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I

(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWERS

WRITTEN QUESTION No 813/77

by Mr Guerlin

to the Commission of the European Communities

*(25 November 1977)**Subject:* The file on asbestos

In an article clearly inspired by vested industrial interests and entitled 'The file on asbestos', the periodical, 'L'Européen-Der Europäer' (June – July 1977), claims that the warnings about asbestos 'are part of a campaign to deceive the public – frequently inspired by "political and contentious motives – designed to create doubts about the products of industrial society"'. According to the article, which also speaks of 'demagogic and irresponsible attitudes', 'no scientific or technological justification has so far been advanced for the widespread campaign against asbestos'.

This is not an isolated article: the industrial groups concerned have already devoted large sums of money from their publicity budgets to a public 'information' campaign, minimizing the risks connected with asbestos. Will the Commission which, by implication, is the target of this sort of literature, adopt a firm position on these allegations?

Can it ensure that the scope of the forthcoming Directive on dishonest advertising will be as wide as possible and include, in particular, publicity articles?

Answer

(26 October 1978)

The Commission considers that the article referred to by the Honourable Member is not its concern.

In collaboration with national experts, the Commission has made an objective assessment of the dangers of asbestos to human health, the results of which have been published in a technical report.

It has been found that there is still comparatively little information about asbestos levels measured in the environment. Further information is now being sought on the dose effect relationship and on population exposure levels.

The Commission intends shortly to publish a text based on the report for the general public setting out the benefits and drawbacks of asbestos.

This measure will appear in the action programme on asbestos which the Commission intends to transmit to the Council in the near future, as Mr Ortoli announced at the Parliament's sitting on 16 December 1977. The Commission advocates that the Directive on misleading and unfair advertising – now before the Council as a proposal and being considered by Parliament – should be given a very wide scope. Press articles and radio and television commentaries generally do not come within the scope of the Directive, since they do not promote goods or

services. The same does not hold for copy and broadcast material commissioned and paid for by an advertiser which does promote goods or services.

Where it is not possible to determine at once whether an article, by virtue of its substantive purpose, should be considered as advertising material or journalistic copy, it will be up to the courts and, where appropriate, other competent bodies, to decide after examining all the facts relevant to each case in point.

WRITTEN QUESTION No 988/77

by Mr Verhaegen

to the Commission of the European Communities

(16 January 1978)

Subject: Government aid to poultry slaughterers

Is it true that a few years ago, Friki, a Dutch slaughterhouse close to the Belgian frontier, received considerable sums of public money to prevent its bankruptcy, this after it had been disturbing the Belgian market for several years by virtue of its unbeatable prices?

It is now reported that the same company is to receive an extremely large amount of public aid in the form of loans with no fixed term for repayment, to enable it to expand its operations. If this is true, I should like to know what preventive measures the Commission intends to take.

Supplementary answer ⁽¹⁾

(8 November 1978)

Further to its answer of 2 February 1978 the Commission can now inform the Honourable Member of the result of its investigations.

In 1976 the Dutch authorities gave a State guarantee to cover bank loans to poultry slaughterhouses which were in financial difficulties. These State guarantees are part of a general scheme of aid introduced to counter unemployment in 1973 ⁽²⁾.

In addition by acquiring an interest the Dutch authorities facilitated a merger enabling the undertakings to restructure their production capacity. According to the information received from the Dutch authorities the restructuring has had the effect of reducing production capacity.

Under its constant review of systems of aid, the Commission has not objected so far to guarantee systems in agriculture.

It has no objections, in principle, to the acquisition of an interest by States in a private undertaking.

⁽¹⁾ A temporary answer to this question was already given on 2 February 1978 (OJ No C 56, 6. 3. 1978, p. 33).

⁽²⁾ See answer to Written Question No 415/76 by Mr Martens published in OJ No C 300, 20. 12. 1976.

WRITTEN QUESTION No 1164/77

by Mr Jahn

to the Commission of the European Communities

(13 February 1978)

Subject: Criteria applied in filling category B posts

It may be inferred from a number of Commission notices of vacancy for Category B posts that candidates wishing to be admitted to the tests held as part of a competition must, in particular:

- show proof of having reached an advanced level of secondary education (for which purpose the Selection Board takes account of the various examination systems in the Member States),
- have acquired, by the closing date for applications, at least one year's professional experience, after reaching an advanced level of secondary education, in the discipline selected, for which purpose practical training or technical training or further education courses are deemed equivalent to professional experience.

The Commission is therefore requested to answer the following questions in this connection:

1. For what reasons does the Commission require that candidates must acquire their one year's experience *after* reaching an advanced level of secondary education?
2. Is the Commission aware of the fact that by laying down this requirement it is disqualifying candidates who first acquired over 10 years' professional experience in their discipline and then completed their secondary education through correspondence courses, evening classes, etc.?

3. Does the Commission agree with the author of the question that such applicants are far better qualified for the posts advertised than those who have been practising their profession for only one year after completing their secondary education or have merely attended technical or further education courses and that therefore applicants with substantial professional experience must at least be given the opportunity of proving their ability in the tests organized by the Commission?

4. Does the Commission think it is legitimate to automatically bar applicants who have obtained the qualifications set out in the notice in a different chronological order from that provided from taking part in the tests?

5. Is the Commission willing to take account of the adult education systems existing in many Member States in future competitions and to drop the requirement that professional experience can only be acquired after an advanced level of secondary education has been reached and not before?

6. Has the Commission consulted its Legal Service on the drafting of its notices of vacancy for B posts to ensure that its competition procedures would stand up to scrutiny by the Court of Justice of the European Communities?

Answer

(28 October 1978)

Article 1 (1) of Annex III to the Staff Regulations required the appointing authority to draw up notices of competitions.

