WRITTEN QUESTION E-3336/00
by Lucio Manisco (GUE/NGL) to the Council
(25 October 2000)

Subject: Attacks on press freedom in Austria

On Monday, 9 October 2000, as was reported in the most respected European newspapers, the journalists of the State-run Austrian television service, ORF, spoke out with one voice against the massive pressure being exerted by senior leaders of Jörg Haider's Freedom Party (FPO) and their intolerable attempts to censor the station's editorial staff and management. One of the main culprits has been the head of the FPO parliamentary group, Peter Westenthaler, who within the space of a single day intervened on as many as 22 occasions in an attempt to obstruct the journalists' work, influence the subjects covered and the format and scope of reports, and demand 'counter-reports' whenever the television news was not to his liking.

Furthermore, according to Profil magazine, the management of the State television service has opened an internal investigation to discover why the text of news items was leaked to politicians before the programmes concerned had even been broadcast. Lastly, another source has revealed that two police-officers have been implicated in a criminal plan to 'physically punish' the television presenter Josef Bronkal for his severe criticism of Jörg Haider's party.

In the light of the statement issued on 12 September 2000, in which the 14 Union governments announced that they were lifting the diplomatic sanctions imposed on Austria but at the same time pointed to the need to keep an especially close watch on Jörg Haider's Freedom Party, does the Council not believe that the Union institutions should roundly and unambiguously condemn the continuing blatant attacks on freedom of the Press, and hence democracy, being mounted in Austria?

Reply
(12 February 2001)

The Council has not been informed of this issue which, in any case, is a matter for the Austrian authorities.

WRITTEN QUESTION E-3341/00
by Bartho Pronk (PPE-DE) to the Commission
(25 October 2000)

Subject: Obstacle to the free movement of workers by car

Residents of the Netherlands are not permitted to drive a car with a foreign number plate. Eight weeks are needed to obtain a Dutch number plate.

Practical problems arise as a result. Anyone who goes to the Netherlands with the intention of becoming established there for any period of time is deemed to be a 'resident' within the meaning of the law. In accordance with the Highway Code, a new resident in possession of a car is obliged to fit his car with a Dutch number plate.

Under European law job-seekers are permitted to spend three months, on full unemployment benefit, looking for a job in another Member State. If a European job-seeker goes to the Netherlands in search of a job he is deemed to be a resident pursuant to Dutch law and is therefore obliged to fit his car with a Dutch number plate. Until he has done so he is not allowed to use his car.

1. To what extent does the Commission regard the Dutch law in question as an obstacle to the opportunities available to job-seekers from outside the Netherlands for looking for work in the Netherlands?

2. Does the Commission believe that the Dutch law in question is an obstacle to the free movement of workers?
Supplementary answer
given by Mrs Diamantopoulou on behalf of the Commission

(16 January 2001)

According to information provided to the Commission by the Dutch authorities, only persons who apply for enrolment in the Dutch Register of Population are obliged to change their licence plates. Consequently, as long as persons do not apply for such enrolment, they are free to use their cars with non-Dutch licence plates.

Furthermore, the Dutch authorities tolerate, in practice, that even persons enrolled in the Dutch Register of Population continue driving their cars with non-Dutch licence plates, provided that they prove that they have applied for Dutch plates.

Unless the Honourable Member provides the Commission with further information on specific cases, the Commission considers that there does not seem to be a practical obstacle to the exercise of the right of job seekers to freedom of movement.

WRITTEN QUESTION E-3344/00
by Christoph Konrad (PPE-DE) to the Commission

(25 October 2000)

Subject: Compensation for tolls paid in Austria

After the Court of Justice's judgment of 26 September 2000, how does the Commission intend to deal with the matter of the tolls charged by the Austrian Government for use of the Brenner motorway, which, in breach of Community law (Directive 1999/62/EC) (1), have been imposed mainly on non-Austrian haulage companies?

Will the Commission be calling for compensation for the companies concerned?

Answer given by Mrs de Palacio on behalf of the Commission

(15 December 2000)

The Commission is following closely developments in Austria regarding the necessary measures to comply with the recent Court of Justice judgment. It has already asked the Austrian government to take those measures immediately. In case Austria fails to take such measures the Commission may refer the matter to the Court again, this time suggesting also an amount of lump sum or penalty payment in accordance with Article 228 (ex-Article 171) of the EC Treaty.

However the Commission has no powers to order the reimbursement of tolls which have been paid in the past or which continue to be paid until Austria has complied with the judgment. This is a question to be decided by the Austrian courts. The Court of Justice ruled that the tolls at the Brenner were imposed illegally, but the conditions under which a haulier can claim back illegal tolls (or other charges in Austria) are for the Austrian courts to decide, in application of Community rules such as the Francovitch judgement (2).


(2) Cases C-6 and 9/90, Recueil 1991, I, 5357.