

# Official Journal

## of the European Communities

ISSN 0378 - 6986

C 269

Volume 28

21 October 1985

English edition

## Information and Notices

Notice No	Contents	Page
	<b>I Information</b>	
	<b>European Parliament</b>	
	<i>Written Questions with answer:</i>	
85/C 269/01	No 2123/83 by Mr Thomas Megahy to the Commission Subject: Restriction of imported meat from Britain to France .....	1
85/C 269/02	No 1692/84 by Mr Benjamin Visser to the Commission Subject: Increased border controls .....	1
85/C 269/03	No 2197/84 by Mrs Marijke Van Hemeldonck to the Commission Subject: Initiatives in the field of product safety .....	2
85/C 269/04	No 2226/84 by Mr Konstantinos Filinis to the Foreign Ministers of the 10 Member States of the European Community meeting in political cooperation Subject: Unjustified description of political parties as extremist .....	3
85/C 269/05	No 2412/84 by Mr Michel Debatisse to the Commission Subject: Road transport .....	3
85/C 269/06	No 2483/84 by Mr James Moorhouse to the Commission Subject: Proposals from the Commission on air transport .....	4
85/C 269/07	No 123/85 by Mr Alman Metten to the Commission Subject: Use of nuclear material from the Euratom high-flux reactor in Petten in the production of atomic weapons in the United States .....	4
85/C 269/08	No 152/85 by Mr Claus Toksvig to the Commission Subject: Comprehensibility of legal acts .....	5
85/C 269/09	No 171/85 by Mr Andrew Pearce to the Commission Subject: Imprisonment of Colin Evans and Philip Hartlebury in Zimbabwe .....	6
85/C 269/10	No 203/85 by Mr Luc Beyer de Ryke to the Commission Subject: Price of books - Court of Justice judgment - Commission's attitude .....	6
85/C 269/11	No 206/85 by Mrs Ien van den Heuvel to the Commission Subject: Proposal for a Directive on dismissal .....	7

<u>Notice No</u>	<u>Contents (continued)</u>	<u>Page</u>
85/C 269/12	No 222/85 by Mr Ray Mac Sharry to the Commission Subject: Water supply in underdeveloped countries . . . . .	7
85/C 269/13	No 244/85 by Mr Richard Cottrell to the Commission Subject: Trade in video tape recorders . . . . .	8
85/C 269/14	No 249/85 by Mr Horst Seefeld to the Commission Subject: Subsidies for the car industry . . . . .	9
85/C 269/15	No 278/85 by Mr Andrew Pearce to the Commission Subject: VAT – revenue of Member States . . . . .	11
85/C 269/16	No 293/85 by Mr Florus Wijzenbeek to the Commission Subject: Government aids . . . . .	11
85/C 269/17	No 336/85 by Mr Terence Pitt to the Commission Subject: Consumer influence on the farm price review . . . . .	11
85/C 269/18	No 349/85 by Mr Karl von Wogau to the Commission Subject: Mutual recognition of veterinary certificates . . . . .	12
85/C 269/19	No 360/85 by Mrs Eileen Lemass to the Commission Subject: Drug addicts receiving treatment . . . . .	12
85/C 269/20	No 375/85 by Mr Richard Cottrell to the Commission Subject: Effect of Spanish and Portuguese accession on the purchase of nuts and raisins from non-Community countries . . . . .	13
85/C 269/21	No 432/85 by Mrs Vera Squarcialupi to the Commission Subject: Need for benzoyl peroxide to be clearly labelled . . . . .	14
85/C 269/22	No 448/85 by Mrs Else Hammerich to the Commission Subject: State monopolies . . . . .	14
85/C 269/23	No 479/85 by Mr Giovanni Moroni, Mr Renato Massari, Mr Giuseppe Amadei and Mr Vincenzo Mattina to the Commission Subject: Community rules on the inclusion of suppressors in the manufacture of radio and television equipment . . . . .	14
85/C 269/24	No 493/85 by Mr Ernest Mühlen to the Commission Subject: Creation of a network of subcontracting exchanges for SMUs in border areas . . . . .	15
85/C 269/25	No 496/85 by Mr Michel Debatisse to the Commission Subject: Community measures for farmers because of the effects of the extreme cold . . . . .	16
85/C 269/26	No 499/85 by Mr Ib Christensen to the Commission Subject: Unemployment: EEC-EFTA . . . . .	16
85/C 269/27	No 515/85 by Mr Karl von Wogau to the Commission Subject: Formalities in intra-Community trade in fruit and vegetables . . . . .	17
85/C 269/28	No 533/85 by Mr Jaak Vandemeulebroucke to the Commission Subject: Payment of royalties on copies of cassettes for the blind . . . . .	18
85/C 269/29	No 538/85 by Mr Jean Mouchel to the Commission Subject: Reduction in payment periods which penalize farmers . . . . .	18
85/C 269/30	No 540/85 by Mr Luc Beyer de Ryke to the Commission Subject: Enlargement of the EEC to include Spain and Portugal. Position of Tunisia . . . . .	19
85/C 269/31	No 542/85 by Mr Luc Beyer de Ryke to the Commission Subject: Marketing of the pharmaceutical product 'Tanderil' . . . . .	19

Notice No	Contents (continued)	Page
85/C 269/32	No 557/85 by Mrs Winifred Ewing to the Commission Subject: Publicity for pilot projects to conserve the Community's architectural heritage . . . . .	20
85/C 269/33	No 573/85 by Mrs Marijke Van Hemeldonck to the Commission Subject: Article 223 of the EEC Treaty on the production of, and trade in, arms . . . . .	21
85/C 269/34	No 582/85 by Mr Wilhelm Hahn to the Commission Subject: Admission charges for foreigners visiting museums and archaeological sites in Greece . .	21
85/C 269/35	No 584/85 by Mr Lambert Croux to the Commission Subject: Protection of the North Sea . . . . .	21
85/C 269/36	No 599/85 by Mrs Raymonde Dury to the Commission Subject: Analysis and seizure of butchers' meat owing to illicit use of hormones . . . . .	22
85/C 269/37	No 601/85 by Mr Karel De Gucht to the Commission Subject: Distortion of competition by periodic reductions in Dutch gas prices for the horticultural industry . . . . .	22
85/C 269/38	No 602/85 by Mr Jas Gawronski to the Commission Subject: Protection of wild birds . . . . .	23
85/C 269/39	No 603/85 by Mr Richie Ryan to the Commission Subject: Harmonization of income tax rules . . . . .	23
85/C 269/40	No 618/85 by Mr Horst Seefeld to the Commission Subject: Uniform rules for bringing in dogs and cats when crossing frontiers within the Community . . . . .	23
85/C 269/41	No 627/85 by Mr Lambert Croux to the Commission Subject: Tax on drinking-water originating in the Belgian region of Wallonia . . . . .	24
85/C 269/42	No 629/85 by Mr Pierre Bernard-Reymond to the Commission Subject: European Regional Development Fund (ERDF) grants to France . . . . .	24
85/C 269/43	No 643/85 by Mr David Martin to the Commission Subject: 'Cures' for Commission staff . . . . .	24
85/C 269/44	No 647/85 by Mr Fritz Gautier, Mrs Barbara Simons, Mr Rolf Linkohr, Mr Dieter Schinzel, Mrs Magdalene Hoff, Mr Jan Klinkenborg, Mr Heinz Schreiber, Mrs Heinke Salisch, Mrs Beate Weber, Mr Rüdiger Hitzgrath, Mr Dieter Rogalla, Mr Thomas von der Vring, Mrs Lieselotte Seibel-Emmerling, Mr Gerhard Schmid and Mr Günter Topmann to the Commission Subject: Bathing-water quality . . . . .	25
85/C 269/45	No 650/85 by Mr James Provan to the Commission Subject: Anti-pollution measures . . . . .	25
85/C 269/46	No 658/85 by Sir Jack Stewart-Clark to the Commission Subject: Transit of domestic live animals . . . . .	26
85/C 269/47	No 669/85 by Mr Andrew Pearce to the Commission Subject: Spain's tax on inward and outward traffic by sea . . . . .	27
85/C 269/48	No 678/85 by Mrs Phili Viehoff to the Commission Subject: Nuclear energy programme in Portugal . . . . .	27
85/C 269/49	No 683/85 by Mrs Marijke Van Hemeldonck to the Commission Subject: Unemployment benefits for frontier workers . . . . .	27
85/C 269/50	No 708/85 by Mr Geoffrey Hoon to the Commission Subject: Data on low wages and salaries in the EEC . . . . .	28
85/C 269/51	No 713/85 by Mr Isidor Früh to the Commission Subject: Annual number of new CAP regulations . . . . .	28

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
85/C 269/52	No 714/85 by Mr Raphaël Chanterie to the Commission Subject: Number of ERDF projects submitted by Belgium which are still under discussion . . . .	29
85/C 269/53	No 733/85 by Mr Michael Welsh to the Commission Subject: Mutual recognition of specialist dental qualifications . . . . .	29
85/C 269/54	No 753/85 by Mr William Newton Dunn to the Commission Subject: Violation of human rights in Romania . . . . .	29
85/C 269/55	No 777/85 by Mr William Newton Dunn to the Commission Subject: Discrimination against men travelling by rail in Europe . . . . .	30
85/C 269/56	No 787/85 by Mrs Johanna Maij-Weggen to the Commission Subject: Probable illegalities in Belgian plans for the reimbursement of enrolment fees to foreign students who are studying or have studied in Belgium . . . . .	30
85/C 269/57	No 788/85 by Mrs Johanna Maij-Weggen to the Commission Subject: The true cause of the 'edible-oil poisoning' which occurred in Spain in 1981 . . . . .	31
85/C 269/58	No 801/85 by Mrs Ursula Schleicher to the Commission Subject: Spanish olive-oil scandal . . . . .	31
	Joint answer to Written Questions No 788/85 and No 801/85 . . . . .	32
85/C 269/59	No 791/85 by Mr Sylvester Barrett to the Commission Subject: Sale of cereals from intervention stocks . . . . .	32
85/C 269/60	No 797/85 by Mrs Raymonde Dury to the Commission Subject: Cyclone in Bangladesh . . . . .	33
85/C 269/61	No 802/85 by Mr Michael Hindley, Mr George Cryer and Mr Edward Newman to the Commission Subject: Investment support for small and medium-sized firms . . . . .	33
85/C 269/62	No 823/85 by Mr Luc Beyer de Ryke to the Commission Subject: Controls at intra-Community frontiers . . . . .	34
85/C 269/63	No 847/85 by Mr James Provan to the Commission Subject: Agricultural prices . . . . .	34
85/C 269/64	No 854/85 by Mrs Yvette Fuillet to the Commission Subject: Equipment modernization policy . . . . .	35
85/C 269/65	No 859/85 by Mr James Provan to the Commission Subject: Spanish fishing . . . . .	35
85/C 269/66	No 897/85 by Mr Andrew Pearce to the Commission Subject: Trade in heroin and cocaine . . . . .	36
85/C 269/67	No 927/85 by Mr Richard Cottrell to the Commission Subject: Manpower transfers between the institutions . . . . .	36
85/C 269/68	No 974/85 by Mr John McCartin to the Commission Subject: Milk prices . . . . .	37
85/C 269/69	No 978/85 by Mrs Vera Squarcialupi to the Commission Subject: Weedkillers used on railway lines . . . . .	37
85/C 269/70	No 990/85 by Mr Michael Hindley to the Commission Subject: Social Fund . . . . .	37
85/C 269/71	No 991/85 by Mr Richard Cottrell to the Commission Subject: Restrictive distribution of Grundig equipment . . . . .	38

## I

(Information)

## EUROPEAN PARLIAMENT

## WRITTEN QUESTIONS WITH ANSWER

## WRITTEN QUESTION No 2123/83

by Mr Thomas Megahy (S - GB)

to the Commission of the European Communities

(24 February 1984)

(85/C 269/01)

*Subject:* Restriction of imported meat from Britain to France

According to press reports, 200 carcasses of prime meat which left an abattoir at Wakefield in my constituency on Wednesday, 25 January for distribution throughout central France were refused permission to enter that country at the checkpoint at Fougères, 100 miles south of Cherbourg. Officials there refused to allow the load to be taken in after one allegedly discovered a smudged veterinary surgeon's stamp on one hindquarter of one carcass. As a result the meat has been returned to Britain where it has been cleared by Ministry of Agriculture experts and will now be sold in Britain through normal wholesale markets.

Will the Commission investigate this incident to see whether the action was legitimate under the free movement rules of the Community?

Supplementary answer given by Mr Dalsager  
on behalf of the Commission

(22 July 1985)

Further to its answer of 26 March 1984 <sup>(1)</sup>, the Commission would like to inform the Honourable Member that following the initiation of a procedure under Article 169 of the EEC Treaty the French authorities have informed the Commission that a consignment of 200 carcasses arriving in France from a slaughterhouse in Wakefield was refused entry at Cherbourg on 23 January 1984 on the grounds that the veterinary stamp was missing from several quarters, some of the carcasses were soiled and mammary glands had been incompletely removed.

The Commission takes the view that these reasons justify refusal of entry.

<sup>(1)</sup> OJ No C 144, 30. 5. 1984, p. 26.

## WRITTEN QUESTION No 1692/84

by Mr Benjamin Visser (S - NL)

to the Commission of the European Communities

(18 January 1985)

(85/C 269/02)

*Subject:* Increased border controls

1. Is the Commission aware that the Belgian authorities are stepping up frontier checks on individuals and goods at the border between Belgium and the Netherlands?

2. Does the Commission consider that such persistent scrutiny, which amounts to much more than simply random checks, infringes both the letter and the spirit of the Treaty of Rome and the Benelux Treaty in respect of the free movement of persons and goods?

3. Is the Commission also aware that the Dutch authorities are stepping up identity checks at the border between the Netherlands and Germany, using a computerized system, *inter alia*, in order to establish whether outstanding fines have been paid, which can cause considerable delays and totally undermine the policy of removing border controls?

4. Does the Commission consider that, in both cases, these checks constitute a retrograde measure, particularly in view of the negotiations on freer movement across borders between Germany and the Benelux countries?

5. Is the Commission prepared to draw the attention of the Dutch and Belgian authorities to these checks which go against the provisions of the Treaty of Rome?

**Answer given by Lord Cockfield  
on behalf of the Commission**

(6 August 1985)

1. No.

2. The Commission cannot tell whether the Belgian customs authorities' attitude is consistent with Community law without having precise information on the practices involved. However, it would draw attention once again to the current legal situation.

Under Community law now in force, the frontier formalities within the Community which existed on 1 January 1958, 1973 and 1981, such as the requirement for a visa, an entry form or stamp, a landing card, etc., have been abolished for persons covered by the Treaty provisions concerning freedom of movement, freedom of establishment and freedom to provide services, and have been replaced by and restricted to a single formality: the right to enter and leave is exercised 'merely on production of a valid identity card or passport' <sup>(1)</sup>. Remaining 'restrictions on movement and residence' must be abolished <sup>(2)</sup>.

The mandatory and exhaustive nature of these provisions deprive the Member States of the power to impose other police-type checks or other restrictions on freedom of movement which go beyond the request simply for the production of an identity card or passport.

'Admittedly, the right of entry ... is not unlimited. Nevertheless the only restriction which Article 48 of the Treaty lays down concerning freedom of movement in the territory of Member States is that of limitations justified on grounds of public policy, public security or public health. This restriction must be regarded not as a condition precedent to the acquisition of the right of entry and residence but as providing the possibility, in individual cases where there is sufficient justification, of imposing restrictions on the exercise of a right derived directly from the Treaty. It does not therefore justify administrative measures requiring in a general way formalities at the frontier other than simply the production of a valid identity card or passport' <sup>(3)</sup>. The same rule applies to those who enjoy freedom of establishment or freedom to provide services under Articles 56 (1) and 66.

The resolution of 7 June 1984 <sup>(4)</sup> provides, amongst other measures, that controls should in principle be confined to spot checks. So as to make this principle mandatory, the Commission laid before the Council on 24 January 1985 a proposal for a Directive on the easing of controls and formalities applicable to nationals of the Member States when crossing intra-Community borders <sup>(5)</sup>. It should also be noted that Directive 83/643/EEC introduced provisions to facilitate physical inspections and administrative formalities in respect of the carriage of goods between

Member States <sup>(6)</sup>. The Directive has been applicable in all the Member States, including Belgium, since 1 January 1985. If the practices described by the Honourable Member were to recur, they might constitute an infringement of the Directive.

3. No. On the particular point of computerized checks to ascertain that, on leaving the Netherlands persons have paid certain fines, the Commission has already stated its views in answering Oral Question H-53/84 by Mr von Wogau <sup>(7)</sup>, to which the Honourable Member is asked to refer. In particular, the answer confirmed that, under Article 2 (1) of Directive 73/148/EEC of 21 May 1973 <sup>(8)</sup>, persons have the right to leave a Member State simply on production of an identity card or passport. Any checks that go beyond that formality are contrary to Community law.

Furthermore, in its answer to Written Question No 1381/84 by Mrs Boot <sup>(9)</sup>, the Commission indicated that, as soon as it had obtained precise information on the conditions under which the checks were being carried out, it would be able to initiate proceedings under Article 169 of the EEC Treaty.

4. If checks such as those described by the Honourable Member were to become routine practice, this would in the Commission's view be a retrograde step in current efforts to ease them.

5. See 2 and 3.

<sup>(1)</sup> Directive 73/148/EEC, Article 2 (1) and Article 3 (1), OJ No L 172, 28. 6. 1973, p. 14; Directive 68/360/EEC, Article 2 (1) and Article 3 (1), OJ No L 257, 29. 10. 1968, p. 13.