The notice must specify certain details, including 'the diplomas and other evidence of formal qualifications or the degree of experience required for the posts to be filled'; this is necessary in order to comply with Article 5 (1) of the Staff Regulations, which requires candidates for each category to have been educated to a certain level and to

hold the appropriate certificate or diploma, or have equivalent professional experience.

For open competitions, the Commission generally specifies the former criterion. Consequently, candidates for Category B posts must produce a certificate showing that they have been educated to advanced secondary level.

In addition, the Commission uses its discretionary powers under the Staff Regulations to require some practical experience relevant to the post in question.

These twin requirements are imposed in order to comply as fully as possible with the obligations under Article 27 of the Staff Regulations 'to secure for the institution the services of officials of the highest standard of ability [and] efficiency'.

The requirement that practical experience must be acquired after completion of secondary education was

adopted because it was difficult to assess the level of practical experience in view of the wide variety of occupations in which candidates may have engaged in the Member States. Experience after completion of secondary education can generally be assumed to be at the required level, though of course the Selection Boards must assess each applicant's individual case.

WRITTEN QUESTION No 1230/77

by Mr Willi Müller

to the Commission of the European Communities

(20 February 1978)

Subject: Use of coal

In current discussions in the Federal Republic of Germany there are increasing calls for the greater use of indigenous coal. In this connection, it is asserted that the flue-gas desulphurization threshold, which has been lowered from 3.75 kg sulphur dioxide (SO₂) per MW/h of installed power station capacity to 2.75 kg (SO₂) per MW/h, should not be further reduced, as this would make the construction of coal-fired power stations impossible.

1. Does the Commission consider the tendency apparent from this demand to be to Europe's advantage?
2. Would implementation of the proposal contravene Directives that have already been adopted or on which work is currently in progress?
3. Under the terms of the agreement requiring Member States to keep it informed on environmental questions, has the Commission already received reports, from the Federal Republic of Germany or any other Member State, of plans of the kind detailed above?

Answer

(27 October 1978)

1 and 2. The Commission already stated in its answer to Written Question No 362/77 by Mr Jahn ⁽¹⁾ that it is examining the environmental problems connected with the use of solid fuels in order to draw up proposals for any Community measures which prove necessary.

Before analysing the findings of these studies, the Commission is unable to judge whether or not the problems raised by the Honourable Member could obstruct the adoption of possible Community Directives.

3. According to the information received by the Commission, solutions vary from one Member State to another. The desulphurization of flue gases from coal-fired power stations cannot be covered by Community regulation.

However, rules in the Member States set a general limit for the sulphur content of fuels or limits for certain regions and/or certain uses or types of installation.

⁽¹⁾ OJ No C 214, 7. 9. 1977, p. 21.

WRITTEN QUESTION No 1277/77

by Mr Cousté

to the Commission of the European Communities

(27 February 1978)

Subject: Pricing system for alcohol in France

In its answer to Written Question No 565/77 ⁽¹⁾ the Commission maintains that:

'When the French alcohol authority breaks down the price it charges into a basic price and a price supplement, it does so in order to show the proportion of the selling price represented by tax.'

The Commission's position can be based only on Article 2 of the Decree of 25 July 1977 on 'selling prices of alcohols reserved to the State', according to which:

'The normal selling prices of alcohols reserved to the State are . . . made up of a basic price and a price supplement equal to the additional payment provided for under Article 269 of Annex II to the General Tax Code.'

⁽¹⁾ OJ No C 30, 6. 2. 1978, p. 14.

Now, Article 1 of Decree No 77-842 of 25 July 1977 'amending the pricing system for alcohol' in France provides as follows:

'The first subparagraph of Article 269 of Annex II to the General Tax Code is replaced by the following provisions:

"The alcohol authority may allow producers, at their request, to dispose freely of the alcohols reserved to the State on payment of an additional sum . . .".'

How then can this 'price supplement — additional payment' be applied, without hampering the free movement of goods, to alcohols

- produced in other Member States,
- not reserved to the French State, and
- which the producers may freely dispose of without securing permission from the French alcohol authority?

Answer

(3 November 1978)

The Commission would remind the Honourable Member that it is the second sentence of the amended first subparagraph of Article 269 of Annex II to the General Tax Code which refers to the levy of an additional payment on alcohol produced in other Member States.

The additional payment levied in France on alcohol produced in other Member States and used or consumed in France is equivalent to either the price supplement which the alcohol authority levies on home-produced alcohol when it decides to resell it or the additional payment it levies when it allows producers to dispose freely of such alcohol.

Since this price supplement and additional payment are part of the overall taxation system for alcohol used or consumed in France, they do not constitute barriers to the free movement of goods.

Moreover, the procedure for importing alcohol into France was described in a notice to importers with a corresponding Annex 1 published in the 'Journal officiel de la République française' on 27 July 1977. The Commission holds that this procedure, which is necessary for collecting the additional payment, does not constitute a barrier to the free movement of goods.

The question of whether this additional payment is compatible with the Treaty and hence with the rules on the free movement of goods, to which the Honourable Member refers, has been brought before the Court of Justice of the European Communities under Article 177 in Case 86/78 ⁽¹⁾, as well as indirectly in Case 91/78 ⁽²⁾.

⁽¹⁾ OJ No C 111, 12. 5. 1978, p. 22.

⁽²⁾ OJ No C 120, 24. 5. 1978, p. 4.

WRITTEN QUESTION No 100/78

by Mr Albers

to the Commission of the European Communities

(11 April 1978)

Subject: Accidents in nuclear power stations

1. Are Member States required to report accidents in nuclear power stations to the Commission?
2. How many accidents have occurred since the first nuclear power stations in the European Communities were put into operation?
3. Has research been carried out to ascertain whether radioactivity released following accidents has been conveyed through the atmosphere or in surface water from the territory of one Member State to another Member State?

