However, the Commission is of the opinion that the rule of a sporting association which limits the number of amateur players having the nationality of other Member States who may be fielded in a match is also contrary to Community law, and notably to Article 7(2) of Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community (1). That provision states that Community workers are to be granted the same social and tax advantages as national workers. The Court has ruled on several occasions that the provision applies to leisure activities (2) and it is indisputable that practising sport as an amateur is a leisure activity.

Whether or not the sport practised by amateurs is an economic activity has to be judged on the basis of the characteristics of the activity.


WRITTEN QUESTION E-2624/99
by Olivier Dupuis (TDI) to the Commission
(12 January 2000)

Subject: New legislation regarding foreigners in Romania

The Defence Committee of the Chamber of Deputies in the Romanian Parliament has recently approved a bill covering regulations for foreigners in Romania, a bill that was passed in the Romanian Senate on 10 September 1998. According to this bill, foreign citizens living in Romania would no longer be allowed to finance or found political parties, organisations or political groups on Romanian soil, or take part in demonstrations regarding the political life of the country.

In addition, every natural or legal person hosting foreigners for over five days should notify local police authorities. Lastly, according to this bill, a residence permit may be issued only to those residents holding medical insurance.

Does not the Commission believe that if this legislation, already passed by the Senate, should be adopted in its present format by the Parliament in Bucharest, Romania would find itself in clear breach of its commitments as a country applying for accession to the EU? What initiatives has the Commission already taken or does it intend to take to dissuade the relevant Romanian authorities, beginning with the Parliament, from proceeding to adopt this legislation in its current format?

Answer given by Mr Verheugen on behalf of the Commission
(22 February 2000)

The draft law regarding the regime of aliens in Romania, which was adopted by the Senate on 10 September 1998, has not yet been adopted by the Chamber of Deputies. The present legislation (Law No 25/1969 on the regime of aliens) is outdated and the Commission in its latest regular report on Romania’s progress towards accession adopted on 13 October 1999 (1) and the accession partnership which the Council adopted on 6 December 1999 (2) stressed the need to replace this law with modern legislation.

The Honourable Member refers to provisions in the draft law containing restrictions on the political activity of aliens residing in Romania. Article 16 of the European Convention on human rights, which has been ratified by Romania, permits the contracting parties to impose such restrictions.

The office of the United Nations high commissioner for refugees (UNHCR) in Romania has commented on the proposed restrictions and has pointed out that according to the case law of the European Court of human rights such restrictions must be proportionate. A restriction must not only pursue a legitimate aim, but there must also be a reasonable proportionality between the means employed and that legitimate aim which is sought to be realised. However, UNHCR has not argued that the provisions which are now in question are disproportionate.
As a member of the Union following accession, Romania will have to respect the rights ensuing from the citizenship of the Union. According to Article 19 of the EC Treaty every citizen of the Union residing in a Member State of which he is not a national has the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides. Citizenship of the Union also entitles to vote and to stand as a candidate in the country of residence in elections to the European Parliament. To stand as a candidate in elections presupposes membership of a political party and consequently the possibility to carry out political activities and to contribute to financing a party (through membership fees in the first place). Thus the restrictions in question would be, upon accession, contrary to Article 19. Although there is at present no formal obligation for Romania not to adopt legislation containing such political restrictions for aliens, it is evident that Romania as a candidate country should endeavour to ensure that its legislation is gradually made compatible with that of the Community.

The Honourable Member has also raised concern at two provisions in the draft legislation, i.e. the obligation for a person who receives a foreigner for more than five days to inform the authorities, and the rule which makes the granting of a residence permit conditional upon the presentation of a medical insurance. According to the Europe agreement the contracting parties have the right to apply national legislation concerning such issues relating to the entry and stay of foreigners. However, after accession, Romania will be obliged to participate in the Schengen co-operation and should therefore successively make its future legislation, i.e. the obligation to inform the authorities on the entry of foreigners, in line also with the Schengen agreement.

The Commission maintains a continuous dialogue with the Romanian authorities on approximation of its legislation with a view to accession to the Community and will not fail to make the Romanian authorities aware of the need to progressively align with the acquis the provisions to which the Honourable Member has referred.

(1) COM(99) 510 final.

WRITTEN QUESTION E-2630/99
by Bart Staes (Verts/ALE) to the Commission
(12 January 2000)

Subject: Granting of protected designation of origin to the traditional balsamic vinegars of Modena and Reggio

The regulatory committee has refused to grant protected designation of origin to the traditional balsamic vinegars of Reggio and Modena.

According to the farmers and producer's associations that have taken an interest in the matter, the protection and exploitation of quality agricultural and food products are being undermined by exclusively commercial interests and this, in their view, is why the committee has refused to grant protected designation of origin to the above product.

These vinegars, produced in the provinces of Modena and Reggio, in Emilia-Romagna, date back to the Renaissance and the Middle Ages. The balsamic vinegar of Modena has been famous since 1508, and the Reggio vinegar since the 12th century.

For centuries they have been aged for over twelve years in small barrels made of the finest wood. On the European market and elsewhere producers of the traditional balsamic vinegars of Modena and Reggio have to continually guard against imitations.

Italian government experts in agriculture and gastronomy unanimously believe that these vinegars are a typical and unique product and should not be confused with mass-produced vinegars.

Given the above, does the Commission not consider that the traditional balsamic vinegars of Reggio and Modena meet all the necessary requirements for being granted a protected designation of origin?