Finally, as regards the supplies mentioned by the Honourable Member, at first sight it does not seem that the acquisition of such supplies is in breach of the provisions of the public procurement Directives, either under the terms of Article 296 or in relation to the exceptions under the above-mentioned directives.


(2) OJ C 29, 30.1.2001.
(3) Case 414/97, Commission of the European Communities v. Kingdom of Spain.

WRITTEN QUESTION E-1370/01
by Caroline Jackson (PPE-DE) to the Commission
(7 May 2001)

Subject: European equestrian organisations

In 1995, 28 national equestrian bodies in Europe established a scheme to equate the level of instructors' qualifications in their sector across international boundaries: this led to the establishment of the ‘international equestrian passport’. The lead body was the British Horse Society. The Association of British Riding Schools, whose qualifications are also recognised by the British Government, was not invited, consulted or involved in any of this work.

The Association of British Riding Schools now finds that only those on the British Horse Society register of instructors are eligible to apply for the international equestrian passport. The qualifications of the ABRS are not recognised. This situation means that those who have studied for such qualifications may find that their lack of recognition by the BHS poses an obstacle to their ability to obtain work in another EU country.

Does the Commission agree that the operation of this ‘closed shop’ by an informal grouping of European equestrian organisations may be illegal in that, without the sanction of any EU mutual recognition system, it is posing an obstacle to the free movement of labour? Does the Commission agree that the answer to this problem lies in the swift recognition by the countries operating the international equestrian passport of the examinations and qualifications of the Association of British Riding Schools, thus obviating the need for legal action?

Answer given by Mr Bolkestein on behalf of the Commission
(16 July 2001)

On the basis of the information received, the Commission is not in a position to assess the compatibility of the agreement concluded between national equestrian bodies with the Community rules on freedom of movement of persons. The Commission would like to stress however that even if there is an infringement to the Community rules on freedom of movement of persons, it is not empowered to introduce an action against private bodies before the Court of Justice. Only national courts have competence to deal with disputes between private parties in this area.

Member States which regulate the profession of horse instructors in their territory are under the obligation to examine all diplomas of horse instructors obtained in other Member States in accordance with the rules of Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (6) or Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (7). Those directives have, however, not put in place a system of automatic recognition of diplomas. If the matters covered by the education and training which the migrant has received differ substantially from those covered by the diploma required in the host Member State, the host Member State's national authorities may require the migrant to take an aptitude test or to complete an adaptation period – at the choice of the migrant. It
remains open to relevant national authorities or other bodies to enter into more or less formal arrangements based on objective criteria in order to facilitate further free movement as long as these are not exclusive in character.


(2001/C 350 E/150) WRITTEN QUESTION E-1373/01
by Carlos Carnero González (PSE) to the Commission
(7 May 2001)

Subject: Store closures and mass redundancies at Marks and Spencer

Marks and Spencer has announced that it is closing down several of its stores in various European countries, including Spain (four in Madrid, two in Barcelona, and one each in Seville, Valencia, and Bilbao), and consequently making huge numbers of workers redundant.

The decision was announced without warning, the Marks and Spencer management having acted without first approaching the staff trade unions.

The company employees in the countries and stores concerned, in particular, and the public in general have reacted with amazement and indignation to a measure inimical to employment that violates the basic principle of consultation between management and labour and manifestly lies beyond the pale of the European social model.

In France, the courts have successfully intervened to prevent Marks and Spencer from implementing its decisions without any form of supervision.

The Marks and Spencer decision is absolutely reprehensible and, moreover, as the Secretary-General of ETUC, Emilio Gabaglio, has pointed out, highlights the need to build a genuinely social Europe. To that end, the EU must, as a matter of urgency, lay down effective rules on worker information and consultation to prevent large employers adopting decisions inspired by untrammelled capitalism such as the one described here.

What steps will the Commission take to defend the European social model and prevent Marks and Spencer from achieving its antisocial aims, thus ensuring that other companies of comparable size will not unhesitatingly take decisions along similar lines in the future? What kind of pressure will it exert on the Council to make it act without further delay to adopt the directive on the right of workers to be informed?

Answer given by Mrs Diamantopoulou on behalf of the Commission
(6 July 2001)

The European Commission attaches the greatest importance to the social consequences of corporate restructuring. This was the central preoccupation of the Commission in the preparation of its proposal for a Council Directive establishing a general framework for informing and consulting employees in the European Community (1) on which political agreement on a common position was reached by the Council of Ministers on 11 June 2001.

This initiative is a key plank of the Community’s response to the social problems resulting from the restructuring of enterprises.

Other measures are planned in this area, however, including the development of the concept and practice of the social responsibility of enterprises; more specific targeting of the active labour market measures, especially those financed by the European Social Fund, on the sectors and regions that bear the brunt of major restructuring operations; seeking to improve the dovetailing of competition policy and social policy and the forthcoming review of the Directive on European works councils.

(1) COM(98) 612 final.