Answer given by Mr Vitorino on behalf of the Commission

(12 September 2001)

Responsibility for the integration of migrants lies with the Member State which has admitted the migrants concerned. The Commission has not, therefore, carried out any systematic analysis of such programmes.

In its Communication on an Open Method of Coordination for the Community Immigration Policy (1) of 11 July 2001, the Commission has put forward proposals for European Guidelines, one of which (Guideline 6) concerns the development of comprehensive national integration policies for third country nationals residing legally on the territory of the Member State concerned. Once approved by the Council, Member States will be invited to submit national plans for the implementation of this guideline which includes the setting of an appropriate framework to ensure the involvement of all the relevant actors including migrants themselves.

The implementation of the open coordination method will enable the Commission in the future to provide information on the success of integration programmes for migrants and on the key factors which bring this about, including the role of migrants in the conception and running of such programmes.

The Commission intends to put forward proposals in 2002 for an Action Programme to promote the integration of immigrants. Subject to the adoption of this programme and to the provision of the necessary resources, the suggestion made by the Honorable Member could be considered within the context of the activities to be supported.


(2002/C 40 E/185)

WRITTEN QUESTION E-2055/01

by Jean-Louis Bernié (EDD) to the Commission

(13 July 2001)


At the moment of transcription by decree into national law of Directive 79/409/EEC (1) of 2 April 1979 (the ‘wild birds’ directive) and Directive 92/43/EEC (2) of 21 May 1992 (the ‘habitats directive’), the French implementing law lays down a general principle, namely that ‘… fishing, hunting and other similar activities practised in the conditions and on the land areas authorised by the laws and regulations in force should not constitute disturbing activities or activities having such effects’ (Article 3(6)).

The European Court of Justice, in its judgment of 19 January 1994, stated: ‘Any hunting activity is liable to disturb wildlife and … may in many cases affect the state of conservation of the species concerned, independently of the extent to which it depletes numbers … Those disturbances are reported to have an adverse impact on the level of energy of each individual and the mortality rate of all the populations concerned.’

The Commission, in its reasoned opinion of 13 September 1994, took the view that Article 7 does not authorise hunting within a special protected area and that hunting activities inevitably affect the life of birds, even if guarantees are made that those birds will not be killed. It added that beating, gun-shots and the presence of hunters with dogs are incompatible with the objectives of reproduction and survival laid down in Article 4.

Is the text of the French implementing law compatible with Article 6(2) of the ‘habitats’ directive which replaces Article 4 of the ‘wild birds directive’ and with the judgment of the European Court of Justice, as well as with the Commission’s interpretations in its reasoned statements and in its guide to the management of ‘Natura 2000’ sites (especially paragraphs 3.2 and following)?


Hunting is a legitimate activity in accordance with Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds and does not have to be outlawed a priori from Natura 2000 sites. As far as sites protected under Directive 92/43/EEC are concerned, game hunting is highly unlikely to cause a problem, except for a small number of species. As far as sites protected under Directive 79/409/EEC are concerned, the question is more complex. In numerous cases, properly managed hunting is not incompatible with maintaining species of birds in a good state of conservation. That is why a human activity such as hunting has to be carried out under strict conditions in order to ensure a balance between the activity in question and the long-term conservation interest of the species of birds likely to be hunted. The most appropriate framework for defining such conditions on a case by case basis is a site management plan which involves the parties concerned.

As the Commission makes clear in the guide ‘Managing Natura 2000 sites — the provisions of Article 6 of the Habitats Directive’, conditions governing the concepts of ‘disturbances’ have to be assessed in the light of the general state of conservation of the species or habitats concerned and in the light of local conditions. At a particular site, disturbances are generally appraised on a case by case basis. The Commission considers that a species is being disturbed when the data relating to the population dynamic of that site show that, compared with the initial situation, the species in question might no longer constitute a viable element of the site concerned. This appraisal is carried out in accordance with the site’s contribution to the coherence of the Natura 2000 network.

Incidentally, as far as the Honourable Member’s reference to the Commission’s reasoned opinion of 13 September 1994 is concerned, the Commission’s position in this matter reflected an extreme situation at the site in question, where the pressure of hunting on the fauna present was unusually severe.

Finally, it must be pointed out that, in accordance with Article 220 (formerly Article 164) of the EC Treaty, the Court of Justice has the sole power to interpret Community law.

WRITTEN QUESTION E-2058/01
by Joaquim Miranda (GUE/NGL) to the Commission
(13 July 2001)

Subject: Prevention of occupational diseases

Council Directive 89/391/EEC (1) of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work states, in its Article 5, that ‘the employer shall have a duty to ensure the safety and health of workers in every aspect related to the work.’

Despite this, in Portugal work-related tendinitis has been on the rise since 1992. In 1994, 150 employees of Ford Electrónica were already suffering from this disease. Today, in the electrical sector and in southern Portugal alone, 1500 workers aged under 30, employed by such firms as Visteon (formerly Ford Electrónica), Indelma, Delphi, Deta, Pioneer, Samsung, Legrand Eléctrica and Tyco, have been confirmed as suffering from tendinitis, and the same fate could soon await thousands of others.

One of the factors common to enterprises where tendinitis is rife is the so-called ‘modernisation’ of work. The labour process is characterised by mechanisation, fragmentation of production and a high degree of specialisation. This means an increase in the number of tasks which place high physical demands on the hands, arms and shoulders and which call for fast, exact and repetitive movements, which may require considerable straining, difficult postures and the use of force.