

The Commission is concerned about this situation, especially since it contradicts the principle of free movement within the internal market which each European citizen should enjoy, and it has a negative impact in terms of cultural, linguistic and social interaction; it also calls into question the objectives of the 'Television without frontiers' Directive <sup>(1)</sup> which establishes the legal reference framework for the free provision of television services in the Union in order to promote the development of a European market in television and related services.

The Commission is therefore looking into this matter in its report on the implementation of Directive 93/83/EEC <sup>(2)</sup>, which it intends to adopt shortly.

The Commission will then commence work as soon as possible on determining the extent to which the basic principle of the freedom of movement can be reconciled with respect for intellectual property rights.

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<sup>(1)</sup> Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities, OJ L 298, 17.10.1989, amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997, OJ L 202, 30.7.1997.

<sup>(2)</sup> Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, OJ L 248, 6.10.1993.

(2002/C 277 E/202)

**WRITTEN QUESTION E-1286/02**

**by Graham Watson (ELDR) to the Commission**

(7 May 2002)

*Subject:* French driving licence

Would the Commission clarify whether the French driving licence prevents the licence holder from driving a car in the UK after the age of 70?

**Answer given by Mrs de Palacio on behalf of the Commission**

(4 June 2002)

Article 1, paragraph 2 of Council Directive 91/439/EEC of 29 July 1991 on driving licences <sup>(1)</sup> provides for mutual recognition of driving licences issued by Member States. However, in accordance with Article 1, paragraph 3 of the said Directive, Member States remain competent to apply to licence holders of other Member States their national rules on the period of validity of licences and on medical examinations.

For the latter reason, the periods of validity differ throughout the Member States, entitling for instance holders of British licences to drive up to the age of 70 without any renewal, whereas French holders of car and motorcycle licences are entitled to use these licence categories for life.

In case a French driving licence holder intends to drive a car in the United Kingdom at the age of 70 or beyond, a distinction has to be made as to whether this licence holder establishes his normal residence in the United Kingdom or not.

In case a holder of a French driving licence does not establish his residence in the United Kingdom and drives there as a tourist only, the United Nations (UN) Convention on Road Traffic of 8 November 1968 applies. The holder of a valid French licence is entitled to drive on the United Kingdom territory, also if he is more than 70 years of age, without being obliged to fulfil the additional requirements (consisting in a self-declaration on the health and a renewal of the driving licence every three years — for car licences).

However, if the holder of a French licence establishes his normal residence in the United Kingdom, the British licensing rules apply and the holder of a French licence has to submit a self-declaration on the health like any holder of a British licence.

As such, holders of French licences are not prevented from driving a car in the United Kingdom after the age of 70.

(<sup>1</sup>) OJ L 237, 24.8.1991.

(2002/C 277 E/203)

**WRITTEN QUESTION E-1292/02**

**by Patricia McKenna (Verts/ALE) to the Commission**

(7 May 2002)

*Subject:* The port of Castellón

The Castellón Port Authority (<sup>1</sup>) has recently begun work on extending the port of Castellón. During the environmental impact assessment procedure for the project, the Directorate-General for Environmental Assessment and Quality did not take the trouble to inform the public or the local institutions and associations in Almassora (<sup>2</sup>), despite the fact that this municipality is the locality most affected by the port of Castellón and the successive extensions to it (<sup>3</sup>). As the text of the environmental impact assessment itself states, the extension of the port of Castellón will create an impassable barrier for all the sediment deposited along the coastline up to the port. The shore area includes the Almassora coast and the estuary of the river Mijares ('Les Goles'). This estuary has been put forward for the status of special bird protection zone and integrated pollution control zone by the Valencian regional government (<sup>4</sup>).

Despite the fact that the Almassora coast has been suffering from erosion and shoreline regression thanks to the port of Castellón and the extensions to it, the environmental impact assessment includes no analysis of the effect of the proposed port extension on 'Les Goles', in terms of possible flood risks and invasion of the landscape by sea water (<sup>5</sup>). The same assessment recognises the existence of oceanic poseidonia meadows at distances of less than 1 km from the port of Castellón, but contains no consideration of the effects on the poseidonia of dumping at sea or of alterations in the current. The assessment also contradicts itself insofar as it provides data on the harmful impact of the port of Castellón on that species while, at the same time, denying the possibility of any future impact on the same species, using arguments which we believe are inconsistent and also run counter to Directive 92/43/EEC (<sup>6</sup>). Further, it fails to include the information required under Directive 97/11/EC (<sup>7</sup>) in point 5 of Annex IV (preventive measures) and paragraph 4 of Article 5(3) (alternatives). The environmental impact statement, in addition, fails to consider the points set out in that document, despite the submission in the past of, in some instances, over 2 000 complaints.

1. What measures does the Commission intend to take for the protection of 'Les Goles'? What measures does it intend to take for the protection, preservation and regeneration of the oceanic poseidonia meadows located a few metres from the port of Castellón?
2. Does the Commission not believe that there have been irregularities in the environmental impact assessment with regard to public participation?
3. Does the Commission not believe that there have been irregularities in the environmental impact assessment with regard to the repercussions on 'Les Goles' and the oceanic poseidonia meadows and to preventive measures and alternatives?
4. Should this project be in receipt of EU funding, does the Commission not believe that any such funding should be frozen until all the above questions have been answered in full?

(<sup>1</sup>) This is a public authority attached to the Spanish Ministry of Planning.

(<sup>2</sup>) Almassora is a municipality located just south of Castellón.

(<sup>3</sup>) This is recognised even in the environmental impact statement (BOE [official journal of the Spanish state] No 224, 18 September 2001).

(<sup>4</sup>) In the 'Les Goles' area, experts have identified over 50 bird species included in Annex II to Directive 79/409/EEC (OJ L 103, 25.4.1979, p. 1).

(<sup>5</sup>) These risks are recognised even by the Valencian regional government in its document 'Catalogue of wetzones in the Valencia region' (June 2000, p. 17).

(<sup>6</sup>) OJ L 206, 22.7.1992, p. 7.

(<sup>7</sup>) OJ L 73, 14.3.1997, p. 5.