<sup>(2)</sup> Article 1 of the abovementioned Directives.

<sup>(3)</sup> Case 157/79 Regina v. Stanislaus Pieck [1980] ECR 2171, ground 9.

<sup>(4)</sup> OJ No C 195, 19. 6. 1984, p. 1.

<sup>(5)</sup> OJ No C 47, 19. 2. 1985, p. 5.

<sup>(6)</sup> OJ No L 359, 22. 12. 1983, p. 8.

<sup>(7)</sup> Debates of the European Parliament, No 1-314 (May 1984).

<sup>(8)</sup> OJ No L 172, 28. 6. 1973, p. 14.

<sup>(9)</sup> OJ No C 118, 13. 5. 1985.

**WRITTEN QUESTION No 2197/84**

**by Mrs Marijke Van Hemeldonck (S-B)**

**to the Commission of the European Communities**

(11 March 1985)

(85/C 269/03)

*Subject: Initiatives in the field of product safety*

Does the Commission propose to submit, in the near future, proposals for legislation on the following:

- harmonization of the laws of the Member States relating to product safety and/or consumer protection,
- the removal of harmful products from markets,
- manufacturer liability for defective products,
- export/marketing bans on products prohibited in a Member State,
- dangerous domestic products,
- urea-formaldehyde (a thermal-insulation product)?

**Answer given by Mr Clinton Davis  
on behalf of the Commission**  
(20 August 1985)

The Commission has recently adopted a communication to be forwarded to the Parliament and the Council <sup>(1)</sup> which is designed to give a new impetus to the Community's consumer protection policy. This initiative seeks to achieve as one of its main objectives that products traded in the Community should conform to acceptable safety and health standards.

A calendar of measures is set out in the communication, which include those already envisaged in the Commission's programme for completing the internal market on, for example, motor vehicles, food, pharmaceuticals, household chemical preparations, toys, cosmetics, and textiles. In addition the Commission will be making a report on the introduction at Community level of a general obligation to market safe products and of procedures to prohibit or withdraw products which are found to be unsafe.

On 25 July 1985, the Council adopted the proposal for a Directive on liability for defective products <sup>(2)</sup>.

<sup>(1)</sup> Doc. COM(85) 314.

<sup>(2)</sup> Doc. COM(79) 415 final.

**WRITTEN QUESTION No 2226/84**  
**by Mr Konstantinos Filinis (COM - GR)**  
**to the Foreign Ministers of the**  
**10 Member States of the European Community**  
**meeting in political cooperation**  
(11 March 1985)  
(85/C 269/04)

**Subject:** Unjustified description of political parties as extremist

Are the Foreign Ministers aware that a report published by the German Ministry for Foreign Affairs Office for the Protection of the Constitution describes both Greek Communist parties with organizations in West Germany

defending the rights of migrant workers as extremist and their supporters as extremists for having demonstrated against the Denktash regime in northern Cyprus.

Where is the right to free expression of opinion which the German constitution is supposed to guarantee, also to foreigners, when peaceful demonstrations of this kind are described as extremist activity? Do the Foreign Ministers intend to ask the German Government to erase this description of the Greek Communist parties and their supporters, who are represented in both the Greek and the European Parliaments?

**Answer**  
(4 September 1985)

The question raised by the Honourable Member of Parliament is not a matter for European Political Cooperation.

**WRITTEN QUESTION No 2412/84**  
**by Mr Michel Debatisse (PPE - F)**  
**to the Commission of the European Communities**  
(26 March 1985)  
(85/C 269/05)

**Subject:** Road transport

The experience of this winter has surely shown that serious consideration should be given to relaxing council Regulation (EEC) No 543/69 <sup>(1)</sup> on driving periods and rest periods.

Does not the application of strict limits on driving time to lorry drivers lead to absurd situations in which Community legislation compounds the effects of the freeze and thaw in paralyzing the road haulage industry yet further?

<sup>(1)</sup> OJ No L 77, 29. 3. 1969, p. 49.

**Answer given by Mr Clinton Davis**  
**on behalf of the Commission**  
(8 August 1985)

It became evident to the Commission over the years that Regulation (EEC) No 543/69 no longer met the needs of today's road transport industry, in particular in circumstances such as those mentioned by the Honourable Member.

So, the Commission submitted a proposal to amend Regulations (EEC) No 543/69 and (EEC) No 1463/70 to the Council on 21 March 1984 <sup>(1)</sup>, which has as its objective to make them more flexible, better adapted to the requirements of drivers and operators and so better applied.

Amongst the measures proposed is an increase in permitted daily driving, whilst reducing it over a week, and increases in the minimum daily and weekly rest periods, together with a more flexible system for shortening them.

The European Parliament and the Economic and Social Committee have given a generally favorable opinion on the proposal. The Council is now examining the Commission proposal with the objective of adopting a new Regulation before the end of the year.

(<sup>1</sup>) OJ No C 100, 12. 4. 1984, p. 9.

#### WRITTEN QUESTION No 2483/84

by Mr James Moorhouse (ED - GB)  
to the Commission of the European Communities  
(1 April 1985)  
(85/C 269/06)

*Subject:* Proposals from the Commission on air transport

1. What progress has been made in the Council of Ministers on the proposals contained in the Commission's memorandum No 2 on civil aviation and on the proposals on air tariffs and the application of competition rules to air transport?

2. What progress has the Commission made in proposing draft legislation on the subjects contained in the timetable of Commission initiatives in the field of civil aviation 1984 to 1986 (memorandum No 2, Annex VI)?

Answer given by Mr Clinton Davis  
on behalf of the Commission  
(22 July 1985)

1. The Council in May 1984, having regard to the Commission's civil aviation memorandum No 2, concluded that the present intra-Community air transport system should be adapted to ensure greater flexibility and so increased economic and social efficiency. It set up a working group of high-level representatives of the Member States and the Commission to examine the possibilities. This group reported at the end of November 1984, and the Council in December 1984 endorsed the guidelines accompanying the group's report as a basis for further Community action in the air transport sector. It instructed that the Transport Questions Working Party, specially constituted for the study of air transport questions, pursue a detailed study of the possibilities outlined in the guidelines with a view to the first proposals for Community action being brought forward for consideration by the Council before the end of 1985.

The Council considered that attention should be paid, *inter alia*, to the areas of capacity, tariffs and competition. The

Transport Questions Working Party has now begun its detailed work with a study of a draft Directive on tariffs.

Although the Commission believes that the guidelines endorsed by the Council in December 1984 provide a first basis for future work, the Commission is disappointed that they do not go further. As regards the competition rules the Commission considers that, if the guidelines were implemented as legislation, they would inevitably compromise the proposals the Commission has made. In order to ensure that competition is achieved in this sector, the Commission may have to initiate direct action against practices which in its view are in violation of the competition rules.

2. In view of the creation and the work of the abovementioned high-level group, the Commission has not yet brought forward its proposals on the items listed in Annex VI of the civil aviation memorandum No 2. However, it intends shortly to present to the Council a report on the problems of intra-Community air freight together with a proposal to amend Council Directive 83/643/EEC on the facilitation of physical inspections and administrative formalities in respect of the carriage of goods between Member States (<sup>1</sup>). It will also be bringing forward proposals, shortly, on the mutual recognition of certain licences and training in civil aviation, and on airport performance indicators. Other proposals will follow in the course of the rest of 1985 and 1986.

(<sup>1</sup>) OJ No L 359, 22. 12. 1983, p. 8.

#### WRITTEN QUESTION No 123/85

by Mr Alman Metten (S - NL)  
to the Commission of the European Communities  
(17 April 1985)  
(85/C 269/07)

*Subject:* Use of nuclear material from the Euratom high-flux reactor in Petten in the production of atomic weapons in the United States

1. Is the Commission aware that spent nuclear fuel from the Euratom high-flux reactor in Petten is being used at the Savannah River plant in the United States as a driver fuel in the production of material for atomic weapons? (See letter, B-217124, of 31 December 1984 from the United States Accounting Office on the return of spent nuclear fuel from foreign research reactors to the United States, p. 9.)

2. Does the Commission consider that it is compatible with the Non-proliferation Treaty for Euratom to contribute to the United States atomic weapons programme in this way?

3. If not, is the Commission prepared to put an immediate stop to this and any other violations of the Non-proliferation Treaty falling within its jurisdiction?



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

(14 August 1985)

1. Irradiated fuel of the Petten High-flux reactor (HFR), which is of US origin, is sent back to the US for reprocessing. Research-reactor fuel is currently not being reprocessed in Europe.

According to the US Government Accounting Office report, highly enriched uranium resulting from reprocessing of research reactor fuel at the Savannah River plant or the Idaho chemical processing plant is mixed with similar material and fabricated into nuclear fuel, which is used for defence-related purposes. However, an equivalent amount of highly enriched uranium is substituted for the Petten nuclear material and – in accordance with relevant contracts – sent back to Europe.

2 and 3. Reprocessing irradiated fuel from the HFR in the United States does not result in any net increase of defence-related material. Of course, the Community is in no way involved in the United States weapons programme.

certainty in the Community and the Community's image as a society based on the rule of law?

4. Does it not agree that what the Community requires at the present time is not so much new rules but the observance in practice of rules that have already been promulgated and that this implies that both the general public and the authorities should be in a position to establish what current law is?
5. To what extent does it employ the special codification procedure adopted by the Council (Ministers of Justice) in 1974 and confirmed by the Council (again the Ministers of Justice) in 1982 (OJ No C 20, 1975, p. 1)?
6. Will it make an annual report to Parliament on developments in this area indicating how many legal acts have been codified and how many legal acts have been amended more than five times since their promulgation?

<sup>(1)</sup> OJ No L 270, 14. 12. 1970, p. 1.

<sup>(2)</sup> OJ No L 297, 15. 11. 1984, p. 40.

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

(5 August 1985)

**WRITTEN QUESTION No 152/85**

**by Mr Claus Toksvig (ED – DK)**

**to the Commission of the European Communities**

(19 April 1985)

(85/C 269/08)

*Subject:* Comprehensibility of legal acts

In its judgment of 30 January 1985 in Case 143/83, *Commission v. Denmark*, the Court of Justice of the European Communities stated that considerations of legal certainty and legal protection required unambiguous wording in legislation implementing Directives that made it possible for the parties concerned to know their rights and obligations in a sufficiently clear and distinct manner and for the courts to ensure that these were observed (see premiss No 10).

I would therefore ask the Commission the following questions:

1. Does it consider that its proposal for Regulations and Directives always meet the Court of Justice's requirement that the parties concerned should know their rights and obligations in a sufficiently clear and distinct manner?
2. Does it consider, in particular, that the rules governing feedstuff additives, which are important for many small and medium-sized undertakings, are comprehensible in view of the fact that, by November 1984, the basic Directive 70/524/EEC <sup>(1)</sup> had been amended 47 times since its adoption in November 1970, see Commission Directive 84/547/EEC <sup>(2)</sup>?
3. Does it not agree that the many changes made to this Directive and other legal acts risk damaging legal

1. The Commission believes that its legislative proposals meet the requirements referred to. However, some of the amendments made to them may make the Commission's initial proposals less clear and precise.

2 and 3. The rules and regulations in a given area are more complex than individual proposals for amending them. The Commission does not therefore consider point 2 to be a subsidiary aspect of point 1.

Some rules and regulations would no doubt benefit from being consolidated, including Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs <sup>(1)</sup>. However, that Directive is a special case. There have been:

- three Council Directives amending its enacting terms;
- 50 Commission Directives amending the contents of its Annexes, 27 of these amending Directives being listed in the sixth edition of the Directory of Community legislation (reference date 1 January 1985, publishing date May 1985) as still being in force.

It is precisely the frequency with which the Directive has been amended that has made it difficult to apply a consolidation procedure in the shape of a Commission proposal to the Council. The most recent Council Directive on feedingstuffs, dating from 29 November 1984 <sup>(2)</sup>, amends and consolidates the 1970 Directive: it incorporates the amendments proposed by the Commission <sup>(3)</sup> and, for the first time, consolidates the enacting terms by including the amendments made by the previous two Council Directives. The second paragraph of Article 7 (1) of the 1984 Directive introduced a provision which will allow the Commission to consolidate the Annexes to the Directive at regular intervals,

after having obtained the opinion of the Standing Committee for Feedingstuffs. In accordance with the procedure thus established, the Commission began work on consolidating the Directives, adjusting the contents of the Annexes to the 1970 Directive to take account of the growth of scientific and technical knowledge. The draft submitted to the Standing Committee for its opinion on 5 June 1985 was adopted by the Commission on 8 July.

4. What the Community needs is both observance of the existing rules and regulations and their adjustment to new requirements.

5. The institutions use not only the special consolidation procedure adopted by the Council (Ministers of Justice) in 1974, but also a direct procedure under which, as in the case referred to in point 2, previous amendments are incorporated into the enacting terms when a new amendment is made.

The special procedure was used, for example, in the case of the 59 Regulations concerning agriculture <sup>(4)</sup>.

The direct procedure involving recasting was used, for example, in the case of Council Regulation (EEC) No 2176/84 of 23 July 1984 on protection against dumped or subsidized imports from countries not members of the European Economic Community <sup>(5)</sup>.

In addition, coordinated versions, incorrectly called 'consolidated versions', are published in the 'C' series of the *Official Journal of the European Communities*, as was the case, for example, with the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters <sup>(6)</sup>.

6. The Commission reports to the Council at each meeting of the Ministers of Justice and, at least once a year, to the Council's Working Party on Legal Data Processing, notably on the use of data-processing methods to speed up the consolidation process. The Working Party on Legal Data Processing is made up of representatives of the Member States and representatives of the Community institutions, including Parliament.

The number of amendments made to each act is published annually in the Directory of Community legislation in force. Acts coordinated through publication in the 'C' series of the *Official Journal* are listed under code 'K'. It is evident from this that there has clearly not been sufficient consolidation. The Commission believes that the best way of making up the shortfall is not to produce more reports, which use up resources, but to use the available resources, and to obtain the necessary additional resources, to prepare more consolidation proposals.

<sup>(1)</sup> OJ No L 270, 14. 12. 1970, p. 1.

<sup>(2)</sup> OJ No L 319, 8. 12. 1984, p. 13.

<sup>(3)</sup> OJ No C 197, 18. 8. 1977, p. 9.

<sup>(4)</sup> OJ No L 281, 1. 11. 1975; OJ No L 282, 1. 11. 1975.

<sup>(5)</sup> OJ No L 201, 30. 7. 1984, p. 1.

<sup>(6)</sup> OJ No C 97, 11. 4. 1983, p. 2.

# WRITTEN QUESTION No 171/85

by Mr Andrew Pearce (ED - GB)

to the Commission of the European Communities

(19 April 1985)

(85/C 269/09)

*Subject:* Imprisonment of Colin Evans and Philip Hartlebury in Zimbabwe

Will the Commission investigate reports that Colin Evans and Philip Hartlebury are being detained in brutal conditions by the authorities of Zimbabwe in Chikarube prison, despite having been acquitted in a court of law?

Answer given by Mr Natali  
on behalf of the Commission

(5 August 1985)

The Commission attaches great importance to the human rights situation, particularly in countries with which it has regular, organized relations for cooperation purposes. It is especially mindful of the Third Lomé Convention texts, which refer to the mutual and positive link between promotion of respect of human dignity and development. However, it wishes to point out that it lies outside both the Commission's sphere of responsibility and its possibilities to investigate individual cases such as those to which the Honourable Member refers.

# WRITTEN QUESTION No 203/85

by Mr Luc Beyer de Ryke (L - B)

to the Commission of the European Communities

(23 April 1985)

(85/C 269/10)

*Subject:* Price of books - Court of Justice judgment - Commission's attitude

A major argument has blown up in France between the State and 'discount operators' (European pricing system applied by FNAC in particular) following the judgment handed down by the Court of Justice in Luxembourg on this matter.

What is the Commission's current attitude to the application of the principle of fixed prices for books in the Member States in the light of the Court's judgment?

Answer given by Mr Sutherland  
on behalf of the Commission

(29 July 1985)

In its judgment of 10 January 1985 concerning the French Law of 10 August 1981 whereby all retailers of books are

required to charge prices fixed by the publisher or the importer, the Court of Justice of the European Communities held that as Community law stands, this legislation is not contrary to the second paragraph of Article 5 of the EEC Treaty, in conjunction with Articles 3 (f) and 85. However, the Court held to be incompatible with Article 30 of the EEC Treaty certain provisions of the legislation requiring the selling price fixed by the publisher to be applied to books published in France and re-imported following exportation to another Member State, unless it is established that those books were exported for the sole purpose of re-importation in order to evade those provisions. The Court also ruled that the provisions of the Decree of 3 December 1981 whereby the importer responsible for carrying out the statutory requirement to deposit one copy of each book, that is to say the principal distributor, is responsible for fixing the retail price, are contrary to Article 30 of the EEC Treaty.

As the Commission stated in its answer to Written Question No 1869/84 by Mr Amadei, Mr Massari and Mr Moroni <sup>(1)</sup>, the Commission is studying, in the light of this judgment, the systems in operation in the Member States and the steps it could take in this field to encourage the distribution of books in accordance with the Community rules on competition and the free movement of goods.

In its programme for 1985, the Commission announced that it would be proposing a framework Directive on book pricing systems. It sent a communication on the creation of a Community framework system for book prices <sup>(2)</sup> to the Council meeting of Ministers responsible for cultural affairs held on 28 May, where broad consensus was achieved.

<sup>(1)</sup> OJ No C 228, 9. 9. 1985.

<sup>(2)</sup> Doc. COM(85) 258 final.