Answer

(27 October 1978)

1. Article 39 (5) of the Council Directive of 1 June 1976 laying down the revised basic safety standards for the health protection of the general public and workers against the dangers of ionizing radiation ⁽¹⁾ stipulates that 'any accident involving exposure of the population to irradiation must be notified as a matter of urgency, when the circumstances so require, to neighbouring Member States and to the Commission of the European Communities'. Hence this notification requirement concerns only serious accidents.

It should be noted that the time limit within which the Member States must conform to this Directive has not yet expired.

On the other hand, national authorities of the Member States are, as a general rule, informed by the power-station operators of 'accidents liable to jeopardize the health or safety of the workers or of the public in the vicinity of the power station'.

In addition, in certain cases (for example, most of the Joint Undertakings – Article 48 of the Euratom Treaty), it is laid down that the operator shall notify the Commission of accidents such as those defined above.

In the context of the activities relating to the technological safety of nuclear installations, reinforced as a result of the Council resolution of 22 July 1975 on the technological problems of nuclear safety ⁽²⁾, the sectors concerned within the Community felt that it was important to have

better exchange of information on the incidents or accidents that occurred in nuclear power stations. The Commission is attempting to render such exchanges more systematic.

2. Information on incidents and any doses exceeding the maximum permissible dose for workers is forwarded by the operators to the national authorities. To this day the Commission has no knowledge of any case where persons working in nuclear power stations have been accidentally exposed to more than the maximum permissible dose, neither has there been any accident in the Community such as that defined in Article 39 of the Council Directive referred to in point 1.

3. From the answer to point 2, it can be seen that there has been no reason to carry out enquiries concerning any spread of contamination from one Member State to the territory of another as a result of accidents.

Under Article 36 of the Euratom Treaty, on the other hand, the Commission is informed by the national authorities of the level of radioactivity; these data are published by the Commission.

Moreover, under Article 37 of the Euratom Treaty, any plans for the disposal of radioactive waste must be submitted to the Commission for its opinion.

Lastly, it must be remembered that bilateral or multilateral agreements exist between the States concerned to define the warning and operating procedures in the event of an accident in the vicinity of frontiers.

⁽¹⁾ OJ No L 187, 12. 7. 1976, p. 1.

⁽²⁾ OJ No C 185, 14. 8. 1975, p. 1.

WRITTEN QUESTION No 164/78**by Mr Yeats****to the Commission of the European Communities***(25 April 1978)*

Subject: Application of equal pay Directive

In view of the fact that, as stated by the Commission in its reply to my Oral Question (H-484/77) ⁽¹⁾, all Member States have now answered the Commission's questionnaire on how the principle of equal pay for men and women has so far been applied, will the Commission please state for each of the Member States:

- (i) the numbers of workers employed in activities covered by a collective agreement where no guarantee is provided for the implementation of the principle of equal pay;
- (ii) the number of female workers covered by collective agreements that provide for different time rates for men and women;
- (iii) the number of female workers covered by collective agreements where piece-work rates are fixed according to different rules for men and women;
- (iv) the number of male and female workers not covered by collective agreements?

⁽¹⁾ Debates of the European Parliament, 16 March 1978, p. 205 (provisional edition).

Answer*(26 October 1978)*

On the basis of the replies received to its questionnaire on how the principle of equal pay has been applied, the Commission is now drawing up its report for submission to the Council pursuant to Article 9 of Directive 75/117/EEC of 10 February 1975 ⁽¹⁾. The Commission has also agreed to send this report to Parliament as soon as it is completed.

The Honourable Member will find the answers to his questions in the report.

⁽¹⁾ OJ No L 45, 19. 2. 1975, p. 19.

WRITTEN QUESTION No 345/78**by Mr Klinker****to the Commission of the European Communities***(9 June 1978)*

Subject: Community tariff quota for frozen beef

In its answer to my Written Question No 1117/77 ⁽¹⁾ the Commission states that it 'does not feel in a position' to indicate the precise distribution scale applied by each Member State in respect of the Community tariff quota for frozen beef.

⁽¹⁾ OJ No C 107, 8. 5. 1978, p. 32.

This distribution scale is a major pointer to whether the Member States are guaranteeing free access to the quota for all persons concerned.

There are grounds for suspecting that free access is not guaranteed to the same extent in every Member State.

1. I therefore request the Commission, where necessary, to obtain the requisite data from the Member States and to give precise details of the various distribution scales, even if this should involve a certain amount of work.
2. What action does the Commission intend taking if, contrary to its assumption hitherto, it does in fact transpire that free access is not guaranteed in an identical manner in all the Member States?

Answer

(3 November 1978)

1. As the Commission pointed out in its answer to Written Question No 1117/77 ⁽¹⁾, responsibility for administering the Community tariff quota for frozen beef and veal was given by the Council to the Member States; the latter endeavour, by applying complex, differentiated criteria drawn up by each of them in accordance with the rules laid down by the Council, to ensure equitable distribution and technically neutral administration of the shares allotted to them. To this end the national authorities have adopted provisions in the form of decrees, orders or ministerial or administrative circulars. The relevant instruments for 1978 in each of the beneficiary Member States are as follows:

Belgium

Loi du 11.9.1962, relative à l'importation, à l'exportation et au transit des marchandises (Moniteur belge du 27. 10. 1962) et notamment son article 6 et l'exposé des motifs relatifs à la constitution du Comité économique interministériel.

Denmark

Notice to importers (Statstidende, 1. 12. 1977) and circular of 5. 1. 1978.

France

Journal officiel de la République française du 31 janvier 1978, page 868.

⁽¹⁾ OJ No C 107, 8. 5. 1978, p. 32.

Germany

'Verordnung' of 8. 11. 1977 (Bundesanzeiger No 214, 15. 11. 1977) and 'Zollkontingentausschreibung' VF 2/78 of 13. 12. 1977 (Bundesanzeiger No 243, 29. 12. 1977).

