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(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

WRITTEN QUESTION No 567/89**by Mr Paul Staes (V)****to the Commission of the European Communities***(24 October 1989)**(91/C 94/01)**Subject:* The kangaroo industry in Australia

1. Is the Commission aware that the Australian Government has authorized what is a record level of commercial kangaroo-culling, involving a total of 3 589 900 animals?
2. Have private individuals written to the Commission about the kangaroo industry?
3. If so, what form has this correspondence taken?

**Answer given by Mr Andriessen
on behalf of the Commission***(25 April 1990)*

1. Yes. The Australian National Parks and Wildlife Service, the Federal Government body responsible for coordinating policy and management across Australia's states and territories, set the 1989 commercial quota at 3 589 900 kangaroos. Within this maximum ceiling, further quotas were set by state and for each individual species on the basis, notably, of:

- estimates of population size and trends,
- seasonal conditions and damage mitigation needs,
- conservation of the species consideration.

The high 1989 quota reflected a greater abundance of Red Kangaroos due to favourable climatic conditions. In contrast, the quotas for Wiptail Wallaby, Euro and, in the case of South Australia, that for Western Grey Kangaroos, remained unchanged; in New South Wales

the Eastern Grey Kangaroo and the Western Grey Kangaroo quotas, compared with 1988, were reduced respectively by 18 % and 10 %.

2 and 3. Yes, the Commission received several thousand postcards, mainly from United States' citizens but as well from Italians, asking it to support the Parliament resolution aiming at a total ban on imports of kangaroo products. These requests appear to be based on a misunderstanding as the resolution concerned does not call for such a ban.

WRITTEN QUESTION No 807/89**by Mr Gérard Deprez (PPE)****to the Commission of the European Communities***(28 November 1989)**(91/C 94/02)**Subject:* Road transport problems

As of 1 December 1989 the Austrian Government will prohibit nightwork for lorry drivers.

This measure will cause great inconvenience to those employed in this sector (causing hours of delay, traffic jams, etc.).

Can the Commission provide further details on its proposals concerning the problems of combined transport and 'clean' lorries?

**Answer given by Mr Van Miert
on behalf of the Commission***(2 March 1990)*

The Commission has just adopted a communication ⁽¹⁾ containing a package of proposals including a proposal

for a Directive amending Directive 75/130/EEC⁽¹⁾ concerning combined transport, which deals with the following points:

- combined transport by inland waterway (same liberalization criteria as for combined road/rail transport),
- market access (total liberalization),
- tax (harmonization of the different taxation systems for international combined transport),
- tariffs (the need to have an unrestricted tariff system for international combined transport),
- own account: the possibility for own-account operators to take advantage of combined transport.

As regards 'clean lorries', the Community adopted Directive 70/157/EEC⁽²⁾, last amended by Directive 89/491/EEC⁽³⁾, relating to the approval of new vehicles, which lays down standards for sound levels and exhaust systems.

These Directives are now being adjusted to take account of technical progress. In the case of exhaust fumes, therefore, new standards are being drawn up which will be very similar to those which are going to be applied in Austria in the future.

As regards setting permissible sound levels for lorries, at the Commission's request, a group of national experts is to draw up a report which should be available in its final form during the first half of 1990. New proposals for reducing the noise nuisance due to lorries will be presented after examination of this report.

The Commission — as indicated in its programme for 1990 — will soon be presenting a proposal for a Directive on the control of gaseous and particulate emissions from heavy vehicles equipped with diesel engines (amendment of Directive 88/77/EEC).

⁽¹⁾ COM(89) 564.

⁽²⁾ OJ No L 48, 22. 2. 1975, p. 31.

⁽³⁾ OJ No L 42, 23. 2. 1970, p. 16.

⁽⁴⁾ OJ No L 238, 15. 8. 1989, p. 43.

WRITTEN QUESTION No 925/89

by Mr Hemmo Muntingh (S)

to the Commission of the European Communities

(1 December 1989)

(91/C 94/03)

Subject: Lüneburg Heath nature reserve

The Lüneburg Heath nature reserve is situated in the Pispingen district (Lower Saxony, Federal Republic of Germany). A large leisure centre, including 400

bungalows, is projected for construction in this district, in the immediate vicinity of the nature reserve. In preparation for this, 64 hectares of land adjoining the Lüneburg Heath have been deforested and the first foundations are being laid.

Both the nature reserve itself and the area in which the construction has now commenced have, until now, been characterized by a markedly agrarian landscape, and many tourists have been attracted to this area because of its rural nature. No cars are allowed into the nature reserve and it is a sanctuary for rare summer birds such as the black stork (*Ciconia nigra*) and the crane (*Grus grus*).

The planned activities connected with the leisure centre would lead to major infrastructural changes connected with the large expected influx of visitors and cars, which would fundamentally change the character of this area.

1. Is the Commission aware of these activities?
2. Has an environmental impact survey concerning the projected leisure centre been drawn up?
3. What is the present status of the Lüneburg Heath nature reserve under the Bird Directive?
4. Has the Commission received a request for subsidies for the construction of the planned leisure centre?
5. Does the Commission consider these activities to be in conflict with Community policy for the protection of nature as laid down for example in the Directive on the protection of habitats?
6. What instruments does the Commission intend to use to limit the adverse effects of such projects on important nature reserves?

Supplementary answer given by Mr Ripa di Meana on behalf of the Commission

(16 March 1990)

Further to its answer of 31 January 1990⁽¹⁾, the Commission has obtained the required information on the situation referred to by the Honourable Member.

Work had in fact commenced on laying the foundations for the leisure centre in the Bispingen district, but the project has now been halted following a ruling by the Oberverwaltungsgericht Lüneburg.

New plans, on a smaller scale, are to be submitted to the office responsible for public policy (Träger öffentlicher Belange), which will pay particular attention to the nature conservation aspects.

⁽¹⁾ OJ No C 125, 21. 5. 1990, p. 23.

WRITTEN QUESTION No 1013/89**by Mr José Valverde López (PPE)****to the Commission of the European Communities***(18 December 1989)**(91/C 94/04)*

Subject: The situation with regard to the Integrated Development Programmes submitted by Spain

The Integrated Development Programmes involve, as well as specifically agricultural measures, coordinated measures involving the other two funds (the ERDF and ESF). In its 1988 report on the agricultural situation in the Community, the Commission reported on the programmes adopted in the various countries and the stage reached in their implementation. It makes no mention of the position with regard to Spain. Would the Commission state what projects have been submitted by Spain under such programmes and what stage has been reached in their preparation, approval or implementation?

WRITTEN QUESTION No 1014/89**by Mr José Valverde López (PPE)****to the Commission of the European Communities***(18 December 1989)**(91/C 94/05)*

Subject: The position with regard to Integrated Development Operations (IDOs) in Spain

At the end of January 1988 the Commission adopted a series of decisions aimed at establishing an integrated approach to development via the EAGGF, ERDF and ESF. Integrated development operations in a number of countries have already been announced. Would the Commission state what projects have been submitted by Spain and what stage has been reached in their approval or implementation?

Joint answer to Written Questions Nos 1013/89 and 1014/89**given by Mr Millan****on behalf of the Commission***(11 May 1990)*

Following preliminary studies, in November 1988 the Spanish Government submitted to the Commission three draft integrated development operations for the area of La Mancha in the Autonomous Community of Castile-La Mancha, the provinces of Zamora and Salamanca in the Autonomous Community of Castile-Leon and the island of La Gomera in the Canary Islands. The Spanish Government subsequently redrafted these operations and resubmitted them as integrated operational programmes, in closer conformity with the new legislative provisions following the reform of the structural Funds.

Since the integrated operational programmes for Castile-La Mancha and Castile-Leon had already received priority assistance from the European Social Fund and the EAGGF Guidance Section and it was important not to delay the decision on assistance from the European Regional Development Fund (ERDF) so that the programme could be implemented rapidly, the Fund completed consideration of the ERDF programmes included in the integrated operational programmes for the La Mancha area and for the provinces of Zamora and Salamanca. Those ERDF programmes were approved on 31 January 1990 and during the course of this year will be included in the corresponding integrated operational programmes together with measures adopted by the other structural Funds (the Social Fund and the EAGGF Guidance Section).

The ERDF programmes which have been approved, whose implementation will contribute to the achievement of the development priorities in the Community support frameworks, are designed to encourage local development, tourism and private initiative in the industry, services and craft sectors, to protect the environment and to improve and extend road, water, urban and rural infrastructures. Total ERDF assistance for the Zamora-Salamanca operational programme amounts to ECU 276 921 000 (PTA 36 107 million). The programme for La Mancha, which partially covers four of the five provinces making up the region, will receive ERDF assistance totalling ECU 181 292 000 (PTA 23 638,15 million).

The Commission is still considering the integrated development operation for La Gomera with a view to approving it as an integrated operational programme.

WRITTEN QUESTION No 1160/89**by Mr David Martin (S)****to the Commission of the European Communities***(10 January 1990)**(91/C 94/06)*

Subject: Association agreements

What criteria does the Commission use in proposing the legal base for agreements with third countries? Is it not the case that some commercial agreements, such as those with Poland and certain EFTA countries, are in fact more far-reaching than certain association agreements (Article 238), such as those with the Magreb countries?

If the difference between the two is largely symbolic, would it not be possible to use Article 238 to associate, where appropriate, eastern European countries and EFTA countries with the Community? Is Article 238 not in fact quite flexible and capable of being used both for relatively

loose forms of association, as is the case for some current agreements, and, potentially, for new forms of very close association which the Community may wish to establish in the coming years with certain European countries?

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

(9 October 1990)

The Court of Justice has stated on a number of occasions that in the context of the organization of the powers of the Community, the choice of the legal basis for a measure must be based on objective factors which are amenable to judicial review⁽¹⁾. Full account is taken of this by the Commission, notably when proposing to the Council the conclusion of agreements negotiated with third countries.

Article 238, the basis for the association agreements, must thus be interpreted in the light of the rulings of the Court of Justice, in particular of the judgment in the Demirel case in which the court described an association agreement as 'creating special, privileged links with a non-member country which must, at least to a certain extent, take part in the Community system'⁽²⁾. The Commission infers from this that in order that an agreement may be regarded as an association agreement, it is necessary that:

- special procedures be agreed which give tangible form to the special links, possibly in the form of common institutions,
- the scope of the substantive obligations should be sufficiently broad in order that the other party may be described as taking part in the Community system, and
- the link created should be long-lasting.

Although the free trade agreements with the EFTA countries are broad in the sense that they lay down sundry very detailed obligations, they cover only one sector of the Community system, namely trade, and for that reason they are correctly based on Article 113 of the Treaty. Likewise, although the trade and cooperation agreements recently concluded with certain central and eastern European countries cover an additional sector, namely cooperation, they lack the features of permanence and possible future development that must be found in an association agreement. They are, accordingly, properly based on Article 113 and 235 of the Treaty.

As far as the future is concerned, in its communication to the Council and Parliament of 17 April 1990 concerning the development of the Community's relations with the countries of central and eastern Europe, the Commission referred to bilateral association agreements based on Article 238 of the Treaty, the objectives of which are free trade and the intensification and diversification of cooperation, and which also deal with the movement of persons, services and capital⁽³⁾. At the same time, an

appropriate institutional framework would be established. Furthermore, the recent negotiating directives for the conclusion of an agreement with the EFTA countries envisage an association agreement designed *inter alia* to establish a common economic area based on the four freedoms.

⁽¹⁾ Case 45/86 Commission v. Council (1987) ECR 1943.

⁽²⁾ Case 12/86 Demirel v. Stadt Schwäbisch Gmünd (1987) ECR 3719.

⁽³⁾ SEC(90) 717 final.

WRITTEN QUESTION No 1252/89

by Mr Juan Bandrés Molet (V)

to the Commission of the European Communities

(12 January 1990)

(91/C 94/07)

Subject: Setting up of a new factory by the Silenka multinational corporation in La Vall d'Uixo in the Plana Baixa district

The multinational fibre-glass corporation Silenka has decided to set up a factory in the town of La Vall d'Uixo (Valencian Autonomous Community), to the alarm of the inhabitants, who are aware of the serious pollution caused by this type of industry and of the large quantities of water required in producing fibre-glass. What information does the Commission have about the environmental impact study submitted in connection with setting up this factory?

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

(21 February 1990)

The Commission is not aware of the plans to manufacture fibre glass in Vall d'Uixo (Valencia) to which the Honourable Member refers. No request for Community financial support has so far been made to the structural Funds.

The Commission would point out that, in accordance with Directive 87/337/EEC⁽¹⁾, the impact studies must be submitted to the national authorities with responsibility for the environment and the public concerned for their opinion, which must be taken into account in the development consent procedure.

However, the project in question belongs to a category of projects in Annex II to the Directive, which means that it is for the Member States to decide whether an impact assessment should be carried out.

The Commission will ask the Spanish authorities for their comments on the project.

(¹) OJ No L 175, 5. 7. 1985, p. 40.

WRITTEN QUESTION No 147/90

by Mr Yves Verwaerde and Mr Jean-Pierre Raffarin
(LDR)

to the Commission of the European Communities

(8 February 1990)

(91/C 94/08)

Subject: Air transport

What measures does the Commission intend to take to initiate the authorization procedure for the exercise of the fifth freedom (the freedom to carry passengers from a Member State other than that of registration to a third Member State)?