#### WRITTEN QUESTION No 206/85

by Mrs Ien van den Heuvel (S - NL)

to the Commission of the European Communities

(23 April 1985)

(85/C 269/11)

*Subject:* Proposal for a Directive on dismissal

Will the Commission indicate what stage has been reached in its preparations for a proposal for a Directive on dismissal?

When will the Commission submit this proposal for a Directive to the Council?

Can the Commission give assurances at this stage that sexual preference will be one of the inadmissible grounds for dismissal laid down in the proposal for a Directive?

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

(23 August 1985)

The Commission has no immediate plan to transmit a proposal for a Directive on individual dismissal to the Council.

#### WRITTEN QUESTION No 222/85

by Mr Ray Mac Sharry (RDE - IRL)

to the Commission of the European Communities

(23 April 1985)

(85/C 269/12)

*Subject:* Water supply in underdeveloped countries

In view of the fact that more than one thousand million people in the underdeveloped countries do not have reasonable access to a safe water supply, does the Commission think it appropriate to consider the proposals put forward at the Gorta World Food Day seminar in Dublin on 16 October, which stated that if all the local or regional authorities in Europe would subscribe a significant amount to a water network programme, millions of people could be supplied with water, sanitation and the capacity to dig a million wells?

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

(22 July 1985)

Water supply is undoubtedly a major problem in many developing countries, particularly since both public health and agricultural activity in those countries largely depend on the water situation.

The Commission is pleased to see regional and local government authorities in Europe taking an increasing interest in development cooperation and forging institutional links with comparable authorities in the developing world. As far as its resources permit it supports specific operations undertaken in this context.

However, it does not feel that the Honourable Member's proposal of an all-out water supply campaign in developing countries backed by European regional and local authorities is the right response to this enormous challenge, since the real issue is the developing countries' ability to construct and maintain the necessary installations themselves.

In programming and implementing aid operations the Community takes into consideration all applications submitted by developing countries for projects in this field.

**WRITTEN QUESTION No 244/85****by Mr Richard Cottrell (ED – GB)****to the Commission of the European Communities**

(23 April 1985)

(85/C 269/13)

*Subject: Trade in video tape recorders*

Will the Commission explain its precise philosophy over competition proposals concerning the trade within the Community in video tape recorders and hi-fi equipment? In the motor vehicle market, the Commission openly encourages parallel imports – and yet in the trade in video tape recorders, takes precisely the opposite view. It is extremely significant that two current proposals – involving the Saba and Grundig companies – emanate from Germany and involve the imposition on the rest of the Community of highly restrictive sales controls. Why is the Commission favouring such proposals within a so-called ‘common market’? How can this be reconciled with the statement on page 32 of the Commission programme for 1985: ‘It will rigorously apply the parallel imports doctrine and combat all cross border pricing and quota agreements’?

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

(22 July 1985)

In so far as the Honourable Member’s question concerns basic aspects of the application of competition law in this field, the Commission’s answer to his Written Question No 1964/84 <sup>(1)</sup> set out in detail the principles governing the application of the EEC competition rules to distribution agreements for video tape recorders and hi-fi equipment.

There is no contradiction between the Commission’s policies on selective distribution in the consumer electronics and car industries. In both, the Commission has taken a positive view of such systems having due regard to the fact that market conditions there are particularly competitive. The Saba and Grundig distribution systems, unlike those authorized for motor vehicles, are open systems in that all qualified dealers which meet certain standards in the presentation of the goods and which are prepared to provide for adequate customer service may not be refused membership.

Since Saba and Grundig each supply some 30 000 dealers in the EEC, it would be unrealistic to believe that they could apply generally restrictive sales controls. The Commission would also remind the Honourable Member of the continuing changes in the manufacturer-distributor relationship. If they ever could in the past, manufacturers can no longer dictate to a distributive trade which includes such powerful groups as Interfunk in the Federal Republic of

Germany, Fnac in France or Comet in the United Kingdom. Furthermore, the available studies show there is intense price competition in the consumer electronics market and retail prices allowing for inflation have been constantly falling <sup>(2)</sup>. Competition in the consumer electronics market is one of the main reasons for the disappearance of long established makes and the concentration and restructuring process which can be seen throughout the industry in Europe.

Distribution conditions for motor vehicles differ considerably from those for consumer electronics. Car dealers are usually brand exclusive distributors and have sales territories allotted to them. The number of distributors is therefore limited and the car manufacturers’ influence on their dealers considerably stronger than in most other sectors. The Commission in its new block exemption Regulation on motor vehicles distribution, therefore found it necessary to strengthen the position of consumers, for example by stating clearly their right to make use of intermediaries to assist in purchasing a new vehicle in another Member State <sup>(3)</sup>.

The Honourable Member’s question seems to suggest that selective distribution is a German peculiarity and that the Commission is effectively extending it to the rest of the EEC. Such a suggestion would be quite wrong. Selective distribution for technically complex, luxury or prestige products is common in all advanced industrial economies and is recognized by their laws. In France, for instance, courts and antitrust authorities have developed a position which comes very close to that under Community law.

Under the law of the United Kingdom, selective distribution is not regarded as an anticompetitive practice and against the public interest in itself. The few cases where the Monopolies and Mergers Commission has dealt with the question indicate that selective distribution agreements or refusals to supply are unlikely to be held as operating against the public interest where the supplier is not in a strong position on the market.

Equally, the Commission, when authorizing selective distribution agreements, has always considered the overall market position of a particular manufacturer. In the Saba and Grundig cases mentioned by the Honourable Member, given the amount of competition on the relevant market especially from third countries, the position of these two manufacturers is far from strong on a Community level.

The Commission would remind the Honourable Member of the need under EEC competition law to distinguish between the admissibility of a selective distribution system as such and an eventual abuse of it by the participants. The Commission has in the past combated, and will in the future continue to do so, all efforts aimed at separating EEC markets from each

other. In the industry under consideration, the Commission has amply demonstrated this intent particularly by decisions such as those against Pioneer <sup>(4)</sup> and AEG-Telefunken <sup>(5)</sup> in which substantial fines were inflicted for attempts to hinder parallel imports or to refuse supplies to high volume, price-competitive dealers.

<sup>(1)</sup> OJ No C 168, 8. 7. 1985.

<sup>(2)</sup> See for instance *The European Consumer Electronics Industry*, Mackintosh International Ltd, Luxembourg 1985, ISBN 92 825 5110 5.

<sup>(3)</sup> See Article 3, points 10 and 11, of Regulation (EEC) No 123/85 of 12 December 1984, OJ No L 15, 18. 1. 1985, p. 16.

<sup>(4)</sup> Decision of 14 December 1979, OJ No L 60, 5. 3. 1980, confirmed by the Court, Cases 100-103/80 [1983] ECR 1825.

<sup>(5)</sup> Decision of 6 January 1982, OJ No L 117, 30. 4. 1982, confirmed by the Court, Case 107/82 [1983] ECR 3151.

#### WRITTEN QUESTION No 249/85

by Mr Horst Seefeld (S-D)

to the Commission of the European Communities

(23 April 1985)

(85/C 269/14)

*Subject:* Subsidies for the car industry

Can the Commission indicate whether subsidies are being granted to the car industry in the countries of the European Community or whether such subsidies are under consideration and, if so,

1. by the Commission,
2. by which national governments?

Could the Commission also indicate the amounts involved in each case?

Answer given by Mr Sutherland  
on behalf of the Commission

(8 August 1985)

There exist no sectoral aid schemes in favour of the car industry in any Member State. State intervention in favour of this industry takes the form of either *ad hoc* measures or the

application of existing general and regional aid schemes. The Commission is therefore notified *a priori* (and, consequently, has detailed information) only of the *ad hoc* measures and of the significant cases of application of the approved general aid schemes.

Since 1981, the Commission has authorized the provision of State aids to the car industry in the two following Member States:

*United Kingdom:*

\$ 740 million for the restructuring programme of BL for the period 1981 to 1986.

Authorization provided in July 1981.

*Italy:*

Lit 1 816 billion of loans at reduced interest and Lit 40 billion of grants to Fiat and Alfa Romeo for investment projects situated in the Mezzogiorno leading to capacity reductions, or for R & D projects.

The legal bases for these aids were Laws 675/77 and 46/82. Authorizations were provided in November 1983 and July and December 1984.

With regard to State aid that Member States intend to provide to their car industries, the Commission was informed of capital injections and loans at reduced interest that the French Government intends for its car industry.

The Commission has already requested the notification of these measures on the basis of Article 93 (3) EEC.

As regards the provision of Community funds to the car industry, the tables attached as Annexes I and II show Community grants and Community loans respectively provided to the industry in question in the period 1981 to 1984. It should be noted, however, that not all of these provisions of Community funds contain aid elements.

As there is no specific Community fund exclusively available to the car industry, the Commission is not in a position to inform the Honourable Member of Community finance that will be provided to the car industry in the future.

The amounts of Community finance that will be made available to this industry, through the traditional means (i.e. ERDF, EIB, etc.), will be determined after the reception of the individual applications that will be submitted in the future.

## ANNEX I

Loans to the automobile sector 1981 to 1984 <sup>(1)</sup>

		B	DK	D	GR	F	IRL	IT	LUX	NL	UK	Total
ECSC grants (interest rebates on loans)	1981	—	—	—	—	—	—	—	—	—	—	—
	1982	—	—	306 000	—	247 500	—	—	190 000	—	495 000	1 238,5
	1983	—	—	753 620	—	—	—	94 000	—	—	287 940	1 135,5
	1984	—	—	6 787 270	—	—	—	130 000	—	—	—	6 917,2
ERDF grants	1981	—	—	3 607 551	—	8 865 093	777 261	1 316 815	—	—	—	14 566,7
	1982	—	40 583	932 791	—	730 347	316 150	11 099 921	—	800 493	1 100 040	15 020,3
	1983	208 013	—	2 260 426	475 129	475 297	918 470	4 438 256	—	—	1 556 597	10 332,1
	1984	—	240 033	11 688 690	1 101 887	2 788 408	—	10 523 228	—	—	3 301 482	29 943,7
Energy grants	1981	—	50 655	—	—	—	347 890	375 445	—	—	—	773,9
	1982	—	—	—	—	959 110	—	—	—	—	36 900	996,0
	1983	—	—	—	—	—	—	—	—	—	354 264	354,2
	1984	—	—	—	—	—	—	—	—	—	170 387	170,3
Interest rebates — earthquakes	1983	—	—	—	—	—	—	205 278	—	—	—	205,2
	1984	—	—	—	—	—	—	235 563	—	—	—	235,5
Total		208 013	331 271	26 336 348	1 577 016	14 065 755	2 359 771	28 418 506	190 000	800 493	7 602 620	81 889,7

<sup>(1)</sup> Figures concern commitments made.

## ANNEX II

## Loans to the automobile sector 1981 to 1984

		B	DK	D	GR	F	IRL	IT	LUX	NL	UK	Total
ECSC reconver- sion loans	1981	—	—	—	—	—	—	—	—	—	1 059 091	1 059 091
	1982	—	—	2 178 374	—	3 066 426	—	—	1 874 484	—	3 600 000	10 719 284
	1983	—	—	3 749 999	—	—	—	1 871 831	—	—	1 844 828	7 466 658
	1984	—	—	21 724 717	—	—	—	1 325 377	—	—	—	23 050 094
EIB loans	1981	—	—	—	—	—	—	11 600 000	—	—	—	11 600 000
	1982	—	—	—	—	—	—	69 000 000	—	—	—	69 000 000
	1983	—	—	—	—	—	—	150 500 000 <sup>(1)</sup>	—	—	—	150 500 000
	1984	—	—	—	—	—	—	217 900 000	—	—	—	217 900 000
NCI loans	1981	—	—	—	—	—	—	—	—	—	—	—
	1982	—	—	—	—	—	—	5 400 000	—	—	—	5 400 000
	1983	—	—	—	—	—	—	—	—	—	—	—
	1984	—	—	—	—	—	—	—	—	—	—	—
Total		—	—	27 653 090	—	3 066 426	—	457 597 208	1 874 484	—	6 503 919	496 695 127

— The accounts refer to contracts signed;

— figures do not include sub-loans for the automobile sector from EIB and NCI global loans;

— the conversion rate of the ECU, as regards EIB and NCI loans, is that of the last working day of quarter before signature of the loan.

<sup>(1)</sup> Includes a loan of 14 600 000 ECU granted with a 3 % interest rate rebate on Community budget under the Community reconstruction facility in favour of earthquake-stricken areas.

**WRITTEN QUESTION No 278/85****by Mr Andrew Pearce (ED - GB)****to the Commission of the European Communities***(29 April 1985)**(85/C 269/15)**Subject: VAT - revenue of Member States*

What is the percentage of the total tax revenue of the government of each Member State which is produced by value added tax?

**Answer given by Lord Cockfield  
on behalf of the Commission**

*(16 July 1985)*

In 1982 - the latest year for which figures are available - VAT accounted for the following proportions of tax revenue and of revenue from taxes and social security contributions combined:

23,12 % and 16,35 % in Belgium;

23,04 % in Denmark;

25,55 % and 15,56 % in the Federal Republic of Germany;

36,90 % and 21,04 % in France;

22,58 % and 19,03 % in Ireland;

21,80 % and 14,14 % in Italy;

17,59 % and 12,60 % in Luxembourg;

25,68 % and 14,74 % in the Netherlands;

16,02 % and 13,20 % in the United Kingdom.

**WRITTEN QUESTION No 293/85****by Mr Florus Wijsenbeck (L - NL)****to the Commission of the European Communities***(29 April 1985)**(85/C 269/16)**Subject: Government aids*

Now that its decision on the aid granted by the Noordelijke Ontwikkelingsmaatschappij (Northern Development Company) to the Leeuwarder Papierfabriek has been overruled (Judgment 318/82 of the Court of Justice of the European Communities of 13 March 1985) on formal grounds, does the Commission intend to take a new decision?

Can the Commission say whether it considers that the granting of aid by the Member States through holding companies, which may well have the effect of distorting competition, has been placed in a new light as a result of the above judgment?

If so, does the Commission not consider that it would be expedient to submit proposals for general measures in this area to the Council?

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

*(26 July 1985)*

The Commission does not intend to take a new decision on the aid granted to LPF in the form of an injection of capital in 1980, among other things because the Netherlands Government has informed the Commission that the Noordelijke Ontwikkelingsmaatschappij sold its stake in the Leeuwarder Papierfabriek (LPF) to a third company in 1984.

Although annulling the Commission's decision of 22 July 1982, the Court of Justice did not contest the Commission's opinion that this injection of capital was a State aid, given the financial structure of LPF, its urgent need for replacement investments and the overcapacity in the sector.

The Commission will continue to pursue its policy according to which capital injections funded by public authorities or public enterprises may constitute State aids. The general guidelines of this policy were communicated to all Member States on 17 September 1984, and published in the Monthly Bulletin of the European Communities of September 1984.

**WRITTEN QUESTION No 336/85****by Mr Terence Pitt (S - GB)****to the Commission of the European Communities***(4 May 1985)**(85/C 269/17)**Subject: Consumer influence on the farm price review*

In view of the importance of 'reasonable prices to consumers' for food as laid down in Article 39 of the Treaty, how was the Commissioner responsible for consumer protection involved in the drawing up of the farm price proposals for 1985/86 before they were finally approved by the Commission?

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

*(12 August 1985)*

The decisions concerning the agricultural price proposals are, like all Commission decisions, adopted on a collegiate basis.

The Commission's farm price proposals are put forward annually, for the following marketing year, in the light of the common agricultural policy's objectives, set out in Article 39 of the EEC Treaty, one of those objectives being 'to ensure that supplies reach consumers at reasonable prices'. In this

respect it should be pointed out that the 1985/86 price proposals will have little effect, if any, on the cost of living in the Community.

# **WRITTEN QUESTION No 349/85**

by Mr Karl von Wogau (PPE - D)

to the Commission of the European Communities

(4 May 1985)

(85/C 269/18)

*Subject:* Mutual recognition of veterinary certificates

1. Is the Commission aware that the lack of mutual recognition of veterinary certificates creates serious barriers to intra-Community trade which sometimes makes it impossible for imports from third countries to be forwarded on to other Member States?

2. What does the Commission intend to do to establish free movement of goods in this sector?

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

(12 August 1985)

1. A distinction must be made in the veterinary sector between those products for which harmonized Community rules have been introduced and those to which national rules still apply within the framework of the general provisions of the Treaty.

Community Directives on the harmonization of veterinary provisions cover intra-Community trade in cattle and pigs, meat of cattle, pigs, sheep, goats and domestic solipeds, poultrymeat and meat-based products, and likewise imports from third countries of cattle and pigs and of meat of cattle, pigs, sheep, goats and domestic solipeds. In these areas there is no longer any problem of mutual recognition of veterinary certificates, since Community certificates attesting that the requirements of the Directives in question have been met are used.

Intra-Community trade in products to which specific Community veterinary rules do not yet apply is covered by Article 3 (1) of Council Directive 83/643/EEC of 1 December 1983 on the facilitation of physical inspection and administrative formalities in respect of the carriage of goods between Member States <sup>(1)</sup>. This states that 'for the purposes of implementing this Directive and without prejudice to the possibility of carrying out spot checks, the importing Member States or the Member States through

which the goods are passing in transit shall recognize the inspections carried out and the documents drawn up by the competent authorities of another Member State which show that the goods comply with the requirements of the Member State of import or transit.' Thus, as far as veterinary matters are concerned, present difficulties arise from the differing public and animal health protection requirements of the Member States.

2. The Commission has always been concerned to eliminate barriers to trade in order to secure free movement of goods. It acts in two ways towards this end.