Italy

Ministerial decree of 22. 6. 1968 gazzetta ufficiale della Repubblica italiana No 174, 23. 6. 1978).

Luxembourg

Article 32 de la Convention coordonnée instituant l'Union économique belgo-luxembourgeoise du 25. 7. 1921, et communiqué officiel du Ministère de l'Agriculture du 11. 1. 1978.

Netherlands

In- en uitvoerbeschikking Produktschap voor vee en vlees 1963, No J 2651, 2. 11. 1962.

United Kingdom

Agricultural reliefs (frozen beef and veal) Order 1978, Statutory Instrument No S. I. 1978/194, made February 1978.

2. If the Commission learnt of any actual cases where the principle of free access had not been respected, it would certainly use the means provided by the Treaty to take the required steps.

WRITTEN QUESTION No 359/78**by Mr Petersen****to the Commission of the European Communities***(16 June 1978)*

Subject: Purchase of land in Denmark by foreigners

1. The Commission is asked to publish annual figures for the period from 1970 to 1977 inclusive, showing the amount of land acquired in Denmark by nationals of the eight other Community countries, classified under the following headings:

- (a) property for use in the exercise of a profession, with the exception of agriculture and unrestricted land,
- (b) recreational areas,
- (c) agricultural property (including woodland, plantations and nurseries),
- (d) unrestricted land (sand dunes, marshland and other land not required for agriculture),
- (e) property for permanent residence,
- (f) holiday residences.

The purchases should be classified according to nationality.

2. In what way has the judgment of the European Court of Justice of 21 June 1974 made it easier for other Community nationals to purchase property and land in Denmark?

3. In what way has the expiry of the transitional period on 1 January 1978 made it easier for other Community nationals to purchase property and land in Denmark?

Answer*(25 October 1978)*

1. The Commission does not have the information requested by the Honourable Member relating to the purchase of real estate in Denmark by nationals of the other eight Community countries between 1970 and 1977.

2. The Judgment of the Court of 21 June 1974 in Case 2/74 ⁽¹⁾ made it easier for nationals of other Community countries to purchase real estate in Denmark, in that it confirmed that under Community law all restrictions on freedom of establishment based on nationality are invalid, even in the case of self-employed activities in respect of which Council Directives on freedom of establishment have not yet been issued.

3. The purchase of real estate in Denmark by nationals of other Community countries has been facilitated with the dropping of the requirement that persons not resident in Denmark and companies and firms not registered there had to obtain prior authorization from the Ministry of Justice in order to acquire real estate.

⁽¹⁾ OJ No C 16, 20. 2. 1974, p. 11 and OJ No C 114, 27. 9. 1974, p. 26.

WRITTEN QUESTION No 470/78
by Mr Ryan
to the Commission of the European Communities
(13 July 1978)

Subject: Service mark registration

Would the Commission state which Member States have service mark registration facilities and whether action will be taken to encourage all Member States to provide such registration?

Answer
(3 November 1978)

Service marks are protected in Denmark, France and Italy under those Member States' respective trade mark laws.

In the draft Council Regulation on the Community trade mark, the protection of service marks has been provided by the Commission.

When examining the possible need for harmonizing national trade mark laws in consequence of the creation of a Community trade mark law, the Commission will consider whether action needs to be taken to ensure *inter alia* that service marks should be protected under national laws.

WRITTEN QUESTION No 473/78
by Mr Jung
to the Commission of the European Communities
(17 July 1978)

Subject: Interinstitutional medical service

1. Entered under DG IX of the Commission's establishment plan is an 'interinstitutional medical service for the Commission in Luxembourg'.

- (a) Since when, and for what institutions, has this service existed?
- (b) What arrangements govern the financial contributions made by these institutions to the expenditure of this interinstitutional medical service?
- (c) Has this Commission service a medical service function within the meaning of the Commission's

recommendation of 20 July 1962 on medical services at workplaces or ILO recommendation No 112?

- (d) What special duties has the Commission assigned to this medical service over and above those described in Chapter IV of ILO recommendation No 112?

2. Can the Commission confirm that the Commission in Luxembourg currently employs three Luxembourg doctors under contract, another as special adviser and a fifth Luxembourg doctor to treat Court of Justice staff?

Is this in keeping with Article 27 (3) of the Staff Regulations or the Council Directives on freedom of establishment?

3. How long has the special medical adviser been employed by the Commission?
- (a) With reference to Article 5 of the 'Conditions of employment of other servants' and the Commission's answer to Written Question No 711/76 (Point 6) ⁽¹⁾, what were the special qualifications that led to his appointment as special adviser to the medical service (diploma in industrial medicine, etc.)?
 - (b) Is it true that the special adviser for essential duties assigned to the medical service (medical radiation protection: see also Written Question No 763/75) ⁽²⁾, obtained his qualifications at the Commission's expense?
 - (c) How long did the course last and how much did the Commission lay out in course fees, daily subsistence allowance, travel expenses etc.?
 - (d) Does this not contradict the Commission's statement that it is 'aware of the need for budgetary austerity' (Written Question No 711/76 on special advisers)?
 - (e) Might it not have been possible to make budgetary savings, and at the same time procure greater benefit for the staff, by appointing an already qualified physician or by replacing him with, or seconding, an already established physician (e.g., from the Ispra JRS)?
4. Is it the intention of the responsible Commissioner, when advertising for and filling the A3 post approved by the Committee on Budgets for a medical service director, to discharge his responsibility for the welfare of staff by appointing only a physician highly qualified in theoretical and practical industrial medicine?
- ⁽¹⁾ OJ No C 50, 28. 2. 1977, p. 27.
⁽²⁾ OJ No C 128, 10. 6. 1976, p. 5.

