

Does the Commission intend to propose amendment to the legislation concerned to remedy this problem?

Will the Commission consider a general exemption for traditional vegetables or seed varieties for which the volume of sales is low?

(98/C 323/114)

WRITTEN QUESTION E-0878/98
by Per Gahrton (V) to the Commission
(26 March 1998)

Subject: Seeds used by non-professional growers in Sweden

Following Sweden's entry into the EU, the authority responsible for seed control (Statens Utsädeskontroll) wrote to Swedish seed sellers threatening them with prosecution unless they stop selling seeds which, according to the authorities, are banned under current EU rules, e.g. Easter Egg (radish), Buttercup (squash), Early Cascade etc., (tomato) and Feurio (chard).

Does the Commission consider it reasonable for the EU to decide which seeds non-professional growers in Sweden may use? Is this consistent with the subsidiarity principle? Does the Commission consider that the Swedish authorities are applying EU rules correctly? Can the Commission envisage amending the rules or, alternatively, allowing the marketing in Sweden of seeds which are found to be suited to the biological, ecological and meteorological conditions in Sweden?

Joint answer
to Written Questions E-0851/98 and E-0878/98
given by Mr Fischler on behalf of the Commission

(24 April 1998)

The Commission would refer the Honourable Member to the reply it gave to Oral Question H-246/98 by Mr Lindqvist during question time at Parliament's march 1998 part-session ⁽¹⁾.

⁽¹⁾ Debates of the Parliament (March 98).

(98/C 323/115)

WRITTEN QUESTION E-0856/98
by Ursula Schleicher (PPE) to the Council
(31 March 1998)

Subject: Implications of the ban on tobacco advertising

In principle — unless special rules laid down by the Member States provide otherwise — the directive prohibits the use of a tobacco brand name for other products.

1. Does this ban apply only to the advertising of non-tobacco products bearing this name or to the naming itself?
2. The Member States are to be permitted to lay down special rules only if the tobacco brand name has previously been used for other products in 'good faith'. To what must this 'good faith' relate?
3. If a Member State failed to take advantage of the possibility of laying down special rules, would the ban apply to the continued use of a name which had hitherto been legally used for a non-tobacco product and which was also a tobacco brand name? (Example: Would the health resort of St Moritz no longer be permitted to advertise its products and services under its own name even though it has nothing to do with the brand of cigarettes of the same name?)
4. At any event, the 'same name' of the non-tobacco product may not be used except in a 'manner clearly distinct' from that used to advertise the tobacco product. Does this mean that the brand name as such must be changed for the non-tobacco product? How will it be ensured that differences in the application of this provision by the Member States do not lead to new trade barriers?