**Answer given by Mr Van Miert
on behalf of the Commission**

(21 September 1990)

Fifth freedom between all Community airports open for international air transport is included in Decision 87/602/EEC (¹) except between category 1 airports. Airlines are entitled to sell 30% of the capacity on these routes as fifth freedom.

In its proposals on market access of 8 September 1989 (²) the Commission proposed to increase this limit to 50% and to make it valid between all airports open for travel between Member States. The Council has in principle accepted this proposal.

(¹) OJ No L 374, 31. 12. 1987, p. 19.

(²) COM(89) 373 final.

WRITTEN QUESTION No 277/90

by Mr George Patterson (ED)

to the Commission of the European Communities

(19 February 1990)

(91/C 94/09)

Subject: Restrictions on lorry movements at night or weekends

In view of the current disparities between national regulations concerning the restrictions on lorry movements at night or weekends, does the Commission

not consider that this will be an obstacle to free movement of goods after 1992? Is the Commission therefore intending to propose legislation to harmonize restrictions on heavy vehicle movements, both from the point of view of protection of consumers and of the single market?

If not, why not?

**Answer given by Mr Van Miert
on behalf of the Commission**

(11 September 1990)

The Court of Justice held, in the recent case of Torfaen Borough Council v B & Q PLC (Case 145/88, Judgment of 23 November 1989), that the prohibition on measures having an effect equivalent to quantitative restrictions contained in Article 30 of the EEC Treaty should be interpreted as meaning that it does not apply to national rules which apply to imported and domestic products alike 'where the restrictive effects on Community trade which may result therefrom do not exceed the effects intrinsic to rules of that kind'. In other words, if the measures restricting the movement of lorries apply to domestic and imported goods transported, it is necessary to consider first of all whether the measure pursues an aim justified with regard to Community law. The Court held in Case 155/80 (Oebel 1989 (¹)) that national rules governing hours of work, delivery and sale of goods constitute a legitimate part of economic and social policy, consistent with the objectives of public interest pursued by the Treaty. Secondly, it is necessary to ascertain whether the effects of such national rules exceed what is necessary to achieve the aim in view. Therefore, without undertaking a detailed analysis of each measure restricting the movement of lorries, it is not possible to state in principle that measures of this type infringe the rules of the Treaty on the free movement of goods.

At present the Commission does not intend to attempt to harmonize these restrictions for the following reasons:

- Many of these restrictions are the responsibility of local authorities and are intended to protect the local environment or road safety.
- Harmonization would lead to the situation that either some areas would be forced to abolish bans that they have now, or that other areas that have no restrictions would be forced to introduce them. Moreover, these restrictions apply also to public holidays and as these holidays in the Member States are not harmonized it would be impossible to bring these restrictions into line.
- It is not certain that harmonized restrictions would be more advantageous for hauliers than local differences which they can incorporate in their driving schemes;

the necessary information concerning these restrictions as provided by professional organizations to the hauliers can be considered as very good.

In any case, from the point of view of consumer safety, appropriate user information should be provided in this field, particularly as regards cross-border traffic.

In the main this information could probably be most efficiently provided in the short term by the Member States, although this need not exclude the possibility of overall consideration at Community level of the European implications of this problem.

(¹) Report of Cases 1981, p. 1993.

WRITTEN QUESTION No 343/90

by Mrs Hiltrud Breyer (V)

to the Commission of the European Communities

(26 February 1990)

(91/C 94/10)

Subject: EC Directive on environmental impact assessment

To what extent has the EC Directive on environmental impact assessment been translated into national law in the Member States of the EC?

Does this directive apply to genetic engineering projects?

What implementing regulations exist in connection with this Directive?

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

(22 June 1990)

1. By 15 June 1990, two Member States, Greece and Luxembourg, had not yet notified the Commission of the measures taken to incorporate this Directive into national law. Infringement proceedings have been initiated against the countries in question for failure to notify the Commission of the measures adopted.

The other Member States have adopted provisions to transpose the Directive.

Of these:

- (a) infringement proceedings have been initiated against Belgium, France, Ireland, the Netherlands and Spain for partial or complete incompatibility of the provisions adopted with Community law;

(b) after an initial examination of the legislation in Denmark and the United Kingdom, the Commission sees no grounds so far for initiating the infringement procedure for incompatibility with Community law;

(c) the Commission has not yet examined the provisions adopted in Germany, Italy and Portugal.

2. No.

3. The Honourable Member may obtain the references of all the regulations in question through the Celex data base, which can be accessed by all the Community institutions.

WRITTEN QUESTION No 405/90

by Mrs Beate Weber (S)

to the Commission of the European Communities

(5 March 1990)

(91/C 94/11)

Subject: Amendment of Directive 79/409/EEC on the conservation of wild birds

1. Does the Commission intend, in the near future, to submit to the Council a proposal to amend the Annexes to Directive 79/409/EEC (¹) on the conservation of wild birds?

2. If so, has it taken account of demand No 18 set out in Parliament's resolution of 26 September 1988 (Doc. A 2-181/88)?

3. If the Commission does plan to submit a proposal, which species of bird are to be

(a) added to Annex I,

(b) removed from Annex II, Parts 1 and 2,

(c) added to Annex II, Parts 1 and 2?

(¹) OJ No L 103, 25. 4. 1979, p. 1.

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

(19 February 1991)

The Commission would refer the Honourable Member to the reply to the oral question H-1298/90 by Mr Cassidy, which it gave during question time at Parliament's January 1991 part-session (¹).

(¹) Debates of the European Parliament No 398 (January 1991).

WRITTEN QUESTION No 422/90**by Mr Victor Manuel Arbeloa Muru (S)****to the Commission of the European Communities***(5 March 1990)**(91/C 94/12)**Subject: Local economic factors in relation to EDF aid*

According to the latest Court of Auditors report (II, 69), it would appear that making use of the economic factors available locally is not taken as the starting point in planning European Development Fund operations. The Commission's reply seems somewhat enigmatic. Would the Commission care to clarify it?

**Answer given by Mr Marin
on behalf of the Commission***(6 September 1990)*

The Commission shares the court of Auditors' view that, wherever technically feasible and economically viable, the design of projects and programmes should be based on the use of inputs with a high local value added, in order to limit dependence on inputs payable in foreign currency. In its reply, the Commission's intention was to point out that this problem, which it takes into account when appraising projects, pertains to the implementation of operations rather than to programming.

WRITTEN QUESTION No 432/90**by Mr Yves Verwaerde and Mr Jean-Pierre Raffarin
(LDR)****to the Commission of the European Communities***(5 March 1990)**(91/C 94/13)**Subject: Boat people*

What practical measures does the Commission intend to undertake to stop the enforcement of the recent decision taken by the High Commissioner for Refugees?

The decision to send back the boat people who fled the bloodthirsty Vietnamese regime in peril of their lives, does no credit to our democracies.

**Answer given by Mr Matutes
on behalf of the Commission***(3 May 1990)*

The United Nations High Commission for Refugees (UNHCR) has at no time taken any decision to return the

boat people. All decisions in the recent past on the approach to be taken for the easing of this major humanitarian issue have been at the initiative of the international Conference on Indo-Chinese Refugees, which produced a comprehensive action plan, and the Steering Committee set up to examine further measures which might be necessary under that plan.

One of the main elements of the action plan was the introduction at regional level of a screening process already initiated by the Hong Kong authorities to determine whether asylum-seekers were indeed refugees fleeing from a real fear of persecution for their political and religious beliefs, or because of their race, or were leaving the country to secure a better future for themselves and their families.

Those who fled from persecution have been, and will continue to be, treated as refugees with all the protection and support that the international community is able to provide, under the auspices of the UNHCR.

Those whose basis for departure from Vietnam is to seek an improvement in their economic situation have been determined by the international community as being economic migrants. They are therefore required to fulfil the same conditions imposed on that category the world over, with obligations to obtain work permits and appropriate visas before departure from their country of origin. While international convention on migration foresees an immediate return to the country of departure for those not fulfilling these conditions, the Vietnamese asylum-seeker has been granted additional opportunities, with international assistance, to make his return to his country of origin in dignity and without fear of repercussions following his flight.

The Commission has attended the Conference and all of the Steering Committee meetings. In common with the Member States present it has consistently supported the fundamental need to treat the issue of Vietnamese boat people as a major humanitarian question, requiring a treatment of individuals in dignity and security. It has provided support to the UNHCR in the camps and is currently studying new proposals for additional financing from the Community budget.

WRITTEN QUESTION No 627/90**by Mr Juan Bandrés Molet (V)****to the Commission of the European Communities***(20 March 1990)**(91/C 94/14)**Subject: Sand dredging off Mallorca*

During the winter of 1988—1989, the Spanish Ministry of Public Works and Town Planning (MOPU) spread a total of 460 000 cubic meters of sand of the S'Arenal beach (Mallorca) which had been extracted from the Cala Blava protected marine area.

The MOPU vessels which are dredging sand from the sea-bed off the Balearic Islands are systematically destroying large areas of 'Posidonia oceanica', a type of sea grass.

What information does the Commission have on sand dredging off the islands of Mallorca, Menorca and Ibiza?

Is the Commission aware that no environmental impact studies were carried out prior to these dredging activities?

Does the Commission know whether a report has been drawn up for each operation involving the dredging of sand from the sea-bed?

Does the Commission intend to take any decision to preserve the Mediterranean sea-bed off the Balearic Islands?

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

(12 July 1990)

The Commission has taken note of the facts referred to by the Honourable Member.

The Commission would point out that under Directive 85/337/EEC (1) Member States are not obliged to forward to the Commission impact studies carried out on their national territory.

Moreover, since the project in question comes under Annex II to the Directive, it is unlikely to be subject to an impact study under current Spanish law.

The Commission therefore intends to seek information from the competent authorities through a procedure initiated for that purpose.

The Commission has no information concerning reports on the dredging of sand from the sea-bed. As for a decision to protect the Mediterranean sea-bed off the Balearic Islands, the Commission is not considering such action among its medium-term priorities.

(1) OJ No L 175, 5. 7. 1985, p. 40.

WRITTEN QUESTION No 667/90

by Mrs Hiltrud Breyer (V)

to the Commission of the European Communities

(23 March 1990)

(91/C 94/15)

Subject: Effects of plasticizers

Plasticizers are used in the manufacture of plastics to achieve varying degrees of plasticity. The plasticizer

diethylhexylphthalate is very widely used and particularly frequently in the production of PVC plastics. It is suspected that plasticizers can cause considerable health problems.

1. Which plasticizers or their degradation products are known to the Commission to be persistent or cumulative in the environment?
2. What is known about the effects of plasticizers on fertility in animals and humans?
3. How carcinogenic are plasticizers?
4. To date what concentration of plasticizers have been found in marine systems?
5. What are the effects of plasticizers which enter the body via food or medical treatment (for example, infusion packs)?

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

(1 August 1990)

In the framework of Directive 67/548/EEC (1) concerning the classification and labelling of dangerous substances, the Commission has not yet studied the group of substances used as plasticizer as a whole. However, the most widely used plasticizer, bis (2-ethylhexyl) phthalate (DEHP), has been evaluated.

The experts, after detailed examination of the available data, came to the conclusion that DEHP could not be classified as a carcinogen or as a teratogenic substance.

They emphasized in particular that no excess of tumours has been formed in renal dialysis patients who are exposed to DEHP by leakage from the tubes of the haemodialysis equipment. No causal relationship has yet been shown between peroxisome proliferation induced by chemicals and carcinoma in rats and mice. The significance to humans has not been established.

As regards the framework of Directive 89/109/EEC (2) concerning materials and articles intended to come into contact with foodstuffs and particularly the specific Directives on plastics, the Commission has already examined all the plasticizers used. For certain of these plasticizers the Scientific Committee for Food (SCF) has established a TDI (tolerable daily intake), for others it was unable to express an opinion due to the insufficiency of the toxicological data available. The Commission will take account of the opinion expressed by the SCF in the

future Directive on the positive list of additives, actually in preparation. As regards the specific substance mentioned (DEHP), the SCF has recently reevaluated this substance and arrives at the conclusion that there is no real risk of cancer to man linked to the migration of DEHP from the packaging of foodstuffs. Therefore the SCF has reinstated a TDI (tolerable daily intake) of 0—0250 mg/kg bw to the compounds, previously withdrawn because of the suspicion of carcinogenic effects. As the use of DEHP as plasticizers for PVC is now very limited in Europe, the estimated exposure to man of DEHP migrating from packages is negligible and certainly lower than the TDI. Therefore, there is no risk to man due to the contamination of food.

Furthermore, to the Commission's knowledge, the concentration of plasticizers in marine systems has never been studied, in any case not within the context of the international Conventions wherein the Commission represents the Community.

(¹) OJ No 196, 16. 8. 1967.

(²) OJ No L 40, 11. 2. 1989.

WRITTEN QUESTION No 867/90

by Mr Florus Wijsenbeek (LDR)

to the Commission of the European Communities

(9 April 1990)

(91/C 94/16)

Subject: Costs and benefits of the internal market

Is the Commission aware of the black paper which has been drawn up by Harry Vos Int. Transport BV on the costs of border obstacles?

