

ORAL QUESTION O-0052/01

pursuant to Rule 42 of the Rules of Procedure

by Carlos Westendorp y Cabeza, on behalf of the Committee on Industry, External Trade, Research and Energy

to the Council

Subject: WTO Panel Section 211

The decision to ask for a WTO Panel to rule on the case of US trademark law section 211 raises sensitive issues in the EU-US trade relationship and in the common commercial policy as it stands after the Summit of Nice.

With respect to this case, the European Parliament acknowledges that it is not its role to comment on legal findings made by law courts of third countries, implementing their domestic law. Nevertheless it is responsible for the control of the common commercial policy; this includes the implementation of international agreements, such as the TRIPS Agreement, by our partners. The Treaty, Parliament's Rules of Procedure and the Interinstitutional Agreement between Parliament and Commission provide the legal framework for this.

Whereas the Commission, acting according to the Interinstitutional Agreement between Parliament and Commission, has always responded to Parliament's requests for information, this is not the case with the Council. Therefore this case highlights the need for a more open and transparent procedure in decision-making within the framework of Art.133 of the Treaty. Parliament would therefore like to enter into discussion with the Council and Commission on how to establish procedures aimed at a more transparent and democratic European trade policy, not least in view of the fact that parliamentary scrutiny was not strengthened by the changes to Art.133 at the Nice summit.

What measures would the Council consider which would permit a reasonable level of transparency and democratic accountability in decision-making in respect of Art. 133 of the EC Treaty to ensure that cases taken to the WTO by the EU can enjoy the full support of Parliament and of wider public opinion?

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Deadline for reply: 25.05.2001