Answer

(26 October 1978)

1. The interinstitutional medical service referred to in the Commission's directory services all the European institutions located in Luxembourg.
- (a) This service, which was first planned six years ago, is located for the main part in the medical service section of the Jean Monnet building and came into operation on 1 January 1978. Early this year an Interinstitutional Medical Council was formally set up, the chairman of which will be provided by each institution in turn. The present chairman is the European Parliament's medical officer, who is of Dutch nationality.
- The interinstitutional medical service comprises the medical services of the Commission, Court of Justice, European Investment Bank, and Court of Auditors, and the medical service of the European Parliament is associated (though it continues to be located in the Schuman building).
- (b) Each institution bears the costs relating to its own staff, but the purchase of the equipment for the interinstitutional medical service in the Jean Monnet building was covered entirely by the Commission budget.
- (c) and (d) Yes, but the service has a two-fold function: first, the important task governed by the recommendations mentioned, which is concerned strictly with medical services at the workplace, and above all with the protection of staff against various specific risks (e.g. radiation protection of Euratom inspectors, drivers, staff working in the computer room at the Computer Centre, printers and other staff of the official publications office, and handling staff working in the canteens, crèche and restaurants); secondly, the equally important preventive medicine function exercised on behalf of all staff, to which the Commission has devoted particular attention; for example, more importance than ever is now attached to the annual medical check-up provided for in the Staff Regulations, which is regarded as an essential element of staff health education providing not only a highly effective early detection service but also a very important socio-medical service for staff in need of this type of assistance.

2. The interinstitutional medical service at present employs six doctors:

four Luxembourg doctors under contract, one Luxembourg doctor employed as special adviser, one Dutch doctor who is an established official.

However, it must be pointed out that no posts have ever been reserved for nationals of a specific Member State; this situation is simply the result of practical necessities. There has been no infringement of the Council Directives on freedom of establishment and the third paragraph of Article 27 of the Staff Regulations has been properly observed.

3. The present special adviser was recruited through an advertisement which appeared several times in the press. He was engaged by the Commission as a locum in 1973

and was appointed to his present position in 1975. The Commission is fully satisfied with his work.

(a) The Commission considers that his medical qualifications and experience as an intern and hospital doctor fully satisfy the criteria specified in Article 5 of the conditions of employment of other servants of the European Communities.

(b) and (c) No. The doctor obtained his qualifications by attending a training course which he financed himself; he did not receive the daily subsistence allowance and did not in fact apply for it.

(d) and (e) Not applicable.

4. It goes without saying that the A3 post will be filled by a highly qualified doctor capable of assuming the responsibilities which the post entails.

WRITTEN QUESTION No 486/78

by Mr Dondelinger

to the Commission of the European Communities

(18 July 1978)

Subject: Price agreements between European airline companies

While the cost of intercontinental air travel has been falling dramatically (£59 for a one-way ticket from London to New York) the fares charged for much shorter distances on intra-European routes seem outrageously high. There can no longer be any doubt that the high price of air travel in the common market is the result of agreements between European airline companies, which are particularly unacceptable since most such companies are nationalized, and nationalization is supposed to serve the interests of the public, not the reverse.

1. How does the Commission explain the fact that it has hitherto avoided prosecuting airline companies guilty of such agreements, using the powers expressly conferred upon it for this purpose by the Treaties?
2. What plans does it have to begin the essential inquiry proceedings as soon as possible?

Answer

(3 November 1978)

The Commission would refer the Honourable Member to its answers to the Oral Question of Mr Kofoed 0-32/78⁽¹⁾, the Written Question of Mr Müller 64/78⁽²⁾, the Oral Questions of Mr Nyborg H-1/78⁽³⁾ and

H-382/77⁽⁴⁾, of Lord Bethell H-498/77⁽⁵⁾, of Mr Ryan H-379/77⁽⁶⁾, of Mr Seefeld H-331/77⁽⁷⁾ and the Written Question of Mr Fellermaier 575/77⁽⁸⁾.

⁽¹⁾ Debates of the European Parliament, No 232 (July 1978), p. 244.

⁽²⁾ OJ No C 164, 10. 7. 1978, p. 38.

⁽³⁾ Debates of the European Parliament, No 229 (April 1978), p. 261.

⁽⁴⁾ OJ No C 36, 13. 2. 1978, p. 32.

⁽⁵⁾ Debates of the European Parliament, No 228 (January 1978), p. 168.

⁽⁶⁾ OJ No C 36, 13. 2. 1978, p. 11.

⁽⁷⁾ OJ No C 36, 13. 2. 1978, p. 11.

⁽⁸⁾ OJ No C 74, 28. 3. 1978, p. 1.

The Commission knows the differences between some North Atlantic tariffs and those between Member States of the Community and the reply to Mr Kofoed's questions explained some of the reasons for them. A complicating factor in examining air tariffs is the role of governments. The bilateral treaties or their equivalents which govern air transport conditions between countries contain provisions for governmental assent to tariffs. The Commission has recently asked Member States to reply to

a questionnaire that seeks to elucidate the exact weight of the Member States in the price fixing process.

The Commission attaches high importance to the formulation of an effective competition policy in the air transport sector. It is drafting an implementing regulation which will eliminate the difficulties it presently encounters by lack of such a regulation to enquire into infringements of the rules of competition of the Treaty by the air transport companies.

WRITTEN QUESTION No 501/78

by Mr Schwörer

to the Commission of the European Communities

(21 July 1978)

Subject: Community trade mark law

1. How far advanced is the Directive on the creation of a Community trade mark law?
2. Is the Commission prepared to safeguard the legitimate interests of small and medium-sized companies in this Directive?
3. Will the Commission see to it that non-European countries are made to respect the ownership rights of companies in the Member States?

