In the absence of harmonisation, the Member States may then invoke Article 30 of the EC Treaty and have some leeway in deciding which works of art or cultural objects are included under the concept of 'national treasure'. It should be pointed out that the Court of Justice has never had occasion to define this concept.

The adoption of Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State did not change this situation (1). One of the provisions of this Directive is that a Member State may initiate proceedings, before the competent court in another Member State, with the aim of securing the return of cultural objects which have been unlawfully removed from its territory after 1993.

The Directive only refers to objects which were classified, before or after their unlawful removal from the territory of a Member State, among its national treasures possessing artistic, historic or archaeological value under national legislation, and which fall into one of the categories of cultural objects listed in the Annex to this Directive. This list includes 'collections of historical, palaeontological, ethnographic or numismatic interest' with a value of over EUR 50000.

The United Nations Educational, Scientific and Cultural Organisation (Unesco) Convention of 1970, which has been ratified by (8 or 9) Member States, only relates to the illicit import, export and transfer of ownership of cultural property, with illicit trade in cultural objects remaining outside its scope. In accordance with the provisions of this Convention, the State Parties undertake to prohibit, or take the necessary measures to prevent, the import of cultural property which has been stolen from museums, religious institutions or public monuments, or when the cultural patrimony of a State Party is in jeopardy from the pillage of archaeological or ethnological materials.

Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods (2), is not applicable in this context. Its aim, in the context of the internal market, is to ensure the protection of the Member States' cultural goods, by making the export of cultural goods outside the customs territory of the Community subject to the presentation of an export licence issued by a competent authority of the Member State, without prejudice to the measures prohibiting the export of national treasures which the Member States may take under Article 30 of the EC Treaty.


(2004/C 51 E/274) WRITTEN QUESTION E-2488/03
by Margrietus van den Berg (PSE) to the Commission
(25 July 2003)

Subject: Problems caused by scooters

In accordance with Article 1(2) of Directive 2002/24/EC(1) of 18 March 2002 relating to the typeapproval of two or three-wheel motor vehicles scooters must have a maximum continuous rated power of no more than 4 kW. Netherlands law had previously restricted the maximum continuous rated power of such vehicles to 1,5 kW. Following the entry into force of the directive, Italian scooters with a rated power of 4 kW can be imported without problem.

In many towns and cities in the Netherlands, including Rotterdam, the problems caused by young people riding scooters have reached intolerable levels. Many residents regard scooters as one of the top three nuisances in their neighbourhood. The nuisance stems from noise pollution caused by squealing tyres, souped up engines and specially fitted hi-fi equipment and scooter races which go on until late at night. Residents also complain about inconsiderate riding (excessive speed, riding on cycle paths and pavements).
In its efforts to resolve these problems, the Netherlands police is having to deal with the consequences of harmonisation in the European internal market and, in particular, the directive referred to above.

Does the Commission take the view that rules on road safety are a matter for the Member States?
Does the Commission take the view that inconsiderate behaviour by scooter riders is one problem which is undermining road safety?

In the Commission's view, can the Netherlands Government — pursuant to Article 4(6) of Directive 2002/24/EC and Article 95(5) of the EC Treaty — introduce national provisions on the basis of which type-approval for scooters of this kind can be denied?

Is the Commission considering a downward revision of the figure for the maximum rated power of scooters?

Answer given by Mr Liikanen on behalf of the Commission

(25 August 2003)


In both Directives two-wheel mopeds with an internal combustion engine are defined as motor vehicles having a cylinder capacity not exceeding 50 cubic centimeter (cm³) and a maximum design speed of not more than 45 kilometer per hour (km/h). Directive 2002/24/EC foresees in addition a limitation of the maximum power to 4 kilowatt (kW), but only for two and three-wheel electric mopeds and three-wheel diesel mopeds. Those are used only in very small numbers, the latter ones mostly in the south of Europe. With regard to the very large majority of mopeds the legal basis has not been changed by the new Framework Directive. It is therefore not clear how the situation regarding mopeds could have changed as explained by the Honourable Member, in particular as Directive 2002/24/EC is only applicable from 9 May 2003 at the manufacturer's discretion and will only become mandatory from 9 November 2003.

For the reasons explained above the Commission does not envisage modifications to the definitions of mopeds.

The Commission takes the view that responsibility for road safety, especially the establishment of related rules, is a shared responsibility between all levels involved in road safety, from the individual to local, regional, national and European authorities. This is clearly illustrated in the recent Commission Communication on a 'European Road Safety Action Programme — Halving the number of road accident victims in the European Union by 2010: A shared responsibility'. Article 71 of the EC Treaty allows the Union to legislate to adopt measures to improve transport safety, within the limits of subsidiarity. Thus, the Union has adopted legislation in several areas such as seat belt use in vehicles, the periodic technical inspection of motor vehicles, roadside checks, tachographs, speed limiters, weights and dimensions of vehicles, transportation of dangerous goods, driving licences and certain aspects of driver training.

The Commission agrees that inconsiderate behaviour by all road users — not only scooter riders — is one of the problems which are undermining road safety. However, it is mainly up to the enforcement authorities in the Member States, by applying the necessary measures and a sufficient number of controls, to make sure that the road safety rules are fully respected by those users.

Article 4(6) of Directive 2002/24/EC allows a Member State to refuse type approval if it finds that a vehicle, system, separate technical unit or component which complies with the provisions of that Directive is nevertheless a serious risk to road safety. The common interpretation of this provision is that it allows Member State to refuse type approval when a specific vehicle or component represents a risk to road safety. This provision does not allow Member States to introduce national provisions on the basis of which type approval for certain categories of vehicles could be denied. The technical requirements for the type approval of motor cycles are harmonised at Community level and, therefore, Member States cannot introduce national measures in this field.
Article 95(5) of the EC Treaty provides for the possibility of Member States introducing national measures that derogate to Community harmonised measures only under specific circumstances. That article provides that after the adoption of harmonisation measure, if a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, the Member State will notify the Commission of the envisaged provisions as well as the grounds for introducing them. The Commission will evaluate those measures. For those reasons, if the Netherlands wishes to introduce measures that go beyond Community rules, it will have to prove that all the conditions laid down in Article 95(5) are met.


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**WRITTEN QUESTION E-2491/03**

by Christopher Huhne (ELDR) to the Commission

(25 July 2003)

**Subject:** Eurostat

Does the Commission believe that the question marks concerning the integrity of the financial arrangements of Eurostat may extend to the integrity of the statistics?

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**Answer given by Mr Solbes Mira on behalf of the Commission**

(11 September 2003)

The Commission does not believe that the current investigations concerning Eurostat affect the integrity of Community statistics.

Community statistics have always been compiled in accordance with a number of principles, such as impartiality, reliability, objectivity and scientific independence. This will continue to be the case. These principles are the mainstay of the existing ethos of cooperation within the European statistical system, and all participants are particularly vigilant and attentive about ensuring the full integrity of the statistics produced.

The Commission is aware of the need to maintain the high level of quality for which Community statistics are renowned. This is why the Commission attaches the utmost importance to adopting measures to ensure that Eurostat’s activities continue and is drawing up a contingency plan to this end. The objective is to ensure the timely production of reliable statistics in support of the Commission’s main policies.

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**WRITTEN QUESTION E-2517/03**

by Herbert Bösch (PSE) to the Commission

(29 July 2003)

**Subject:** Admissibility of the title ‘Honorary Director of the European Commission’

On the website of a German-language EU advisory agency in Brussels, an advisor is listed under the heading 'The team', with the title 'Honorary Director of the European Commission' ('Direktor h.c. der Europäischen Kommission').