Can the Commission confirm the accuracy of this information?

On the basis of this information can the Commission indicate the extra costs that are incurred by individual transport companies as a result of incidental and structural border obstacles?

Can the Commission give information concerning the safety of roll-on roll-off ferries?

Does the Commission not consider that new legislative proposals should be made in order to improve the stability and buoyancy of roll-on roll-off ferries?

If so, does it intend to make proposals along these lines?

Answer given by Mr Van Miert on behalf of the Commission

(21 September 1990)

The Commission is aware of the black paper drawn up by Harry Vos International Transport.

The black paper refers to a wide range of difficulties, including strikes by customs officials, strikes in the sector concerned (transport operators, etc.), rules concerning the import of fuel and rules resulting from climatological conditions, etc.

The Commission is not in a position to calculate the costs which may arise from such a wide range of problems with such a wide range of causes.

The Commission is, however, doing its utmost to ensure that goods can move freely within the EEC; during the strikes by customs officials referred to in the black paper the Commission reminded the authorities of the Member State concerned of their responsibilities under Community law.

Completion of the internal market in 1993 will result in the elimination of all controls on goods at Community internal borders.

With this in mind a start was made in 1985 on the phasing out of controls.

Various measures have recently been adopted on the initiative of the Commission: these include the provisions abolishing lodgement of the transit advice note on crossing an internal frontier of the Community (¹), an amendment to the relevant Regulation designed to permit wider use of the arrangements for movement within the Community of goods for temporary use (²), and Council Regulation (EEC) No 4060/89 on the elimination of controls performed at the frontiers of Member States in the field of road and inland waterway transport (³).

Council Directive 68/297/EEC of 19 July 1968 on the standardization of provisions regarding the duty-free admission of fuel contained in the fuel tanks of commercial motor vehicles (⁴), as last amended by Council Directive 85/347/EEC of 8 July 1985 (⁵), lays down that:

'Member States shall admit duty-free the following quantities of fuel contained in standard fuel tanks of commercial motor vehicles

- (a) 200 litres per vehicle and per journey in the case of vehicles designed for, and capable of, transporting goods, with or without payment;
- (b) 600 litres per vehicle and per journey in the case of vehicles designed for, and capable of, transporting more than nine persons including the driver.'

On 10 July 1986 the Commission sent the Council a proposal for a Directive extending the 600 litre tax exemption to goods vehicles (⁶).

With regard to the prohibition on night driving in Austria, the Commission has participated in negotiations between the Transport Ministers of Italy, Germany and Austria. Agreement was reached in Rome on 9 May on a compromise, whereby exemptions to this prohibition were extended to the end of 1990.

As regards the safety of roll-on roll-off ferries, the Commission supports every initiative to improve the stability of ferries.

The Commission would draw the Honourable Member's attention to the major studies commissioned by the United Kingdom Department of Transport following the accident involving the Herald of Free Enterprise. In the light of the results of these studies, which the United Kingdom authorities expect to lead to initiatives at world level (International Maritime Organization), the Commission will consider whether it should itself take any initiative in this field.

(¹) OJ No L 51, 27. 2. 1990, p. 1.

(²) OJ No L 130, 12. 5. 1989, p. 1.

(³) OJ No L 390, 30. 12. 1989, p. 18.

(⁴) OJ No L 175, 23. 7. 1968, p. 15.

(⁵) OJ No L 183, 16. 7. 1985, p. 22.

(⁶) OJ No C 183, 22. 7. 1986, p. 8.

WRITTEN QUESTION No 927/90

by Mr Carlos Pimenta (LDR)

to the Commission of the European Communities

(17 April 1990)

(91/C 94/17)

Subject: EC implementation of the Berne Convention

Under the Berne Convention, who is responsible, the Community or the Member State concerned, or both, for ensuring the protection of the following species in the European Community

1. Spanish Lynx,
2. Corsican Nuthatch,
3. Linaria algarviana,

and on what legal basis?

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

(5 December 1990)

The protection of the Spanish Lynx and the Linaria Algarviana is the responsibility of the Member States concerned.

The protection of the Corsican Nuthatch is covered by Council Directive 79/409/EEC (¹) of 2 April 1979 concerning the conservation of wild birds and is therefore the responsibility of both the Community and the Member States.

(¹) OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION No 947/90

by Mr Enerique Sapena Granell (S)

to the Commission of the European Communities

(17 April 1990)

(91/C 94/18)

Subject: Shortcomings in the regulations governing access to the profession of haulier

1. The present proposal for a directive on obtaining a driving licence sets out more stringent requirements than those contained in the Directive of 16 December 1966 on professional qualifications. Does the Commission intend to maintain both sets of rules when in fact the 'Lex generalis' is stricter than the 'Lex specialis'?

2. Does the Commission not consider that it would be simpler to incorporate the haulier's permit into the relevant driving licence, thereby creating a single uniform document and avoiding duplication of paperwork and monitoring difficulties for the Member State authorities?

**Answer given by Mr Van Miert
on behalf of the Commission**

(21 September 1990)

The proposal for a new directive on the driving licence (COM(88) 705 final of 2 December 1988), like the current Directive (80/1263/EEC of 4 December 1980 (¹)), lays down a number of conditions concerning training and medical requirements which have to be met before a driving licence can be obtained.

On the question of training, Annex II of the proposal lists the knowledge, skills and behaviour required for driving a motor vehicle, the main aim being to ensure that drivers are trained in those matters which will guarantee safe driving. These are mostly of a general nature and apply to all categories of licence but there are some specific points which relate to particular types of vehicle.

The above proposal confirms a system of dividing driving licences into categories based on vehicle type (and reflecting the system established by the Vienna Convention and Directive 80/1263/EEC). Such division is based on vehicle weight and the number of passengers carried, regardless of whether the vehicle is used for commercial or private purposes.

On the other hand, Council Directive 76/914/EEC of 16 December 1976 ⁽¹⁾, to which the Honourable Member refers, has a different purpose as it is concerned with the minimum amount of training required for obtaining a certificate of professional competence (as provided for in social legislation, for example Council Regulation (EEC) No 543/69 of 25 March 1969 ⁽²⁾).

Anyone obtaining a certificate of professional competence is assumed to be the holder of a category C or D driving licence (authorizing, respectively, the carriage of goods and persons).

The Annex to Directive 76/914/EEC requires certain minimum knowledge (but the Member States may require more extensive training) 'to the extent that this is not already covered by training for a driving licence'.

Some of the knowledge listed in this Annex relates to administrative or regulatory aspects of transport and goes beyond the driving and safety training which are the concern of Directive 80/1263/EEC and proposal COM(88) 705 on the driving licence, to which the Honourable Member refers.

The Commission therefore considers that the legislation on the driver's certificate of professional competence and Directive 74/562/EEC on admission to the occupation of road haulage operator ⁽³⁾, which does not necessarily relate to the driver but, rather, to the operator, should be kept separate from the legislation on the driving licence.

⁽¹⁾ OJ No L 375, 31. 12. 1980.

⁽²⁾ Council Directive of 16 December 1976 on the minimum level of training for some road transport drivers, OJ No L 357 of 29 December 1976, p. 36.

⁽³⁾ OJ No L 77, 29. 3. 1969.

⁽⁴⁾ Council Directive on admission to the occupation of road haulage operator in national and international transport operations (OJ No L 308, 19. 11. 1974).

WRITTEN QUESTION No 963/90

by Mr Dieter Rogalla (S)

to the Commission of the European Communities

(25 April 1990)

(91/C 94/19)

Subject: German-Greek youth projects for protection of the landscape

1. Is it true that plans for the employment of young people in a landscape and nurseries project drawn up by Wickenbrock Bros Nurseries in Altenberge in the District of Steinfurt could not be put into practice because of lack of funds?

2. Is the Commission prepared to review this project, which received authorization, with a view to implementing it in one of the next few financial years?

3. What experience does the Commission have in each of the Member States with projects designed to provide jobs for young people who would otherwise be unemployed, and why is it not possible to increase considerably funding for such projects?

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

(29 June 1990)

Since the Commission does not have the information it would need to investigate the problem referred to by the Honourable Member, it is not at the moment in a position to answer his question.

WRITTEN QUESTION No 973/90

by Mr Christopher Jackson (ED)

to the Commission of the European Communities

(25 April 1990)

(91/C 94/20)

Subject: Beazley fire isolating valves

In its answer to my Written Question No 2260/88 ⁽¹⁾ concerning German requirements for additional approvals of fire isolating valves, the Commission stated that it was studying the additional information which I had provided concerning Beazley fire isolating valves. Mr Beazley wrote to the relevant Director-General of the Commission on 25 May 1989 giving relevant information but heard nothing more.

1. Does the Commission appreciate that a requirement for double approval which appears to necessitate duplication of testing is unacceptable?
2. Why has there been such a delay in dealing with the case referred to above?

⁽¹⁾ OJ No C 202, 7. 8. 1989, p. 24.

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

(20 July 1990)

The Commission would refer the Honourable Member to its answer to his Written Question No 2260/88 where the Commission has opened a pre-infringement procedure, in order to investigate whether the measures referred to constituted an infringement of the provisions of the Treaty.

The Honourable Member was informed by letter of this fact by the Commission on 8 May 1989. In this letter he was also informed that the information available to the Commission was not sufficient for such an examination. For that purpose, the Commission asked the Honourable Member to supply supplementary information concerning a number of specific questions.

Supplementary information was supplied by the constituent concerned to the Commission in a letter dated 25 May 1989. This information was then examined by the Commission and proved to be inconclusive. In order to avoid further delay in the case, the constituent concerned was subsequently contacted by the Commission directly and requested to furnish more specific information and documentation on his product, the kind of type-approval procedures he is subjected to, and the kind of testing that has to be carried out in this context, in order to enable the Commission to contact the German authorities.

The constituent confirmed to the Commission with a letter of 10 July 1989 that he had furnished all the information available to him to the Commission.

On 22 September 1989 the Commission wrote to the German authorities informing them about the complaint made by the Honourable Member and asking them for comments. No answer has been received from the German authorities.

The Commission will shortly be in further contact with the German authorities in respect of this matter.

WRITTEN QUESTION No 987/90

by Mrs Anna Hermans (PPE)

to the Commission of the European Communities

(25 April 1990)

(91/C 94/21)

Subject: Biodegradable packaging material

Biodegradable packaging material can make an important contribution to solving the increasingly serious problem of waste in the European Community.

Can the Commission say:

1. whether it finances any research projects designed to develop such materials and, if so, what these projects are?
2. in which countries these projects are being carried out and what institutions or companies receive European support?

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

(6 September 1990)

The Commission has as yet no policy on biodegradable packaging materials, nor is it financing any research on their development.

It will consider such materials when drawing up plans for Community action in the field of plastic waste and waste packaging.

WRITTEN QUESTION No 1017/90

by Mr Gérard Monnier-Besombes (V)

to the Commission of the European Communities

(11 May 1990)

(91/C 94/22)

Subject: Implementation of Directive 79/409/EEC: special protection areas for the Bearded vulture (*Gypaetus barbatus*) in France

Can the Commission name the special protection areas established by France pursuant to Directive 79/409/EEC⁽¹⁾ for the purpose of preserving the Bearded vulture (*Gypaetus barbatus*) in mountainous terrain, where it still exists?

⁽¹⁾ OJ No L 103, 25. 4. 1979, p. 1.

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

(28 June 1990)

No territories in France have been classified, in pursuance of Directive 79/409/EEC, as special protection areas for the conservation of the bearded vulture (*Gypaetus barbatus*) — neither in the Pyrenees (where the species still exists and reproduces) nor in the Alps (where it has recently been reintroduced).

The Commission is in contact with the French authorities with a view to ensuring that areas for the conservation of *Gypaetus barbatus* are included within special protection areas.

WRITTEN QUESTION No 1092/90

by Mrs Raymonde Dury (S)

to the Commission of the European Communities

(10 May 1990)

(91/C 94/23)

Subject: The 'Solunor' factory

The 'Solunor' factory, which stands on French territory a few hundred yards from the Belgian border, refines used motor oil in order to extract the basic ingredients. The reclaimed products are sold back to the lubricants industry.

The inhabitants of the charming border town of Templeuve have complained about the environmental problems (nauseating smells, unbreatheable atmosphere) to which they are subjected, and whose cause appears to be the incinerator which burns black oil residues at a temperature of several thousand degrees.

In order to reassure the inhabitants of Templeuve, can the Commission state whether the smoke in question has been subjected to toxicity tests? If so, what were the results, and if not, are there plans to do so?

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

(21 June 1990)

The Commission has recently been informed of the problems raised by the Honourable Member regarding the Solunor factory and is currently looking into them. The factory's activities are covered by Directive 75/439/EEC on the disposal of waste oils⁽¹⁾ and Directive 78/319/EEC on toxic and dangerous waste⁽²⁾. Under Article 2 of Directive 75/439/EEC and Article 5 of Directive 78/319/EEC Member States must take the necessary measures to ensure that used oils and the toxic and dangerous waste which can be produced in the regeneration of used oils are disposed of without endangering human health and without harming the environment.

