definition of the Prometheus (Eureka) project has confirmed the feasibility of the objectives and identified specific work to be undertaken by the Community to attain them;’

⁽¹⁾ Doc. COM(87) 351 final of 24 July 1987.

⁽²⁾ PE 121 582 A2-321.

⁽³⁾ Doc. COM(88) 167 final — SYN 94.

⁽⁴⁾ RECH 59 PRO-COOP 43 5394/88.

⁽⁵⁾ SEC(88) 643 — SYN 94.

⁽⁶⁾ PE 123.291.

— *Twenty-third recital to be deleted.*

— *Article 5(1) to read:*

‘1. The funds estimated as necessary for the Community contribution to the execution of the programme amount to 60 million ECU over 36 months, including expenditure on staff whose costs shall not exceed 4,5 % of the Community’s contribution.’

— *Article 8(3) to read:*

‘3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period which may in no case exceed two months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission for matters falling under Article 6(4).’

2. Explanation of the position of the Commission on the amendments of the second reading by the Parliament

Amendments 1 and 2

Amendments 1 and 2 had been included by the Commission in the revised proposal but been rejected by the Council. The Commission accepts that the essentials of these amendments are already covered elsewhere in the text.

Amendment 3

Amendment 3 had not been included in the revised proposal since, in the view of the Commission, this aspect was already sufficiently covered by the recitals.

Amendment 4

Amendment 4 had not been retained in the revised proposal since an extension of the regime applying to DRIVE to projects not financed under this programme would be problematic.

Amendment 5

Amendment 5 had been included in the revised proposal but rejected by the Council with reference to the provisions of Article 203 of the Treaty. The Commission agrees that Article 203 of the Treaty makes adequate provisions for the objective of the amendment to be covered.

Amendment 6

Amendment 6 had been included in the revised proposal but rejected by the Council. While considering the IIa option of the Council Decision of 13 July 1987, which lays down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾, as appropriate for this action, the Commission accepts the IIIa option of the common position as a compromise, and in consideration of the importance of sharing responsibility with Member States as required for the concertation of national actions.

3. Text of the Parliament’s Amendments in the second reading

Amendment 1

To insert a new recital:

‘Whereas the definition phase of Prometheus (Eureka) has established the reliance of those parties to that cooperation agreement on the Community for definition of pre-normative and

⁽¹⁾ OJ No L 197, 18. 7. 1987 p. 33.

pre-competitive work relating to road infrastructure systems and on further pre-competitive research by the Community in shared cost programmes;'

Amendment 2

To insert a new recital:

'Whereas it is necessary that enterprises in the Community not taking part in the DRIVE programme or in related Eureka programmes shall be capable of benefitting from the results of DRIVE projects as will companies participating only in related Eureka projects;'

Amendment 3

To insert a new Article 1a:

'Article 1a

Enterprises in the Community not taking part in the DRIVE programme or in related Eureka programmes shall be entitled to benefit from the results of DRIVE projects equally and as at an early stage in the case of DRIVE projects as will companies participating only in related Eureka projects.'

Amendment 4

To insert a new Article 1b:

'Article 1b

Non-Community programme research projects which are technologically integrated with DRIVE research projects shall as a general rule be executed by means of contracts with undertakings including small and medium-sized enterprises and involve the participation of at least two independent partners not all established in the same State.'

Amendment 5

Article 5

To insert a new paragraph 3:

'3. The total amount of appropriations shall be calculated definitively on the basis of the appropriations allocated annually by the budgetary authority in the light of actual requirements.'

Amendment 6

Article 8

To modify paragraph 3 by the following text:

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith:

- The Commission may defer application of the measures which it has decided for a period of not more than two months from the date of such communication.
 - The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.
-