

On 2 July 1999 the Commission published a report on the impact of the crisis on the European Union's trade in textile and apparel products, but no mention was made of the fashion sector, in particular the leather sector and the footwear industry.

In view of this omission, does the Commission intend to publish in the near future the part of the report relating to this important sector?

(<sup>1</sup>) OJ C 104, 14.4.1999, p. 191.

**Answer given by Mr Lamy on behalf of the Commission**

(2 December 1999)

The Honourable Member is right to point out that the study 'Impact of the Asian crisis on EU trade in textile and clothing products' did not cover the leather and footwear sectors. A detailed examination of the impact of the Asian crisis in trade in those sectors proved to be considerably more difficult since, unlike the textiles and clothing products, trade in leather and footwear is generally not subject to a surveillance mechanism, and such mechanisms provide helpful statistical tools. The above-mentioned study which was made available publicly on the internet, concentrated notably on the development of imports from certain trade partners as a result of the crisis.

Given that over the last few months economic growth has again picked up in the South East Asian region there appears, at the moment, to be no necessity to enlarge the above-cited study. Should similar developments to the Asian financial crisis reoccur in the future, the leather and footwear sectors could be included in possible future studies.

(2000/C 203 E/167)

**WRITTEN QUESTION E-2082/99**

**by Roberta Angelilli (NI) to the Commission**

(12 November 1999)

*Subject:* Restrictions to the Apple warranty in Italy

The Apple computer company guarantees its products on the Italian market with a warranty which is limited to one year and which excludes software. Software is an essential part of a high-technology computer package.

Article 2 of Directive 93/13/EEC (<sup>1</sup>) of 5 April 1993 stipulates what is meant by unfair terms in contracts and prohibits such terms, deeming them to be vexatious. Moreover, it is specifically provided that all limitations of individual rights shall be expressly accepted by the consumer, who is required to sign a separate document to that effect. Apple in Italy does not comply with this provision.

In the light of the above:

1. does the Commission not consider Apple's Italian warranty to be contrary to the aforementioned directive?
2. does it not think it would be advisable to approach the competent authorities with a view to ensuring that the EU consumer rights are protected?
3. can it give its general opinion on the matter?

(<sup>1</sup>) OJ L 95, 21.4.1993, p. 29.

**Answer given by Mr Byrne on behalf of the Commission**

(8 December 1999)

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts defines the meaning of unfair contractual terms and establishes that such clauses are not to be part of consumer contracts.

Article 3 (1) of the Directive states 'A contractual term which has not been individually negotiated shall be regarded as unfair if, contrary to the requirement of good faith, it causes a significant imbalance in the parties' rights and obligations arising under the contract, to the detriment of the consumer'. Moreover, the Annex to this Directive contains an indicative and non exhaustive list of the terms which may be regarded as unfair.

The Directive has been implemented in Italy and is now incorporated in national legislation. Therefore, the application of the Directive in Italy is a matter for the national courts there. These courts may refer, if necessary, to the European Court, for guidance in this context.

Hence, it seems appropriate for citizens to obtain specific legal advice in Italy or to submit this case to the relevant national authorities there.

---

(2000/C 203 E/168)

**WRITTEN QUESTION P-2090/99**

**by Reinhold Messner (Verts/ALE) to the Commission**

(8 November 1999)

*Subject:* Appointment of a Union special representative for Tibet

The Commission is surely aware of Parliament's resolutions of 13 July 1995 <sup>(1)</sup>, 15 January 1998 <sup>(2)</sup>, and 14 May 1998 <sup>(3)</sup> on the situation in Tibet.

In addition to condemning the illegal Chinese invasion and occupation of Tibet, the resolutions explicitly call on the Council and Commission to appoint an EU special representative for Tibet, who would be 'responsible for doing everything possible to carry out the Union's demands as regards the civil and political rights situation in Tibet'.

Parliament, the Commission, and numerous European Prime Ministers have assured the Dalai Lama that they care about the human and civil rights situation in Tibet and wish to see genuine negotiations opened between the Dalai Lama and the Chinese authorities, with no preconditions on either side.

Furthermore, Parliament has repeatedly asked for news of the world's youngest political prisoner, Gedhun Choeky Nyima, the 10-year-old Tibetan boy abducted by the Chinese authorities at the age of 6 after the Dalai Lama had recognised him to be the latest reincarnation of Tibet's second most important spiritual leader, the Panchen Lama.

1. Will the Commission take the practical policy step of appointing a Union special representative for Tibet?
2. Will the Union act on the promises made to the Dalai Lama as regards the human rights situation in Tibet and the opening of genuine negotiations between the Dalai Lama and the Chinese authorities?
3. Can the Commission exert pressure on the Chinese authorities to secure the release of Gedhun Choeky Nyima, Nawang Chopel, and Nawang Sandrol, now being held as political prisoners?

---

<sup>(1)</sup> OJ C 249, 25.9.1995, p. 162.

<sup>(2)</sup> OJ C 34, 2.2.1998, p. 169.

<sup>(3)</sup> OJ C 167, 1.6.1998, p. 223.

**Answer given by Mr Patten on behalf of the Commission**

(17 November 1999)

The issue of Tibet has been one of the most pressing issues in the Commission's political dialogue and dialogue on human rights with China. The EU has taken a constructive and consistent approach to the matter, which has involved calling insistently for the cultural, linguistic and religious identity of the Tibetan people to be respected. Furthermore, the Union also regularly calls for the reopening of a direct