⁽¹⁾ OJ No L 194, 25. 7. 1975, p. 23.

⁽²⁾ OJ No L 84, 31. 3. 1978, p. 43.

WRITTEN QUESTION No 1113/90

by Mr Jaak Vandemeulebroucke (ARC)

to the Commission of the European Communities

(14 May 1990)

(91/C 94/24)

Subject: Relations between the European Communities and the United States

On 12 December 1989 during a visit to Berlin the US Secretary of State, James Baker, called for a strengthening of relations between the United States and the European Communities, possibly by means of a treaty.

His actual words were: '... We propose that the US and the EC work together to achieve, whether it's a treaty or

some other form, a significantly strengthened set of institutional and consultative links... We suggest that our discussions about this idea proceed in parallel with Europe's efforts to achieve by 1992 a common internal market so that plans for US-EC interaction would evolve along with changes in the Community...'. In the conclusion to his speech Baker also mentioned relations between NATO and the European institutions: 'At the same time, the substantive overlap between NATO and European institutions will grow. This overlap must lead to synergy, not do friction. Better communication among European and transatlantic institutions will thus become more urgent'.

1. Has the US Administration already submitted detailed proposals for closer institutional links and consultation procedures between the US and the EC and/or in respect of relations between NATO and the EC?
2. What is the Commission's response to the proposal to create closer institutional links between the EC and the US and to improve communications between the EC and NATO?

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

(24 September 1990)

The Commission and the United States administration share the view that EC-US relations should be reinforced and bilateral cooperation in areas of common interest extended. This should be done both for geopolitical reasons and for the sake of improving the bilateral relationship itself by shifting the emphasis from trade disputes to positive, constructive collaboration. Community competence and the neutral status of one Member State makes it difficult to institute any formal link between the EC and NATO. The question of closer links between the EC and NATO has never been formally discussed by the US, although questions related to security in the wider sense have been examined, particularly in relation to developments in Eastern Europe.

Meanwhile, certain steps have been taken to reinforce and enrich the EC-US dialogue. It has already been agreed that there will be two free-standing Ministerials a year, one in Brussels and one in Washington, and not, as in the past, a single meeting at the end of the December NATO Ministerial. The principle of meetings between President Bush and President Delors, whenever the opportunity arises, has also been established.

The regular Ministerials are being supplemented by two Sub-Cabinet meetings per year (chaired by the Director-General of DG I and the Under-Secretary of State for Economic and Agricultural Affairs). The object of these meetings is to ensure an adequate overview of collaboration in areas of joint interest.

The frequent ad hoc political level meetings between Commissioners and the US administration will of course continue as and when necessary, or as the opportunity arises. In addition, efforts, at the level of officials, will be intensified in order to resolve existing trade differences and provide an early-warning system for issues which could develop into real problems if not addressed promptly. At the same time, a conscious drive to deepen and extend cooperation in areas of mutual interest has been launched.

Furthermore, the President of the European Council, Mr Haughey, met President Bush on 27 February 1990 to discuss, amongst other matters, the strengthening of links with the United States. At that time, it was agreed that meetings between the President of the United States and the President of the European Council should be held during each Presidency. It was also agreed that there should be an additional meeting per year between the US Secretary of State, the twelve Ministers of Foreign Affairs and the Commission. The first such meeting was held on 3 May. It was further agreed that there should be increased contacts at official level on subjects covered by European Political Cooperation. Such meetings have already taken place on Africa, Central America and the Middle East.

WRITTEN QUESTION No 1158/90

by Mrs Astrid Lulling (PPE)

to the Commission of the European Communities

(14 May 1990)

(91/C 94/25)

Subject: Adverse publicity given by the Commission to the Eurocheque system

In its sixth annual report to the European Parliament on its monitoring of its application of Community 1988 (COM(89) 411 final of 21 December 1989) in particular in paragraph 88 concerning the charging of commission on Eurocheques, the Commission referred to a request to the public regarding such commissions. What was the wording of that request and how was it delivered to the public?

1. Why did the Commission embark in this report on a publicity campaign against Eurocheques, when any payment system usually involves charges?

2. Did the Commission compare the Eurocheque system with other payment systems, and did it also ask the public for copies of correspondence with those running these other systems regarding commission and other charges?
3. How many letters were received by the Commission and what was the period covered?
4. Will the Commission pass on to the interested parties the complaints it has made public?
5. Did not the Commission realize that its course of action may have been an infringement of its duty of professional secrecy, which could give rise to actions for liability on the basis of Article 215 of the Treaty?

**Answer given by Sir Leon Brittan
on behalf of the Commission**

(20 November 1990)

1. In the context of an infringement proceeding against Italy concerning a discriminatory tax on all foreign cheques, the large majority of which are Eurocheques, the Commission invited the public by means of a press release issued at the end of July 1988 to insist on compliance with the conditions applicable under the Eurocheque system and, where appropriate, to complain to the banks concerned and, as a last resort, to the Commission. The latter, aware that Eurocheques are usually less expensive for conducting transfrontier transactions than other payment systems, had absolutely no intention of launching any form of adverse publicity against Eurocheques.

2. Since there was no need to mention other payment systems in the abovementioned context, the Commission did not make any comparison of the terms applied under the various systems. However, in view of the general interest of this matter, it recently published a discussion paper entitled 'Making payments in the internal market' (*), a copy of which is being sent separately to the Honourable Member.

3. The Commission has received some 40 letters on this subject, possibly as a consequence of the abovementioned press release. Many of them arrived in August or September 1988.

4. The Commission departments met with a representative of Eurocheque International in the summer of 1988, and have since had numerous contacts regarding complaints, most of which resulting from users failing to comply with the conditions governing application of the Eurocheque system (in particular, observing the limits on amounts and issuing cheques in local currency).

5. The Commission considers that there was no conceivable risk of professional secrecy being violated.

(¹) COM(90) 447.

WRITTEN QUESTION No 1175/90

by Mr Frédéric Rosmini (S)

to the Commission of the European Communities

(14 May 1990)

(91/C 94/26)

Subject: Mediterranean high-speed rail link

The Mediterranean high-speed rail link will make it possible to travel between Marseilles and Paris in three hours. A similar connection between Spain and Italy is of vital importance for the South of France in general and the Marseilles region in particular.

Has the Commission drawn up a railway improvement scheme that is likely to be put before the Council within a reasonable period? Do its proposals take ecological considerations into account?

**Answer given by Mr Van Miert
on behalf of the Commission**

(6 September 1990)

The Commission is at present working out, with the aid of a group of high-level experts, a master plan for the European high-speed rail network. The plan will be put before the Council at the end of the year.

The ecological aspect is obviously being taken into account. The Commission would point out that Council Directive 85/337/EEC (¹) makes it compulsory to assess the environmental impact of projects involving the building of tracks for high-speed rail traffic.

(¹) OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION No 1194/90

by Mrs Cristiana Muscardini (NI)

to the Commission of the European Communities

(14 May 1990)

(91/C 94/27)

Subject: The port and airport of Catania

In view of Sicily's geographical characteristics (with the two main cities at opposite ends of the island and the

resulting communications difficulties), does not the Commission believe that the port and airport of Catania should enjoy the same benefits as those of Palermo?

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

(6 July 1990)

The Commission attaches particular importance to reducing the isolation of Sicily from mainland Europe.

Applications by the Italian authorities for part-financing of projects to improve port and airport infrastructures have always been favourably received by the ERDF.

Such was the case as regards both Palermo airport and the airport at Catania, for which the Commission granted LIT 605 319 117 in ERDF assistance in December 1985 to cover 50% of the cost of an ILS Radio assistance installation and LIT 17,5 billion in December 1987 to cover 50% of the expected cost of constructing a new runway and installing lighting, drainage and radio assistance.

If the Commission receives further applications for part-financing of infrastructures of this type in Sicily, they will be carefully considered in the light of the accompanying traffic forecasts.

WRITTEN QUESTION No 1197/90

by Mr Florus Wijsenbeek (LDR)

to the Commission of the European Communities

(14 May 1990)

(91/C 94/28)

Subject: The supply of dentures to the public

The report of the Committee on Legal Affairs and Citizens' Rights (Doc. A 2-0095/87 (¹)), which was adopted nem. con. by the plenary session of the EP on 18 September 1987, called upon the Commission 'to carry out a study into the practice of denturism in the various Member States and the legal provisions governing it'.

The practice of denturism is a specialist service whereby one and the same suitable trained and qualified person both makes and fits dentures directly for the patient and without the intervention of a dental surgeon.

A clear distinction needs to be made between dental technician (who work in dental laboratories on the

instructions of dental surgeons) and denturists (who, having first trained as dental technicians, undergo supplementary training for qualification to work directly on their own responsibility with patients for the making and fitting of dentures).

The Committee on the Environment, Public Health and Consumer Protection of the European Parliament has recommended unanimously that the profession of denturist should be generally recognized by Member States (Opinion PE.89 159 of 1 March 1984).

Denturists are now recognized by Act of Parliament in the Member States of Denmark, Spain, Portugal and the Netherlands.

A public opinion poll carried out by Marketing and Opinion Research Management Ltd (MORI) in August 1989 showed that 66% of the denture-wearers questioned in the United Kingdom would welcome being able to choose whether to obtain dentures from a dentist or a denturist.

1. What action has the Commission taken or does it propose to take in conformity with the request of the Parliament referred to in the first paragraph above?
2. In view of the clear indications of consumer opinion in favour of denturists, will the Commission set up a working party to investigate and report upon their role in the provision of denture services within the Community?
3. Bearing in mind the widespread consumer interest in this matter, will the Commission at least investigate and report upon the experience in Denmark where denturists have practised as an independent profession under Act of Parliament since 1979?

(¹) OJ No C 281, 19. 10. 1987, p. 206.

**Answer given by Mr Bangemann
on behalf of the Commission**
(24 September 1990)

On 26 July 1989, the Commission presented to the Council a proposal for a Council Directive on a second general system for the recognition of professional education and training which complements Directive 89/48/EEC (¹). The proposal relates to all professional qualifications the recognition of which is not covered by Directive 89/48/EEC (²) (which deals solely with higher-education diplomas awarded on completion of professional education and training of at least three years' duration) or by any other Directive. It could thus apply also to denturists (dental technicians entitled to fit dentures themselves, without reference to a dentist). In its opinion on the proposal, Parliament supports the

Commission's general approach, which was embodied for the first time in Directive 89/48/EEC and intentionally leaves aside the matter of prior coordination of training and fields of professional activity.

The Commission attaches priority at present to general solutions such as those described above. Nevertheless, in view of the experience acquired in implementing the two general systems for the recognition of qualifications, it does not wish to rule out the possibility that it may put forward specific proposals to facilitate the movement of professionals, provided that the professionals concerned agree unanimously on the measures to be taken and that the Member States reach a sufficient degree of consensus.

(¹) OJ No C 263, 16. 10. 1989, p. 1.

(²) OJ No L 19, 24. 1. 1989, p. 16.

WRITTEN QUESTION No 1227/90

by Mr Arias Cañete (PPE)

to the Commission of the European Communities

(22 May 1990)

(91/C 94/29)

Subject: Multiannual guidance programme for aquaculture (1987 to 1991) for Spain

Having regard to Commission Decision 88/9/EEC (¹) of 11 December 1987 on the multiannual guidance programme for aquaculture (1987 to 1991) submitted by Spain pursuant to Council Regulation (EEC) No 4028/86 (²), can the Commission give details of the programme's specific objectives, in order of priority, and the investment provided for in the programme?

(¹) OJ No L 4, 7. 1. 1988, p. 26.

(²) OJ No L 376, 31. 12. 1986, p. 7.

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

(21 September 1990)

The overall objective of the programme is to encourage the rapid and substantial development of aquaculture for all species that can be farmed with a reasonable profit margin.

Spain's most pressing need is for fish and shellfish hatcheries and nurseries.

The development of marine aquaculture will be concentrated on the Atlantic coast of Andalusia, in the Galicia/Biscay area and in Catalonia.

The total capital investment is estimated at PTA 28 700 000 000 (ECU 198 400 000), of which PTA 23 400 000 000 is to be spent on fish- and

shellfish-farming in salt water and brackish water. The proportion of government aid has been set at 10% of the total investment.

An investment of PTA 2 500 000 000 (ECU 17 280 000) is envisaged for the placement of artificial reefs.

The resulting increase in production expected can be summarized as follows:

	(tonnes)		
	1985	1995 (*)	Production increase
Fish	417	33 134	32 717
Crustaceans	36	8 061	8 500
Molluscs	304 025 (*)	377 500	73 524

(*) The programme provides for the abovementioned investments up to 31 December 1991. The time required for construction and launch of the installations should be taken into account in the assessment of the production objectives set for 1995.

(*) Estimates.

WRITTEN QUESTION No 1233/90

by Mr Jean-Pierre Raffarin (LDR)

to the Commission of the European Communities

(22 May 1990)

(91/C 94/30)

Subject: Eligibility of the left bank of the river Seudre for funding under Objective 5b

The southern border of Zone II (known as the Zone des Marais) of the department of Charente-Maritime which is eligible for funding under Objective 5b of the ERDF is formed by the right-hand bank of the river Seudre.

