As for occupational accident benefits, Article 52 of the aforementioned Regulation is clear insofar as it extends the same protection to all types of workers by entitling them to benefits in kind offered by the State of residence and paid by the competent State. In this respect, Article 60(3) of Regulation (EEC) No 574/72 provides that the competent State shall issue a certified statement entitling the holder to these benefits in the State of residence.

In the case of unemployment benefits, it should be noted that, as a general rule, unemployed persons are entitled to unemployment benefits in the State of their last employment. Thanks to Regulation (EEC) No 1408/71, however, seasonal workers have a right to choose between the country of residence and the country of last employment: they may choose to make themselves available to the employment services of either their country of employment or their country of residence. This right of option derives from social and practical efficiency considerations. It is, in fact, only natural that these workers, who have close personal and professional links with the country in which they have established themselves and are ordinarily staying, should have the best chances of reintegrating into the labour market in that State (1).

Finally, Article 108 of Regulation (EEC) No 574/72 imposes an obligation on seasonal workers to present their stamped contract of employment to the employment services of the State in which they are carrying out their activity. This procedure counters the concern expressed in the question that it would be difficult for workers to ask their employer to give them their pay receipts specifying the social security payments made on their behalf.


(2) Cf. Article 17(3) of Regulation (EEC) No 1408/71.


(2004/C 58 E/009)

WRITTEN QUESTION P-3549/02

by Benedetto Della Vedova (NI) to the Commission

(4 December 2002)

Subject: Compatibility of Law 69 of 3 February 1963 with the free movement of workers within the European Community guaranteed by the EC Treaty

On 25 July 2002 the Lombardy Association of Journalists wrote to the President of the Milan Court requesting the annulment of the decision registering Mr. Claude Marie Jenacolas, a French citizen, as editor-in-chief of the Italian magazines ‘Gente Casa’ and ‘Spazio Casa’ published by Hachette-Rusconi.

The Lombardy Association of Journalists claimed that Claude Jenacolas could not carry out the functions of editor-in-chief because, although he had been a journalist for decades, he was not entered on the professional register of journalists: Article 46 of Law 69 of 3 February 1963 (law establishing the Association of Journalists) provides that the editor and deputy editor of a daily newspaper, periodical or press agency (…) must be entered on the register of professional journalists (a judgment by the Constitutional Court has since ruled that those entered on the register of publicists — designed to cover those who work as journalists on a non-exclusive, but regular and paid basis — may also carry out such functions).

The Lombardy Association of Journalists seems to want to resolve this issue with a solution which is anything but transparent, proposing that Mr. Claude Marie Jenacolas should register with the association of publicists; however, — as pointed out above — this register is in fact intended to cover those who work as journalists on a non-exclusive, but regular and paid basis, and consequently does not cover the case of Mr. Jenacolas who is working exclusively and permanently as a journalist. In this context, it should also be noted that the decision of the Council of the Lombardy Association of Journalists of 11 November 2002 entering Mr. Jenacolas on the register of publicists appears irregular to say the least, given that Article 35 of Law 69/9063 requires those entered to have worked as publicists for at least two years, evidenced by a minimum number of published and paid articles, and certified by a statement by the editor-in-chief of the Italian publication in which the articles appeared.

Does the Commission not consider that Article 46 of Law 69 of 3 February 1963 is incompatible with Article 39 of the EC Treaty, which provides for the free movement of workers within the Community?
Answergiven by Mrs Diamantopoulou on behalf of the Commission  
(4 February 2003)

As the conditions which journalists must fulfil in order to take up salaried employment in Italy are not clear, the Commission will contact the Italian authorities to verify the conditions of application of this legislation and will inform the Honourable Member of the outcome.

WRITTEN QUESTION E-3749/02  
by Glenys Kinnock (PSE) to the Commission  
(20 December 2002)

Subject: Financing for development

Would the Commission outline how much progress has been made in efforts to ensure that Member States meet the funding for development targets agreed at the Barcelona Summit in March?

Is the Commission satisfied with the progress so far, and would the Commission confirm that the mandate to monitor the process is being fulfilled?

Answer given by Mr Nielson on behalf of the Commission  
(13 February 2003)

Since the Monterrey Conference (18 to 22 March 2002), several Member States including Belgium, Ireland, Luxembourg, the Netherlands, Finland and Sweden reaffirmed their commitment to meet or exceed the United Nations Official Development Assistance (UN ODA) target of 0.7%. Others have set intermediate targets higher than the Community benchmark. The United Kingdom announced an increase of around USD 2.2 billion in its annual ODA budget by 2005, raising the gross national product (GNP) ratio from 0.32% to 0.4%. France has committed itself to reach the United Nations target by 2012 which means that its contribution in 2006 will be above the set Union average. The Commission considers that first steps have been taken.

On 19 November 2002, the Council stressed the importance of adequate monitoring of the implementation of those commitments. In this respect, it welcomed the intention of the Commission to ensure the monitoring, in particular concerning the financial commitments.

The Commission will continue the work done in preparation of the Monterrey Conference through a factual reporting on the state of play at European level to be presented to the Council in May 2003. A questionnaire was sent to the Member States in December 2002 and bilateral contacts will continue on all of the eight commitments made during the Barcelona European Council (15/16 March 2002).

WRITTEN QUESTION P-0028/03  
by Bart Staes (Verts/ALE) to the Commission  
(14 January 2003)

Subject: Compatibility of US cross-border lease (CBL) systems with Community competition law and public procurement legislation

For some time, American investors have been proposing to Flemish communes that they should lease their sewerage networks (or parts of them) for a period of 99 years. The American investor immediately subleases them back to the commune for a shorter period, 25 years. At the end of this period the commune has a right of purchase or call option pertaining to the remaining 99 minus 25 years. This