If the EU is to sign an association agreement with Algeria, there would be a need for substantial improvements in respect for human rights. In what way will the Council ensure that an assessment of the human rights situation in Algeria and compliance with the article of the association agreement relating to human rights constitute a separate item on the agenda for all meetings, especially those of the Association Council, concerning the agreement?

Reply
(3 October 2002)

The Council invites the Honourable Member to refer to the Council’s replies to questions E-0881/02 put by Patricia McKenna, E-1031/02 put by Philip Bushill-Matthews and E-1109/02 put by Christos Zacharakis and Konstantinos Hatzidakis.

WRITTEN QUESTION E-1494/02
by Konstantinos Hatzidakis (PPE-DE) to the Commission
(29 May 2002)

Subject: Problems associated with a jointly funded building project at Perivolia, prefecture of Rethymnon, Greece

Under the 1986-1993 Integrated Mediterranean Programme for Crete, a day nursery was built at Perivolia in the prefecture of Rethymnon, which began operation in 1993. The building is now closed as it has twice been affected by subsidence and is not considered to be safe for the children. The authorities claim that the subsidence is due to the presence of water in the subsoil. However, serious doubts have been raised about shoddy workmanship and whether the necessary works inspections were carried out.

1. Is the Commission familiar with the problems which have arisen with the above project?
2. If so, what are the causes of the problems created and what steps will the Commission take to identify where responsibility lies?

Answer given by Mr Barnier on behalf of the Commission
(5 July 2002)

The Commission had not been informed of the problem to which the Honourable Member refers.

The Commission is not empowered to determine responsibility in this case. Resolution of the problem is a matter for the national authorities acting under the relevant national legislation.

WRITTEN QUESTION E-1510/02
by Rosa Miguélez Ramos (PSE) to the Commission
(29 May 2002)

Subject: Fisheries aspects of the EU-Chile association agreement

On 26 April 2002 the Commission and the Government of Chile signed an Association Agreement, which will be presented in Madrid on 17 May and will be submitted for ratification by the national parliaments and the European Parliament. This agreement provides for the creation of a free-trade area, a political dialogue and wide-ranging cooperation.

The agreement has been criticised by the EC fisheries sector, and it appears to have been framed in the context of a misunderstanding of globalisation: the Commission has given in to the demands of third countries, opening up the Community market while failing to defend our fleet’s interests. It has not asked
for access to Chilean resources or an unloading facility in Chilean ports. As of January, only four Community vessels are permitted to unload in three Chilean ports; the remainder have to do so in Peru, thus facing higher costs and greater distances. It therefore seems impossible to justify the Commission’s decision to temporarily suspend the proceedings taken out by the Community against Chile in the WTO and at the International Tribunal for the Law of the Sea — even more so as it is Chile’s intention, in contravention of the Convention on the Law of Sea, to extend its Exclusive Economic Zone and related legislation beyond the 200-mile limit.

Another aspect criticised in EC fishing milieux is that concerning rules of origin: the Commission has agreed that fish caught by the Community fleet should be considered products of Chilean origin. This is a step backwards and represents a negative precedent for future negotiations with other countries.

On what grounds can the Commission justify this failure to defend the Community’s interests, in an area such as rules of origin, in the Association Agreement signed with Chile?

What guarantees can the Commission extend to the Community fleet to ensure that it is enabled to unload freely in Chilean ports, thus ending the present situation? Should the problems and restrictions continue, will the Commission support taking out fresh proceedings with the WTO and the International Tribunal for the Law of the Sea?

Answer given by Mr Fischler on behalf of the Commission

(8 July 2002)

The Commission does not share the Honourable Member’s view that the Commission has given in to the demands of Chile while failing to defend European interests. The Commission wishes to point out that the Association Agreement is not a fishing agreement on access to the fishing resources of the parties, nor is it the framework for such an agreement. This type of licenses is normally subject to independent negotiations and it would be placed in the framework of specific negotiating directives.