In this mainly oyster farming region, activities are carried out in equal measure — sometimes by the same farmer — on both banks of the river. There is consequently a disparity in the allocation of ERDF funds which can in no way be justified by the nature of the problems involved as regards land planning, improvement or protection.

Is the Commission prepared to take this problem into account and to decide that the villages on the left bank of the Seudre should also be eligible for Objective 5b funding?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(20 June 1990)

The Zone Marais in the department of Charente-Maritime, which is eligible for funding under Objective 5(b) of the reform of the structural Funds,

corresponds exactly to the territory proposed by the French authorities for funding. Although it is true that only the right bank of the river Seudre is therefore eligible for structural Fund aid under this Objective, it should be remembered that the same applies to the national measures undertaken within the framework of the fragile rural area policy provided for in the state/region agreement under the Tenth Plan. The treatment given to the two banks of the Seudre is therefore the same, as regards both Community activities and national measures to develop the area.

Although the two banks of the Seudre may be similar in terms of certain activities, the Commission does not wish to change the definition of the eligible areas, since this would involve a long and complex procedure similar to the one which led to the selection of the eligible areas as they now stand. It would also lead to a delay in the implementation of Community measures, which the Commission wishes to see carried out as soon as possible.

Nevertheless this does not mean that oyster-farming outside the eligible areas will not receive Community assistance. It may receive aid under the Community fisheries policy in the aquaculture sector. The activities this provides for, which cover a very wide range of structural measures, apply to all Community regions. They may be implemented on both sides of the Seudre, thus ensuring equal treatment of both parts of this homogeneous oyster farming area.

WRITTEN QUESTION No 1277/90

by Mr François-Xavier de Donnea (LDR)

to the Commission of the European Communities

(22 May 1990)

(91/C 94/31)

Subject: Global warming

At the recent conference at the White House on global warming, Commissioner Ripa di Meana announced the Commission's intention to promote research into the basic causes of climatic change.

1. Does the Commission therefore believe that the Epoch and Joule programmes should be revised, in particular as regards their financing?
2. What initiatives does the Commission intend to take in order to encourage the conclusion of an agreement on CO₂ emissions at the second international conference on the climate in November 1990?

3. What stage has been reached in preparations for proposals to be made by the Commission to the Council on CO₂ emissions in the EEC?

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

(13 July 1990)

The intention is that the Epoch programme should be continued as part of a new environmental research programme within the 1990—94 framework programme, which makes more funds available for environmental research than was the case under the previous framework programme.

The Joule programme does not cover research into the basic mechanism of climatic change, but looks at energy technology and assesses energy options with a view to reducing emissions of greenhouse gases. Funding for this programme will remain the same.

In addition, the Commission has drawn up a communication⁽¹⁾ setting out its policy targets and initiatives with regard both to international negotiations and to measures to stabilize and, in the longer term, reduce emissions of greenhouse gases in the Community.

⁽¹⁾ SEC(90) 496 final.

WRITTEN QUESTION No 1436/90

by Mr Hemmo Muntingh (S)

to the Commission of the European Communities

(13 June 1990)

(91/C 94/32)

Subject: Community contribution to deforestation in Equatorial Guinea

An indicative programme for Equatorial Guinea contains a forestation programme covering the laying of roads to open up inaccessible areas of forest, the timber trade and the protection of natural resources. The aim is to quadruple timber extraction from 100 000 m³ to 400 000 m³ per year. The Community is to contribute ECU 1 910 000 over a four-year period. The project forms part of the Community's Regional Forestry Programme for Central Africa.

Although the project incorporates forestry protection measures, these are likely to prove ineffectual. The roads are to be laid and timber extraction stepped up immediately, without waiting for the necessary

preliminary studies to be carried out. No legal or other protective measures have been framed. However, research has already revealed that at the current rate of extraction the forest will have disappeared within 20 years.

1. Does the Commission not take the view that it is contributing to the (more rapid) destruction of the forests in Equatorial Guinea, or does it feel that a quadrupling of the rate of timber extraction will extend the life of those forests?
2. Can the Commission provide examples of countries where the stepping up of timber extraction has actually contributed to the conservation of the tropical forests, including the variety of species found in them, and created a more sustainable basis for the existence of the local population?
3. In the case of Equatorial Guinea, can the Commission state from where the investments originate, by whom and by which firms and bodies the work is to be carried out and how the ultimate financial benefits are to be distributed among these firms and others, such as the government and local population.
4. Does the Commission not regard it as more advisable to delay investments in connection with tropical forests until full guarantees are given regarding the conservation of these forests?

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

(6 September 1990)

The forestry sector is one of the priorities of the indicative programme for Equatorial Guinea since it provides the only opportunity for the country's economic development and financial stability, following the slump in the cocoa subsector. It is therefore clear, as the Honourable Member says, that an increase in production can be achieved only against the background of a consistent forestry policy which takes account of the need to preserve the balance of the tropical forest and the country's natural resources.

Since the above guarantees have not at present been fulfilled the Commission has decided for the time being to finance only part of the original project. This aid will contribute to establishing an efficient and consistent forestry policy covering the exploitation and conservation of Equatorial Guinea's forests. The aid complements operations in this field planned by other donors and those to be carried out as part of regional cooperation in Central Africa.

The project, which recently received ECU 1 190 000 from the Commission in the form of grants from the resources of the national indicative programme, is designed to take aerial radar and photographic images of continental

Equatorial Guinea in order to draw up a detailed inventory of forestry potential and give logistical support to the OCIPEF (Office of Information Control and Promotion of Forestry Species) and train national staff.

Any investment in respect of forest exploitation will be considered by the Commission only if it complies with a consistent forestry policy, drawn up in close coordination with the other aid donors under the Tropical Forest Action Plan.

As part of regional cooperation in Central Africa, the Commission also intends to finance a programme for the conservation and efficient use of forest ecosystems in this part of Africa (seven countries). The programme will be put before the Community decision-making bodies very shortly. The main themes of the Equatorial Guinea component are the protection of biological diversity, the development of forestry resources, staff training and ecological studies.

WRITTEN QUESTION No 1447/90

by Mr Llewellyn Smith (S)

to the Commission of the European Communities

(13 June 1990)

(91/C 94/33)

Subject: Research, development, demonstration and policies in the field of alternative energy sources and rational use of energy — powers of the Commission

Can the Commission indicate the extent of their powers to persuade or oblige the Member States to comply with their recommendations, directives or regulations on energy policy?

**Answer given by Mr Cardoso e Cunha
on behalf of the Commission**

(7 August 1990)

The enforcement of Community instruments by the Commission in the energy sector is the same as in other sectors. In respect of legally binding instruments, such as directives, decisions or regulations, the Commission clearly has recourse to its powers provided for in the Treaties, including judicial remedies in cases of non-compliance by Member States.

On the other hand, instruments which are not legally binding in character can only be enforced by political influence and persuasion. By and large, the Commission has been successful in persuading Member States towards positions of Community solidarity, for example, in the setting up of Community energy policy objectives, the

launching of programmes for the development of innovative energy technologies and the promotion of a more efficient use of energy.

WRITTEN QUESTION No 1555/90

by Mrs Christine Crawley (S)

to the Commission of the European Communities

(27 June 1990)

(91/C 94/34)

Subject: Motor-cyclists in danger from other road users

Is the Commission aware that research would indicate that, in the UK, in accidents involving motor-cyclists, well over half those accidents are caused by other road users? Would the Commission indicate whether it would be prepared to instigate a research project to assess, fully and accurately this danger to motor-cyclists across Europe? Furthermore, while we understand the need for motor-cyclists themselves to be constantly vigilant and to take all steps possible to reduce risk to themselves, would the Commission explore ways in which the serious risks they suffer at the hands of other road users can be reduced, and then implement a policy to reduce those risks?

**Answer given by Mr Van Miert
on behalf of the Commission**

(18 October 1990)

The Commission has already carried out a survey of accidents causing bodily injury to motorcyclists. However, little of the information furnished by the Member States relates specifically to the proportion of accidents caused by drivers of other vehicles with the motorcyclist bearing no responsibility.

On the question of initiatives to protect motorcyclists, the Commission has already introduced the requirement for heavy vehicles to be fitted with external rearview mirrors on both sides so that it is easier to spot two-wheeled vehicles.

Also, the proposal for a Directive on the driving licence⁽¹⁾, now before the Council, contains provisions intended to ensure that the training programme for learner drivers includes a section specifically to make them aware of the dangers inherent in the presence on the road of other vehicles such as those with two wheels.

The Commission will pay particular attention to this point once it receives the detailed statistics supplied by the data bank on traffic accidents occurring in the Community.

⁽¹⁾ COM(88) 705 final.

WRITTEN QUESTION No 1622/90
by Mrs Winifred Ewing (ARC)
to the Commission of the European Communities

(2 July 1990)
 (91/C 94/35)

Subject: Antarctic Treaty

Will the Commission provide the names of the 33 signatory states of the Antarctic Treaty which was signed in Wellington in June 1989 with a view to authorizing a limited opening up of exploration and mining in the area. Will it also state which countries have so far ratified the Treaty and which are contesting it?

Answer given by Mr Andriessen
on behalf of the Commission

(18 October 1990)

The following States signed the Wellington Convention: Argentina, Brazil, Chile, China, Czechoslovakia, Denmark, Finland, the German Democratic Republic, Japan, the Republic of Korea, Norway, New Zealand, Poland, South Africa, the Soviet Union, Sweden, the United Kingdom, the United States, and Uruguay.

None of these has yet deposited its instrument of ratification.

Since the signing of the Convention some of the countries that participated in the negotiations have expressed reservations, some more formally than others, or taken a negative stance. The Commission has no precise details about this.

It welcomes the initiative of the French and Australian governments on a comprehensive arrangement to protect the Antarctic environment and its associated and dependent ecosystems.

WRITTEN QUESTION No 1652/90
by Mr Vassilis Ephremidis (CG)
to the Commission of the European Communities

(4 July 1990)
 (91/C 94/36)

Subject: Commission's powers. Legal basis of texts on sea transport

Given that Article 84 (2) of the EEC Treaty is the only article which refers to sea and air transport stipulating that the power to take decisions in regard to this sector is conferred on the Council of Ministers:

1. Why does the Commission, in its report (COM(90) 17 final of 23 February 1990), use Article 113 of the Treaty as the basis?
2. Does not this procedure constitute an arbitrary increase of the Commission's powers at the expense of the Member States, effectively limiting the latter to a purely advisory role?
3. Is it not arbitrary to distinguish between 'technical' matters governed by Article 84 (2) as opposed to 'commercial' matters which are more important, that is to say access to cargoes, bilateral agreements, rules of competition etc.?
4. Is this not an indirect means of absorbing air and sea transport policy into trade policy, with serious consequences for the Member States whose volume of trade is not commensurate with the size of their fleets, for example Greece?
5. In the final analysis what impact will this procedure have on the European Parliament's powers in these matters?

Answer given by Mr Delors
on behalf of the Commission

(23 January 1991)

1. As stated in COM(90) 17 final, to which the Honourable Member refers, the Commission is of the opinion that those aspects of external relations concerning trade in services, including transport services, come within the scope of the Community's commercial policy. This opinion was formed in the light of developments at international level (in particular, the inclusion of all services in the Uruguay Round) and also on the basis of the case law of the Court of Justice concerning 'commercial policy'.
2. No.
3. The distinction which is made between commercial matters and non-commercial matters is not an arbitrary one since they relate to different objectives; commercial matters are concerned directly with trade in services whereas non-commercial matters are only indirectly connected with it and are more concerned with measures to harmonize the conditions of competition.
4. No.
5. The procedure which has been adopted should not really affect the powers of Parliament at all. Indeed, the Commission has stated on several occasions that the Stuttgart Declaration of June 1983 requires Parliament to be consulted on all significant international agreements

concluded by the Community, regardless of their legal basis, and that the Commission will see to it that this consultation does actually occur.

drivers of 75 and over must undergo periodic medical examination. For Group 2 drivers (lorries and buses) the proposal requires national legislation to prescribe such examinations.

(¹) OJ No L 375, 31. 12. 1980, p. 1.

(²) OJ No C 48, 27. 2. 1989.

WRITTEN QUESTION No 1702/90

by Mrs Carmen Díez De Rivera (S)

to the Commission of the European Communities

(5 July 1990)

(91/C 94/37)

Subject: Driving licences and the elderly

Can the Commission state whether there is any Member State where renewal of a driving licence may be refused for the sole reason that the holder is over a certain age?

**Answer given by Mr Van Miert
on behalf of the Commission**

(14 September 1990)

Directive 80/1263/EEC of 4 December 1980 on the introduction of a Community driving licence (¹) established minimum standards of physical and mental fitness. The standards are set out in Annex III and take into account the current position in the Member States.

On this point the principle underlying the Directive is to set minimum standards but allow Member States to impose stricter ones. This applies to regular medical examinations, which remain optional.

On the question of eyesight, Annex III suggests that eye tests should be carried out from the age of 70 'and preferably earlier, and thereafter at appropriate intervals' or from the age of 40 in the case of subnormal vision.

