WRITTEN QUESTION E-1708/01
by Heidi Hautala (Verts/ALE) to the Commission
(14 June 2001)

Subject: Sale and manufacture of chewing tobacco in contravention of the directive

The self-governing Åland Islands (Finland) are not complying with the ban on chewing tobacco which is in force in the EU, but permit the sale of such tobacco on their own territory and on ferries between Finland and Sweden. The Åland Islands have not obtained a special authorisation from the Commission to continue selling chewing tobacco as Sweden has done. Monitoring the implementation of the directive is the task of the Commission. The tobacco on sale on the Islands and on ferries is produced in Sweden. It is public knowledge that production of chewing tobacco is beginning on the Islands for the purpose of sale on ferries.

When Sweden obtained its special exemption for the sale of chewing tobacco, it undertook that chewing tobacco produced and sold in Sweden would not be placed on the market in other Member States in which its sale was prohibited. This undertaking is being publicly broken, because Swedish chewing tobacco is on open sale on the Åland Islands and on ferries between Sweden and Finland. It has also been demonstrated by experience, as shown in the media, that it can easily be purchased (for example) from kiosks in Finland.

What measures does the Commission propose to take to halt the sale on the Finnish Åland Islands and elsewhere in Finland of chewing tobacco in contravention of the directive prohibiting its sale? What measures does the Commission propose to take to ensure that Sweden complies with the conditions of the exemption it obtained under the EU Treaty and ensures that Swedish chewing tobacco is no longer placed on the market in the other Member States?

Answer given by Mr Byrne on behalf of the Commission
(23 July 2001)

The prohibition to place on the market tobacco for oral use which is provided for in Article 8 of Directive 2001/37/EC on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products (1) is applicable to the entire territory of Finland.

The Commission has recently been informed by a complaint that this ban may not have been implemented in the Åland Islands. For this reason, the Commission will ask the Finnish Government to clarify whether the necessary legislation is in force in the Åland Islands so that the provision referred to above is correctly implemented.

The Commission will also inquire of the Swedish authorities on how they enforce the requirement to take all necessary measures to ensure that tobacco for oral use legally marketed in Sweden is not put on the market in the other Member States in accordance with Article 151 and Annex XV of the Act of Accession of Austria, Finland and Sweden.


WRITTEN QUESTION E-1712/01
by Margrietus van den Berg (PSE) to the Commission
(14 June 2001)

Subject: Trafficking in young footballers

It has been established that, in various Member States, young footballers are being hired from outside the European Union in ways which involve breaking the law. Here are a few examples: a false passport from
one Member State is obtained for the footballer and used to obtain residence and work permits in another; one football club lends a young foreign player to a club in another Member State without the necessary formalities being complied with; players from outside the Union are employed on terms different to those which apply to equivalent players of European nationalities. The differences in regulations between Member States result firstly in an uncoordinated approach to this problem and secondly to the persistence of the existing situation due to constant competition between professional football clubs in the various Member States.

In the conclusions of the Presidency of the European Council (Nice, 7, 8 and 9 December 2000), concern was expressed about commercial transactions targeting minors in sport, including those from third countries, inasmuch as they did not comply with existing labour legislation or endangered the health and welfare of young sportsmen and -women.

On 5 March 2001, in the framework agreement on international football transfers, the Commission agreed with FIFA the principle that young footballers should be afforded special protection.

1. Does the Commission have any information about the extent of trafficking in young footballers from outside the European Union by football clubs within the European Union and if so, how are national and European law being violated?

2. Can sportsmen and -women who are minors be professionally employed by sports clubs in the European Union? Does not this contravene national and European law?

3. Does the Commission know how the Member States are trying to tackle this problem at national level?

4. Will the Commission investigate whether additional European measures are called for, and if so, what measures?

5. How will the Commission further elaborate the framework agreements on the protection of young footballers contained in the agreement with FIFA regarding international transfers so that the agreement provides adequate protection to young players from outside the European Union?

6. Do FIFA's 'players' agents' rules' for football agents provide an adequate guarantee of protection of young footballers against trafficking in persons and other illegal practices?

7. In the context of the free movement of persons, services and capital, would it be desirable to adopt European legislation on the exercise of the profession or professional activities of a 'sports agent' with the aim of ensuring equal treatment of footballers (particularly young footballers) and other sportsmen and -women from other sporting disciplines in all Member States and thus protect their rights?

8. In some Member States, the activities of 'sports agents' are covered by legislation, and the rights of sportsmen and -women in connection with these activities are protected. Is there a need to adopt European legislation focusing on the social and employment rights of sportsmen and -women (particularly those who are young)?

9. Is it necessary to include the subject of combating trafficking in persons and the international activities of sports agents in the Commission's negotiations with the applicant countries? Is the Commission also considering including this topic in its external policy and in the agreements which it concludes with the applicant countries?

10. What measures will the Commission adopt against national and international sports federations, sports associations and sports agents which/who violate European or national legislation on employment, social affairs, taxation, trade or access to and residence in the territory of the Member States of the European Union?
The Honourable Member raises the question of the protection of young sportsmen and sportswomen, which was mentioned in the Declaration ‘on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies’, which was adopted at the Nice European Council of December 2000 (1). Like the Council, the Commission is sensitive to this concern, which it addressed in the Helsinki Report on Sport (2) and at the European Sports Forum in Lille on 26 and 27 October 2000, which included a workshop on the protection of young people. Moreover, the specific situation of young people under the age of 18 was carefully examined in the discussions between the Commission and FIFA on the rules applicable to international transfers of footballers.

