

(2001/C 187 E/032)

**WRITTEN QUESTION E-3713/00****by Marjo Matikainen-Kallström (PPE-DE) to the Commission**

(30 November 2000)

*Subject:* Research into the effects of the ban on tobacco exports

According to the tobacco industry, the restrictions on the preparation and export of tobacco products proposed in the new tobacco directive will lead to the loss of jobs in the EU. What detailed research material does the Commission possess on the effects of the new tobacco directive on the employment situation of the tobacco industry in the various EU countries?

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

(8 March 2001)

It is unclear to what extent the Community production of cigarettes for export exceeds the proposed ceilings for tar, nicotine and carbon monoxide yields. According to information provided in the course of meetings between the Commission and representatives of the tobacco industry, cigarette exports from the Community would equal approximately 15 % of total Community cigarette production but of course only a fraction of the exported cigarettes would exceed the proposed ceilings.

Thus, it is difficult to estimate what percentage of Community production would be concerned if the measures proposed are adopted, what possibilities exist for diversification, and what effect a transitional period could have. In general terms, as regards the employment characteristics of the tobacco manufacturing industry, a report was published by the European Confederation of Cigarette Manufacturers in 1997<sup>(1)</sup>, and on page 11 of this report, the following statement is made: 'Based on the information provided by the tobacco manufacturing associations in the Member States, full-time employment in tobacco manufacturing has declined since 1990. For the EU12, the number of full-time jobs fell 23 % to 64 184 in 1994 from 83 419 in 1990. The decline is in common with the trends exhibited across most manufacturing sectors in the EU. This trend towards lower employment is mainly due to continued improvements in labour productivity, which are associated with the industry's investment in more efficient equipment.'

Thus, the origin of the decline in employment, according to the relevant industry federation, is due to sources outside the control of the Community legislator.

Attention is also drawn to the current negotiations for a World Health Organisation Framework Convention on Tobacco Control, which envisages the creation of internationally agreed product standards, which would be complementary to those being discussed at the level of the Community.

The Commission is not in possession of detailed research material of the type referred to by the Honourable Member.

<sup>(1)</sup> 'The tobacco industry in the European Union 1997', Pieda plc.

(2001/C 187 E/033)

**WRITTEN QUESTION E-3714/00****by Paul Lannoye (Verts/ALE) to the Commission**

(30 November 2000)

*Subject:* Access to information on the extension of Barajas airport in Madrid

In its reply of 5 July 2000 to our Question No E-1518/00<sup>(1)</sup> regarding the implementation of Council Directive 90/313/EEC of 7 June 1990<sup>(2)</sup> on freedom of access to information on the environment, the Commission stated that the authorities had acted on the requests, although they had replied late.

That statement is incorrect, since the relevant information has still not been supplied to the people who requested it.

In a letter of 17 July 2000 to the Commission (for the attention of Mr G. Kremlis), the Entidad de la Moraleja provided evidence proving that AENA (the Spanish Airports Authority) had not given a proper reply and was in breach of Directive 90/313/EEC. The data on average hourly noise emissions had in fact been supplied in the wrong format. This restriction on access to such information places a question mark over the thoroughness of the environmental impact assessment procedure and reduces the capacity of citizens to exercise their rights to environmental and health protection.

What action has the Commission taken to date with a view to ensuring the above directive is complied with in full, and what will be its next step?

Would it not agree that it should open infringement proceedings against the Spanish State for failure to comply with the directive?

(<sup>1</sup>) OJ C 113 E, 18.4.2001, p. 22.

(<sup>2</sup>) OJ L 158, 23.6.1990, p. 56.

#### **Answer given by Mrs Wallström on behalf of the Commission**

*(1 February 2001)*

Article 4 of Council Directive 90/313/EEC (<sup>1</sup>) of 7 June 1990 on the freedom of access to information on the environment stipulates that a person who considers that his request for information has been unreasonably refused or ignored, or has been inadequately answered by a public authority, may seek a judicial or administrative review of the decision in accordance with the relevant national legal system.

