Does the Commission not consider that such a policy on accepting applicants for insurance cover undermines the principle underlying the obligation to take out insurance, namely to provide for risk cover and risk-sharing? Is it planning, or is it willing, to present proposals for legislation to prevent such business practices? Does it not take the view that, in order to ensure fair competition on the internal market, insurance undertakings should be subject to a general obligation to accept any applicant who has not been banned from driving by a court, subject to certain conditions?


Answer given by Mr Bolkestein on behalf of the Commission
(26 March 2002)

It is true that certain groups of people involving higher risks may only obtain motor insurance coverage at high cost. As the Honourable Member says, this can lead to uninsured drivers. However, where necessary, mechanisms have been created in some Member States in order to ensure that a cover for compulsory insurance is always available for all groups of drivers regardless of the risk. During the revision of the motor insurance directives currently being undertaken by the Commission, no expert from the Member States’ administrations has suggested the necessity to establish a harmonised Community mechanism in this regard.

Furthermore, it should be noted that the contractual relationships between insurance undertakings (as well as any other financial institution) and their customers are based on the principle of freedom concerning contracts and prices, in such a way that none of the parties may be obliged to enter into an insurance operation. The third non-life insurance Directive (92/49/EEC) (1) introduced the freedom to set scales of premiums and abolished prior or systematic approval of scales and policies, including in motor insurance, the aim being to complete the Internal Market in insurance.

The Commission believes that a transparent and integrated Internal Insurance Market in which insurers really compete in the provision of motor insurance coverage will permit the citizens to find more easily insurance for their vehicles at a lower cost.


Subject: Carriers’ liability

In reply to a Written Question on illegal immigration (P-2079/01 (1)) dated 17 September 2001, Commissioner Vitorino said that the Council had adopted, in June 2001, a Directive defining the facilitation of unauthorised entry, movement and stay and an accompanying Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry and residence, which established a procedure for the prosecution of facilitators.

Can the Commission confirm that these two documents have been formally approved?


Answer given by Mr Vitorino on behalf of the Commission
(4 April 2002)

The Honourable Member has asked the Commission about the state of play of the proposed Council Directive defining the facilitation of unauthorised entry, transit and residence and the Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.
With reference to the earlier reply given on this subject the Commission would point out that agreement was reached at political level upon both the mentioned Directive and the Framework Decision during the Council meeting of Justice and Home Affairs Ministers on 28/29 May 2001.

However, contrary to reasonable expectations, a formal adoption of the two instruments has not yet been possible due to parliamentary scrutiny reservations of two Member States, one of which has only recently lifted its reservation.

(2002/C 301 E/054)

WRITTEN QUESTION E-0627/02
by Wolfgang Kreissl-Dörfler (PSE) to the Commission
(6 March 2002)

Subject: Conservation of wild birds directive

In 1999 the Commission initiated proceedings for failure to act against the Federal Republic of Germany (action No 1999/4095) in response to the incomplete transposition of Directive 79/409/EEC (1) (conservation of wild birds directive) in connection with the federal German hunting laws. Although the Commission has already sent letters of formal notice to the Federal German Government, the latter has not even amended the federal regulation governing hunting seasons, which still authorises the hunting of birds, even during migration back from their wintering areas and during the breeding season. Instead, the Federal German Government has asked the Commission to set up a working party with the task of drawing up interpretations of the relevant provisions and thus highlighting the scope for circumventing the ban on spring hunting (Article 7 of the conservation of wild birds directive).

1. Who are the members of this working party?

2. What time-frame has the Commission laid down for the drafting of the interpretations by the working party?

3. Does the Commission take the view that the judgments concerning Article 9 of the directive already handed down by the CJEC and national administrative courts are not sufficient, so that additional ‘interpretations’ are genuinely needed?

4. What measures does the Commission plan to take in order to prompt the Federal German Government, which has thus far merely paid lip service to the need to transpose the conservation of wild birds directive, to speed up the transposition process?


Answer given by Mrs Wallström on behalf of the Commission
(2 May 2002)

The establishment of a working group to assist the Commission with developing guidance on interpretation of the hunting provisions of the Birds Directive, Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, is at the initiative of the Commission and has been approved by all Member States, within the framework of the Committee for the Adaptation to Technical and Scientific Progress for the Birds Directive.

This is a logical continuation of earlier work on the key concepts of Article 7(4) relating to ‘Period of Reproduction and prenuptial Migration of Annex II Bird Species in the EU’, now completed.

1. The Working group is composed of experts from BirdLife International, the Federation of Associations for Hunting and Conservation of the Union (FACE) and official nominees of Germany, France, Italy, Austria, Finland and United Kingdom.