considerable. In Finland, particularly in recent years, collection, processing and quality control systems have been developed for combustible waste, which in turn are based on local waste incineration units.

Does the Commission propose, in its directive, to take account of the specific conditions in the Nordic countries? How does it intend to ensure that the new directive continues to encourage the development of waste collection and treatment systems in Northern Europe?

Answer given by Mrs Wallström on behalf of the Commission

(8 December 1999)


When preparing the proposal the Commission carried out intensive discussions with experts from all Member States as well as with all others concerned. These discussions as well as the negotiations in the Council have lead to a common position which takes into account the specific requirements of the Scandinavian Member States.

The common position seeks to establish the same requirements for the co-incineration of waste as for the incineration of waste. For combustion plants co-incinerating waste more stringent emission limit values generally apply compared to plants not using waste. However, the problem is not always compliance with tighter emission limit values, but the costs for the measurement requirements of the directive. In order to deal with this the future directive provides for the possibility of obtaining an authorisation from the authority to reduce the frequency of the measurements, which should reduce the costs for operators.

The Commission is therefore of the opinion that the future directive will not discourage Member States from establishing waste collection and pre-treatment systems.


WRITTEN QUESTION P-1973/99

by John Purvis (PPE-DE) to the Commission

(19 October 1999)

Subject: Financial services

The Commission’s Framework for Action in Financial Services sets out the general framework for measures in this field in the next five years. These measures are relevant to ensuring the competitiveness of the Union’s financial services sector and industry whilst safeguarding consumer interests.

Financial services measures so far adopted at the European level have not been applied in the same manner in all the Member States.

1. Could the Commission please provide a list of measures in the respective countries which are not being applied uniformly in the EU?

2. What measures do the Commission propose to take to ensure uniform implementation of these already existing measures in the EU?
Answer given by Mr Bolkestein on behalf of the Commission

(25 November 1999)

The Commission actively fulfils its role as guardian of the Treaty by verifying that Member States comply with their requirements to implement legislation within the required time-frame agreed on the occasion of adoption; that national measures achieve the results set out in the legislation in a manner which is clear and can be relied upon by individuals (this requires an assessment which focuses on the legal and practical effect of national provisions rather than the detailed wording) and that Member States respect the basic principles contained in the Treaty, notably the principles of freedom of establishment, free movement of capital, and free provision of services.

The Commission’s overall assessment is that the current state of implementation is satisfactory with nearly 100% implementation in all Member States for all families of financial services legislation. All Member States have fully implemented insurance legislation. Over 99% of national measures required to implement banking and company law legislation have been adopted. 97% of national measures required to implement securities legislation have been adopted. Any shortfalls now concern legislation which has recently entered into force. Even here, Member States have made progress in accelerating the implementation process. For example, less than two months after the entry into force of Directive 97/5/EC of the Parliament and of the Council of 27 January 1997 on cross-border credit transfers (1), 11 Member States have taken steps to implement this measure. Infringement procedures are in the pipeline in relation to the remaining four.

In addition to checking whether national implementing measures have been notified, the Commission verifies the quality of implementation. To this end, it systematically commissions detailed reviews of the conformity of national measures with the corresponding Community financial services legislation. Where Member States are unable to satisfy the Commission that legislation has been correctly implemented, the Commission opens infringement proceedings. At the beginning of 1999, some 26 infringement proceedings were open against different Member States for non-respect of Community law in the financial services markets (2).

Turning to the assessment of the application of financial services legislation in various sectors, all credit institutions directives have been implemented correctly with the exception of European Parliament and Council Directive 95/26/EC of 29 June 1995 amending Directives 77/780/EEC and 89/646/EEC in the field of credit institutions, Directives 73/239/EEC and 92/49/EEC in the field of non-life insurance, Directives 79/267/EEC and 92/96/EEC in the field of life insurance, Directive 93/22/EEC in the field of investment firms and Directive 85/611/EEC in the field of undertakings for collective investment in transferable securities (UCITS), with a view to reinforcing prudential supervision (3) which has not been implemented by one Member State and has only partially been implemented by another Member State. Both matters have been brought before the Court of justice.

Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering (4) has been implemented by all Member States, but one Member State has been brought before the Court of justice for incorrect implementation.

All Member States have communicated national implementation measures with regard to the ‘third generation’ life and non-life insurance directives. In several cases, the Commission considers that the way in which national implementation has been undertaken does not fully conform with the directives, and a number of proceedings for non-conformity are under way. In motor insurance, the Commission has started discussions with four Member States to assess conformity of their legislation relating to the financing of guarantee funds with Council Directive 90/618/EEC of 8 November 1990 amending, particularly as regards motor vehicle liability insurance, Directive 73/239/EEC and Directive 88/357/EEC which concern the coordination of laws, regulations and administrative provisions relating to direct insurance other than life insurance (5).

In the securities sector there are infringements for non implementation of Directive 97/9/EC of the Parliament and of the Council of 3 March 1997 on investor-compensation schemes (6). Other infringement cases in this sector relate to breach of provisions of the Treaty, in particular relating to the use of tax advantages to divert securities-related business to local stock exchanges.
To complement infringement proceedings, the Commission has developed a number of ‘upstream’ mechanisms to remedy national actions that might hamper the operation of the single financial market. For example, it uses advisory committees such as the Banking advisory committee or the Insurance committee to help resolve any potential problems of interpretation of elements of a directive, as well as defining a collective approach to issues of implementation and peer review. These committee structures are reinforced by the recent creation of the Financial services policy group. This high-level forum will enable the Commission and Member States to identify recurrent problems and determine appropriate course of action.


by Hélène Flautre (Verts/ALE) to the Commission
(19 October 1999)

Subject: Use of children as bullfighters in Spain

In Andalusia and in the rest of Spain, bullrings regularly engage children and adolescents under 16 to fight and kill young wild bulls weighing up to 200 kilos, in public shows. Such fights involve all the dangers of a bullfight with adult bulls, and the children risk extremely serious, irreversible injury and even death. The only requirement is that the following documents be produced: a medical certificate of fitness, parental authorisation, a certificate of school attendance, a certificate stating that the bull to be fought is not dangerous, and insurance to cover death, invalidity and medical care. The requirement for insurance demonstrates that such activities are indeed dangerous, and the recent case of a child bullfighter gored at a fight on 30 August confirms this. The case of the famous and experienced bullfighter Antonio Bienvenida, who died after being gored by a young wild bull, should serve as an example.

Council Directive 94/33 of 22 July 1994(1) on the protection of young people at work was incorporated into Spanish law by Law 31/95 on the prevention of risks at work. The only obligation it imposes in this area is that for young people under 18, a prior assessment of the work must be made in order to determine the nature, level and duration of exposure to any activity likely to present a specific risk which could endanger the safety or health of workers. All other circumstances provided for under Directive 94/33/EEC continue to be governed by the 1980 law on the statute of rights for workers, and, in the case of public shows, Royal Decree 1435/85 of 1 August 1985, which authorises the participation of minors, without age limit, providing there is no risk to their physical well-being, personal development or education. On 10 September 1999 the Agaden (Asociación Gaditana para la Defensa de la Naturaleza —Cadiz Association for Nature Protection) Association complained about this practice to the Council of the European Union.

Does the Commission agree that the use of children and adolescents as bullfighters in Andalusia and the rest of Spain constitutes blatant non-compliance with Community legislation on the protection of young people at work? In view of this, does the Commission intend to open infringement proceedings against the Spanish government under Article 226 of the Treaty for breach of Directive 94/33/EEC? What measures does the Commission intend to take to guarantee the protection of young people at work in Andalusia?