Depending on the category of driving licence (ordinary or professional), most Member States have made medical examination prior to renewal mandatory. According to the Commission's information this is so in Belgium, the Federal Republic of Germany, Denmark, Spain, Greece, France, Italy, the Netherlands and the United Kingdom. For instance, licence holders of 70 years of age are required to undergo medical examination in Denmark, Spain, Greece, Ireland and Italy. In the last three, such examinations are an annual requirement.

Also, the proposed directive (²), which is to replace Directive 80/1263/EEC, lays down that, in general,

WRITTEN QUESTION No 1757/90

by Mrs Maartje Van Putten (S)

to the Commission of the European Communities

(12 July 1990)

(91/C 94/38)

Subject: UN Declaration on the Rights of the Child

Has the Commission noted the answer given by the Council to Question H-172/90 (¹) that it would welcome any proposals from the Commission on the application of the UN Declaration on the Rights of the Child on Community territory?

Is the Commission prepared to submit such proposals and, if so, when?

How does the Commission plan to take account of this Declaration in bilateral contacts with third countries?

(¹) Debates of the European Parliament No 3-388 (March 1990).

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

(3 October 1990)

The Commission has noted the answer given by the Council to Question H-172/90, in which it said that it would consider any relevant proposals from the Commission once the United Nations Convention on the Rights of the Child came into force, provided they lay within the sphere of Community responsibility.

The Convention, however, does not come into force until 30 days after the 20th ratification or accession.

The Commission is aware of the many problems involved in protecting children and adolescents, both within the Community and in other countries, and hopes that the Convention will soon be ratified by as many countries as possible.

Any proposal the Commission might make would have to take account of existing Council of Europe initiatives, respect the principle of subsidiarity, and accord with its powers under the Treaties.

The Committee of Ministers of the Council of Europe, having noted the Parliamentary Assembly's recommendation 1121 (1190) on the rights of children, has informed the Assembly that consideration is being given to framing an appropriate Council of Europe instrument to complement the United Nations Convention on the Rights of the Child.

It should be noted that the Assembly's recommendation called for coordination with other international organizations, including the European Community.

WRITTEN QUESTION No 1762/90

**by Mr Carlos Robles Piquer (PPE)
to the Commission of the European Communities**

(5 July 1990)

(91/C 94/39)

Subject: Coordination of European efforts with regard to HDTV

The media have expressed their support for the agreement between the two industrial groups Thomson and Philips to speed up research into HDTV (high definition television), which will also be carried out with the official backing of the French Government, according to a statement made by the Minister for Industry Mr Roger Fauroux (*Le Monde* of 17 May 1990).

Does the Commission also support this project, the subject of which has already aroused interest at European level? What links does this initiative have with the EUREKA 95 programme, the second stage of which was about to be decided on when the agreement was reached? Finally, can the Commission say what connection can be maintained between this initiative and a number of specific programmes included in the new Community framework programme?

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

(8 November 1990)

The agreement between the companies Philips and Thomson mentioned by the Honourable Member has not been officially referred to the Commission. To its

knowledge this agreement comes under the general cooperation of EUREKA 95. The Commission has no comments to make on this subject.

Having said that, since 1986 the Commission has supported all initiatives concerning political, scientific and technical cooperation between public or private bodies on high definition television.

In terms of policy, for example, the Commission coordinated the position of the Member States at the plenary meetings of the International Radio Consultative Committee in Dubrovnik in 1986 and in Düsseldorf in May 1990. This coordination at the CCIR paved the way for European work on a proposal for a world standard. In the interim the Commission has prepared the 'MAC Packets' directive of November 1986, which allows for the use of MAC standards on direct broadcasting satellites. The decision of April 1989 also establishes the strategy of introducing HDTV services in Europe.

In the new framework programme on scientific research the Commission has taken the measures needed to coordinate a number of ESPRIT and RACE projects concerning high definition television with projects in the second phase of the EU 95 programme, as defined at the EUREKA Ministerial Conference in Rome on 1 June 1990. These projects deal with:

- digital studios and production links,
- High-definition television screens,
- semi conductors for HDTV, including charge transfer circuits,
- strategic material in the equipment range, such as videos.

The communication in February 1990 on audio visual policy pinpointed measures in favour of HDTV as compared with the other aspects of this policy (rules of the game, programme industry). Accordingly, the Commission advocated the creation of the European Economic Interest Grouping, VISION 1250, which was set up on 11 July in Strasbourg during the Parliamentary session. A demonstration of HDTV was organized by the Commission on that occasion with the aid of Parliament. Backed by these two institutions, a further demonstration was given at the beginning of November during the conference on science and technology in Europe.

Thus, without interfering with the technical and trade agreements of the industry, the Commission acts in matters which concern it, encourages where necessary and coordinates any action falling within the strategy of introducing HDTV, as set out in the decision of April 1989.

WRITTEN QUESTION No 1772/90**by Mr José Valverde López (PPE)****to the Commission of the European Communities***(12 July 1990)**(91/C 94/40)*

Subject: Failure by Belgium, Italy and Luxembourg to implement the Directive on mutual recognition of diplomas and right of establishment for pharmacists

In April 1989, the Commission delivered reasoned opinions for Belgium, Italy and Luxembourg for failure to notify it of the national measures implementing Council Directive 85/433/EEC⁽¹⁾ of 16 September 1985 concerning the mutual recognition of diplomas, certificates and other qualifications in pharmacy, including measures to facilitate the effective exercise of the right of establishment relating to certain activities in the field of pharmacy. What is the current position? What implementing measures have been taken?

⁽¹⁾ OJ No L 253, 24. 9. 1985, p. 37.

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

(6 September 1990)

The administrative proceedings to which the Honourable Member refers have taken their course. Since the Member States in question have failed to take the necessary steps fully and correctly to incorporate Directive 85/443/EEC into national law, the Commission has referred the matter to the Court of Justice in all three cases.

WRITTEN QUESTION No 1837/90**by Mrs Ursula Schleicher (PPE)****to the Commission of the European Communities***(20 July 1990)**(91/C 94/41)*

Subject: Amendment of the directive on drinks containers

According to press reports, the Commission of the European Community is reviewing Directive 85/339/EEC⁽¹⁾

1. In its deliberations, what environmental value does the Commission attach to an existing national pool of refillable containers used for marketing 90% of sales in a particular sector, where 90% of refillable bottles are returned?
2. Can the Commission ensure that the definition provided makes a clear distinction between refillable and non-refillable containers?

3. Does the Commission agree that, under the 'polluter pays' principle, refillable bottles cannot be included in a quota designed to reduce waste materials from drinks containers?

4. In the Commission's view, who is the appropriate interlocutor in establishing quotas to reduce materials waste drinks containers: the manufacturers of the containers, the bottlers or the trade representatives?

⁽¹⁾ OJ No L 176, 6. 7. 1985, p. 18.

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

(10 October 1990)

The Commission is considering the various options available as regards the amendment of the Directive on drinks containers to make it more consistent with the principles established in Article 130r (2) of the Treaty. At this stage, it is therefore unable to comment on the various points raised by the Honourable Member.

WRITTEN QUESTION No 1885/90**by Mr Florus Wijsenbeek (LDR)****to the Commission of the European Communities***(2 August 1990)**(91/C 94/42)*

Subject: Restriction on the free import of diesel fuel

Is the Commission aware that restrictions are imposed by two Member States on the free import of diesel fuel in the tanks of commercial vehicles?

Does the Commission consider that such restrictions are still justified in view of:

1. the introduction of an increase in excise duty on diesel fuel in the Netherlands in view of the imminent harmonization of excise duties.
2. the introduction on 1 July 1990 of a road-users' tax in the FRG.
3. the imposition by the FRG of a levy of DM 0,442 per litre of diesel fuel purchased in Sweden, although the price of such fuel is higher in Sweden than in the FRG,
4. the tax-free allowance of 600 litres of diesel fuel for internal transport between the GDR, West Berlin and the FRG, which is of particular benefit to German hauliers,
5. the fact that no refund is paid on the export of diesel fuel contained in vehicle tanks?

Does not the Commission consider that its proposal dating from 1984 for the free import and export of vehicle tank contents should be adopted by the Council, since otherwise distortions of competition, which are unacceptable in a free common market, will continue to exist?

**Answer given by Mrs Scrivener
on behalf of the Commission**

(22 November 1990)

Under existing Community tax arrangements, Member States may limit the tax-free allowance for diesel fuel contained in the standard tanks of commercial vehicles to 200 litres ⁽¹⁾.

However, in order to facilitate the crossing of intra-Community frontiers pending removal of this restriction upon completion of the internal market, the Commission has proposed the *de facto* abolition of any restriction on the quantity of fuel contained in standard tanks by increasing the present duty-free allowance from 200 to 600 litres ⁽²⁾.

This proposal is being examined by the Council as part of the overall discussions on excise duties.

In addition, within the framework of its programme for completing the internal market, the Commission presented in 1987 a proposal on the approximation of the rates of excise duty on mineral oils ⁽³⁾, which was amended in 1989 ⁽⁴⁾, and in 1990 a proposal on the harmonization of the structures of excise duties on mineral oils ⁽⁵⁾ and a proposal on the general arrangements for products subject to excise duty and on the holding and movement of such products ⁽⁶⁾. These proposals are now before the Council.

⁽¹⁾ Directive 83/181/EEC, OJ No L 105, 23. 4. 1983, as last amended by Directive 89/219/EEC, OJ No L 92, 5. 4. 1989; Directive 68/297/EEC, OJ No L 175, 23. 5. 1968, as last amended by Directive 85/347/EEC, OJ No L 183, 6. 7. 1985.

⁽²⁾ OJ No C 183, 22. 7. 1986.

⁽³⁾ OJ No C 262, 1. 10. 1987.

⁽⁴⁾ OJ No C 16, 23. 1. 1990.

⁽⁵⁾ COM(90) 434 final.

⁽⁶⁾ COM(90) 431.

WRITTEN QUESTION No 1899/90

by Mr Victor Manuel Arbeloa Muru (S)

to the Commission of the European Communities

(2 August 1990)

(91/C 94/43)

Subject: Future 'peripheral' areas of the FRG

Will the current border areas of the FRG (Zonenrandgebiete), which are on the point of

disappearing, be replaced, possibly with the aim of attracting Structural Fund payments, by new border areas adjacent to Poland or other territories of the present GDR?

**Answer given by Sir Leon Brittan
on behalf of the Commission**

(7 December 1990)

The Commission is not aware of any plans on the part of the German authorities to designate areas along the border with Poland or other territories which would be comparable to the old Zonenrandgebiet. The problem of the Zonenrandgebiet will be looked at as part of the review of the German regional aid scheme, the Gemeinschaftsaufgabe, in the light of German unification.

The structural Funds do not assist the Zonenrandgebiet as such, although areas in the Zonenrandgebiet can qualify for Fund assistance.

In its Memorandum on the Community and German Unification, the Commission pointed out that the structural Funds have an important role to play in facilitating the integration of the former GDR and its regions into the Community. It proposed that an additional ECU 3 billion be made available over the three years 1991 to 1993 for structural measures in the former GDR, the entire territory of which would be eligible for assistance from the Funds.

WRITTEN QUESTION No 1927/90

by Mr Carlos Robles Piquer (PPE)

to the Commission of the European Communities

(1 September 1990)

(91/C 94/44)

Subject: New eolian platform in Spain

The entry into operation of the eolian platform at Granadilla, Tenerife, Spain, will be the first example of technological progress made in the exploitation of wind energy and a reference-point for all scientists specializing in this subject. The technological progress being made in the exploitation of wind energy will enable many parts of the Community to benefit from this source of energy and reduce their dependence on traditional energy sources.

In view of this, could the Commission say how it intends to become involved with the important experiment being carried out at Granadilla and whether it intends to accept the invitation to take part in research on the subject, formulated in general terms by the developers of the eolian platform? Can it also say how this experiment might fit in with the Community programme for the exploitation of wind energy?

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

(11 October 1990)

The Commission is aware of current and planned activities on the eolian platform at Granadilla in Spain. In terms of both its capacity and the technologies used, however, the installation is not an isolated example as several similar projects are already operational in various Member States.

These installations, most of which are experimental in nature and serve demonstration purposes, could lead to future action for the large-scale exploitation of wind energy.

R & D in this field is currently going ahead as part of the 'Renewable energies: solar-derived energy sources' sub-programme of the 1989-92 Joule programme (1).

Future action will take place in the context of the new Commission proposal for a non-nuclear energies programme for 1990-92 (2) (area 3: 'Renewable energy sources', sub-areas: 'Renewable power plants' and 'Renewable energies for rural electricity, local fuel and water'. The proposal was sent to the Council on 28 April 1990 and is being discussed at present in the European Parliament.

When the proposal is adopted by the Council, promoters will be able to reply to the calls for proposals by putting forward research projects. These will be examined according to the usual criteria used by the Commission for selecting projects eligible for funding by the Community.

(1) Joint Opportunities for Unconventional or Long-term Energy supply: OJ No L 98, 11. 4. 1989.

(2) COM(90) 164.