Firstly it submits to the Council suitable proposals for Community harmonization of national public and animal health requirements. In this connection the Honourable Member should refer to the Council resolution of 10 May 1984 establishing a programme of work in the field of the harmonization of veterinary, plant health and animal feedingstuffs legislation <sup>(2)</sup>, and to the Commission's recent white paper on completion of the internal market <sup>(3)</sup>, which sets out in detail the measures to be adopted to secure removal of all frontier controls by 1992.

Secondly, under Article 155 of the EEC Treaty the Commission is responsible for ensuring the application of Community law. National provisions must conform with the requirements of Articles 30 to 36 of the EEC Treaty, and this means that veterinary certification requirements must not be excessive. The Commission makes all possible use of its powers under the Treaty in order to put a stop to any breach of this principle.

<sup>(1)</sup> OJ No L 359, 22. 12. 1983.

<sup>(2)</sup> OJ No C 134, 22. 5. 1984, p. 1.

<sup>(3)</sup> Doc. COM(85) 310 final, 14. 6. 1985.

# **WRITTEN QUESTION No 360/85**

by Mrs Eileen Lemass (RDE - IRL)

to the Commission of the European Communities

(8 May 1985)

(85/C 269/19)

*Subject:* Drug addicts receiving treatment

In 1982, the latest year for which figures are available, 223 people were admitted to psychiatric hospitals in Ireland for drug dependence, while 1 454 patients with drug-related problems were treated on an out-patient basis at the Drug Advisory and Treatment Centre in Jarvis Street, Dublin.



Can the Commission provide information for each of the other Member States on the number of people admitted to psychiatric hospitals for drug dependence from 1982 to 1984 as well as information on the number of patients who were treated for drug-related problems on an out-patient basis from 1982 to 1984?

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

(12 August 1985)

The Commission does not have information relating to the numbers of hospital admissions and out-patient attendances of drug addicts in Member States.

It is to be regretted that the data on drug abuse are very incomplete, unreliable and frequently out of date. What information is available suggests a rapid increase over recent years in the use of illicit drugs and numbers of addicts throughout the Community.

References to the lack of adequate information for planning and monitoring purposes was made in the communication to the Council on cooperation at Community level on health related problems <sup>(1)</sup>, and the need to improve cooperation on information activities was identified again in the report of the *ad hoc* Committee on a People's Europe.

The Commission considers that the collection of such relevant epidemiological data would constitute a useful first step in the development of a Community policy on the drug problem and this is currently a matter of continuing discussion within the Commission services and at the level of the Council.

<sup>(1)</sup> Doc. COM(84) 502 final.

# WRITTEN QUESTION No 375/85

by Mr Richard Cottrell (ED - GB)

to the Commission of the European Communities

(8 May 1985)

(85/C 269/20)

*Subject:* Effect of Spanish and Portuguese accession on the purchase of nuts and raisins from non-Community countries

Can the Commission indicate the likely effect of the accession of Spain and Portugal on Member States who are presently supplied with nuts and raisins by non-Community countries. Will industrial processors in Member States be obliged, in future, to purchase these products from Spain and Portugal?

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

(12 August 1985)

The main effect which Spanish and Portuguese accession will have on the present Community's imports of nuts and dried grapes will be the dismantling of the customs duties currently applicable to products originating in the two new Member States. This dismantling of tariffs will take place gradually over a period of not more than 10 years, beginning on the date of accession.

In the course of the accession negotiations, no commitment was entered into which would oblige processors in the present Member States to purchase all or part of Spanish or Portuguese production. However, once Spanish and Portuguese products are covered by the common agricultural policy, they will automatically qualify for 'Community preference'.

For further information, the following table shows the Community's imports of the products concerned.

Imports into the EEC - '10'

(Tonnes)

Product and origin	1980	1981	1982	1983
<i>Dried grapes</i>				
Total imports	139 353	137 852	149 606	136 226
of which: — Spain	388	266	182	167
— Portugal	—	—	—	—
— other non-member countries	138 965	137 586	149 424	136 059
<i>Nuts, in shell</i>				
Total imports	28 280	36 766	29 652	23 914
of which: — Spain	25	—	8	27
— Portugal	—	36	—	—
— other non-member countries	28 255	36 730	29 644	23 887
<i>Nuts, shelled</i>				
Total imports	3 357	4 084	4 334	3 565
of which: — Spain	—	—	—	—
— Portugal	—	—	—	—
— other non-member countries	3 357	4 084	4 334	3 565

**WRITTEN QUESTION No 432/85****by Mrs Vera Squarcialupi (COM - I)****to the Commission of the European Communities**

(9 May 1985)

(85/C 269/21)

*Subject:* Need for benzoyl peroxide to be clearly labelled

The Italian Ministry of Health has prohibited the use of benzoyl peroxide in cosmetics for acne sufferers.

Nevertheless, this substance is on unrestricted sale in chemists' shops as a component of disinfectant cosmetics and, moreover, in much higher concentrations than the 2 % maximum recently laid down by the EEC Scientific Committee on Cosmetology.

This deception of the consumer is, however, perfectly legal, since the decree prohibits the use of benzoyl peroxide in cosmetics but not in medical/surgical preparations, an anomalous category of medicaments under which many straightforward cosmetics are registered solely to enable them to be sold in chemists' shops.

Would it not be appropriate to lay down at Community level a fixed maximum concentration for benzoyl peroxide which would appear compulsorily on any label, whether the products were intended for sale in chemists' shops or in perfumeries?

**Answer given by Mr Clinton Davis  
on behalf of the Commission**

(22 August 1985)

In an opinion delivered on 29 November 1983 <sup>(1)</sup>, the Scientific Committee on Cosmetology approved the use of benzoyl peroxide in cosmetics up to a maximum concentration of 3 % in the finished product, subject to the appearance of certain warnings on the labelling.

In the light of that opinion, the Commission, in conjunction with the Member States, is currently examining what action should be taken at Community level pursuant to the provisions of Directive 76/768/EEC <sup>(2)</sup> relating to cosmetic products.

<sup>(1)</sup> EUR report, to be published.

<sup>(2)</sup> OJ No L 262, 27. 9. 1976, p. 169.

**WRITTEN QUESTION No 448/85****by Mrs Else Hammerich (ARC - DK)****to the Commission of the European Communities**

(9 May 1985)

(85/C 269/22)

*Subject:* State monopolies

In paragraph 1.2.4 of its programme, the Commission

mentions new measures *vis-à-vis* State monopolies in such sectors as telecommunications.

Which measures is it alluding to?

Which State monopolies in Denmark could be involved?

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

(26 July 1985)

The Commission has undertaken an examination of the application of the telecommunications monopolies in the Member States to customer premises equipment.

The application by national telecommunications administrations of exclusive import rights is as such discriminatory and thus incompatible with Community law. Moreover, exclusive marketing rights held by national telecommunications administrations for imported products such as cordless telephones, modems, PBX, telex and fax terminals are liable to be contrary to the EEC Treaty and more particularly to Article 37 in so far as they lead to discrimination regarding the conditions under which goods are procured and marketed. This is the case when exclusive rights prevent users from choosing between devices offered by several suppliers and deny suppliers access to a market. A separate issue is how to ensure that products meet technical requirements, assuming that the latter are in themselves compatible with Community law.

As far as Denmark is concerned, the Commission intends to investigate more particularly the marketing rights held by P & T for modems and telex terminals.

**WRITTEN QUESTION No 479/85****by Mr Giovanni Moroni, Mr Renato Massari, Mr Giuseppe Amadei and Mr Vincenzo Mattina (S - I)****to the Commission of the European Communities**

(20 May 1985)

(85/C 269/23)

*Subject:* Community rules on the inclusion of suppressors in the manufacture of radio and television equipment

It is well known that CB radio can cause interference to radio and television reception.

- (a) Do any of the Member States have legislation requiring manufacturers of radio and television equipment to fit such equipment with suppressors?
- (b) Does the Commission not think that it could promote harmonization of such legislation in order to foster freedom of movement and freedom of expression for CB users?

**Answer given by Lord Cockfield  
on behalf of the Commission**

(2 August 1985)

The Commission is not aware of any national legislation requiring the manufacturers of radio and television receivers to fit such equipment with devices to prevent interference from CB radio.

In the Commission's view, the most effective way to reduce this type of interference is for CB users to operate transmitters complying with the technical specifications drawn up and adopted by the CEPT.

It would remind the Honourable Members that radio interference is one of the priority areas in which it intends to initiate harmonization activities.

It would also draw the Honourable Members' attention to page 18 *et seq.* of the Commission's communication to Parliament and to the Council of 31 January 1985, entitled 'Technical harmonization and standards: a new approach' <sup>(1)</sup>. The Commission regrets that it has not yet received any response from Parliament to this document, which was adopted by the Council in its resolution of 7 May 1985 <sup>(2)</sup>.

<sup>(1)</sup> Doc. COM(85) 19 final.

<sup>(2)</sup> OJ No C 136, 4. 6. 1985.

**WRITTEN QUESTION No 493/85**

**by Mr Ernest Mühlen (PPE - L)**

**to the Commission of the European Communities**

(20 May 1985)

(85/C 269/24)

**Subject:** Creation of a network of subcontracting exchanges for SMUs in border areas

1. Some years ago, the Commission created what was then called a 'marriage bureau' or 'business cooperation centre' to encourage undertakings, especially small and medium-sized undertakings to adapt their structures to the dimensions and constraints of the common market. What has been the outcome of the Commission's activities in this area?

2. What initiative has it taken as regards creating subcontracting exchanges for the specific purpose of integrating SMUs in border areas?

3. Does it not think that initiatives such as those mentioned in paragraph 2 should be taken on a larger scale especially in the interest of SMUs located in the transnational

industrial triangle Saarland-Lorraine-Luxembourg in order to further their cross-border integration?

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

(24 July 1985)

1. Annex II to the latest report on the Business Cooperation Centre (BCC) <sup>(1)</sup> provides statistics illustrating how the BCC's activities developed over the period 1973 to 1979 and in 1980, 1981, 1982 and 1983.

Like its predecessors, this report shows the volume of activity handled by the BCC and breaks down the requests for information received and the offers circulated by year, country and sector of activity (i.e. industry, commerce, transport and services) <sup>(2)</sup>.

2. On the specific question of setting up a network of subcontracting exchanges in border areas, paragraph 5 of the third Commission report on the BCC's activities states that 'a comparison of methods and nomenclatures used could lead to increased cooperation between the existing markets, especially in border regions' <sup>(3)</sup>.

Thereafter, in 1976, the Commission asked the BCC 'to undertake certain tasks in connection with subcontracting, and in particular set up coordination between national or regional centres engaged in promoting subcontracting' (paragraph 5 of the fourth report) <sup>(4)</sup>.

Following this decision, the existing subcontracting exchanges adopted two nine-language volumes of terminology, one for the metal sector, the other for the plastics and rubber industry, both of them compiled by a group of experts working under the auspices of the BCC and designed to make the subcontracting market more transparent.

Also, in an attempt to strike a better balance between small firms and large undertakings, measures are to be taken, on the initiative of the BCC to harmonize subcontracting contracts (see paragraph 26 of the Commission communication to the Council on a Community policy with regard to small and medium-sized enterprises and craft industry) <sup>(5)</sup>.

3. As regards the Saarland-Lorraine-Luxembourg transnational industrial triangle, it is worth noting that a 22-member Liaison Committee of Transfrontier Chambers of Commerce and Industry in Europe was set up in the wake of the seminar on SMEs and transfrontier cooperation in Europe held by the Commission in Brussels on 27 and 28 October 1983 to mark the European Year of Small and Medium-sized Enterprises and Craft Industry. This Liaison Committee deals with matters of concern to the Saarland-Lorraine-Luxembourg transnational industrial triangle, amongst other things.

The BCC represents the Commission as an observer on the Liaison Committee, which adopted its rules of procedure on 13 September 1984.

- (<sup>1</sup>) Eighth report: Doc. COM(84) 169 final, 28. 3. 1984, forwarded to Parliament on 4 April 1984.
- (<sup>2</sup>) See Commission answer to Written Question No 350/84 by Mr P. B. Cousté, OJ No C 225, 27. 8. 1984.
- (<sup>3</sup>) Doc. COM(75) 694, 23. 12. 1975, forwarded to Parliament on 21 January 1976.
- (<sup>4</sup>) Doc. COM(77) 277 final, 28. 7. 1977, forwarded to Parliament on 12 September 1977.
- (<sup>5</sup>) Doc. COM(84) 263 final, 22. 5. 1984.

#### WRITTEN QUESTION No 496/85

by Mr Michel Debatisse (PPE - F)  
to the Commission of the European Communities  
(20 May 1985)  
(85/C 269/25)

*Subject:* Community measures for farmers because of the effects of the extreme cold

1. The exceptional weather in January 1985 was socially, economically and financially very harmful to farming in many regions of the Community, particularly in the horticultural, nursery and market garden sectors.

Does the Commission intend to take stock of the effects of the extreme cold throughout the Community?

2. In certain circumstances there is no entitlement to compensation for the damage caused by the extreme cold and the compensation provided by the agricultural disaster funds is inadequate given the scale of the damage caused. Moreover, the extreme cold has occurred at a time when agriculture is confronted with a particularly restrictive Council of Ministers' policy as regards prices and agricultural markets.

In the circumstances and given the exceptional weather, does the Commission intend to propose special measures on behalf of the farmers concerned in the near future?

Answer given by Mr Andriessen  
on behalf of the Commission  
(2 August 1985)

1. In view of the scale of the spell of extreme frost referred to by the Honourable Member and the problems of making a complete assessment of its impact on the various sectors of agriculture in many Community regions, the Commission is unable at this time to draw up a survey of the effects throughout the Community.

2. The Commission appreciates that the cold spell and the losses it may have caused to agricultural producers have

aroused strong reactions. It believes that the local and regional as well as national authorities have taken or will be taking appropriate action to help those within their jurisdiction.

The Commission feels it should point out to Parliament that the Community is not well provided to make a contribution towards remedying this kind of damage and that the present budget position is particularly unpromising when it comes to opening up the possibility of Community assistance.

The bad weather cited in the question was a seasonal effect of the climate which affected the whole Community for an indeterminate length of time and on a large scale. The action which the Honourable Member would like to see taken would go far beyond the scope and intention of Article 690 of the budget, which is designed to provide emergency aid to victims of natural disasters in the Community.

The figure allocated to Article 690 in 1985 is 2 750 000 ECU, which constitutes a reduction from last year (4 000 000 ECU in 1984). This level of funds allows no more than a symbolic gesture of Community solidarity in the event of those natural calamities which could not have been foreseen and of which the effects are localized and readily defined.

In the light of the above, the Commission is unfortunately not in a position to commit itself to putting forward a specific scheme to assist agricultural producers. It hopes that the Members States will assume their responsibility adequately in this area.

#### WRITTEN QUESTION No 499/85

by Mr Ib Christensen (ARC - DK)  
to the Commission of the European Communities  
(20 May 1985)  
(85/C 269/26)

*Subject:* Unemployment: EEC-EFTA

At the meeting of 26 and 27 March 1985 between delegations from the European Parliament and EFTA's parliamentary committee, EFTA representatives called for an investigation of and debate on the reasons for unemployment which is twice as high in the EEC as in EFTA.

Will the Commission take any initiative in this connection?

Answer given by Mr Pfeiffer  
on behalf of the Commission  
(9 August 1985)

In its ongoing analysis of labour market development, the Commission continuously reviews development in

employment and unemployment of third countries and especially other international groupings such as the OECD, EFTA and ILO. In this context, the Commission services maintain regular contacts with the administrations of many of these countries and with the secretariats of the international organizations. As a result, it follows other analytical work which is being carried out in this area.

As part of its own work on the problem of unemployment, the Commission has recently funded an international conference on 'The Causes of Unemployment', which was designed to throw some light on the underlying factors which may determine differences between countries in unemployment trends.

More specifically, discussions have started between experts of the Commission and members of the Economic Committee of EFTA on unemployment and job creation. Conclusions reached at their April meeting were brought to the attention of EFTA Ministers and Commission Members at the beginning of May.

#### WRITTEN QUESTION No 515/85

by Mr Karl von Wogau (PPE - D)

to the Commission of the European Communities

(24 May 1985)

(85/C 269/27)

*Subject:* Formalities in intra-Community trade in fruit and vegetables

1. Is the Commission aware of the large number of forms and other documentation which a Dutch exporter of fruit and vegetables, for instance, must submit in order to deliver a normal lorry-load (e.g. potatoes, tomatoes, lettuce, apples, pears, grapes and flowers,) to a customer in another Member State:

- (a) one statistical document;
- (b) a special export registration form for potatoes;
- (c) separate quality control certificates for:
  - Dutch produce,
  - potatoes,
  - goods imported from third countries, for instance grapes from the southern hemisphere;
- (d) separate plant protection certificates for:
  - apples and pears from Holland,
  - apples and pears from third countries,
  - flowers,
  - grapes,
  - potatoes;
- (e) a certificate of origin for imported goods in some cases;

(f) invoices or delivery notes stating the conditions of sale, and above all, where VAT is to be levied (in the country of origin or country of destination).

2. Does the Commission agree that it is incompatible with the objective of an open European internal market if the movement of goods within the Community is subjected to exactly the same number of formalities as exports to third countries?

3. What measures does the Commission consider appropriate to eliminate the work necessitated by these formalities both for trade and administration?