However, during the negotiations, the Commission made Chile the offer of a substantially improved commercial arrangement in exchange for access to Chilean fishing resources. This offer was completely rejected by Chile, which denies any access to its fishing resources to ships that do not fly the Chilean flag. However, an increase in opportunities to invest Community capital in the Chilean fisheries sector was obtained. In this way, Community fishing companies will be allowed to own up to 100% of Chilean fishing companies, under the same conditions as Chilean investors, with only one condition: that the legislation applicable in the European country where the capital invested in Chile comes from, also allows for majority investment of Chilean capital in that European country.

As it was not possible to obtain direct access to the fishing-grounds of Chile for the Community fishing fleet, but only an improvement in the possibilities of indirect access, via investments, the commercial concessions by the Community do not include more than 91% of its imports (in value) of fishing products originating in Chile.

Another aspect mentioned in the question are the rules of origin for fishing products. According to the terms of the agreement reached, the same principle that governs all the preferential regimes of the Community has also been adopted in the case of Chile: the origin of the catches is determined by the ship and not by the catch area. So, the catches made by the Community fleet will be of Community origin and not of Chilean origin. Therefore, the provisions included in the Association Agreement do not constitute a step backward or a negative precedent.

The Honourable Member is correct in that access to Chilean ports is limited to four Community vessels, under a joint fisheries research programme. This was only one component of a package agreed in the context of a bilateral Arrangement of January 2001 which resulted in the temporary suspension of the proceedings launched by the Community and Chile in the World Trade Organisation (WTO) and International Tribunal for the Law of the Sea (ITLOS), respectively. However, if the Commission is of the view that the bilateral Arrangement of 2001 is not being respected by Chile it has the right to call for the re-activation of the suspended WTO proceedings.
A further element of the bilateral Arrangement, is that multilateral co-operation on swordfish in the South-East Pacific should be advanced. Recently, the Community and Chile jointly launched an International Consultation process with the view of establishing multilateral co-operation in the South-East Pacific regarding the conservation and management of the swordfish stocks in that region. The Community believes that any future Arrangement established on this basis should cover the complete range of the stocks, both inside and outside the Exclusive Economic Zones (EEZs) of the coastal states concerned. Any conservation measures adopted in this framework would be decided on a multilateral basis in accordance with the Law of the Sea.

(2002/C 309 E/155)

WRITTEN QUESTION E-1515/02

by Cristina Muscardini (UEN) to the Commission

(29 May 2002)

Subject: Investigations into paedophile websites

Reports have recently appeared in the Italian weekly press concerning investigations now being carried out by the Italian post office police into paedophile and child pornography websites. In addition to these police investigations, an information campaign has been launched in schools to explain the dangers of the Internet to children, parents and teachers. A year ago, an investigation by the post office police led to the closure of a site whose owners were charged with promoting prostitution. Numerous other questions have been submitted on similar subjects.

Does the Commission not consider that this experience sets a precedent for action at Community level to close down child pornography websites?

Answer given by Mr Vitorino on behalf of the Commission

(28 June 2002)

Primary responsibility for dealing with illegal content (including child pornography) is with the appropriate law enforcement and judicial authorities of the Member States, which co-operate internationally in the fight against child pornography on the Internet through the existing channels of communications, such as Europol and Interpol.

The Union has been a forerunner in the fight against illegal and harmful content since 1996, with an approach agreed unanimously by the Parliament and the Council. The Safer Internet Action Plan adopted by the Council and the Parliament on 25 January 1999 (1) is a major element in the Commission’s activity in the field, providing funding for a European network of hotlines, allowing users to report illegal content including child pornography. The Commission has proposed on 22 March 2002 (2) to extend the current Action Plan for a second phase of two years, as well as to adapt its scope and implementation to take account of lessons learned and new technologies, and to ensure co-ordination with parallel work in the field of network and information security.

Other elements of the Union strategy to combat child pornography include legal instruments and practical measures against computer crime and child pornography. These include the Commission proposal for a Council Framework Decision (3) on approximation of laws and sanctions in the field of sexual exploitation of children, with particular reference to child pornography on the Internet, and the Council Recommendation of 24 September 1998 (4) on Protection of minors and human dignity and the Council Decision of 29 May 2000 to combat child pornography on the Internet (5).