

Friday 7 May 1999

5. Lawful interception of telecommunications *

A4-0243/99

Draft Council Resolution on the lawful interception of telecommunications in relation to new technologies (10951/2/98 — C4-0052/99 — 99/0906(CNS))

The draft was approved with the following amendments:

COUNCIL DRAFT	AMENDMENTS BY PARLIAMENT
	(Amendment 1)
	<i>Recital -I (new)</i>
	Having regard to the Council of Europe Convention of 28 January 1981 on the protection of personal data;
	(Amendment 2)
	<i>Recital 1a (new)</i>
	Having regard to European Parliament and Council Directive 95/46/EC of 24 October 1995 on the protection of individuals and processing of personal data ⁽¹⁾ ;
	⁽¹⁾ OJ L 281, 23.11.1995, p. 31.
	(Amendment 3)
	<i>Paragraph 3a (new)</i>
	3a. The intention is not to constitute a legal framework that would force the Internet Service Providers to establish outside the Union because of the economic burden it imposes in respect of competitiveness.
	(Amendment 4)
	<i>Paragraph 3b (new)</i>
	3b. The Council intends to ascertain by 1 July 2000 the extent to which the Member States have transposed this resolution and the resolution of 17 January 1995 on the lawful interception of telecommunications into national law.

Legislative resolution embodying Parliament's opinion on the draft Council Resolution on the lawful interception of telecommunications in relation to new technologies (10951/2/98 — C4-0052/99 — 99/0906(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Council draft (10951/2/98 — 99/0906(CNS),
- having been consulted by the Council pursuant to Article K.6(2) (now Article 39(1)) of the Treaty on European Union (C4-0052/99),

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- having regard to Rule 58 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinion of the Committee on Legal Affairs and Citizens' Rights (A4-0243/99),
1. Approves the Council draft, subject to the amendments adopted by Parliament;
 2. Asks to be consulted again, should the Council intend to make substantial modifications to the draft;
 3. Instructs its President to forward this opinion to the Council and Commission.

6. Insolvency proceedings

A4-0234/99

Resolution on the Convention on Insolvency Proceedings of 23 November 1995

The European Parliament,

- having regard to the Convention on Insolvency Proceedings of 23 November 1995 ⁽¹⁾,
 - having regard to the findings of the hearing held by the Committee on Legal Affairs and Citizens' Rights on 15 April 1998,
 - having regard to Rule 148 of its Rules of Procedure,
 - having regard to its request made in paragraph 36 of its resolution of 16 December 1998 on the Commission's work programme for the year 1999 that the Commission submit a proposal for a Directive on bankruptcies involving companies which operate in several Member States ⁽²⁾,
 - having regard to the report of the Committee on Legal Affairs and Citizens' Rights (A4-0234/99),
- A. whereas the deadline for the signing of the Convention on Insolvency Proceedings has passed with one Member State not having signed; whereas the Convention cannot therefore enter into force unless it is amended by unanimous accord,
 - B. whereas this stalemate has been caused by the fact that one Member State has refused to sign the Convention, despite having accepted it,
 - C. whereas all the Member States agree that the absence of rules on insolvency proceedings in the Community is a deficiency with respect to the completion of the internal market,
 - D. whereas bankruptcies, compositions and similar proceedings were excluded from the scope of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters signed in Brussels on 27 September 1968 ⁽³⁾,
 - E. whereas between 1963 and 1980 a committee of experts in the Commission examined a first draft Convention and — after the enlargement of the Community beginning in 1973 — a second draft Convention, which provided for a single procedure to be recognised in the other Contracting States and precluded the simultaneous opening of domestic proceedings in these other States (principles of 'unity' and 'universality'),

⁽¹⁾ Council Document CONV/INSOL/X1.

⁽²⁾ OJ C 98, 9.4.1999, p. 163.

⁽³⁾ Consolidated version, OJ C 27, 26.1.1998, p. 1.