**Answer given by Lord Cockfield  
on behalf of the Commission**

(14 August 1985)

1. As the Commission has pointed out in its White Paper on completing the internal market <sup>(1)</sup>, so long as the underlying causes which give rise to them have not been removed, various formalities will continue to hamper trade between Member States. So far as the documents listed by the Honourable Member are concerned, the Commission would make the following observations:

- (a) The White Paper envisages ending the collection of statistics at the time of export and, indeed, of import. The single administrative document for use in trade in goods within the Community established by Council Regulations (EEC) No 678/85 and (EEC) No 679/85 <sup>(2)</sup> will, among other things, meet all statistical needs, from 1 January 1988.
- (b) The market for potatoes has not been organized under the common agricultural policy; the document in question results from an international producers' agreement concluded under the auspices of the OECD, covering also countries outside the Community, and might be held to facilitate the marketing of potatoes in so far as it enables common rules and standards to be applied and mutually recognized.
- (c) Quality control measures are unrelated to the export of the goods and apply to numerous fruits and vegetables both on domestic and export markets.
- (d) Plant-health certificates are required by Community law with the aim, in principle, of making phytosanitary inspections on import into another Member State unnecessary and therefore of avoiding undue delay in the movement of consignments. Moreover, the White Paper envisages greater harmonization and simplification in this sphere.
- (e) Origin certificates may be required in intra-Community trade only in a few very exceptional cases — e.g. for the implementation of measures taken under Article 115 of the EEC Treaty — and such cases are always subject to strict supervision by the Commission, which has no intention of allowing unjustified interference with free movement of goods.

- (f) The assessment of VAT depends on the availability of commercial documents, which are part of any trader's normal accounts, whether the transaction takes place within a Member State or across internal Community borders.

2. In the preamble to Regulation (EEC) No 678/85 it is clearly stated that a situation in which the formalities in intra-Community trade are virtually identical to those in trade with third countries is unjustified and incompatible with the Treaty. The Commission stands by this judgement, which is the basis of its present action to complete the internal market by 1992.

3. The Commission's general approach and detailed plans in this area are clearly set out in the White Paper.

(<sup>1</sup>) Doc. COM(85) 310 final.

(<sup>2</sup>) OJ No L 79, 21. 3. 1985.

#### WRITTEN QUESTION No 533/85

by Mr Jaak Vandemeulebroucke (ARC - B)  
to the Commission of the European Communities  
(24 May 1985)  
(85/C 269/28)

*Subject:* Payment of royalties on copies of cassettes for the blind

It appears that royalties are payable in some Member States when, for example, libraries for the blind make copies of cassettes for their members. Other Member States take a more flexible approach to this matter.

1. Can the Commission indicate what the exact situation is in each Member State?
2. Does not the Commission consider it necessary to frame proposals laying down uniform provisions in this area and, if possible, abolishing entirely the payment of royalties on cassettes for the blind?

Answer given by Lord Cockfield  
on behalf of the Commission  
(14 August 1985)

All Member States are bound by the general principle laid down in Article 9 (1) of the Berne Convention according to which authors of literary and artistic works shall have the exclusive right of authorizing the reproduction of these works, in any manner or form. According to Article 9 (2) of

the Convention, however, it is a matter for legislation in the contracting States to permit the reproduction of such works in special cases provided that such reproduction does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

One Member State (Denmark) has made use of this derogation from the general principle to permit literary works to be reproduced in braille without previous authorization. However, copies designed for sale are subject to normal royalty payments. Furthermore, the same State provides that the non-commercial reproduction on audio tape of literary works, and literary works only, is permissible for their use in libraries for the blind, though subject to royalty payments.

The Commission is not aware that specific exemptions in favour of the blind have been made in the copyright laws of other Member States.

The Commission does not consider that a complete exemption from the payment of royalties in respect of sound recordings made for the blind could be justified. Less sweeping exemptions, within the framework of the Berne Convention, seem to be preferable. The Commission is further of the opinion that this matter is at present best settled at national level given the need to take fully into account the different national rules and institutions concerned with the welfare of blind persons.

#### WRITTEN QUESTION No 538/85

by Mr Jean Mouchel (RDE - F)  
to the Commission of the European Communities  
(24 May 1985)  
(85/C 269/29)

*Subject:* Reduction in payment periods which penalize farmers

Quite apart from the restrictive prices policy pursued by the Council of Ministers, the prices received by farmers are moving further and further away from the prices decided on, thanks to the restrictive administration of agricultural markets by the Commission of the European Communities.

In particular, the Commission has increased the periods for intervention payments to 120 days in the case of beef and veal (as from 13 January 1984), cereals (as from 6 January 1984) and dairy products (as from 27 January 1984).

Will the Commission take steps without delay to reduce these payment periods, which, under present circumstances, put a burden on production prices and put up the costs borne by the undertakings concerned?

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

(14 August 1985)

At the beginning of 1984, the Commission took the view that the use of intervention had become too attractive for many products in some regions of the Community. Measures were taken to equalize the attractiveness of intervention by setting a standard delay (between 120 and 140 days) for the payment for goods bought into intervention. The Commission does not have in mind a general adjustment of the system of payment for goods purchased into intervention.

The Commission recently reconsidered this decision and has temporarily adjusted the minimum delay for payment for butter bought into intervention to 90 days <sup>(1)</sup>.

This decision was justified because the adjustment of the fat/protein ratio (of the main components of liquid milk) adopted by the Council <sup>(2)</sup> might otherwise have disrupted the butter market.

<sup>(1)</sup> OJ No L 168, 28. 6. 1985.

<sup>(2)</sup> OJ No L 137, 27. 5. 1985.

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

(14 August 1985)

In a number of communications to the Council, notably those of 23 June 1982 <sup>(1)</sup> and 28 March 1984 <sup>(2)</sup>, which followed the exploratory talks held by the Commission with non-member Mediterranean countries, the Commission proposed guidelines and measures designed, *inter alia*, to prevent negative developments in relations between the Community and these countries, including Tunisia. On 17 July the Commission presented to the Council concrete proposals with a view to opening negotiations with the Mediterranean partner countries <sup>(3)</sup>. These proposals are a response to the Council's statement of 29 March on the Mediterranean policy of the enlarged Community.

With regard to the specific problems of Tunisia referred to by the Honourable Member, the Commission has proposed measures aimed at maintaining Tunisia's – and the other Mediterranean countries' – traditional exports after enlargement. In the case of olive oil, the Commission believes that the measures should succeed in ensuring that the quantities traditionally exported by Tunisia find an outlet on the Community market. As regards wine, the Community has proposed adjustments to the treatment applied at the frontier for both quality wines and wine in bulk that should allay Tunisia's concern.

<sup>(1)</sup> Doc. COM(82) 353 final.

<sup>(2)</sup> Doc. COM(84) 107 final.

<sup>(3)</sup> Doc. COM(85) 405 final.

**WRITTEN QUESTION No 540/85**

**by Mr Luc Beyer de Ryke (L – B)**

**to the Commission of the European Communities**

(24 May 1985)

(85/C 269/30)

**Subject:** Enlargement of the EEC to include Spain and Portugal. Position of Tunisia

The enlargement of the Community to 12 members will have its effect on the development of trade relations with other countries.

Tunisia will benefit from an association agreement signed in 1976 and enjoy exemptions from Community rules on oil and wine.

These are Tunisia's two major agricultural export products. Tunisia is asking the Community to import a guaranteed-price quota of 50 000 tonnes of olive oil and a quota of 200 000 to 300 000 hectolitres of wine in bulk.

Can the Commission meet these requirements, given the agreements with the new partners from 1 January 1986?

**WRITTEN QUESTION No 542/85**

**by Mr Luc Beyer de Ryke (L – B)**

**to the Commission of the European Communities**

(24 May 1985)

(85/C 269/31)

**Subject:** Marketing of the pharmaceutical product 'Tanderil'

The Swiss Ciba-Geigy group has announced that it is to resume world-wide sales of an anti-inflammatory preparation, Tanderil.

It has done the same for another preparation, phenylbutazone.

What steps will the Commission take in the future to prevent preparations manifestly harmful to health remaining in circulation in the Member States for more than 23 years?

**Answer given by Lord Cockfield  
on behalf of the Commission**

(14 August 1985)

In accordance with Community pharmaceutical legislation <sup>(1)</sup>, a medicinal product may be allowed to remain on the market only if the potential risks are outweighed by its therapeutic value. The Member States are responsible for making this scientific assessment.

For many years it has been known that in rare cases phenylbutazone (Butazolidone®) and oxyphenbutazone (Tanderil®) may cause serious side effects. Following the publication of certain new evidence, the continued use of these two drugs was reviewed by the Member States and by the regulatory agencies of many third countries during the winter of 1983-84. Discussions at Community level also took place within the Committee for Proprietary Medicinal Products, created by Article 8 of Council Directive 75/319/EEC <sup>(2)</sup>. At that time, the majority of Member States considered that phenylbutazone and oxyphenbutazone should remain on the market for short-term use in a limited range of severe rheumatic diseases. Only the United Kingdom dissented from this view by withdrawing one of the two products, oxyphenbutazone, from the market, except for its use as an eye ointment.

The position of the majority of the Member States was also shared by the majority of regulatory agencies in third countries. For example, in the United States a review of the continued use of the two drugs concluded that the risks associated with them were acceptable in the light of their benefits as the treatment of choice for some forms of arthritis. In fact, so far as the Commission is aware, of the developed countries only Norway and Sweden withdrew both products from the market while Israel withdrew oxyphenbutazone alone.

It would therefore appear that the Honourable Member's assessment of these two products is not shared by the majority of drug regulatory authorities.

In April 1985, Ciba Geigy announced that it was withdrawing systemic forms of oxyphenbutazone from the market throughout the world. Phenylbutazone, however, remains on the market as a treatment of second choice for certain severe rheumatic conditions.

<sup>(1)</sup> Council Directive 65/65/EEC, OJ No 22, 9. 2. 1965, p. 369/65;  
Council Directive 75/318/EEC, OJ No L 147, 9. 6. 1975, p. 1;  
Council Directive 75/319/EEC, OJ No L 147, 9. 6. 1975, p. 13;  
Council Directive 83/570/EEC, OJ No L 332, 28. 11. 1983, p. 1.

<sup>(2)</sup> OJ No L 147, 9. 6. 1975, p. 13.

**WRITTEN QUESTION No 557/85  
by Mrs Winifred Ewing (RDE - GB)  
to the Commission of the European Communities**

(3 June 1985)

(85/C 269/32)

*Subject:* Publicity for pilot projects to conserve the Community's architectural heritage

Under the Fund for Monuments and Sites set up on the initiative of the European Parliament, the Commission will provide support in 1985 to 12 pilot projects to conserve the Community's architectural heritage.

The availability of funding and the application procedure were made public in the *Official Journal of the European Communities* <sup>(1)</sup> and in a press release issued by the Commission at the time. The notice specifies that support will be confined to 'monuments and sites of European renown which illustrate some aspect of the national or regional architectural heritage of the Community by reason of their artistic value or historical interest in bearing witness to the living and working condition of a given section of the population'. This wording would seem to make it clear that projects do not need to be either large-scale or geographically central to be eligible. In the circumstances, does the Commission not consider that the support available should be more broadly publicized, for instance in the national press, to ensure that it becomes known in places which may be relatively remote and unfamiliar with Community schemes, thereby ensuring the widest possible choice of projects?

<sup>(1)</sup> OJ No C 78, 26. 3. 1985, p. 3.

**Answer given by Mr Ripa di Meana  
on behalf of the Commission**

(22 July 1985)

Details of the European Community's aid to pilot projects to conserve the architectural heritage in 1985 were published in the *Official Journal* <sup>(1)</sup> which is available throughout the Community. The Commission also published a press notice, drawing attention to the scheme, which has been noted by the national press and by specialist journals in the Member States.

The scheme is still in its initial stage of development, and this year the relatively modest sum of 500 000 ECU is proposed to aid up to a maximum of 12 projects. In view of this, the Commission does not believe that expenditure on an extensive advertising campaign out of proportion to the sum of aid available would be justified. It should also be noted that even in the first year of running the scheme in 1984, the number of applications exceeded the accepted proposals by



more than tenfold, and applications were received from relatively distant areas such as Scotland (5), west of Ireland (2), Sardinia (2), Cephalonia (1) and Crete (2).

(<sup>1</sup>) OJ No C 78, 26. 3. 1985, p. 3.

#### WRITTEN QUESTION No 573/85

by Mrs Marijke Van Hemeldonck (S - B)  
to the Commission of the European Communities

(3 June 1985)

(85/C 269/33)

*Subject:* Article 223 of the EEC Treaty on the production of, and trade in, arms

1. What proposals has the Commission submitted to the Council since 1958 for amending the list of products to which the rules laid down in Article 223 of the Treaty do not apply?

2. Is it the Commission's opinion that the European Parliament has to be consulted in the procedure laid down in Article 223 (3)?

Answer given by Lord Cockfield  
on behalf of the Commission

(22 August 1985)

1. The list of products covered by Article 223 (1) (b) of the EEC Treaty has never been amended since it was drawn up.

2. There is no provision in Article 223 (3) of the EEC Treaty for consulting Parliament and in any case the question does not apply as no changes to the list are planned.

#### WRITTEN QUESTION No 582/85

by Mr Wilhelm Hahn (PPE - D)  
to the Commission of the European Communities

(3 June 1985)

(85/C 269/34)

*Subject:* Admission charges for foreigners visiting museums and archaeological sites in Greece

1. Is it true that foreigners in Greece are subject to discrimination in that as foreigners they pay higher admission charges at museums and archaeological sites in Greece whilst entry to Greek nationals is free?

2. What does the Commission intend to do to abolish this discrimination against other Community citizens in Greece which is contrary to the letter and the spirit of the Community Treaties?

Answer given by Mr Ripa di Meana  
on behalf of the Commission

(19 August 1985)

The Commission has asked the Member State concerned for more information.

The Commission will take whatever action it feels to be appropriate should the facts reported by the Honourable Member be confirmed.

#### WRITTEN QUESTION No 584/85

by Mr Lambert Croux (PPE - B)  
to the Commission of the European Communities

(3 June 1985)

(85/C 269/35)

*Subject:* Protection of the North Sea

1. Can the Commission state whether as a result of the International Conference in Bremen of 31 October and 1 November 1984, any of the countries concerned have introduced measures or taken steps to ensure a speedier and more effective solution to the problem of protecting the North Sea?

2. Has the Commission itself been able to take any action and, if so, what measures and initiatives has it taken?

Answer given by Mr Clinton Davis  
on behalf of the Commission

(19 August 1985)

1. It was decided at the International Conference in Bremen that the policy guidelines adopted would be best implemented by stepping up work under the relevant International Conventions.

This decision has already been followed up by a number of bodies.

The Paris Commission, for example, has decided that a diplomatic conference will be held before mid-1986 with a view to extending the scope of the Paris Convention to cover atmospheric inputs. The Paris Commission has also endorsed the conclusions of the Bremen Conference on radioactive waste from all nuclear industries.

The Joint Monitoring Group of the Paris and Oslo Commissions has decided to increase the number of parameters measured.

2. As regards action by the Commission of the European Communities, it should be noted that, in addition to the work it carries out under all the relevant Conventions, it recently presented to the Council a plan for dealing with pollution of the sea by harmful substances <sup>(1)</sup>; it also intends to submit shortly two proposals for Directives on the dumping of waste at sea and quality objectives for chromium.

<sup>(1)</sup> Doc. COM(85) 123 final.

#### WRITTEN QUESTION No 599/85

by Mrs Raymonde Dury (S - B)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/36)

*Subject:* Analysis and seizure of butchers' meat owing to illicit use of hormones

1. In the context of checks on foodstuffs established by the competent authorities of the Member States, can the Commission of the European Communities indicate the sums allocated in each Member State to the analysis and detection of hormonal substances in both live animals and carcasses intended for human consumption?

2. Does the Commission have reliable figures for the number of actions taken by the competent authorities of each Member State to seize butchers' meat owing to illicit use of natural and artificial hormones?

Answer given by Mr Andriessen  
on behalf of the Commission

(30 July 1985)

The Commission does not have available details of the expenditure of the Member States for the analysis and detection of hormonal substances in animals and meat. In the Member States these responsibilities are given to different levels of government. Usually it is not possible to separate so specifically expenditure for one particular element of control from other expenditure for control of food.

The Commission is not in possession of statistics on meat seized because of the illegal use of hormones.

#### WRITTEN QUESTION No 601/85

by Mr Karel De Gucht (L - B)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/37)

*Subject:* Distortion of competition by periodic reductions in Dutch gas prices for the horticultural industry

Could the Commission state what specific measures the Dutch Government has taken or intends to take to ensure that this competitive advantage, which damages the interests of horticultural producers in the other Member States, will in future be impossible.

What action does the Commission intend to take to prevent such a situation from arising in future, bearing in mind that corrective action is at present always taken after the event.

Answer given by Mr Andriessen  
on behalf of the Commission

(13 August 1985)

1. One 14 March 1985 the Dutch Government petitioned the Court of Justice for suspension of the Commission's final Decision 85/215/EEC of 13 February 1985 <sup>(1)</sup> finding that the aid represented by the preferential tariff for natural gas applied in the Netherlands in respect of glasshouse growers from 1 October 1984 was incompatible with the common market. It has also petitioned the Court for annulment of the Decision. The Court rejected the first action in a ruling of 3 May 1985 <sup>(2)</sup> and is still to decide on the second.

The Commission has therefore reminded the Dutch Government of its obligations under the Decision in question and has requested the notification of action taken to comply with it that should have been made by 15 March 1985 at the latest.

The Dutch authorities have notified the Commission of a new pricing system for natural gas for horticultural use to apply from June 1985.

