

The Member States are responsible for determining what measures are most appropriate to ensure the free movement of goods and it falls to the Court of justice to verify, in the cases brought before it, whether such measures are adequate.

If a Member State fails to take such necessary and appropriate measures, it can be held responsible by the national court in the light of the caselaw of the Court of justice (see joined cases C-46/93 and C-48/93 Brasserie du pêcheur).

(98/C 304/196)

WRITTEN QUESTION E-0561/98
by Olivier Dupuis (ARE) to the Commission
(4 March 1998)

Subject: Civil law in Belgium

Community officials living in Belgium on a short-term basis and for purely work-related reasons are subject, for civil purposes, to different laws from those under which they acquired their marital status and are therefore placed at a disadvantage vis-à-vis their fellow nationals. In particular, Belgian divorce law, which is more restrictive than that in force in other EU Member States, is applicable to married couples whose members are not of Belgian nationality and whose marriages were contracted under terms and conditions which are different from, and on occasion more beneficial than, those provided for in Belgian law.

Can the Commission say whether the EC-Belgium agreement concerning the seat of the various EC institutions contains any provisions on this subject?

If private international law is applicable between the nationals of the Member States concerned and the authorities thereof, could the Commission find out from the Belgian authorities what the reasons are for the impediments to the application thereof which are encountered by EC officials living in Belgium (though not of Belgian nationality) and involved in divorce proceedings?

Answer given by Mr Liikanen on behalf of the Commission

(23 March 1998)

Community officials acting in an official capacity are covered by the Protocol on Privileges and Immunities, in particular Article 12 thereof.

With regard to acts falling within private law, divorce included, Article 23 of the Staff Regulations of Officials of the European Communities provides that, subject to the Protocol on Privileges and Immunities, officials are not exempted from fulfilling their private obligations nor complying with the law and police regulations in force. It follows that the status of Community officials does not make their position any different from that of other persons in the same Member State.

Non-Belgian Community officials residing in Belgium are accordingly subject to Belgian divorce laws and the rules of private international law.

(98/C 304/197)

WRITTEN QUESTION E-0562/98
by Olivier Dupuis (ARE) to the Commission
(4 March 1998)

Subject: Conflict between agriculture and wildlife in Cameroon

The conversion of natural ecosystems into agricultural land is undoubtedly the primary ecological problem facing Africa today and it is also the greatest threat to the biodiversity of the continent. Increasing numbers of experts consider that more effective use of natural resources, in particular wildlife, is the only solution to this serious human and ecological problem.