Common commercial policy: access by transfrontier products and services of the Union to the Japanese market

1995/0116(CNS) - 11/12/1998 - Legislative proposal

OBJECTIVE: to amend the Community action programme to improve access of EU goods and cross-border services to the Japanese market. CONTENTS: this modified proposal follows in the spirit of the 1995 proposal to introduce a programme of specific measures to improve the access of Community exporters to the Japanese market (COM(95)0188). Following discussion on several occasions in the Council, an agreement on this proposal had still not been reached by June 1996. In the meantime, the European Court of Justice Judgement C-106/98 made it clear that all budget lines must have a legal basis and that in the absence of one, new budgetary commitments must be suspended. This has meant that the appropriations on the Japan budget line were included as a token entry in the interinstitutional negotiations on the budget for 1999. In order to safeguard the programmes funded on this budget line (notably the "Executive Training Programme" (ETP) and the "Gateway to Japan" campaign), the Commission proposed a new regulation establishing an appropriate legal base to safeguard investments in existing programmes and to provide for their continuation in the future. As far as the substance of the regulation is concerned, the following are the main changes to the Commission's initial proposal in 1995: - primary responsibility of Member States: Member States would be authorized under this programme to implement the activities in question and the Community programme would merely serve to complement and add value to Member States' activities; - substance of the programme: the objective of the 2 programmes in question (ETP and "Gateway to Japan") would be to increase the commercial presence of Community enterprises on the Japanese market through trade, investment and exportation of goods and services covered by intellectual property rights owned by Community firms; - time limit: the regulation would be time-limited until 31 December 2001 in order to safeguard payments for programmes up to the year 2000 (the Commission would need to propose new measures thereafter); - comitology: it has been decided to maintain the advisory committee made in the earlier proposal. As far as the legal basis is concerned, the new regulation adds article 235 to article 113, the initial purpose of which was to justify the 1995 proposal (i.e. exclusive competence of the Community in a domain where Member States are the primary purveyors of actions), in order to cover specific activities such as the promotion of investment and the protection and commercial exploitation of intellectual property rights owned by Community firms which fall outside the scope of article 113. Furthermore, in order to avoid any ambiguity, the Commission stipulates in its proposal that Community activities under this regulation are limited and are intended to complement or supplement activities by Member States. It likewise stipulates that Member States will have primary responsibility for activities intended to promote exports of EU goods and services to Japan. It should be noted that the financial statement of the proposal makes provision for commitment appropriations for this initiative of EUR 11 m per annum up to the end of 2001.