WRITTEN QUESTION E-3367/01
by Erik Meijer (GUE/NGL) to the Commission
(5 December 2001)

Subject: Tearing-up of passports and robbery and assault on travellers from third countries at the external borders of the EU

1. Can the Commission confirm that, in addition to residents of Albania, residents of regions where industrial enterprises have closed down in Romania (an applicant country) are also increasingly seeking employment in Greece (a Member State), where they work legally or illegally in agriculture, industry, the hotel and catering trade or prostitution?

2. Can the Commission also confirm that, if caught crossing the border illegally or if they have been dismissed by an employer, the persons concerned are not only deported from Greece but also assaulted, and that their passports are torn up and their money taken from them?

3. Does the Commission agree that taking their money and destroying their passports makes it extremely difficult for Romanians, who need to pass through Bulgaria or Macedonia and Serbia in order to return home from Greece, to continue their journeys and that this treatment therefore does nothing to facilitate the victims’ intended return to their country of origin?

4. Is it not a fact that passports belong to the State of the holder and may not be destroyed, and that all citizens who are at any time within the territory of an EU Member State have a right to protection by the responsible authorities against assault and robbery?

5. What will the Commission do to permanently prevent a continuation or recurrence of the destruction of passports and instances of assault and robbery on citizens of third countries at the EU’s external borders?

Source: The Dutch newspaper ‘De Volkskrant’, 19 November 2001

Answer given by Mr Vitorino on behalf of the Commission
(13 February 2002)

The Commission is not aware of the acts denounced by the Honourable Member and does not normally comment on press articles. In the absence of further details, the Commission would request that the Honourable Member inform it of anything which provides confirmation of the acts denounced and supplies more precise information about them, so that it can investigate the issue, if appropriate, as far as its remit allows.

While it is unable to confirm or deny that the actions referred to actually took place, the Commission condemns any acts of which proof is provided occurring at the external borders of a Member State, such as the destruction of passports, brutality, theft and the confiscation of money belonging to third-country nationals, even if their presence on the national territory is regarded as illegal. However, it is legitimate and necessary to confiscate passports which are genuine but are being used by persons other than the legitimate owner, or which are falsified or forged.

WRITTEN QUESTION E-3398/01
by Miquel Mayol i Raynal (Verts/ALE) to the Commission
(12 December 2001)

Subject: Gibraltar

Under the ‘Brussels’ process, the UK Foreign Secretary and the Spanish Foreign Minister have undertaken to reach an overall agreement on Gibraltar by next summer (2002). However, the elected representatives of the population of the territory refused to take part in these talks as they demand the prior recognition of
their right to self-determination. While the joint communiqué issued after the ministerial meeting does express a wish for the voice of Gibraltar to be heard, it says nothing about the exercise of this right.

Gibraltar is now recognised as a colonial territory by the United Nations. The question was raised again on 10 October before the fourth (decolonisation) committee.

Can the European Union accept within its ranks a colonial territory in defiance of the wishes of peoples, the only legitimate holders of sovereignty?

Answer given by Mr Prodi on behalf of the Commission

(7 February 2002)

Article 299(4) of the Treaty establishing the European Community states that ‘the provisions of this Treaty shall apply to the European territories for whose external relations a Member State is responsible.’

On that basis, Gibraltar, one of Her Majesty's dominions that is not part of the United Kingdom but for whose external relations the United Kingdom is responsible insofar as it is a dependent territory, is part of the European Union, subject though to a number of exemptions under the 1972 Act of Accession of the United Kingdom to the Community.

The dispute over Gibraltar between the United Kingdom and the Kingdom of Spain has not been without untoward effects on the implementation of certain Community policies. Under these circumstances, the Commission can but welcome the resumption of talks between these two Member States and hope that they will be concluded to the satisfaction of all concerned.

However, since there are matters of national sovereignty, the Community institutions have no power whatsoever to interfere in the organisation and conduct of these talks between two Member States.

WRITTEN QUESTION E-3460/01

by Charles Tannock (PPE-DE) and Theresa Villiers (PPE-DE) to the Commission

(14 December 2001)

Subject: The legality of provisions contained within the Directive on insider trading and market manipulation

Article 1(2)(b) of the Commission's proposal for a Directive on insider dealing and market manipulation (market abuse) (1) states that for the purposes of the Directive 'Market Manipulation' shall mean 'Dissemination of information through the media, including the Internet, or by any other means, which gives, or is likely to give false or misleading signals as to the supply, demand or price of financial instruments, including the dissemination of rumours and false or misleading news'.

The importance of protection the public from bad advice notwithstanding, does the Commission now accept that the failure to distinguish in the Directive between deliberate attempts to manipulate markets for personal gain and not the reporting of information in good faith would make enactment of the Directive in its present form not only oppressive but inconsistent with the provisions in the European Convention of Human Rights dealing with freedom of expression and the obligations of Member States to uphold the Convention as expressed in Article 6 of The Consolidated Treaty on European Union?