Answer

(3 November 1978)

1. The relevant Commission departments have, on the basis of the observations of government experts and interested parties relating to the preliminary draft Regulation on the Community trade mark submitted by the Commission in 1977, drawn up a draft Council Regulation which has been under discussion with government experts since September this year. The Commission will, in the spring of 1979, hold the hearing of the professional circles concerned. It intends to submit to the Council a proposal for a Regulation at the beginning of 1980.

2. Yes.

3. It is impossible to give effect to the Honourable Member's wishes in connection with the work being carried out on the creation of a Community trade mark law since the effect of the Community trade mark is limited to the territory of the Member States. However, in international negotiations, the Commission is seeking protection for industrial property rights.

WRITTEN QUESTION No 517/78**by Mr Klinker****to the Commission of the European Communities***(2 August 1978)*

Subject: Advisory and management committees

Under the regulations governing the setting up of advisory and management committees, responsibility for their administration lies with the Commission.

1. Can the Commission state whether minutes are kept of all meetings of the advisory and management committees and translated into the official Community languages?
2. How long does the Commission consider it should reasonably take to draft and translate the minutes?
3. Is the Commission prepared to forward the minutes of the committee meetings to the European Parliament in future?

Answer*(27 October 1978)*

1. Minutes are generally kept of the meetings of advisory and management committees and translated into the six Community languages.
2. Summary records are drafted immediately. Detailed minutes take rather more time to draft and translate.
3. The Commission would remind the Honourable Member that the proceedings of these committees are confidential.

WRITTEN QUESTION No 520/78**by Mr Notenboom****to the Commission of the European Communities***(2 August 1978)*

Subject: 'E' roads in Europe

Is the Commission aware that there are plans to alter the marking and structure of the 'E' roads in Europe?

Is the Commission involved in these plans and, if not, does it not think that it is important for it to participate, given that a distinct and clearly marked system of major transfrontier roads through Europe can help considerably in promoting Community integration?

Does the Commission not think that it is taking a backward step to put a stop to the development of 'E' roads in Europe and allow the national systems to predominate?

Is the Commission able and willing to give an outline of the developments and plans which are at present being discussed at international consultations in Geneva?

Answer

(27 October 1978)

Yes. The European Agreement on main international traffic arteries signed in Geneva on 15 November 1975 will come into force as soon as it has been ratified by all the signatory States. The Agreement will repeal and replace, on all road links between the contracting parties, the Declaration on the construction of main international traffic arteries signed in Geneva on 16 September 1950.

The Agreement sets out and numbers the international 'E' roads, lists standards to be met by 'E' roads and describes the sign used to denote 'E' roads.

The Commission has naturally been following the preparatory work for this European agreement very carefully. As it is to come into force very soon, there seems no need for a special Community measure.

The Commission would remind the Honourable Member that 'E' roads are part of national road networks. They only differ from other national roads in that the countries which signed the Geneva Agreement have undertaken to

build them to certain standards, taking into account traffic volume, in order to provide a service to users of a quality specified in an annex to the Agreement.

There are no signs that the Contracting Parties are neglecting their national 'E' road development programmes at all. In fact, in most cases, these roads are of great benefit to the country.

The Commission is only involved in those international projects which are also of interest to the Community. Communication and consultation in respect of these at Community level is covered by the Council Decision of 20 February 1978 instituting a consultation procedure and setting up a committee in the field of transport infrastructure ⁽¹⁾. This committee met for the first time on 22 June 1978. The Commission will thus be able to keep a close watch on projects of interest to the Community.

⁽¹⁾ OJ No L 54, 20. 2. 1978.

WRITTEN QUESTION No 521/78

by Mr Schyns

to the Commission of the European Communities

(2 August 1978)

Subject: Free movement of workers in the EEC

Article 48 of the Treaty of Rome affirms the principle of freedom of movement for workers within the common market. Any discrimination based on nationality between workers of the Member States is to be abolished.

Paragraph 4 of this Article, however, restricts this freedom in the case of employment in public service.

Does the Commission not feel that this restriction should be reconsidered?

Are there any Member States which accept nationals of other Member States in their public administrations, offering the same conditions and advantages as to their own nationals?

What prevents the Commission from submitting to Parliament and subsequently to the Council a draft Directive or Regulation that fully covers the implementation of Article 48 (4) of the Treaty of Rome?

Answer

(3 November 1978)

The Commission does not feel there is any need to reconsider Article 48 (4) of the EEC Treaty.

In the light of rulings by the Court of Justice ⁽¹⁾ it considers that the exemption to freedom of movement contained in this Article is intended to reserve for nationals only posts involving actual participation in the public authority, i.e. involving a decision-making power with respect to individuals or affecting national interests, particularly internal and external security of the State.

The Commission is therefore of the opinion that Member States should make as little use as possible of the exemption clause, so as to create no major obstacle to the basic right to freedom of movement. It has made this view known to the Technical Committee on Free Movement, which includes representatives from the Member States.

⁽¹⁾ Judgment in Case No 152/73, OJ No C 60, 25. 5. 1974.

The Commission's information would indicate that most Member States allow nationals of other Member States to fill posts in the public service, but they are not usually granted the status of civil servant.

The Commission has no intention of making a proposal for a Regulation or Directive in this field. Such a proposal would have to be extremely complex to allow for the very extensive range of vastly differing situations covered by the concept of employment in public administration.

Moreover, it considers that at the Community's present state of development, by constantly monitoring the application by Member States of Community Regulations on freedom of movement, it can judge whether the use made of the exemption contained in Article 48 (4) is consistent with the above principles and the rulings of the Court of Justice.

WRITTEN QUESTION No 534/78

by Mr Hoffmann

to the Commission of the European Communities

(17 August 1978)

Subject: Subsidies for sport and educational associations in France

The French State Secretariat for Youth, Sport and Leisure recognizes, and hence subsidizes, sport or educational associations only if their managing board consists exclusively of French nationals.

