

(2000/C 203 E/080)

WRITTEN QUESTION P-1848/99**by Carlos Carnero González (PSE) to the Commission**

(11 October 1999)

Subject: Imprisonment of opposition figures by the government of Equatorial Guinea

On 9 September 1999, Mr Plácido Micó, the President of the Convergence for Social Democracy party (CPDS), a member party of the Socialist International, who became a member of the national parliament following the 'elections' of 7 March 1999 but resigned his seat in protest at the totally undemocratic circumstances in which they were held, was arbitrarily arrested by the authorities of Equatorial Guinea, and was kept in prison for almost one week. This is one, particularly serious, example among many of the failure of the Malabo regime to keep the promises of democratisation made by it to the international community — including, in the past, to the President of the European Commission.

What action has the Commission taken to condemn this act, and what measures does it intend to take to call on President Teodoro Obiang to ensure full respect for human rights and, as a matter of urgency, to establish democracy in Equatorial Guinea, a country which is a signatory to the Lomé Convention?

Answer given by Mr Nielson on behalf of the Commission

(12 November 1999)

The Commission is aware of the difficulties connected with the process of democratisation, especially as regards the exercise of fundamental freedoms by the opposition in Equatorial Guinea. With regard to the arrest of Mr Plácido Mico, the President of the Convergence for Social Democracy (CPDS) and leader of the opposition in Equatorial Guinea, the Commission, together with the locally represented Member States (Spain and France), has sought explanations from the national authorities for the arrest and detention of Mr Mico. Mr Mico was conditionally released on 16 September 1999. The Commission is following developments in the country very closely and continuing the dialogue with the national authorities with a view to advancing and consolidating the fragile process of democratisation.

In this connection, the Commission is studying the possibility of supporting the process under way by adopting positive measures including aid for the organisation of municipal elections in early 2000, on condition that the electoral process takes place in acceptable conditions of transparency and fairness, and by drawing up an overall programme of support for the consolidation of the democratisation process, improvements in human rights and the construction of a State based on the rule of law in Equatorial Guinea.

(2000/C 203 E/081)

WRITTEN QUESTION E-1849/99**by Karl von Wogau (PPE-DE) to the Commission**

(13 October 1999)

Subject: Misleading advertising in the European Union

Is the Commission aware of the growing incidence of firms writing to elderly people about money to be won in games of chance, which in fact is never paid out? The responses must be accompanied by a 'test order', which is executed and payment for which is demanded. Many of these letters come from Belgium, the Netherlands and Austria, making recourse to the law difficult.

By what means does the Commission believe these practices might be combated?

A letter in the possession of the questioner proves that the firms concerned operate on a Europe-wide basis. In this case the letter was stamped in the Netherlands, and a Belgian car dealer and a Belgian mail order firm are involved. The addressee is resident in Germany. As a rule, the goods are dispatched from a German supply depot. The German supplier thus has no problem in taking legal action in Germany to obtain the purchase price.

Answer given by Mr Byrne on behalf of the Commission

(30 November 1999)

In terms of civil law, the practices denounced by the Honourable Member may come under the rules of Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising ⁽¹⁾. This seems to be the case in this instance, given that the win is announced in sales promotions. This Directive has already been transposed by all Member States, and as a result all national rules in force are applicable. It is interesting to note that in certain Member States the penalty provided for is purely and simply for the consumer to obtain, without any further conditions, the prize of which he has been notified. In terms of criminal law, only national legislation is applicable.

Moreover, it should be noted that in future, following the adoption of Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests ⁽²⁾, Member States will have the right to designate the courts or administrative authorities competent to rule on proceedings commenced by independent public bodies specifically responsible for protecting the collective interests of consumers or by organisations whose purpose is to protect the collective interests of consumers, and which seek the cessation or prohibition of any infringement of the Directives listed in the Annex to the Directive, without prejudice to the rules of private international law, with respect to the applicable law. The deadline for transposal of this Directive by Member States is 31 December 2000.

However, consumers wishing to lodge a complaint concerning commercial practices which are believed to be dishonest may contact the International Marketing Supervision Network (IMSN).

The IMSN is an informal network made up of authorities responsible for the application of laws on commercial practices in more than two dozen countries, most of which are members of the Organisation for Economic Cooperation and Development (OECD). The network's mandate is to distribute information on cross-border commercial activities which may affect consumer interests and to encourage international collaboration between the authorities responsible for law enforcement.

In 1999 the European members of the IMSN (including all Member States) created the subgroup 'IMSN-Europe', in which the Commission is involved, being represented by the Health and Consumer Protection DG. The IMSN may be contacted via the website <http://www.ari.net/imsn>, which lists the contact addresses for each Member State.

⁽¹⁾ OJ L 250, 19.9.1984.

⁽²⁾ OJ L 166, 11.6.1998.

(2000/C 203 E/082)

WRITTEN QUESTION E-1850/99

by Isidoro Sánchez García (ELDR) to the Commission

(13 October 1999)

Subject: The Tan Tan nuclear power station (Morocco)

The announcement that a nuclear power station is to be built at Tan Tan on the Moroccan Atlantic coast has caused the citizens and institutions of the Canary Islands, the nearby ultra-peripheral Community region considerable social alarm and grave environmental concern.

Does the Commission intend, in its aid programmes for Morocco, to lay down conditions with a view to establishing strict nuclear safety standards in the area?