The Commission considers that the new system is not an adequate response to the complaints set out in the Decision and has decided under the second subparagraph of Article 93 (2) of the Treaty to refer to the Court of Justice the Netherlands' failure to comply with it.

2. It is true that in certain cases State aids are notified after the decision to introduce them has been taken or even after they have started to be granted. These aids are to be considered illegal, their recovery may be required and account may be taken of them in EAGGF financing of the common agricultural policy. The Honourable Member is in this connection referred to the Commission communication

published on page 3 of the *Official Journal of the European Communities* No C 318 of 24 November 1983.

(<sup>1</sup>) OJ No L 97, 4. 4. 1985.

(<sup>2</sup>) Case 67/85-R.

#### WRITTEN QUESTION No 602/85

by Mr Jas Gawronski (L - I)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/38)

*Subject:* Protection of wild birds

The Italian Parliament is currently considering the Pacini-Fiocchi bill, which is designed to bring Italian legislation into line with Directive 79/409/EEC (<sup>1</sup>) on the protection of wild birds. The bill, which has already received approval from the Senate, and is now being considered by the Chamber of Deputies, in fact fundamentally distorts various provisions of the Directive. The *de facto* reintroduction of bird-catching and of hunting of certain protected species is particularly serious. Furthermore, the powers of waiver given to regional authorities are so broad that the whole purpose of the Directive may be thwarted.

1. Is the Commission aware of this serious situation?
2. What action does it intend to take to ensure that Italy complies with the European regulations on the protection of migratory birds?

(<sup>1</sup>) OJ No L 103, 25. 4. 1979, p. 1.

Answer given by Mr Clinton Davis  
on behalf of the Commission

(22 August 1985)

1. The Commission is aware of the parliamentary proceedings in Italy concerning draft legislation mentioned by the Honourable Member. It has received detailed information from the Italian Society for the Protection of Birds (LIPU) about the implications this law would have on birdlife in Italy (and elsewhere, as far as migrant birds are concerned), should it be adopted by Parliament.

2. For the moment, the Commission has opened proceedings against Italy for violation of the EEC Treaty in as far as Italy has not, in its actual legislation, fully respected the provisions of Directive 79/409/EEC. Furthermore, the Commission has registered several official complaints regarding the application of this Directive in concrete cases.

The Pacini-Fiocchi draft is presently being studied by the Commission services. Should they see incompatibilities with

Directive 79/409/EEC, they will certainly draw the attention of Italy's authorities to it. However, proceedings under Article 169 of the EEC Treaty are not possible in the case of draft legislation.

#### WRITTEN QUESTION No 603/85

by Mr Richie Ryan (PPE - IRL)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/39)

*Subject:* Harmonization of income tax rules

The practice whereby some Member States apply different income taxation codes to resident and non-resident workers is in breach of the Treaty of Rome.

Having regard to the failure of the Council of Ministers to adopt the Commission's proposal of 1979 to achieve harmonization of income tax rules will the Commission institute early legal proceedings against offending Member States and if not, why?

Answer given by Lord Cockfield  
on behalf of the Commission

(24 July 1985)

The aim of the proposal for a Directive to which the Honourable Member refers is to set up an equitable Community-wide system for the taxation of non-residents and in particular of frontier workers to replace existing national rules. The Commission is not aware of any infringement of Community fiscal law arising from Member States' provisions in this field but it is examining if such provisions are consistent with Community rules concerning free movement of workers within the Community. If the Honourable Member wishes to bring a particular case to the Commission's attention, the Commission will of course examine it.

#### WRITTEN QUESTION No 618/85

by Mr Horst Seefeld (S - D)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/40)

*Subject:* Uniform rules for bringing in dogs and cats when crossing frontiers within the Community

The different provisions in the various Member States covering the papers which are still required when bringing in

dogs or cats on crossing an internal frontier within the Community invariably annoy the citizens of our countries, especially during the holiday period.

Some Member States require rabies vaccination certificates, others not. The period between vaccination dates varies from 20 days to 12 months. Many certificates can be delivered by a veterinary surgeon, while others also have to be officially certified by the medical officer of health. The time between the issuing of the health certificate and crossing the frontier also varies.

1. Why has it not been possible so far to arrive at uniform rules?
2. What steps has the Commission taken in this direction so far, what arguments have been put up against it, and by whom?

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

(7 August 1985)

1. The Commission considers that the achievement of harmonized rules in this sector is desirable, particularly for the import of pets by tourists. However, there are certain outstanding technical difficulties additional to and including the ones outlined by the Honourable Member which would need careful preparatory work prior to achieving uniform rules in this sector.

2. This subject has been discussed on several occasions at the level of the Standing Veterinary Committee, but neither the Council in its agreed work programme nor the Commission, by reason of the shortage of veterinary staff and the pressure of work have been able to give priority to the harmonization of rules on the movement of pets.

#### **WRITTEN QUESTION No 627/85**

**by Mr Lambert Croux (PPE - B)**

**to the Commission of the European Communities**

(5 June 1985)

(85/C 269/41)

*Subject:* Tax on drinking water originating in the Belgian region of Wallonia

Under a draft decree (Doc. CRW 107 (1983 - 1984)) before the Regional Council of Wallonia, a tax would be levied on all drinking water, and on all water to be converted into drinking water, originating in and conveyed from the region of Wallonia.

Would the Commission not agree that such a tax would be contrary to the provisions of the Treaty of Rome in respect of open markets and the rules on competition?

**Answer given by Lord Cockfield  
on behalf of the Commission**

(25 July 1985)

The Honourable Member is probably referring to the tax provided for in Article 32 of the Wallonia draft decree on the protection of surface waters against pollution.

That Article provides for a tax to be charged on the transfer out of the region by any artificial means whatsoever, except in bottles or cans, of surface or subterranean drinking water or water rendered drinkable, originating in Wallonia.

The Commission takes the view that provided that 'out of the Wallonia region does not refer to any part of the territory of another Member State, this provision does not contravene any provision of the Treaty or of secondary Community legislation.

#### **WRITTEN QUESTION No 629/85**

**by Mr Pierre Bernard-Reymond (PPE - F)**

**to the Commission of the European Communities**

(5 June 1985)

(85/C 269/42)

*Subject:* European Regional Development Fund (ERDF) grants to France

Would the Commission list the applications made by France and currently being processed, for ERDF grants to the region of Provence-Alpes-Côte d'Azur?

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

(22 July 1985)

The Commission considers that applications for assistance submitted to the ERDF should be examined in confidence. Consequently, it does not consider it appropriate to make public any information regarding cases being examined.

#### **WRITTEN QUESTION No 643/85**

**by Mr David Martin (S - GB)**

**to the Commission of the European Communities**

(5 June 1985)

(85/C 269/43)

*Subject:* 'Cures' for Commission staff

1. Does the Commission pay for its staff to go on 'cures' to rest homes?

2. If so, is the time taken counted as sick leave?
3. What is the average number of days taken, by nationality, for each year from 1980 to 1984?

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

(21 August 1985)

1. The sickness insurance scheme for officials of all the institutions of the European Communities will reimburse up to 80 % of the cost of cures, provided that these have been prescribed by a doctor and approved in advance by the scheme after examination by the scheme's own doctor.
2. The time taken for duly authorized cures is counted as sick leave.
3. The information requested is not currently available.

#### WRITTEN QUESTION No 647/85

by Mr Fritz Gautier, Mrs Barbara Simons, Mr Rolf Linkohr, Mr Dieter Schinzel, Mrs Magdalene Hoff, Mr Jan Klinkenborg, Mr Heinz Schreiber, Mrs Heinke Salisch, Mrs Beate Weber, Mr Rüdiger Hitzgrath, Mr Dieter Rogalla, Mr Thomas von der Vring, Mrs Lieselotte Seibel-Emmerling, Mr Gerhard Schmid and Mr Günter Topmann (S - D)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/44)

*Subject:* Bathing water quality

The Italian Government has amended the Act on the quality of bathing water, in respect of certain areas on the Adriatic coast, on the ground that, if it did not do so, a number of highly frequented beaches would have to be closed because of pollution, which would be detrimental to tourism.

Council Directive 76/160/EEC <sup>(1)</sup> concerning the quality of bathing water lays down the substantive content that national provisions on the quality of such water should incorporate.

We would therefore ask the Commission the following questions:

1. Has Italy incorporated Article 4 of Directive 76/160/EEC in its legislation?
2. Can the Commission ensure that the paragraph of Article 8 of Directive 76/160/EEC which states that the exceptions provided for in this Article may in no case disregard the requirements essential for public health protection will be respected in Italy this summer?

3. Pursuant to the final paragraph of Article 8 of Directive 76/160/EEC, has the Italian Government given notification of its actions to the Commission?

4. Pursuant to Article 13 of Directive 76/160/EEC, which Member States have submitted reports to the Commission since 1983? What are the conclusions of the reports?

<sup>(1)</sup> OJ No L 31, 5. 2. 1976, p. 1.

**Answer given by Mr Clinton Davis  
on behalf of the Commission**

(19 August 1985)

1. The Council Directive of 8 December 1975 concerning the quality of bathing water was incorporated into Italian legislation by Presidential Decree No 470 of 8 June 1982. This Decree provides for the same derogations as those given in Article 4 of the Directive.

The Order in Council No 164 of 3 May 1985 referred to by the Honourable Members permits the regional authorities monitoring algae which may affect health to derogate from the 'colour' and 'dissolved oxygen' parameters for a period of three years.

The Decree requires the regions making such derogation to inform the Italian Health Minister thereof.

2. The Commission monitors the implementation of provisions of Community legislation and, if it considers that a Member State has failed in its obligations, may address a reasoned opinion to it after giving the latter the opportunity to submit its comments. The Commission has contacted the Italian authorities and asked to be informed of the derogations notified by the regions together with the reasons.

3. No.

4. The Federal Republic of Germany, Denmark, France, Ireland, Luxembourg, the United Kingdom and Greece provided information concerning 1982 during the period 1983 to 1984. These national reports show that the results for the waters analyzed are generally satisfactory.

#### WRITTEN QUESTION No 650/85

by Mr James Provan (ED - GB)

to the Commission of the European Communities

(5 June 1985)

(85/C 269/45)

*Subject:* Anti-pollution measures

Further to my Written Question No 1506/84, will the Commission give details of not only the formal legislation

applied in the Member States to control pollution, as required by Community Directives, but also the application of this legislation in the Member States, since there is a great deal of concern, not so much as regards the formal legislative implementation of Directives but as regards the putting into effect of the legislation?

**Answer given by Mr Clinton Davis  
on behalf of the Commission**  
(9 August 1985)

In the space of a reply to a Written Question the Commission cannot go into the detail of the incorporation into national law and actual application of the 35 or so Council Directives on the environment.

As the Commission stated in its reply to the Honourable Member's Written Question No 1506/84 <sup>(1)</sup>, the second annual report to Parliament on Commission monitoring of the application of Community Law <sup>(2)</sup> describes the state of progress in the incorporation of these Directives into national law and the position regarding infringement procedures. The report clearly shows that only two Member States, Belgium and Greece, have not yet fully incorporated the Directives into national law, Belgium for constitutional reasons and Greece for administrative reasons.

As regards the actual application of the Directives, the Commission would point out that it is up to the Member States to ensure that their own legislation is applied, although the Commission may initiate an infringement procedure in cases where measures correctly incorporated into national law are incorrectly applied.

For many of the 35 Directives the date of application is not the same as the date of incorporation into national law. The result is that any assessment of actual application can only be of a preliminary nature, since too little time will have elapsed for a considered judgement on changes in the state of the environment.

Complaints alleging incorrect application of Community environmental legislation submitted so far to the Commission by individuals or environmental protection organizations mainly relate to nature conservation legislation in Italy, the United Kingdom and Greece, and legislation on water quality in Italy and the United Kingdom.

<sup>(1)</sup> OJ No C 145, 13. 6. 1985, p. 13.

<sup>(2)</sup> Doc. COM(85) 149 final.

**WRITTEN QUESTION No 658/85**  
**by Sir Jack Stewart-Clark (ED - GB)**  
**to the Commission of the European Communities**  
(10 June 1985)  
(85/C 269/46)

*Subject:* Transit of domestic live animals

Further to my Written Question No 1077/84 <sup>(1)</sup> on the transit of live animals, can the Commission justify the different protection afforded under Council Directive 77/489/EEC of July 1977 <sup>(2)</sup> to domestic pets in international transport compared with the protection for domestic farm animals?

Whereas the above base Directive provides, under paragraph 4 (d) in Chapter 1 of the Annex, that animals in the domestic farm category should not be left more than 24 hours without being fed and watered, these minimal provisions are not made in the chapters covering domestic birds, rabbits, dogs or cats in international transport. It seems necessary to ensure that domestic pets transported unaccompanied or for commercial purposes are afforded the minimum protection of receiving food and water at least once a day.

Will the Commission take steps to remedy this situation?

<sup>(1)</sup> OJ No C 71, 18. 3. 1985, p. 23.

<sup>(2)</sup> OJ No L 200, 8. 8. 1977, p. 10.

**Answer given by Mr Andriessen  
on behalf of the Commission**  
(7 August 1985)

The attention of the Honourable Member is drawn to the text of the Annex to Council Directive 77/489/EEC <sup>(1)</sup> on the protection of animals during international transport.

Although the wording of point 4 (d) of the Annex concerning feeding and watering of farm animals is not maintained for the chapters dealing with domestic birds, rabbits, cats and dogs, special provisions concerning feeding and watering are provided for these animals.

Domestic birds and domestic rabbits are provided for by Chapter II point 37 (c) of the Annex which requires that 'suitable food and, if necessary, water shall be available in adequate quantities, save in the case of:

- (i) a journey lasting less than 12 hours,
- (ii) a journey lasting less than 24 hours for chicks of all species, provided that it is completed within 72 hours after hatching.

Domestic dogs and cats are provided for by Chapter III paragraph 39 which requires that:

'animals in transport shall be fed at intervals of not more than 24 hours and given water at intervals of not more than 12 hours. There shall be clear written instructions about feeding

and watering'. Chapter III does not apply to dogs and cats accompanied by their owner or his representative, the intention of this derogation being to exclude companion animals whose owners can be expected to make adequate arrangements for feeding and watering their pets.

The Commission considers that the provisions mentioned above cover the question posed by the Honourable Member.

(<sup>1</sup>) OJ No L 200, 8. 8. 1977.

#### WRITTEN QUESTION No 669/85

by Mr Andrew Pearce (ED - GB)

to the Commission of the European Communities

(10 June 1985)

(85/C 269/47)

*Subject:* Spain's tax on inward and outward traffic by sea

When will Spain's 'impuesta general sobre el trafico de las empresas' (a 5% *ad valorem* tax on inward and outward traffic by sea) be abolished?

Answer given by Lord Cockfield  
on behalf of the Commission

(12 August 1985)

Under the terms of the Treaty of Accession, Spain must replace its present system of turnover taxation by the Community system of value added tax from the time of accession. The 'impuesta general sobre el trafico de las empresas' must therefore be abolished from 1 January 1986.

#### WRITTEN QUESTION No 678/85

by Mrs Phili Viehoff (S - NL)

to the Commission of the European Communities

(10 June 1985)

(85/C 269/48)

*Subject:* Nuclear energy programme in Portugal

Commissioner Mosar visited Portugal from 17 to 19 April to discuss questions relating to energy.

The possibility of establishing a nuclear energy programme in Portugal in the medium term was among the subjects discussed. At present there are no nuclear installations in Portugal.

Does not the Commission take the view that the construction of nuclear power stations in Portugal is unnecessary seeing that:

- research and construction would involve high costs, whereas Portugal is one of the poorest countries in Europe;
- Portugal has no large industrial centres requiring exceptional amounts of energy;
- Agriculture, fisheries, trade and the services sector are more in need of a decentralized energy system;
- alternative sources of energy (e.g. sun, water, wind tides and biogas) can be used for such a decentralized energy supply system?

Answer given by Mr Mosar  
on behalf of the Commission

(2 August 1985)

Since Portugal is mainly dependent on imports of petroleum, especially for electricity generating, the Commission considers that it ought to reduce the extent of its reliance on imports and diversify its generating methods. The nuclear option remains open. It should be noted that, even taking the most optimistic scenario, hydroelectric and renewable sources could not provide more than 40% of Portugal's electricity requirements in the year 2000.

On a more general level, it should be pointed out that the use of nuclear energy does not mean that alternative sources of energy have no part to play. The two systems (nuclear and alternative energies) can be developed at the same time, as is advocated in the recent Commission communication on the aims for 1995 (<sup>1</sup>).

(<sup>1</sup>) Doc. COM(85) 245 final.

#### WRITTEN QUESTION No 683/85

by Mrs Marijke Van Hemeldonck (S - B)

to the Commission of the European Communities

(10 June 1985)

(85/C 269/49)

*Subject:* Unemployment benefits for frontier workers

Does the Commission have information on the implementation by national departments responsible for the payment of unemployment benefits of Directive 1408/71 (<sup>1</sup>), in particular with regard to wholly unemployed frontier workers who, on the termination of their last employment, settled in the territory of the Member States where they were last employed? Are there still Member States that limit the period during which benefit is paid (Article 69) for this category of frontier workers, following the Court's ruling in Case 145/84 (<sup>2</sup>)?

(<sup>1</sup>) In the version applicable since 1 July 1982; OJ No L 230, 1983, p. 8; OJ No L 149, 5. 7. 1971, p. 2.

(<sup>2</sup>) Reference for a preliminary ruling made by the Raad van Beroep, Amsterdam in the case H. J. E. Cochet v. the Bestuur van de Bedrijfsvereniging voor de Gezondheid, Geestelijke en Maatschappelijke Belangen (Zeist).