WRITTEN QUESTION No 1957/90

by Mr Mihail Papayannakis (GUE)

to the Commission of the European Communities

(1 September 1990)

(91/C 94/45)

Subject: Official status (recognition) of diplomas issued by the Athens Health Faculty

For 70 years the Athens Health Faculty has been providing 12 month courses of postgraduate training in public health, as part of which students are required to write a dissertation. This training is available only to graduates from higher education institutes (Faculties of Medical, Legal, Political and Economic Studies). A bill

has been submitted, but never adopted in Parliament, to establish the Athens Health Faculty as a higher institute of education and research and to award its students officially recognized Master's degrees.

It should be noted that, of the 96 educational institutes in Europe which provide postgraduate training in public health studies, only the Athens Health Faculty is not recorded as an educational institute in its own right and the diploma it awards, which has no official status and is valueless in the eyes of the Greek Government.

This situation can only be described as anachronistic and prevents the alumni of this faculty from being treated in the same way as those of corresponding European faculties thereby placing them at a disadvantage. What steps will the Commission therefore take to secure immediate recognition and official status for the diploma awarded by the Athens Health Faculty so that its alumni are not confronted with insurmountable obstacles to freedom of movement on an equal footing in the European Community?

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

(17 December 1990)

In the absence of Community regulations harmonizing the training leading to the award of qualifications — which is the case in this instance — recognition within its own territory by a Member State of academic or professional qualifications awarded by institutions within that territory is a matter on which the Member State alone is competent.

WRITTEN QUESTION No 1967/90

by Mrs Hiltrud Breyer (V)

to the Commission of the European Communities

(1 September 1990)

(91/C 94/46)

Subject: European cultural park in Bliesbrueck-Reinheim

The Franco-German excavation site at Bliesbrueck-Reinheim is to be developed into a European cultural park over the next few years.

1. What Community funds have been earmarked for this project, together with the necessary preparatory work (excavations)?
2. Have plans been made to carry out an environmental impact assessment in respect of the construction work involved?
3. Are the projected holiday homes on the French side and the restaurant in Bliesbrueck to be connected to a sewerage system?

4. To what extent has account been taken of nature conservation requirements on the French side?
5. Are additional 'leisure facilities', such as a bathing lake, planned on the French side?

Can the Commission provide detailed and separate answers to each of the above questions?

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

(16 November 1990)

The Commission is unable to provide detailed and separate answers to each of the questions raised by the Honourable Member. The project mentioned could receive support under a Community ERDF programme, the Resider programme for Lorraine concerning the conversion of the departments of Moselle and Meurthe-et-Moselle, which the Commission approved on 29 May 1990. That programme includes ECU 2,3 million to finance a series of tourist infrastructures relating to development projects and facilities that strengthen the economic structures. These are located on a number of sites, including Bliesbruck in Moselle.

The programme specifies that the series of measures planned will not only create a variety of jobs and attract private tourist investment but also, once implemented, involve significant land and environmental improvements and protection. It also states that measures under the programme which could have an impact on the environment will have to comply with the relevant Community rules.

WRITTEN QUESTION No 1989/90

by Mrs Raymonde Dury (S)

to the Commission of the European Communities

(1 September 1990)

(91/C 94/47)

Subject: Court of Justice: Case 222/84

What action has been taken by the United Kingdom in response to the judgment handed down by the Court on 15 May 1986 concerning Marguerite Johnston v. Chief Constable of the Royal Ulster Constabulary (Case 222/84)?

**Answer given by Mrs Papandreou
on behalf of the Commission**

(9 January 1991)

On 15 May 1986 the Court of Justice handed down its judgment in Case 222/84 (Marguerite Johnston v. Chief Constable of the Royal Ulster Constabulary).

The Court of Justice considered that the principle of effective judicial control laid down in Article 6 of Council Directive 76/207/EEC of 9 February 1976 does not allow a certificate issued by a national authority stating that the conditions for derogating from the principle of equal treatment for men and women for the purposes of protecting public safety are satisfied to be treated as conclusive evidence so as to exclude the exercise of any power of review by the courts (Article 53 of the Sex Discrimination (NI) Order 1976).

The provision contained in Article 6 to the effect that all persons who consider themselves wronged by discrimination between men and women must have an effective judicial remedy may be relied upon by individuals as against a Member State which has not ensured that it is fully implemented in its internal legal order.

In February 1988 the UK Government adopted the Sex Discrimination (Amendment) Order 1987. This amendment changes Article 53 of the Sex Discrimination (NI) Order 1976, which the Court of Justice held to be contrary to Directive 76/207/EEC. Ministers no longer have the power to issue certificates preventing industrial tribunals from examining questions involving State security or public safety when the defence case is based on these arguments.

WRITTEN QUESTION No 2020/90

by Mr Ernest Glinne (S)

to the Commission of the European Communities

(1 September 1990)

(91/C 94/48)

Subject: Member States' development cooperation budgets

In May 1989 the Belgian Cabinet adopted a three-year plan with the objective of earmarking 0,7% of GNP for development cooperation by October 1991, in accordance with the Belgian Government's international commitments. However, the cabinet made the achievement of this objective conditional upon 'budgetary possibilities' which are unfortunately considered to be very restricted at present. Therefore Belgium may not be able to respect its commitments.

Can the Commission give information concerning international commitments entered into by the other Member States in respect of development cooperation and the increases made by these Member States in terms of the percentage of GNP earmarked for this purpose? Will the Twelve have achieved the figure of 0,7% by 1991?

**Answer given by Mr Marin
on behalf of the Commission**
(12 October 1990)

The majority of Member States have at a given moment declared their support for the principle of setting aside 0,7% of their GNP for public development aid, but without indicating in every case a precise date for realizing this objective.

Since Member States' aid is subject to national decision making the Commission is unable to make any statement concerning the date on which those Member States which have not already done so will achieve this objective. As regards the current position of the various Member States in relation to the 0,7% objective the situation is as follows: Belgium 0,47%, Denmark 1%, France 0,78%, Germany 0,41%, Ireland 0,17%, Italy 0,39%, Netherlands 0,94%, United Kingdom 0,31% (1989), Spain 0,07%, Portugal 0,20%, Greece 0,07%, and Luxembourg 0,29% (1988).

In 1988 the figure for the Community and its Member States was higher than the average for the countries belonging to the Development Assistance Committee (0,49%), the average for which was 0,36% at that time.

WRITTEN QUESTION No 2027/90
by Mr Thomas Megahy (S)
to the Commission of the European Communities
(5 September 1990)
(91/C 94/49)

Subject: Airport security

Does the Commission have any plans to issue proposals aimed at the coordination, harmonization and overall improvement of the Community's frighteningly inadequate system of airport security?

**Answer given by Mr Van Miert
on behalf of the Commission**
(29 November 1990)

Security arrangements are not normally within the competence of the Community.

They are discussed and finalized at inter-governmental meetings.

While the Commission may attend some of these as an observer, e.g. those of the Ad hoc Group on Immigration or of national coordinators, it may not attend others, such as those of the Trevi Group dealing with action against terrorism.

The Commission does not, however, underestimate the importance of the matter raised by the Honourable

Member. For example, Article 1 of its recent (31 July 1990) proposal for a Regulation concerning the elimination of controls and formalities applicable to the cabin and checked baggage of passengers taking an intra-Community flight⁽¹⁾ clearly states that security checks will still be possible.

⁽¹⁾ COM(90) 370 final.

WRITTEN QUESTION No 2029/90
by Mr Nino Pisoni (PPE)
to the Commission of the European Communities
(5 September 1990)
(91/C 94/50)

Subject: 'Non-quota' milk imports in Italy

The Commission, Parliament and the governments of the Member States are considering at their respective levels possible ways of adapting the rules of the milk quota regime to the present market situation, to take into account also the forthcoming expiry of the transitional market arrangements for Spain and Portugal and the integration of the GDR into the Community.

1. Is the Commission aware that a considerable volume of non-quota milk is coming into Italy, especially from France, at prices which are much lower than official market prices, resulting in a depressed market, dumping and major problems for farmers?
2. What will the Commission do to alleviate this extremely serious problem which, apart from anything else, is responsible for defrauding the Community budget and frustrating the objectives of the CAP?

**Answer given by Mr Mac Sharry
on behalf of the Commission**
(18 December 1990)

1. The Commission has no factual evidence in support of the Honourable Member's claim.

2. If evidence of unlawful trade is produced, the Commission, together with the Member States concerned, will take all necessary steps to ensure that the appropriate Community rules are applied in their entirety.

WRITTEN QUESTION No 2038/90

by Mr Jean-Pierre Cot (S) and Mr Luigi Colajanni (GUE)
to the Commission of the European Communities

(5 September 1990)
(91/C 94/51)

Subject: Application of Lomé IV

In the light of the statements made by the Chairman of the ACP Committee of Ambassadors at the meeting of the Committee on Development on 19 April 1990 concerning the provisions and mechanisms of Lomé IV,

- does the Commission consider the financial provisions and additional measures to be adequate;
- does it consider that, in terms of resources and objectives, the new Convention corresponds to the real needs of the ACP countries;
- what is the Commission's position with regard to the major economic problems facing the ACP countries and their social implications?

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

(11 October 1990)

The first two questions raised by the Honourable Member as regards assessment of the Fourth Lomé Convention were the subject of detailed replies by the Commission before the Development Committee at the time of the drafting of Mr Tindemans' report and at the plenary session of 15 May 1990 during the debate preceding the European Parliament vote approving the results of the ACP-EEC negotiations ⁽¹⁾.

On these occasions, while stressing that the Lomé Convention could not on its own claim to solve all the difficulties of the ACP countries, the Commission pointed out that it regarded Lomé IV as being a good agreement, more ambitious and more solid than the previous agreements and presented arguments in support of this view:

- concerning finances (a significant increase in the funds available under the EDF going well beyond the mere updating of Lomé III; the abolition of special loans and the requirement to reimburse Stabex transfers paid in the form of loans);
- concerning breakthroughs, improvements and progress made in important and wide-ranging sectors (such as raw materials, trade, the environment, demography, health and education, regional cooperation, the role of the private sector, promotion of investments not forgetting increased commitment as regards human rights and specific measures designed to encourage decentralized cooperation covering a wider range of non-governmental agents);

- and finally concerning the principal innovations of the new agreement (extension of financial cooperation to support for structural adjustment, based on a pragmatic and specific approach freely negotiated and agreed between the ACP and EEC partners; consideration of the debt problem, with for the first time a special chapter devoted to this in the Convention).

As regards the third question the Commission considers — given the number and complexity of the problems raised — that it cannot deal with them in any valid or complete way within the framework of a reply to a written question which is of necessity concise.

⁽¹⁾ Debates of the European Parliament No 390.

WRITTEN QUESTION No 2039/90

by Mr Adrien Zeller (PPE)
to the Commission of the European Communities

(5 September 1990)
(91/C 94/52)

Subject: Potash imports from the USSR

A number of Community potash producers have lodged a complaint with the Commission about potash imports from the Soviet Union at dumping level prices with which it is impossible to compete.

1. Has the Commission already investigated this complaint and, if so, what are its conclusions?
2. What does the Commission intend to do to prevent this kind of dumping in the future?
3. Does the Commission intend to compensate Community potash producers who have been harmed by these practices or is it planning to make recommendations along these lines to the Member States whose producers may have suffered from unfair competition?

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

(5 November 1990)

1. The Commission has not yet investigated the complaint to which the Honourable Member refers.
2. Should an investigation show that in this case dumping has occurred and serious harm has resulted, and

should the Community's interests require action to be taken, the Commission would impose an anti-dumping duty to compensate for the harmful effects of this unfair practice.

3. No.

WRITTEN QUESTION No 2041/90

by Mr Madron Seligman (ED)

to the Commission of the European Communities

(5 September 1990)

(91/C 94/53)

Subject: Safety of coach passengers

The Commission will be aware of the relative fragility of passenger coaches when involved in a collision. These vehicles can be driven legally at considerable speeds, but their superstructure of metal and glass not only fails to afford adequate protection to passengers on impact or overturning, but it often exacerbates their injuries.

When does the Commission propose to introduce regulations requiring manufacturers to build coaches better able to protect passengers when an accident occurs?

When, meanwhile, can coach passengers expect to find on coaches the safety feature of seat belt restraints, which they enjoy in their own cars or when travelling by air?

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

(12 November 1990)

EEC type-approval of buses and coaches is governed by framework Directive 70/156/EEC, which specifies the aspects to be dealt with in special directives and notably those directly related to the safety of the passengers (braking, lighting, seat belts, etc).

Installation of seat belts is governed by Directive 77/541/EEC⁽¹⁾ (and 76/115/EEC⁽²⁾ for their anchorage points), as amended.

On 24 July 1990, the Committee on Adaptation to Technical Progress approved proposals to amend the directives on seat belts and their anchorages. In the case of coaches, these amendments will make seat belts mandatory on 'exposed forward-facing seats' (that is, forward-facing seats not immediately behind a high-backed seat or screen sufficient to restrain a passenger in a frontal collision).

The Committee also considered making seat belts mandatory on all seats in all passenger vehicles, except city buses which make frequent stops and may carry standing passengers. The Committee was unable to agree to such a proposal at this meeting due to possible constructional problems in addition to the cost-benefit considerations involved. However, the Commission agreed to re-examine this question with a view to possible further amendments to be adopted before 31 December 1991.

Operators and users of such vehicles may also specify safety belts when purchasing new vehicles, if they so wish.