Can the Commission of the European Communities answer the following questions:

1. Can it be assumed that this practice, which discriminates against nationals of other EEC countries, is compatible with existing Community law?
2. If not, what measures does the Commission propose to remedy this situation?
3. If it is compatible, what proposals is the Commission considering to amend Community law to take account of this practice?

Answer*(3 November 1978)*

1. Although the Court of Justice has ruled that 'the practice of sport is subject to Community law only in so far as it constitutes an economic activity within the meaning of Article 2 of the Treaty' ⁽¹⁾, the Commission considers that where the exercise of managerial functions in a sporting or educational association is remunerated by a wage or salary nationals of other Member States must have the same access to these functions as nationals of the country of the association.

This means that Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community ⁽²⁾ applies. Article 4 (2) of that Regulation states that 'when in a Member State the granting of any benefit to undertakings is subject to a minimum

percentage of national workers being employed, nationals of the other Member States shall be counted as national workers'.

The Commission's conclusion is therefore that the nationality requirement imposed by the French State Secretariat for Youth, Sport and Leisure for the purposes of recognizing and subsidizing sporting and educational associations is invalid in relation to nationals of other Member States who hold posts on managing boards and have a contract of employment.

2 and 3. It follows that there is no need to make any change in existing Community law. But the Commission will see that Community law is correctly applied in this matter and will take any necessary action under the Treaty where it comes across practices that are incompatible with the rules on free movement of workers.

⁽¹⁾ Judgment in Case 36/74: OJ No C 75, 5. 4. 1975, p. 1.

⁽²⁾ OJ No L 257, 19. 10. 1968, p. 2.

WRITTEN QUESTION No 546/78**by Mr Verhaegen****to the Commission of the European Communities***(25 August 1978)*

Subject: Comprehensibility of EEC Regulations in the Official Journal

As an example of the practical difficulty of understanding many of the EEC Regulations in the Official Journal, may I draw attention to the following Commission Regulations: (EEC) No 1447/78 of 28 June 1978 and (EEC) No 1471/78 of 29 June 1978. The first contains reference to 13 amendments introduced since 1 November 1975 and the second refers to 15 amendments introduced since 30 September 1966. Although it is true that not all Regulations contain such a large number of footnotes, it must be admitted that many of the Regulations in the Official Journal are virtually incomprehensible to the layman.

Does the Commission not think that it is time to give priority to a thorough updating of the Council and Commission Regulations which relate to the major agricultural Regulations, thus ensuring that the Official Journal can be understood without it being necessary to refer back to a whole series of earlier publications?

Answer*(27 October 1978)*

The Commission shares the opinion of the Honourable Member that the agricultural Regulations should be updated. This is why it has been endeavouring, in so far as this has been

possible with the number of staff available, to consolidate the Regulations on the common organization of the various markets. A consolidated version of the rules in the wine sector was recently transmitted to the Council ⁽¹⁾.

With regard more particularly to the Regulations mentioned by the Honourable Member, the Commission would point out that it is less a question of amendments to texts than of footnotes referring to the texts which form the basis for fixing periodical measures. In the case of such measures, consolidation will not obviate the need for references to the different legal bases.

The Commission will, however, do all it can to simplify the drafting of certain legislative texts.

⁽¹⁾ Doc. COM(78) 327.

WRITTEN QUESTION No 554/78

by Mr Verhaegen

to the Commission of the European Communities

(29 August 1978)

Subject: Supply of food products to the French Army

It is claimed in trade circles that, in a ministerial circular, the French Army Service Corps has been instructed not to take tenders from other countries into consideration if the prices offered are not at least 8 % lower than the French prices.

It is also rumoured that French tenders are being invited only when the tenders from other countries are already known. Consequently the other countries do not have the slightest chance of winning a supply contract. This applies particularly to supplies of tinned fruit and vegetables.

Could the Commission indicate:

1. whether the truth of these allegations has been investigated and, if so, what was the result of the investigations?
2. what organs it has at its disposal to keep a continual check on the strict observance of the Community rules of competition in this matter and what sanctions can be imposed if the rules are contravened?
3. to which bodies persons may appeal in order to safeguard their right to fair conditions of competition if they consider themselves aggrieved in this respect?

Answer

(26 October 1978)

1. The Commission was not aware of the facts reported by the Honourable Member; it will immediately make enquiries of the French authorities in order to investigate the truth of these allegations and to consider the case in the light of the rules of the EEC Treaty.

2. Under Article 155 of the EEC Treaty the Commission has a duty to ensure that the Treaty rules are respected.

If it finds that Treaty provisions have been infringed, the Commission may initiate the procedure of Article 169 or of Article 93.

3. Persons who consider themselves aggrieved may bring an action before the competent national courts or lodge a complaint with the Commission.

WRITTEN QUESTION No 582/78

by Mr Corrie

to the Commission of the European Communities

(13 September 1978)

Subject: Compensation in cases of overbooking of planes

Will the Commission consider the possibilities of extending to all Community airlines a scheme along the lines of the Denied Boarding Compensation scheme operated by most British airlines, for passengers who are the victims of overbooking?

Answer

(3 November 1978)

The Commission is aware of the problem raised by the Honourable Member, although it has not been examined in depth. This problem is closely related to the one of 'no shows', that is passengers who, having made reservations on a specific flight, cancel or postpone their trip without informing the airline.

In view in particular of consumers' interests, the Commission intends to examine this problem when its commitments, with respect to the working programmes in the field of air transport and consumers' protection, allow it.

WRITTEN QUESTION No 583/78

by Mr Corrie

to the Commission of the European Communities

(14 September 1978)

Subject: Air routes

Will the Commission list those air routes between points in different Member States where:

1. licences to operate a service have been granted but the service has not been provided;
2. licences to operate a service have been applied for but not granted (since 1975);

specifying in each case the airline concerned?