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

(21 August 1985)

The Commission is not aware of any cases of incorrect application by the national authorities of the recent ruling handed down by the Court of Justice in Case 145/84 (Cochet) in connection with Articles 69 and 71 of Regulation (EEC) No 1408/71.

Needless to say the Commission monitors the application of the provisions of the above Regulation as interpreted by the Court of Justice.

**WRITTEN QUESTION No 708/85**

by Mr Geoffrey Hoon (S-GB)

to the Commission of the European Communities

(17 June 1985)

(85/C 269/50)

*Subject:* Data on low wages and salaries in the EEC

1. Does the Commission agree that low salaries and wages are an important factor in the occurrence of poverty in the Member States of the EEC?
2. Does the Commission agree that the collection and analyzing of data concerning low wages and salaries in the EEC would be useful in relation to its programme to combat poverty?
3. Can the Commission confirm that, at the present time, no official in its services has been allocated the task of collecting and analyzing data about low wages and salaries in the EEC?
4. What does the Commission propose to do to remedy this situation?

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

(8 August 1985)

1. Low salaries and wages are one of the factors which need to be taken into account when statistics of poverty are under consideration.
2. The collection and analysis of data on poverty statistics in the Community is deemed so important that it is specifically mentioned in Council Decision of 19 December 1984 on specific Community action to combat poverty <sup>(1)</sup>. As a first step the Commission engaged three experts to draw up an inventory of available poverty statistics in Member

States and sponsored the seminar held in Berlin in December 1984 to discuss the matter. A second seminar is scheduled for late 1985.

3. Information about comparative wages, salaries and labour costs is kept under constant review by the Statistical Office of the European Communities which makes use of both national and Community statistics for this purpose. To the extent that national statistics provide information about the numbers on minimum wage rates, where these exist, or about the distribution of wages and salaries, this is available to the Commission.

4. The Statistical Office has accepted the need to improve information on the various aspects of poverty. As resources permit, efforts will be made to remedy shortcomings in the existing statistics and analyses and to hold joint meetings of the appropriate statistical working parties.

<sup>(1)</sup> OJ No L 2, 3. 1. 1985, p. 24.

**WRITTEN QUESTION No 713/85**

by Mr Isidor Fröh (PFE-D)

to the Commission of the European Communities

(17 June 1985)

(85/C 269/51)

*Subject:* Annual number of new CAP regulations

Criticisms are repeatedly levelled at the common agricultural policy (CAP) from various quarters, including the Association of German Wholesale and Retail Traders (*Frankfurter Allgemeine Zeitung* of 22 May 1985, p. 11), for the vast flood of regulations published each year. Can the Commission therefore say what percentage of the approximately 3 550 new regulations published each year:

1. merely extend or abolish existing regulations,
2. remove loopholes in existing regulations,
3. eliminate existing possibilities of fraud,
4. contribute to simplification or harmonization in the Community,
5. introduce real changes on the agricultural market?

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

(2 August 1985)

In 1984 the Commission adopted about 2 880 agricultural regulations. The percentages falling into the categories mentioned were as follows:

- (a) about 1 %,
- (b) about 1 %,
- (c) 0 %,
- (d) about 1 %,
- (e) about 97 %.



The data banks make no distinction between current management regulations and other regulations.

The number of current management regulations may nevertheless be estimated at 2 450.

#### WRITTEN QUESTION No 714/85

by Mr Raphaël Chanteric (PPE – B)

to the Commission of the European Communities

(17 June 1985)

(85/C 269/52)

*Subject:* Number of ERDF projects submitted by Belgium which are still under discussion

Can the Commission provide details of the nature, financial support and number of projects in respect of which Belgium has applied for ERDF grants and which are still under consideration?

In its answer, would the Commission please make a distinction between Flanders and Wallonia?

Answer given by Mr Varfis  
on behalf of the Commission

(19 August 1985)

The Commission considers that applications for grants submitted to the ERDF should be examined confidentially. Consequently, it does not think it fitting to publish information on projects being examined.

#### WRITTEN QUESTION No 733/85

by Mr Michael Welsh (ED – GB)

to the Commission of the European Communities

(17 June 1985)

(85/C 269/53)

*Subject:* Mutual recognition of specialist dental qualifications

To ask the Commission what progress is being made to extend the regulation for mutual recognition of dental qualifications to cover specializations such as orthodontics who desire to practise their speciality in Germany and have not acquired a German qualification.

Answer given by Lord Cockfield  
on behalf of the Commission

(9 August 1985)

The provisions governing the mutual recognition of the formal qualifications of practitioners of dentistry specializing in orthodontics are set out in Articles 4 and 5 of Directive 78/686/EEC <sup>(1)</sup>.

This recognition is mandatory with effect from the date on which the Directive came into force, i.e. 25 January 1980, specifically with regard to the Federal Republic of Germany and the United Kingdom, as follows from the abovementioned provisions.

Although the Federal Republic of Germany claims that it does in fact apply the Directive on a provisional basis, the Commission has initiated a procedure against it on the basis of Article 69 of the EEC Treaty, taking the view that, formally, the Federal Republic of Germany has failed to incorporate the Directive fully in national legislation, particularly with regard to the provisions under consideration here. This procedure is now before the Court of Justice (Case 223/83, pending).

<sup>(1)</sup> OJ No L 233, 14. 8. 1978.

#### WRITTEN QUESTION No 753/85

by Mr William Newton Dunn (ED – GB)

to the Commission of the European Communities

(18 June 1985)

(85/C 269/54)

*Subject:* Violation of human rights in Romania

Under President Ceaucescu, Romania has become a land of silent terror for its citizens, particularly for those of Hungarian and German descent. The true nature of this cruel regime is gradually reaching the outside world.

In October 1984 a former member of the Central Committee of the Romanian Communist Party, Mr Karoly Kiraly, of Hungarian descent, was arrested for failing to inform the authorities of a meeting with a foreigner, Mr Szekeres, an official of the United Nations. He was tortured. The event led to the random arrests of other individuals of consequence to the economy, academic and cultural life in the town of Tirgu-Mures, who were in no way connected with the meeting between Mr Kiraly and Mr Szekeres.

Earlier in March 1984 a Roman Catholic priest, Father Geza Palfi, also of Hungarian descent, died in mysterious circumstances, after protesting vigorously against the designation by the Romanian authorities of Christmas Day, 25 December, as a normal working day. Father Palfi served the parish of Odorhei. Photographs of the priest in his coffin reveal the brutal injuries inflicted on him before his death.

During the State visit to the Federal Republic of Germany, Chancellor Kohl is reported to have raised with President Ceaucescu the situation of the German minority in the same region and the exorbitant 'ransom' that applications for visas are required to pay in order to emigrate from Romania.

Can the Commission indicate:

— whether it is aware of the flagrant violation of its commitments to the Final Act of the Helsinki Conference

on European Cooperation and Security by the Government of the Socialist Republic of Romania;

- what advantages Romania is currently receiving within the terms of the Trade and Cooperation Agreement with the European Community;
- whether it is prepared to contribute to the defence of human rights in the Socialist Republic of Romania by relating the foregoing advantages from the Trade and Cooperation Agreement to improvements in the human rights of all people in the Socialist Republic of Romania, including those of Hungarian and German descent.

**Answer given by Mr De Clercq  
on behalf of the Commission**

(19 August 1985)

The Commission does not have any direct information on the human rights situation in Romania and notably on the cases quoted by the Honourable Member. However, it has taken note of documents like the reports from independent organizations such as Amnesty International, judging by which the situation as regards the exercise of human rights appears to warrant concern.

Relations between the Community and Romania are governed chiefly by two agreements signed in 1980: the Agreement establishing a Joint Committee between the EEC and Romania and the Agreement on trade in industrial products. These agreements are the standard non-preferential type of trade agreement.

In its overall assessment of the development of its relations with its trading partners, the Community does take into account the provisions of the Universal Declaration of Human Rights and of the Helsinki Final Act.

#### WRITTEN QUESTION No 777/85

by Mr William Newton Dunn (ED - GB)  
to the Commission of the European Communities  
(18 June 1985)  
(85/C 269/55)

**Subject:** Discrimination against men travelling by rail in Europe

As will be seen in the two accompanying leaflets, concessionary rail fares are offered

1. to men and women equally from the age of 60 in the United Kingdom who purchase the Senior Citizen Railcard;
2. to women aged 60 and over, but to men only aged 65 and over who purchase the Rail Europ Senior card for travel on the continent.

Will the Commission please take immediate steps to end this discrimination against men by the railway organizations?

**Answer given by Mr Clinton Davis  
on behalf of the Commission**

(12 August 1985)

It is true that since 1 November 1984 British Rail has been granting a reduction on its national network to persons aged 60 years and over, without differentiating between men and women. The same will shortly be true in France where at present the reduction is granted to men aged 62 and over and to women from the age of 60.

At international level, in addition to the national rail card, 21 European railways have been issuing a Rail Europ Senior (RES) card since 1 May 1983. This is available to men from the age of 65 and women from the age of 60.

As the Commission has already indicated in its reply to Miss de Valera (Written Question No 1233/83) <sup>(1)</sup>, this is a commercial measure introduced by the railways as part of their international cooperation to help senior citizens. According to the Commission's information, eligibility at 65 for men and 60 for women is the result of a compromise based on retirement ages in the countries concerned. So far the railways have been unable to agree unanimously to adopt a single age limit in spite of the repeated efforts of some of the railways.

As this is a commercial measure stemming, under Council Decision 83/418/EEC <sup>(2)</sup>, from the independence of the Community's railways in their management, the Commission cannot intervene to impose a single age limit as requested by the Honourable Member.

<sup>(1)</sup> OJ No C 31, 6. 2. 1984, p. 13.

<sup>(2)</sup> OJ No L 237, 26. 8. 1983, p. 32.

#### WRITTEN QUESTION No 787/85

by Mrs Johanna Maij-Weggen (PPE - NL)  
to the Commission of the European Communities  
(2 July 1985)  
(85/C 269/56)

**Subject:** Probable illegalities in Belgian plans for the reimbursement of enrolment fees to foreign students who are studying or have studied in Belgium

1. Is the Commission aware that on 13 February 1985 the European Court of Justice ruled that demands for additional enrolment fees for foreign students studying in Belgium are illegal under Article 7 and Article 59 of the Treaty of Rome (judgment in the Gravier case)?

2. Is the Commission aware that, as a result of this ruling, the Belgian Government submitted a draft law to Parliament amending Belgian law in line with the judgment issued by the European Court of Justice?

3. Is the Commission aware that the Belgian Government feels that compelling budgetary reasons prevent the repayment in full of enrolment fees collected from the time when the discriminatory regulation on these fees was implemented (1976)?

4. Is the Commission aware that the draft law (Parliament Doc. Sen. 1984-1985, No 801/12, p. 55) therefore contains an article stipulating that enrolment fees paid between 1 September 1976 and 31 December 1984 will not be reimbursed unless the following conditions are fulfilled: The person in question must:

- be a national of an EEC Member State,
- have submitted an application for reimbursement before 13 February 1985,
- have received a judgment in his or her favour from the court,
- have followed a course of vocational training leading to a specific post, trade or profession?

5. Will the Commission state whether the conditions imposed on these victimized students in the draft Belgian law for reclaiming excess enrolment fees are in line with the purpose and scope of the Gravier judgment and therefore with the proper implementation of European law?

6. If not, is the Commission prepared to inform the Belgian Government without delay of its opposition to the conditions set out in this draft law?

7. Does the Commission agree that the Belgian Government must simply pay back the enrolment fees which it has been collecting illegally from foreign students since 1976 if the students in question apply for reimbursement?

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

(20 August 1985)

The Commission is aware of the facts set out under points 1, 2, 3 and 4. With regard to points 5, 6 and 7, it requests the Honourable Member to refer to its answer to Written Question No 2434/84 by Mrs Dury <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 203, 12. 8. 1985.

#### WRITTEN QUESTION No 788/85

by Mrs Johanna Maij-Weggen (PPE - NL)

to the Commission of the European Communities

(2 July 1985)

(85/C 269/57)

*Subject:* The true cause of the 'edible-oil poisoning' which occurred in Spain in 1981

1. Is the Commission familiar with the reports drawn up for the meeting of experts from the European section of the WHO and recent statements by Dr Kimbrough, chief toxicologist at the American Center of Disease Control, according to which the mass poisoning which occurred in Spain in 1981 was not caused by denatured oil but by misuse of a dangerous insecticide on tomatoes?

2. Can the Commission state what insecticide was involved?

3. Can the Commission state whether this insecticide is used in other Community countries?

4. Does the Commission feel that there are grounds for introducing immediate measures to deal with this product and what does it intend to do?

5. Can the Commission guarantee that no insecticides are used in Spain which might damage the health of Spanish citizens and citizens of other Community countries?

#### WRITTEN QUESTION No 801/85

by Mrs Ursula Schleicher (PPE - D)

to the Commission of the European Communities

(2 July 1985)

(85/C 269/58)

*Subject:* Spanish olive-oil scandal

Reports in the German press coupled with statements by certain Members have recently created the impression that the 352 deaths and 20 000 cases of illness in Spain since 1981 were caused not by denatured colza oil (intended for industrial use and unsuitable for consumption) but possibly by certain pesticide residues.

This has meant that in Spain the proceedings arising from liability in this connection have now ground to a halt. As a result of this and of waning public interest, those affected who still suffer from the effects of the illness now fear that they will be unable to defend their legitimate financial interests and complain that in addition, the treatment of their illness in Spain is far from adequate.

Following the accession of Spain and Portugal to the European Community, scheduled for 1 January 1986, the victims hope that the European Community will provide assistance for the treatment of the serious illnesses and support their claims for financial compensation for the damage to their health.

1. To what extent is the Commission informed about the gravity of the illnesses and the reasons for them and has it collaborated with WHO in this matter?
2. Can the Commission give precise figures concerning the number of illnesses and deaths which can be directly attributed to the olive-oil scandal?
3. What measures have been taken to eliminate the causes and effects
  - in Spain
  - in the European Community?
4. Have any deaths or illnesses occurred outside Spain which can be attributed to the incidents in Spain and have the same causes?
5. Does the Commission have any information about the origin of the olive-oil scandal?
6. What is the Commission's opinion of the recent deliberations on possible other reasons?
7. What organizations and institutions have been dealing with this problem outside Spain, made proposals for the treatment of the illness and provided assistance?
8. Have experts from other countries and international organizations been consulted? To what extent was the European Community involved?
9. What possibilities does the Commission envisage for providing financial support from the European Community for the victims in Spain? Did these questions arise during accession negotiations?

**Joint answer to Written Questions No 788/85  
and No 801/85 by Lord Cockfield  
on behalf of the Commission**  
(26 August 1985)

The Commission does not have sufficient information to reply to the Honourable Members. It is currently attempting to obtain further details, which it will, of course, communicate to the Honourable Members.

In the meantime, it would ask them to refer to the answer given to Written Question No 1933/84 by Mrs Piermont *et al.* <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 248, 30. 9. 1985.

**WRITTEN QUESTION No 791/85**  
**by Mr Sylvester Barrett (RDE – IRL)**  
**to the Commission of the European Communities**  
(2 July 1985)  
(85/C 269/59)

*Subject: Sale of cereals from intervention stocks*

Further to EEC Regulation (EEC) No 1836/82 <sup>(1)</sup>, cereals from intervention stocks may either be sold in the internal community markets or externally, for export to third countries.

Recently the Greek intervention agency asked the Commission to place 40 000 tonnes of durum wheat on sale in internal Community markets in accordance with the above Regulation.

Some days later the Greek State intervention organization changed its request and asked that the abovementioned durum wheat be exported to third countries. The Commission agreed to this on 11 April 1985. Food manufacturers and traders requested the Commission to cancel its decision.

In view of the fact that the sale of this wheat to third countries implies an expenditure by the Community of 5 million ECU:

1. Did the European Commission first decide that the above quantities should first be offered for sale in the internal market and,
2. Was it proved that there was no demand in the Community's internal markets at an acceptable price first justifying a decision to tender the goods for export to third countries?

<sup>(1)</sup> OJ No L 202, 9. 7. 1982, p. 23.

**Answer given by Mr Andriessen  
on behalf of the Commission**  
(9 August 1985)

At the request of the Greek Government a tender for the export of 40 000 tonnes of Greek durum wheat held in intervention was opened on 19 June 1985 for two weeks and then extended till 17 July. It was stressed that there was a greater chance for disposing of the intervention stocks on the external rather than on the internal market.

After the vote on the opening of this tender in the Management Committee for Cereals on 11 April 1985, certain millers and traders expressed the opinion that there would be nevertheless a demand for a quantity of durum wheat on the internal market. The Commission therefore asked the Greek Government to open a tender for a sale of 25 000 tonnes of durum wheat held in intervention stocks onto the internal market. This second tender started on 19 June.

In this context it should be mentioned that:

1. The Commission did not first decide that the 40 000 tonnes should be offered on the internal market;
2. In certain cases the Commission depends on the information supplied by the Member State concerned to find out whether there is sufficient demand on the internal market or not;
3. The expenditure for the export of the durum wheat concerned cannot be assessed accurately. Up to 1 July no quantity has been sold in this export tender.

#### WRITTEN QUESTION No 797/85

by Mrs Raymonde Dury (S - B)

to the Commission of the European Communities

(2 July 1985)

(85/C 269/60)

*Subject:* Cyclone in Bangladesh

According to initial estimates, the cyclone which devastated the southern regions of Bangladesh on 24 May last caused between 20 000 and 40 000 deaths and more than 200 000 people are reportedly without shelter. Living conditions are particularly difficult and the situation may well worsen in future, since a large proportion of paddy fields and livestock has been destroyed.

