Allegations of infringements or maladministration in the application of Community law on BSE

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Stressing that the Committee of Inquiry, far from being a court of law, was actually intended to establish the responsibilities of the various institutions, the rapporteur, Mr Medina Ortega, related one of the more striking conclusions of the inquiry report: responsibility for the BSE affair was apparently shared between the Member States and the European institutions. The rapporteur particularly reproached the Commission for not having adopted the necessary measures, for example not having used the possibilities offered by Article 36 or, even worse, threatening to bring an action before the Court of Justice against those Member States which had sought to use the exceptions provided for by said article. As for the evidence of the Commission's incredible weakness, he cited the example of the agreement to lift the gelatine embargo, under pressure from British veto threats. Mr Ortega was not any kinder towards the Council whose decision-making procedures, particularly within the scientific committees, should have been modified. Finally, he argued for greater transparency and increased security to the benefit of citizens, for a modification of the health protection structures and, last but not least, for immediate and more constructive collaboration between Parliament and the Commission on public health. For the Commission President, Mr Böge, there had been a mixture of ignorance and misjudgement in the BSE case. While acknowledging that the omissions made in the 1980s and 1990s must be judged differently given the new scientific findings, he too cited the phoney debate on gelatine and the Commission's strategic mistake in misinforming Parliament by proceeding in a selective manner. Addressing President Santer, Mr Happart (PSE, BE) gave him a choice: either dishonour or resignation. In his opinion, the Commission should assume its political responsibility and the officials responsible should be punished. This was even more urgent as the Commission had just approved the import of genetically modified maize and the marketing of medicinal products whose harmlessness was not proven. Finally, the speaker justified his action in tabling a motion of censure, on which Parliament should decide on Thursday 20 February, as this fell within the exercise of Members' prerogatives. While acknowledging that mistakes had been made, including by the Commission, President Santer preferred 'to keep a sense of proportion' and invited Parliament to learn from the crisis together with the Commission. Among the reforms which he then announced were two essential ones: - Parliament's greater involvement in the future in the decision-making process; this would include priority recourse to Article 100a (codecision) for proposals on veterinary and plant health issues and support for the proposal, presented to the IGC, to submit all legislative decisions to codecision, including in the area of the CAP; - the allocation of genuine responsibility for health to the Community by improving coordination powers and the possibility of carrying out the necessary harmonisations, also through codecision. As for the criticisms made by Parliament, Mr Santer tended to reject these and replied as follows to President Böge: - with regard to the United Kingdom which had continued to demand the lifting of the embargo, his reply had been polite but firm: no. He added that the embargo on gelatine of British origin was still total and that, as things currently stood, the Commission was not prepared to alter its intransigent attitude; - with regard to the Committee of Inquiry, the Commission had not prevented anything; in fact, on the contrary, it had forwarded all the documents requested, totalling thousands of pages, and Mr Böge had been able to consult the highly confidential files in situ. Finally, Mr Santer detailed the comprehensive reorganisation of the departments within the Commission – which would not prevent disciplinary proceedings being brought against officials who had been responsible in the past for the sectors responsible for controls – and, by recommending a real revolution in the way that food and agriculture were dealt with, he encouraged the organisation of two conferences: one scientific on animal meal and the other interdisciplinary on food and health. Throughout the debate, the main political groups took two opposing

views: - there were the supporters of a motion of censure, which would be voted on in November at the latest, in the absence of real and comprehensive reform of the Commission structures, which included the PSE, EPP, UEN, ELDR and also the GREENS who proposed a similar solution, which they termed ‘censure with deferment’; - then there were the supporters of immediate censure, which was favoured by the GUE/NGL and ARE, in addition to 70 other Members, all groups combined, having signed the motion tabled by Mr Happart.