Answer*(25 October 1978)*

The Commission does not dispose of this information. The item 'Improvement of interregional air services in the Community' does, however, figure on the priority work programme for civil aviation adopted by the Council in June this year. In conformity with this programme the Commission is at present studying the potential need for new interregional cross border air services.

WRITTEN QUESTION No 596/78**by Mr Fuchs****to the Commission of the European Communities***(14 September 1978)*

Subject: Charges for freight and passenger transport on the Danube

What rates were charged for freight and passenger transport on the Danube in the years 1975, 1976 and 1977 by the State-trading countries and the shipping operators of the other Danube riparian States respectively, and what conclusions may be drawn from them with regard to the future expansion of inland waterway transport on completion of the Rhine-Main-Danube canal?

Answer*(26 October 1978)*

The Commission has no precise information on the rates actually charged for the carriage of passengers or goods on the Danube. It is aware of the rates introduced in 1955 for the carriage of goods under the Bratislava Agreement. These rates, which were expressed in roubles, remained unchanged until the beginning of 1978, when they were raised slightly to take account of the progressive devaluation of the rouble. According to some information, these tariffs are being appreciably undercut by Eastern shipping operators, while the few Western undertakings still engaged in Danube shipping manage to survive only with the help of government subsidies.

The Commission is aware that price competition from the shipping undertakings of the Eastern State-trading countries will be a threat to Western shipping operators following completion of the Rhine-Main-Danube canal and the resultant expansion of inland waterway transport.

The Commission is concerned that all East-West transport questions should be settled in a way which does not prejudice the economy and the interests of shipping operators and users in the Member States.

WRITTEN QUESTION No 600/78**by Mr Lezzi****to the Commission of the European Communities***(20 September 1978)*

Subject: Community *laissez-passer* and difficulties at the Swiss frontier

Is the Commission prepared to remind the Swiss authorities of the old principle 'pacta sunt servanda' with particular reference to the agreements signed on the recognition of the Community *laissez-passer*?

What representations does the Commission intend to make to avoid such regrettable incidents between European MPs and Swiss customs officers who are unaware of these agreements as recently occurred at the border post of Constance?

Answer*(26 October 1978)*

On 5 December 1974 it was agreed by an exchange of letters between the Commission and the Swiss Ambassador to the European Communities that Switzerland would recognize as a valid travel document within its territory the *laissez-passer* issued by the Communities to members and servants of its institutions under Article 7 of the Protocol on privileges and immunities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities, signed in Brussels on 8 April 1965. Switzerland is so far the only non-member country to recognize this document.

The Swiss authorities have reassured the Commission that they have taken all appropriate measures to ensure that their customs officials respect the terms of the above agreement. There should therefore be no more of the difficulties referred to by the Honourable Member.

WRITTEN QUESTION No 629/78**by Mr Albers****to the Commission of the European Communities***(29 September 1978)*

Subject: Brussels-Luxembourg road

As we know, most Community business is done in Brussels and Luxembourg. The journey between the two cities may be made either by rail or road. There is no air connection. Many Members of the European Parliament and officials of the Parliament and the other institutions make considerable use of the Brussels-Luxembourg road in the execution of their various duties. However, the present state of that road leaves much to be desired. Long queues of traffic often form on the two-lane Luxembourg section, which is no longer able to cope with the volume of traffic, while, on the Belgian stretch in particular (apart from the Brussels-Namur section) dangerous situations are constantly arising, which can be attributed *inter alia* to the following combination of factors:

- the lack of a central reservation;
- the absence in some places of clear markings on the surface of the road;
- the fact that tractors and cyclists may use the road;
- the fact that other traffic can cross or turn directly on to the main road from side roads, there being no slip-roads;

- the lack of proper lighting on some sections;
- the same maximum speed limit – 120 kph – as on motorways.

In addition, this winding and hilly road is often icy during the winter and fog can suddenly come down without warning.

- All these factors represent, of course, a considerable danger not only for the aforementioned officials, but for all road-users. It is therefore hardly surprising that serious accidents frequently occur.

A further point: it is also somewhat strange to find at the border a traffic-light which is permanently at red, although drivers are apparently expected to continue on their way. Not surprisingly, this causes a great deal of confusion among road-users not familiar with this particular crossing-point.

The Commission is asked to ascertain from the Belgian and Luxembourg authorities if there are any plans to improve the situation described above, and if so, what these plans are and when they are expected to be implemented.

Answer*(28 October 1978)*

The Commission is collecting the information needed to reply to the Honourable Member's questions.

The Commission will notify him of the results of its research as soon as possible.

WRITTEN QUESTION No 631/78**by Mr Cot****to the Commission of the European Communities***(29 September 1978)*

Subject: Improvement of European road links by the construction of the Fréjus road tunnel

The Fréjus road tunnel now under construction should become a key link in Europe's transport network, especially for goods traffic from Northern Europe (the United Kingdom, Holland, Belgium and Northern France) proceeding to destinations in the Po plain, the Balkans and beyond.

However, there appears to be some difficulty in regard to the coordination of work on the access roads. While work on the tunnel itself is only slightly behind schedule, the situation regarding the access roads is most

unsatisfactory. On the French side, the Minister for Transport has just confirmed that the necessary funds will be released for coordinated improvements to national highway No 6 and for completing the St-Jean and St-Michel-de-Marienne by-pass and the access road to the tunnel. On the Italian side, however, there appear to be serious planning delays which means that the considerable sums invested in this project are liable to remain unproductive and the benefits of this very important scheme to be deferred.

What information can the Commission give on this matter and what steps does it intend to take to resolve the present standstill so that this very important project may be completed with all speed?

Answer*(28 October 1978)*

The Commission is conducting an inquiry in the Member State concerned into the points raised by the Honourable Member and will ensure that he is apprised of the findings of this inquiry.