Will the Commission propose emergency aid for Bangladesh and will it propose an increase in the aid currently granted to Bangladesh in response to this natural disaster and its long-term consequences?

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

(9 August 1985)

The cyclone in Bangladesh on 24 May 1985, while causing chaos and difficulties in organization, was not in itself responsible for the great majority of deaths and injured. It was accompanied by a wave train which washed over the extremely flat and low accreted islands and coastal plain in the North of the Bay of Bengal (some of the islands had only been in existence for months). The final figure for dead and missing, while seriously overstated at first, is now estimated to be in the order of 8 000, although considering the nature of the area and the lack of any public records, any figure can be no more than an approximation.

On 28 May, the Commission committed 500 000 ECU to be directed through the League of Red Cross Societies and Médecins sans Frontières for administrative and

mobilisation costs in providing food, shelter and medical services to the area. The Ministry of Relief has informed donors that the immediate needs have been met.

In the longer term, the Commission has been in contact with the Government of Bangladesh to discuss possible assistance in rehabilitation and reconstruction. Furthermore, there is a project which has been under study by the Dutch Bilateral Aid for the last few years involving the construction of a cross dam from the island of Sandwip to the mainland in the District of Noakali. The Commission has expressed an interest in cofinancing this project with the Dutch Government and other European States, should the studies prove positive. The project, which is proposed to begin in 1987, involves land reclamation on a large scale, and should help to reduce in the long term the scale of damage and loss of life witnessed in this recent disaster.

#### WRITTEN QUESTION No 802/85

by Mr Michael Hindley, Mr George Cryer and  
Mr Edward Newman (S - GB)

to the Commission of the European Communities

(2 July 1985)

(85/C 269/61)

*Subject:* Investment support for small and medium-sized firms

In reply to Mr Hindley's Written question No 1620/84 <sup>(1)</sup>, the Commission states that the aid scheme proposed by the UK government in favour of clothing, footwear, knitting and textile industries (the CLOFT scheme) is not compatible with the common market's conditions (Article 92 (3) EEC Treaty).

1. Does the Commission regard the various regional funded schemes in Member States other than the UK to the respective textile industries to be equally incompatible with the common market?
2. Could the Commission list the regionally funded schemes to aid the textile industry in Member States which it deems as compatible with the common market and which do not have a trade distorting effect?

<sup>(1)</sup> OJ No C 135, 23. 6. 1985.

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

(30 July 1985)

1. There are no regionally funded schemes to specifically aid the textile and clothing industries in the Community.

However, throughout the Community these industrial sectors can in principle benefit from existing and approved regional aid schemes, which are available to all branches of industry. This also holds true for the UK textile and clothing industry.

The Commission would point out that in respect of such regional aid schemes a derogation under Article 92 (3) (c) of the EEC Treaty from incompatibility is only granted where the contribution the aid makes to regional development from the Community's point of view is adequate to compensate for its trade-distorting effects.

2. As a list of these regional aid schemes in the Member States would be far beyond the scope of a reply to a written question, the Commission would refer the Honourable Members to the various reports on competition policy.

#### WRITTEN QUESTION No 823/85

by Mr Luc Beyer de Ryke (L - B)  
to the Commission of the European Communities  
(2 July 1985)  
(85/C 269/62)

*Subject:* Controls at intra-Community frontiers

On 14 May, the FRG, France and the Benelux countries concluded an agreement on the gradual phasing out of controls at their common frontiers.

From 15 June, tourist traffic will no longer be obliged to stop at the frontier.

Could not the Commission speed up measures to ensure that all the Member States adopt similar arrangements which, in the eyes of the citizens of the Member States, give concrete proof of the real existence of Europe?

Answer given by Lord Cockfield  
on behalf of the Commission  
(9 August 1985)

The suggestion of extending to all intra-Community land frontiers the use of the green sticker system to enable simple visual checks of vehicles to be carried out was endorsed by the Commission almost a year ago. In the document 'A People's Europe - implementing the conclusions of the Fontainebleau European Council' <sup>(1)</sup>, the Commission argued that 'the Community should introduce as from 1 July 1985 a special sticker system analogous to that provided for in the Franco-German agreement of 13 July 1984'.

This system is in fact provided for in Articles 5 and 6 of the proposal for a Directive on the easing of controls and formalities applicable to nationals of the Member States when crossing intra-Community borders, which the Commission transmitted to the Council on 24 January 1985 <sup>(2)</sup>. In its opinion of 18 April 1985 <sup>(3)</sup>, the European Parliament supported the use of the green sticker. The relevant provisions have therefore been retained in the amended proposal for a Directive <sup>(4)</sup>.

This Commission proposal was discussed intensively by the Council throughout the first half of 1985. Although it also corresponds in content to the recommendations of the *ad hoc* Committee on a People's Europe, which were approved by the Milan European Council, the Council has failed to reach agreement at the three meetings at which this proposal has been on the agenda (7 May, 10 June and 19 June 1985). At the last Council meeting, the Commission had recorded in the minutes a statement expressing its deep regret at the absence of a decision.

While bilateral or multilateral agreements may compensate in part for the Council's failure to take a decision, this practice tends to encourage the introduction of different systems which are likely to lead eventually to discrimination between frontiers and between means of transport. This absence of a system common to all Member States is all the more regrettable in that Article 3 (c) of the EEC Treaty stipulates that 'the abolition . . . of obstacles to freedom of movement for persons' is one of the Community's objectives. This is why the practice of bilateral or multilateral agreements must not be allowed to lead to a *de facto* Community. The Commission considers that only Community legislation can guarantee the abolition of all obstacles to freedom of movement.

<sup>(1)</sup> Doc. COM(84) 446 final, 24. 9. 1984, point 4.3.1, p. 13.

<sup>(2)</sup> OJ No C 47, 19. 2. 1985, pp. 5 - 7.

<sup>(3)</sup> OJ No C 122, 20. 5. 1985.

<sup>(4)</sup> Doc. COM(85) 224 final, 7. 5. 1985.

#### WRITTEN QUESTION No 847/85

by Mr James Provan (ED - GB)  
to the Commission of the European Communities  
(3 July 1985)  
(85/C 269/63)

*Subject:* Agricultural prices

The Commission has stated that it believes that it would be beneficial to set agricultural prices for periods of longer than one year at a time. Will the Commission put this idea into practice when it proposes the 1986/87 farm prices? If not, why not?

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

(6 August 1985)

In 1985/86, prices were proposed (and agreed by the Council) for more than one year only in the case of sheepmeat. The proposals for 1986/87 will be framed in the context of decisions on the consultative document 'Perspectives for the Common Agricultural Policy', which is itself an indication of the Commission's anxiety to develop agricultural policy on a longer-term basis. However, the Commission wishes to approach these consultations (with the Parliament, *inter alia*) in an open spirit, and will not take detailed decisions until the consultation process is complete.

**WRITTEN QUESTION No 854/85**

by Mrs Yvette Fuillet (S - F)

to the Commission of the European Communities

(3 July 1985)

(85/C 269/64)

*Subject:* Equipment modernization policy

The communication of 5 March 1985 on the criteria for selecting the products to be financed under Council Regulation (EEC) No 355/77 <sup>(1)</sup> excludes investment in respect of table wine - i.e. grape acceptance and wine-making - and quality wines psr.

Does the Commission consider these criteria compatible with the equipment modernization policy implemented in certain regions?

Does it not take the view, rather, that it should promote such equipment modernization as part of a policy to improve quality?

<sup>(1)</sup> OJ No L 51, 23. 2. 1977, p. 1.

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

(9 August 1985)

The selection criteria in question <sup>(1)</sup> exclude the following:

(a) in the case of table wine:

- investments related to wines which have no reasonable prospects of finding a market;
- increases in capacity;
- investment related to the reception of grapes or the manufacture of wine, except where the purpose of such investments is rationalization without any increase in capacity;
- investments related to distillation;

(b) in the case of quality wines psr:

- investments related to the reception of grapes or the manufacture of wine.

As far as table wine is concerned, these criteria, in line with the decisions taken at the Dublin Summit, do not exclude the modernization of equipment except where there is no commercial outlet for the wine concerned and, consequently, the quality of the latter does not meet market requirements.

As far as quality wines psr are concerned, it must be borne in mind that, in view of the specific value attached to such wines on the market, the assistance provided under Regulation (EEC) No 355/77 has been relatively limited in scope and has tended to go to investments in marketing structures. The criteria thus make it possible for aid compatible with the needs of this sector to be granted through the EAGGF Guidance Section.

<sup>(1)</sup> OJ No C 78, 26. 3. 1985, p. 7.

**WRITTEN QUESTION No 859/85**

by Mr James Provan (ED - GB)

to the Commission of the European Communities

(3 July 1985)

(85/C 269/65)

*Subject:* Spanish fishing

With the enlargement of the Community, the conservation of hake, monk and megrim stocks will be of greater importance to the Community. Reports from the ICES Scientific and Technical Committee for Fisheries show that a number of different species are included under each heading, that there has been little research on the stocks and that 'landing statistics are not necessarily reliable'. ICES Cooperative Research Report No 131 notes for hake 'an absence of any official Spanish catch statistics since 1981' <sup>(1)</sup>.

Has Spain now provided full and reliable catch and landings data for hake and other relevant species?

What action is being taken to obtain a better understanding of these important stocks?

What action has been taken to implement the ICES recommendations with regard to the total allowable catch (TAC) of hake, an increase in mesh size and strict enforcement of legal mesh size in Nephrops fisheries <sup>(2)</sup>?

<sup>(1)</sup> Cooperative Research Report No 131, February 1985, p. 82.

<sup>(2)</sup> SEC(84) 1553, 28. 3. 1985, p. 15.

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

(8 August 1985)

The provision of reliable catch data in any country depends upon the adequacy of its data collection system. If this is, or has been, inadequate, it is not possible to reconstitute historical data.

The collection of catch data and the carrying out of research are the responsibility of Member States. The Commission will be cooperating with the Spanish authorities to determine how improvements in the areas referred to by the Honourable Member can be made because the Commission is fully aware of the inadequacies mentioned.

Minimum mesh sizes for Nephrops and an 80 mm mesh size for hake were established by Articles 4 and 5 respectively of Council Regulation (EEC) No 171/83 of 25 January 1983 <sup>(1)</sup>. TACs for the hake stocks for 1985 were established by Council Regulation (EEC) No 1/85 of 19 December 1984 <sup>(2)</sup>.

Under the agreements with Spain, Spanish vessels fishing in Community waters are subject to the technical conservation measures which apply in those waters and must also report their catches. Under Article 2 of Council Regulation (EEC) No 2057/82 of 29 June 1982 <sup>(3)</sup>, it is the responsibility of Member States to enforce Community fisheries legislation. The Community's inspectorate will continue to monitor Member State observation of this obligation.

<sup>(1)</sup> OJ No L 24, 27. 1. 1983, p. 14.

<sup>(2)</sup> OJ No L 1, 1. 1. 1985, p. 1.

<sup>(3)</sup> OJ No L 220, 29. 7. 1982, p. 1.

**WRITTEN QUESTION No 897/85**

**by Mr Andrew Pearce (ED - GB)**

**to the Commission of the European Communities**

(5 July 1985)

(85/C 269/66)

*Subject:* Trade in heroin and cocaine

Has the Commission evidence about the effectiveness of law enforcement agencies in the Member States in combating trade in heroin and cocaine, and if so does this evidence lead it to conclude that the level of law enforcement is adequate?

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

(7 August 1985)

In the communication to the Council <sup>(1)</sup> on cooperation at Community level on health-related problems it was observed

that the increasing availability of heroin throughout the Community is evidence that, despite the efforts of customs and police services of Member States, containment of addiction to hard drugs through the control of supplies has not been sufficient.

This view was reflected in the Report to the European Council of the *ad hoc* Committee on a Peoples' Europe which called for, *inter alia*, improved cooperation between different judiciary and police authorities of the Member States.

The Commission takes the view, however, that regulatory and restrictive measures to control supply cannot succeed in controlling drug abuse on their own, and that matching efforts to limit demand are necessary. In the light of the conclusions of the Milan Summit and the discussions of Health Ministers in Venice on 3/4 May 1985, the Commission will be seeking to improve cooperation at Community level in conjunction with other international organizations, and, as appropriate, to initiate Community actions.

<sup>(1)</sup> Doc. COM(84) 502 final.

**WRITTEN QUESTION No 927/85**

**by Mr Richard Cottrell (ED - GB)**

**to the Commission of the European Communities**

(5 July 1985)

(85/C 269/67)

*Subject:* Manpower transfers between the institutions

What is the current position on mobility in transfers between the various institutions of those who successfully pass all stages of the respective open competition? Are the Commission continuing with their efforts to persuade the European Parliament, the Council and the Court of Justice to regard a single Community open competition as adequate for recruitment to any institution within the Community?

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

(20 August 1985)

There is broad agreement between the institutions that the provisions of Article 29 (1) (c) of the Staff Regulations should be applied when filling vacant posts. The Commission makes use of every occasion to continue its efforts to organize competitions together with the four other institutions whenever they are willing. Several competitions for Spanish



and Portuguese nationals organized recently were for entry to all the institutions.

grass on railway lines and whether the weedkillers in question are among those permitted under national and Community standards?

**WRITTEN QUESTION No 974/85**

by Mr John McCartin (PPE – IRL)

to the Commission of the European Communities

(12 July 1985)

(85/C 269/68)

*Subject:* Milk prices

Could the Commission say what is the price of

1. liquid milk and,
2. manufacturing milk paid to farmers in the various Member States,

and is it proposed to take any action to ensure that the benefits of the guarantee system are passed on to producers in a more uniform way?

Answer given by Mr Andriessen  
on behalf of the Commission

(12 August 1985)

Due to differences in a number of factors such as composition and quality of milk, structure and efficiency of the dairy industry and various existing market conditions for final products, the price paid to the producers for deliveries varies not only between Member States but also between regions and dairies within a single Member State. The Commission does not therefore possess the information requested by the Honourable Member. However, the target price for milk with 3,7% fat content, agreed by the Council each marketing year (27,84 ECU/100 kg for 1985/86) for the Community as a whole, is the basis for establishing the common intervention prices for butter and skimmed milk powder (306,95 ECU/100 kg and 177,12 ECU/100 kg respectively) which, through the intervention system, guarantees the producer in all Member States an outlet for his production at a fixed minimum price. The extent to which this is reflected in the final price paid to the producer will depend on the abovementioned factors.

**WRITTEN QUESTION No 978/85**

by Mrs Vera Squarcialupi (COM – I)

to the Commission of the European Communities

(12 July 1985)

(85/C 269/69)

*Subject:* Weedkillers used on railway lines

Can the Commission say what weedkillers are used by railway companies in the countries of the Community to kill

Answer given by Lord Cockfield  
on behalf of the Commission

(30 August 1985)

The Commission regrets that it is unable to answer the Honourable Member's question in detail.

Herbicides, and other products of this kind, are still subject to national approval, in the absence of specific Community legislation.

**WRITTEN QUESTION No 990/85**

by Mr Michael Hindley (S – GB)

to the Commission of the European Communities

(18 July 1985)

(85/C 269/70)

*Subject:* Social Fund

In his reply to my Written Question No 9/85 <sup>(1)</sup>, the Commissioner said that monitoring of a sample range of individual social fund schemes is carried out. Could he list the schemes monitored in last year's programme in the north-west region of England and indicate the findings of that monitoring?

<sup>(1)</sup> OJ No C 214, 26. 8. 1985.

Answer given by Mr Sutherland  
on behalf of the Commission

(21 August 1985)

The monitoring of schemes assisted by the European Social Fund is carried out in consultation and cooperation with national administrations. In the United Kingdom, the Department of Employment is consulted on the range of schemes to be visited. The Commission does not publish detailed lists of individual schemes monitored but schemes are selected on the basis of their representative character. For 1984 schemes, the introduction of new rules interrupted the normal processes of evaluation to some extent. These

processes are now starting up again and the work carried out will be described in future annual reports of the Social Fund.

taking this action? Will it now reveal the pressure to which it has been subjected by the German interest in this matter?

---

**WRITTEN QUESTION No 991/85**

**by Mr Richard Cottrell (ED - GB)**

**to the Commission of the European Communities**

*(18 July 1985)*

*(85/C 269/71)*

*Subject: Restrictive distribution of Grundig equipment*

The Commission has tabled a proposal endorsing a wholly restrictive regime for the distribution of Grundig products in the Community market outside Germany. Besides prohibiting dealers from undertaking parallel exports, the system imposes on dealers restrictions which are alien to national law, custom and practice, particularly in the United Kingdom. Surely retail distribution in the UK is a matter for the national government. How can the Commission justify

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

*(21 August 1985)*

The Commission would refer the Honourable Member to the answers it has given to this three previous Written Questions No 1964/84 <sup>(1)</sup>, No 244/85 <sup>(2)</sup> and No 705/85 <sup>(3)</sup> on this subject and to the decision concerning the Grundig EEC distribution system which it adopted on 10 July 1985. The Commission feels it has amply shown in its previous answers that the Honourable Member's concern is based on assumptions which are not supported by the facts. The Grundig decision is not a response to any particular interest but is in accordance with established practice regarding distribution systems in the hi-fi sector, which has been repeatedly confirmed by the Court.

---

<sup>(1)</sup> OJ No C 168, 8. 7. 1985.

<sup>(2)</sup> OJ No C 269, 21. 10. 1985.

<sup>(3)</sup> OJ No C 263, 14. 10. 1985.