The Directive was transposed into Spanish law by Law No 38/1995 of 12 December 1995 on the right of access to information on the environment, recently amended by Law No 55/1999 of 29 December 1999, which established the right to seek reviews in such cases.

If Entidad de la Moraleja believes there has been an infringement of Directive 90/313/EEC in relation to its requests for information from the Spanish authorities, it has the option of going through the appropriate review channels at national level to bring in the Spanish administrative and legal authorities, which have prime responsibility for the official enforcement of Community law in Spain.

To check that Directive 90/313/EEC has been properly applied in the case in hand, the Commission has contacted the Spanish authorities several times for explanations of the potential infringement situation reported to it.

The Spanish authorities' response shows that they have already replied to several requests for information and are continuing to respond to Entidad de la Moraleja's many requests. Albeit with occasional delays, the Spanish authorities are making the information they hold available to the requestor. It should also be noted that Directive 90/313/EEC makes no provision regarding the form in which requested information is to be made available to the requestor.

With specific regard to instituting infringement proceedings for improper application of Directive 90/313/EEC in this instance, it should be noted that the Court of Justice has consistently held that the Commission is not bound to institute infringement proceedings under Article 226 (ex Article 169) of the EC Treaty, but may do so at its own discretion. Exercising that discretion, the Commission does not systematically take up every single reported case of alleged improper application of this Directive. Only where consistent poor administrative practice can be identified, or where one-off cases of improper application can be grouped together by virtue of a common link, will the Commission generally decide to institute infringement

proceedings under Article 226 of the EC Treaty. However, the information available to it in the present case suggests that neither of these categories applies in this instance.

<sup>(1)</sup> OJ L 158, 23.6.1990.

(2001/C 187 E/034)

**WRITTEN QUESTION E-3718/00**

**by Cristiana Muscardini (UEN) to the Commission**

*(30 November 2000)*

*Subject:* Terrorism, violence and black humour on websites

The Internet is increasingly becoming a meeting place for every possible kind of evil. Alongside sites carrying paedophile images and scenes of pornographic violence, there is a proliferation of sites showing harrowing scenes of attacks and explosions caused by various international terrorist organisations, with a marked preference for ideological or fundamentalist movements. Another series of sites involves animated cartoons and extremely violent black humour, with characters shot in the head and another character called Ricky Martin who is tortured and cut into pieces, fat chicks dancing until they explode and sweet little puppies that have their heads kicked off.

Although this type of communication admittedly involves the exercise of freedom of expression,

1. Does the Commission not consider that this continual transmission of violence, failure to respect human dignity and absolute contempt for the slightest degree of self-regulation, should be subject to internationally agreed standards?
2. Does it not think that it should take advantage of the forthcoming world communications forum organised by the United Nations to put forward proposals on the need for regulation of the Internet and to prevent, inter alia, unfortunate situations similar to those caused by the 'European union' site?

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

*(31 January 2001)*

The approach of the Commission to dealing with illegal and harmful content on the Internet has remained consistent since the adoption of the Communication on illegal and harmful content on the Internet<sup>(1)</sup> and the green paper on protection of minors and human dignity in October 1996<sup>(2)</sup>. Significant progress has been made thanks to a concerted approach by Member States and the institutions of the Union.

The primary responsibility for dealing with illegal content is with the appropriate law enforcement and judicial authorities. Industry can provide assistance to law enforcement in particular in removing illegal content from circulation and in providing information and expertise in accordance with applicable legal rules.

However, the Internet is a global instrument and does not recognise national frontiers. International co-operation involves law enforcement collaborating in appropriate ways including the existing channels of communications, such as Europol and Interpol. Co-operation is being reinforced as a result of work in the group of eight most industrialized countries (G8) and the draft Council of Europe convention which the Commission is following closely.

Harmful content means both content which is allowed but whose distribution is restricted (adults only, for instance) and content which may offend certain users, or which responsible adults (parents and teachers) consider potentially harmful to children in their care, although its publication is not restricted because of the principle of freedom of expression.