The Honourable Member raises ten questions.

1. The Commission has no information on the extent of the ‘trafficking in young footballers’ from third countries. The information that it has received comes from the press or national reports. Because of the responsibilities involved, the initial legislative and regulatory measures in this area were taken at national level.

2. The Council adopted Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work (3). This Directive is designed to ban work by children (but contains certain possibilities of derogations for the Member States), regulate and protect work done by adolescents and, in general, ensure that all employers provide young people with working conditions that are adapted to their age.

3. Not all Member States seem to be affected by this phenomenon in the same way, which explains the diversity of the national responses. Certain Member States do not appear to have adopted any specific measures, while others have gone as far as to ban all commercial transactions involving under-age sportsmen and -women.

4. The Commission currently does not intend to have a study carried out in order to assess the extent of this phenomenon.

5. The protection of minors was one of the main subjects discussed by FIFA and the Commission. The aim was especially to reconcile the right of workers, including minors who have reached the minimum age for access to employment in the host country, to freedom of movement and the concern to protect this category of workers, which is exposed to particular risks. The solution which was reached on 5 March 2001 ensures compliance with both these principles, the implementation of which is the responsibility of FIFA. It is not up to the Commission to draw up rules for the protection of minors. As guardian of the EC Treaty, it must limit itself to ensuring compliance with Community law. The Commission therefore does not have the power to extend this reference framework.

6., 7. and 8. As far as players’ agents are concerned, following a procedure at the Commission on the basis of the competition rules, FIFA changed the way in which the profession is organised in order to improve its ethics. These new FIFA rules concerning players’ agents entered into force on 1 March 2001. Certain Member States have also chosen to adopt legislation in order to apply stricter rules to the activities of players’ agents.

9. Full account is being taken of the acquis communautaire in the negotiations with the applicant countries. This applies, for example, to the principles of freedom of movement or Directive 94/33/EC on the protection of young people at work. The Commission has no plans to deal specifically with the question of players’ agents in the accession negotiations.

10. The Commission and the Member States must complement each other in their efforts to ensure compliance with Community law and national law. At Community level, the EC Treaty provides for procedures to achieve this objective. In some cases, these procedures can be used to take direct action.
against sporting federations, for example under competition rules. On the other hand, in a number of areas, any disputes on the application of Community law are a matter for the national courts.

(1) Nice European Council — 7, 8 and 9 December 2000 — Annex IV to the Presidency Conclusions: ‘Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies’.


WRITTEN QUESTION E-1718/01
by Erik Meijer (GUE/NGL) to the Commission
(14 June 2001)

Subject: Differences in interpretation in the various Member States with regard to the participation or exclusion of independent auditors and environmental auditors in the implementation of the EMAS scheme.

1. Does the Commission remember that in relation to the regulation on the voluntary participation of organisations in the Community environmental management and audit scheme (EMAS) the European Parliament adopted an amendment in the first two readings to the effect that large verification bodies would lose their monopoly position as EMAS verifiers so that independent auditors and environmental auditors would also be able to carry out this task, but that this provision was not included in the final text adopted at third reading on 14 February 2001 as a result of the conciliation procedure?

2. Can the Commission confirm that current practice differs greatly from Member State to Member State, so that in Germany independent auditors are permitted to carry out these tasks whereas large bodies in the Netherlands and Denmark are attempting to prevent this?

3. Is the Commission aware that obstacles are being created in the Netherlands by the Accreditation Council (Raad voor de Accreditatie) and, following suit, by the Foundation for the Coordination of Certification of Environmental Management Systems (Stichting Coördinatie Certificatie Milieuzorgsystemen — SCCM) which are in a position to exclude the approximately 80 environmental auditors from the impregnable bulwark constituted by the certifying bodies?

4. Is the Commission aware of the Dutch draft bill No 27683 which aims to amend Article 12 of the Environmental Management Act in connection with the revision of the EMAS regulation but which does not take into account the freedom to provide services presumed in the EMAS regulation? Does the Commission consider this draft bill to be compatible with the spirit of the regulation?

5. What is the Commission’s interpretation of the manner in which independent auditors and environmental auditors may be allowed to carry out or be excluded from such activities in future? Which interpretation should in future be considered correct, the German or the Dutch/Danish interpretation? Or does the Commission consider it acceptable that in practice different arrangements continue to apply in the various Member States with the consequences that this entails as regards the legal situation of this profession?

6. Does the Commission intend to allow the differences in interpretation in the various Member States to continue in the long term? If not, how and when does it intend to solve this problem?

Answer given by Mrs Wallström on behalf of the Commission
(26 July 2001)

1. and 2. It never was the case that the EMAS Regulation, either in its original version (1) or in its amended version (2), restricted access to the profession of EMAS environmental verifier to organisations alone. On the contrary, the EMAS Regulation states that national accreditation bodies may accredit individuals, organisations or both, as environmental verifiers (3).