Subject: The European School in Amsterdam

Parents of a number of pupils, as well as teachers at the European School in Amsterdam have expressed deep concern at the Netherlands authorities’ announced cut in public funding for the school, apparently the result of a decision to cut subsidies for basic-level foreign language teaching.

The Portuguese authorities claim that they provide funding for a school in Portugal where Dutch is taught, and hence would expect reciprocal treatment, and have so far refused to take over the task of funding from the Netherlands.

Since teaching the language of the country of origin in primary schools is vital in facilitating freedom of movement and is practised and funded by substantial Community appropriations for the European school system, this issue is bound to be of interest to the Community institutions.

Can the Commission therefore say whether it does not consider that a legislative initiative should be launched in the form of a policy strategy providing guidelines for the Member States in this sphere, or any other initiative aimed at avoiding mutual shirking of responsibility and helping to ensure that language teaching may continue, as it is extremely important for communication and freedom of movement in Europe?

Answer given by Ms Reding on behalf of the Commission

(29 April 2004)

On the basis of the information provided, the question concerns the organisation of education systems. As it is, according to Article 149 of the EC Treaty, responsibility for the content of teaching and the organisation of education systems lies with the Member States. The role of the Commission in the area of education is to encourage cooperation between Member States and to support and supplement their action.

Nevertheless, it should be mentioned that, on 25 July 1977, the Council adopted Directive 77/486/EEC on the education of the children of migrant workers (1). This Directive is concerned with promoting improvements in the conditions of freedom of movement for workers as regards the reception and education of their children, and underlines how important it is for host Member States to take appropriate measures, in conjunction with the Member States of origin, to promote the teaching of the mother tongue and of the culture of the country of origin of such children, with a view principally to facilitating their possible reintegration into the Member State of origin. The Commission has no plans to put forward any new legislative proposals.


Subject: Opinion of the Council’s Legal Service challenged by the Commission

Article 15 of Regulation (EC) No 1954/2003 (2) ensures the continued protection of the waters off the Azores and Madeira until the entry into force of a regulation fixing the maximum annual fishing effort or, at the latest, until 31 July 2004.
This is a simple fact, which was confirmed by the Council's Legal Service in its opinion on the matter delivered at the meeting of the Council's Working Party on Fisheries held on 19 February (File No 6670/04 of 25 February).

The Commission corroborated this fact in its press release of 3 February 2004 (IP/04/153) in which it states 'the proposed ban would ensure the continuation of the protection hitherto afforded to these habitats by the special access regime'.

In the meantime, on 5 February the Spanish authorities informed the Portuguese press that the Commission's legal service had confirmed that the special access regime was no longer in force.

On 6 February a 'note de dossier' emerged, recorded in the Council's minutes as a 'speaking note' from the Commission, which despite not dealing with this issue in either its statement of the problem or its conclusions, incorporated a paragraph which might lead to the conclusion that Article 15 of the Regulation can be ignored.

Can the Commission explain this total reversal of its position on the protection of the waters off the Azores and Madeira in the space of three days?

Can it say how the Spanish authorities were able to guess on 5 February that this radical change in position was to take place the following day?

Can the Commission give an assurance that it is not behind the unidentified sources which created a false 'legal opinion' from the Commission's Legal Service that would bring forward the liberalisation of access to the waters off the Azores and Madeira, thereby totally contradicting the position of the Council's Legal Service?


Answer given by Mr Fischler on behalf of the Commission

(6 April 2004)

At the meeting of the Working Party on Internal/External Fisheries Policy of the Council on 19 February 2004, the Commission circulated a speaking note concerning the entry into force of some Articles of Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95. More specifically, it was said in the speaking note that Articles 5 (on the access regime to the Azores and other outermost regions) and 13 (on the control regime) of this Regulation entered into force on 14 November 2003 and that they prevail over the 1995 Regulations, despite the fact that these latter Regulations are still in force for another few months. This speaking note was based on the opinion of the Commission's Legal Service.

As for the Council Legal Service, according to the document that the Honourable Member is referring to (Document 6670/04 of the Council), it said that Regulation (EC) No 1954/2003 was in force since 14 November 2003 and applies from then unless expressly said otherwise, which is fully in line with the Commission's view as referred to above.

The press communication of the Commission of 3 February 2004 relates only to the proposal of the Commission to amend Council Regulation (EC) No 850/98 (1) which would prohibit trawling in the waters around the Azores as well as around Madeira and the Canary Islands; it is not related to the access regime as such. The idea behind the proposed ban is to continue, at Community level, the restrictions on fishing gear applied so far within the framework of the special access regime. That would ensure that these waters continue to be protected from the damage that bottom-trawl fishing gear can cause to the highly sensitive deep-water habitats found in these areas.
Hence, the Commission has not changed its point of view that has been maintained since this Regulation was adopted by the Council.

Finally, the Honourable Member can be assured that the Commission is in constant dialogue with the concerned Member States in order to ensure as smooth an application of the new rules as possible.
