Answer given by Mrs de Palacio on behalf of the Commission

(25 May 2000)

The Start Action Group, which met at the Commission's prompting and whose activities were completed in 1994, was set up in order to assess any action enabling adequate levels of interoperability and service to be achieved within the trans-European road network (TERN). Against this background the group had made recommendations with regard to harmonising road signs.

However the discussions within the Council during the first half of 1995, with France in the chair, showed that the Council did not consider those recommendations or any other equivalent or supplementary forms of action on the harmonisation of road signs to warrant priority treatment.

Nevertheless the Commission intends to reexamine this matter when preparing a report on changes to the approach towards the Trans-European Transport Network (TETN). The report will be submitted to Parliament and the Council this summer.

In 1998 the Commission had put forward a proposal for a directive [1] aimed at harmonising speeds, in this case the maximum speed of commercial vehicles in Europe. That proposal was not approved since it was impossible to bring the Member States to agree on the harmonised figures, on the classification of the roads to which the general limits applied and also since certain states invoked the principle of subsidiarity.

In the meantime the adoption of Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, [2] i.e. for heavy lorries weighing more than 12 tonnes and coaches and buses weighing more than 10 tonnes, provides an alternative solution to the introduction of common speed limits for heavy lorries in Europe.

In its communication on road safety [3] of 17 March 2000 the Commission mentioned, as one of the priorities, extending the scope of that directive to lighter commercial vehicles.

For those reasons the Commission intends to withdraw the formal proposal concerning the harmonisation of speed limits in accordance with the procedures in force. The Commission does not contemplate any new proposal in this area in the near future.

(1) OJ C 33, 9.2.1989.
(2) OJ L 57, 2.3.1992.
(3) COM(2000) 125 final.

(2001/C 53 E/036) **WRITTEN QUESTION E-0858/00**

by Carles-Alfred Gasòliba i Böhm (ELDR) to the Commission

(22 March 2000)

Subject: Dispute over trademark use

The Commission is considering proposing the convening of a WTO panel with a view to settling a possible dispute with the US concerning an American law of 1998, namely Section 211 of the Omnibus Appropriation Act.

In fact, this proposal is linked to a dispute concerning the use of the trademark 'Havana Club', between a company owned 50 % by a French group and 50 % by the Cuban government, and another company which considers itself the legitimate owner of the trademark.

What grounds does the Commission have for intervening in what is by its nature a private dispute?

If the Commission does in the end propose that a WTO panel be convened, could this step be considered as implying that its intention to support the existing Cuban government?

Is the Commission taking account of the fact that the Cuban government is making use of property and rights which have been expropriated without payment of the compensation which would be due under the rule of law?

Answer given by Mr Lamy on behalf of the Commission

(19 April 2000)

The current dispute in the World Trade Organisation (WTO) concerns an American law, Section 211 of the United States Omnibus Appropriations Act 1998, which, in the view of the Community and its Member States, violates a number of provisions of the WTO Agreement on trade-related aspects of intellectual property rights (TRIPs agreement). The main aim of the Commission is the proper implementation and application by the United States of the WTO TRIPs agreement bearing in mind that Section 211 can potentially affect all European companies dealing with Cuba. It should be in the interest of the Community and its Member States to ensure that the provisions of the WTO TRIPs agreement are respected by all WTO members.

The ongoing WTO dispute does not concern the question whether or not foreign uncompensated expropriations have to be recognised by other states. In fact, Section 211 affects American trademarks which were not and could not be expropriated by the Cuban government. Individuals and companies expropriated by the Cuban government remained the owners of property outside Cuba. In particular, their rights in trademarks registered in the United States were unaffected by the Cuban revolution.

The WTO dispute rather relates to the treatment of trademarks in the United States which are identical or similar to trademarks which previously belonged to Cuban owners who failed to renew their trademarks before United States authorities. As a consequence of this failure by the previous Cuban owners, which is independent from the expropriation of their assets in Cuba by the Cuban Government, the respective trademarks fell into the public domain and no longer belonged to their Cuban owners, like the 'Havana Club' trademark referred to by the Honourable Member. Such trademarks can be registered, renewed and enforced in the United States by new owners, however, only under certain conditions. These conditions are contained in Section 211 of the United States Omnibus Appropriations Act which was adopted by the United States almost 40 years after the Cuban revolution.

(2001/C 53 E/037) **WRITTEN QUESTION E-0865/00**

by W.G. van Velzen (PPE-DE) to the Commission

(22 March 2000)

Subject: Implementation of the electricity directive

Chapter IV of the electricity directive, Directive 96/92/EC [1], governs the role of transmission system operation. Article 7(5) and (6) read as follows: 'The system operator shall not discriminate between system users or classes of system users, particularly in favour of its subsidiaries or shareholders. Unless the transmission system is already independent from generation and distribution activities, the system operator shall be independent at least in management terms from other activities not relating to the transmission system.' Article 9 then states: 'The transmission system operator must preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business.'

With a view to the satisfactory implementation of the agreements reached by the Commission, the Member States and the transmission system operators (TSOs), I have the following questions:

1. Can the Commission outline how the independence of the transmission operators in each Member State of the EU is ensured?

2. If it should be that there are in one or more Member States transmission operators which are still physically and/or legally dependent on the parent company, is the Commission prepared to instruct the national supervisory authorities at the earliest opportunity to ensure that such transmission operators become independent from the parent company de jure and de facto?