

Furthermore, a standstill clause will apply, whereby access to current Member State labour markets by workers from the new Member States cannot be more restricted than that prevailing at the time of the signature of the Accession Treaty. Current Member States must give preference to nationals of the new Member States over non-Community labour.

In addition, Germany and Austria have the right to apply flanking national measures to address serious disturbances or the threat thereof, in specific sensitive service sectors (such as construction or industrial cleaning) on their labour markets, which could arise in certain regions from cross-border provision of services involving the movement of workers.

A declaration to the Accession Treaty states that current Member States shall endeavour to grant increased labour market access under national law, with a view to speeding up the approximation to the *acquis* and even an encouragement to improve access before accession.

These transitional arrangements allow maximum flexibility to the current Member States to admit workers from the new Member States, whether under national rules or under Community law on the free movement of workers.

(2004/C 58 E/013)

WRITTEN QUESTION E-0259/03

by Elspeth Attwooll (ELDR) to the Commission

(5 February 2003)

Subject: Telephone numbers in Gibraltar

Would the Commission please indicate whether or not the allocation of telephone numbers by Spain to Gibraltar is in conformity with European Community law? Could the Commission further explain its attitude to the fact that whilst access from elsewhere in the world to Gibraltar is governed by an international code, access from Spain to Gibraltar is governed by a Spanish provincial one?

Answer given by Mr Monti on behalf of the Commission

(3 June 2003)

The situation referred to by the Honourable Member results from the refusal of Spain to recognise the international direct dialling (IDD) codes assigned by the International Telecommunications Union (ITU) to Gibraltar. Due to the lack of recognition by Spain, these IDD codes are not programmed in the switches of Telefónica de España. To allow communications between Gibraltar and Spain, number ranges in the Spanish numbering plan for the province of Cadiz have been reserved for operators outside of Spain. All calls from Spain to Gibraltar are routed via the local area code of Cadiz.

The assignment and recognition of IDD codes is not specifically regulated at EC level. The legality of a refusal to recognise an IDD code and the allocation of number ranges in a national numbering plan for operators outside the relevant Member State can therefore only be assessed, on the one hand, under Articles 49, 10 and 82 of the EC Treaty, and on the other hand, in the light of the numbering provisions of the Services ⁽¹⁾ and Interconnection Directives ⁽²⁾, as amended. The Commission has not taken a decision yet on whether to pursue an infringement case under Articles 49, 10 and 82 of the EC Treaty, the numbering provisions in Directive 90/388/EEC or the Community harmonisation rules (the ONP framework), in particular the numbering provisions in Directive 97/33/EC.

⁽¹⁾ Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services, OJ L 192, 24.7.1990.

⁽²⁾ Directive 97/33/EC of the Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP), OJ L 199, 26.7.1997.