The Commission has not yet seen evidence to justify the need for a special directive on the strength of the superstructure of coaches. In recent years wood structures have been replaced by steel, and real improvements have been made.

The Commission has also put forward proposals for speed limits for coaches, to be followed soon by proposals for the fitting of speed limiters to ensure that those limits are obeyed. The combined effect of these measures should contribute to preventing the occurrence of accidents, as well as mitigating their effects.

⁽¹⁾ OJ No L 220, 29. 8. 1977.

⁽²⁾ OJ No L 24, 30. 1. 1976.

WRITTEN QUESTION No 2052/90

by Mr Ernest Glinne (S)

to the Commission of the European Communities

(5 September 1990)

(91/C 94/54)

Subject: Ecological exploitation of resources in Amazonia

Allying business acumen to concern for the environment, an American company, Cultural Survival, has concluded an agreement with cooperatives and individual farmers in Amazonia whereby nuts from the Brazilian rainforest are picked, delivered and exported to the United States where they are being successfully marketed for use in the manufacture of chocolate and ice cream (Rainforest Crunch is setting new sales records). Well-known international companies such as Body Shop and Loblaw International are also interested in using products from the Brazilian rainforest in cosmetics and foodstuffs, without damaging the forest in any way. Cultural Survival reinvests 40% of its profits in Brazil in useful small-scale ecological and socio-cultural products.

Will the Commission seek to embrace this approach in the pilot programme to safeguard Amazonia which the G-7 asked it to undertake at its meeting in Houston (point 66 of the Declaration), while ensuring that intermediaries and final manufacturers do not take an excessive share of the profits to the detriment of Brazilian farmers and suppliers?

Will the Commission also say whether it is true that only 500 of the 5 million species found in the Brazilian rainforest can be exploited commercially without damage to the ecosystem?

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

(4 October 1990)

The Commission wholeheartedly supports the use of natural products from the tropical rainforest in a way which contributes to the ecologically sound and sustainable management of the forest, while at the same time providing the indigenous population with a regular and secure income.

In the context of the mandate issued to it by the last summit of the industrialized countries in Houston to work, in close collaboration with the World Bank, on preparing a pilot programme for Amazonia together with the Brazilian Government, the Commission will be looking into ways of promoting initiatives of the kind referred to by the Honourable Member.

As regards the number of species which can be exploited commercially without threatening the Amazonian ecosystem, the Commission is not in a position at this stage to comment on the figures quoted.

WRITTEN QUESTION No 2076/90

by Mr de Donna (LDR)

to the Commission of the European Communities

(17 September 1990)

(91/C 94/55)

Subject: Retail trade

The European Social Forum recently highlighted the importance of the retail trade in the Community.

1. Has the Commission made any assessments of the impact of the single market on this type of trade?
2. Does the Commission think that its recent communication on SMEs is an adequate response to the problems facing the retail trade or is it considering specific measures?
3. The Commission has asked labour and employers' organizations (EURO-FIET and CECO) for their opinion on the social action programme.

- (a) when will this opinion be given?
- (b) will it be forwarded to the other institutions when the time comes to debate the proposals contained in the social action programme?
- (c) why was the Economic and Social Committee not asked for its opinion instead?

**Answer given by Mr Cardoso e Cunha
on behalf of the Commission**

(4 December 1990)

The success of the European Social Forum for the Retail Trade, organized by the Commission in cooperation with the social partners, represents an important achievement on the part of the trade federations and employees' organizations involved. Further consultations and studies are in hand, and the Commission attaches importance to this continuing process, which constitutes an important element in the development of its activities in this sector.

1. The importance of the distributive trades in the development of the internal market during the 1990s was highlighted by a Council resolution of 14 November 1989. In response to that resolution, the Commission is now preparing an action programme for the distributive trades which will be presented to the Council shortly. This communication will cover numerous studies which have been or are being carried out by either the Commission or independent experts on the position of the distributive trades in the wider European market.
2. In accordance with the guidelines established by the Council, the Commission is proposing not that its activities in this field should take the form of a new sectoral policy, but rather that they should guarantee adequate recognition for the commercial sector in existing Community policies, including enterprise and training policies and policies aimed at promoting innovation.
3. The Commission departments are consulting the social partners, at both industrial and sectoral level, on the proposals for Directives to implement the Social Charter action programme, not on the social action programme.

According to the timetable for drawing up the Directives, the proposals will be submitted to the social partners for their opinion before being presented to the Commission. Consultation of the Economic and Social Committee will take place once the proposals have been adopted by the Commission and before any Council decision is taken.

Such opinions will be delivered during the period 1990-92. They will be transmitted to the Commission so

as to enable it to reach a decision in full knowledge of the views of the different parties. It is not intended that the opinions of the social partners should be circulated outside the Commission.

Commission compare such annual data with that data available to the Commission from reprocessing plants operated over the same time periods outside the Community?

WRITTEN QUESTION No 2095/90

by Mr Llewellyn Smith (S)

to the Commission of the European Communities

(17 September 1990)

(91/C 94/56)

Subject: Research by DGs XI, XII and XVII into discharges from nuclear plants

What research studies have been commissioned by DGs XI, XII and XVII of the environmental and atmospheric effects of the discharge of argon, krypton and other inert gases from nuclear plants?

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

(7 December 1990)

Radioactive gases were studied in the Research and Development specific programmes on Management and Storage of Radioactive Waste between 1975 and 1985.

Since 1985, no need has been felt for further studies in this area.

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

(7 December 1990)

It has been the Commission's practice to publish periodic reports on discharges for nuclear power stations and reprocessing plants in the Community and their environmental implications; unfortunately the allocation of available resources to new priorities has meant that the last such report, published in 1983, covered the years 1976—1980. This series will be reinstated shortly with a new report for the period 1977—86 which is almost ready for publication. Meanwhile, for many installations the liquid effluent discharges and their effects on marine contamination are already detailed up to and including 1986 in the report EUR 12483 EN, 'The radiological exposure of the population of the European Community from radioactivity in North European marine waters — *Projet Marina*' (1990).

Regarding non-Community reprocessing plants, there is only a very limited number of such plants and in most cases the necessary data are not readily accessible; thus periodic reports published by the United Nations Scientific Committee on the Effects of Atomic Radiation list reprocessing plant discharges only for Community installations. Moreover, it is unclear to what extent non-Community plants could be regarded as directly comparable.

WRITTEN QUESTION No 2096/90

by Mr Llewellyn Smith (S)

to the Commission of the European Communities

(17 September 1990)

(91/C 94/57)

Subject: Radioactive discharges from processing plants

Will the Commission conduct and publish a study of the comparative radioactive discharges into (a) aerial and (b) aquatic environments from each of the reprocessing facilities in the European Community using data compiled since the countries where such plants are located joined the European Community and will the

WRITTEN QUESTION No 2117/90

by Mr Bryan Cassidy (ED)

to the Commission of the European Communities

(17 September 1990)

(91/C 94/58)

Subject: Export of tobacco from intervention

Between Official Journal C 37 of 17 February 1990 and Official Journal C 142 of 12 June 1990, the Commission has sought tenders for the sale for export of tobacco held in European Community intervention stocks amounting to 26 million kilograms.

How much of this tobacco has been sold, to whom and at what price per kilo?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(7 December 1990)

The invitations to tender mentioned by the Honourable Member in fact covered some 25 000 tonnes of tobacco, 7 000 tonnes of which was sold.

The results of invitations to tender are published in the C series of the Official Journal. Sales were made as follows:

- 1 520 tonnes to Exelka (Greece) (OJ No C 202, 11. 8. 1990)
- 1 320 tonnes to Tabak-Sud-Import (Switzerland)
- 577 tonnes to Società Italiana Tabacchi (Italy)
- 431 tonnes to Reditab (Italy) (OJ No C 98, 18. 4. 1990)
- 3 400 tonnes to Società Italiana Tabacchi (Italy) (OJ No C 202, 11. 8. 1990).

It would be a breach of confidentiality for the Commission to divulge the price per kilo paid by these firms.

WRITTEN QUESTION No 2139/90

by Mr Gerhard Schmid (S)

to the Commission of the European Communities

(27 September 1990)

(91/C 94/59)

Subject: Packaging made from popcorn

Is the Commission aware that in the United States biodegradable popcorn has successfully been used in packaging instead of Styropore chips and that this allows the use of CFCs to be reduced?

What steps does the Commission intend to take to reduce the use of Styropore, which creates problems as regards both energy policy and waste policy?

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

(26 November 1990)

The Commission knows that biodegradable popcorn is used for certain applications and that in some countries

arrangements have been made for the replacement of this material in the food sector.

It must also be borne in mind that packaging must be suitable for the purpose and that in the case of food packaging it must conform to the requirements of Council Directive 89/109/EEC⁽¹⁾. Biodegradable products are likely to be less stable and therefore could result in the migration of contaminants into food.

In the field of waste management the main problem is to judge whether so-called biodegradable products correspond with the main objectives of Community Waste Policy, also in the case of products like popcorn of which the biodegradability should be clear. Reduction of waste in quantity (volume) means removal of products from the waste stream so that they may be reused, recycled or have their energy value recovered.

The following reflections come to mind:

- it is necessary to tend towards closed cycles and recovery. This means that in the field of product development, the replacement of such products as waste is necessary only for those which are non-recoverable?
- consumer rejection is an eventuality which should at all costs be avoided. Biodegradability does not solve an environmental problem, but, on the contrary, risks contributing to an increase in litter;
- when other products (elements) are added, are they also degradable under all circumstances, and into which elements do they degrade;
- because of the pressure exercised by landfilling, anaerobic conditions are created, rendering organic materials non-degradable.

In the light of the above considerations, and perhaps a few others, the so-called biodegradable products, at first sight, appear not to answer the main objectives of Community environment policy.

Regarding the Honourable Member's question on what steps the Commission intends to take to reduce the use of Styropore, this problem is being examined in the field of qualitative prevention for the priority waste streams plastic and packaging.

⁽¹⁾ OJ No L 40, 11. 2. 1989.

WRITTEN QUESTION No 2145/90by **Mr Ian White (S)**

to the Commission of the European Communities

(27 September 1990)

(91/C 94/60)

Subject: Community Trade Marks Office

Will the Commission please state:

1. When will the proposed Community Trade Marks Office be in operation?
2. Whether the existence of the proposed Community Trade Marks Office will prevent the registration of a Community trade mark by individuals other than those to whom the trade mark is already registered in any other Member State?

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

(29 October 1990)

1. The Commission believes that the Community Trade Marks Office could start operating on 1 January 1993. This would require a rapid solution to the matter of the Office's headquarters, which is currently under discussion, and early adoption by the Council of the Regulation on the Community trade mark, which was laid before it in November 1980 and amended in July 1984 to take account of Parliament's opinion (1).

2. One of the purposes of introducing a Community trade mark system is greatly to simplify the administrative procedures which firms now have to follow if they wish to protect their trade marks within the Community. Clearly, therefore, firms wishing to obtain a Community trade mark will not be required to register their trade mark beforehand in a Member State.

(1) OJ No C 351, 31. 12. 1980; OJ No C 230, 31. 8. 1984.

WRITTEN QUESTION No 2156/90by **Mr Barry Desmond (S)**

to the Commission of the European Communities

(27 September 1990)

(91/C 94/61)

Subject: Namibia

Does the Commission intend to take steps to grant Namibia least developed status in the context of the Fourth Lomé Convention?

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

(26 October 1990)

The Commission is of the view that Namibia requires the most positive assistance and encouragement the Community can give and this view has duly been put forward by the Commission during the present discussion in the Council on the modalities — including benefiting from the provisions granted to least developed countries — for Namibia's accession to the Lomé IV Convention.

WRITTEN QUESTION No 2161/90by **Mr Madron Seligman (ED)**

to the Commission of the European Communities

(27 September 1990)

(91/C 94/62)

Subject: Food hygiene — Responsibility and cost of enforcing regulations

Somebody in my constituency purchased, from a local store of national repute, a sealed bag of frozen beans. Among the beans was a whole dead mouse.

Whilst no fault can be imputed to the British retailer, nor to the British and French wholesalers, the Local Authority considered that proceedings should properly have been instituted against the French registered food preparation and packaging organization.

On legal advice, however, it was felt that proceedings in the English courts might fail on grounds of jurisdiction and the difficulty in securing the defendants' attendance in court. At the same time it would have been far too costly to instruct French lawyers to commence proceedings in the French courts which would have required plaintiffs and witnesses to travel to and remain in France during the court action.

Can the Commission suggest a simplified and inexpensive procedure to enable local authorities to enforce EC rules on food hygiene in respect of unfit food produced, packaged, supplied or sold in one Member State, but offered for sale and consumption in another Member State?

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

(12 November 1990)

Council Decision 89/45/EEC (1) on the rapid alert system enables Member States to react adequately in case of a

potential risk to consumers caused by dangerous products.

Furthermore, in its communication COM(90) 392 final, the Commission points out its intention to lay down certain rules in order to create an administrative mutual aid system between Member States and the Commission in relation to information obtained during inspections. As the occasion arises, the Commission will be pleased to offer its services to promote an effective solution to the problem.

Finally, the Commission observes that in cases like the one at issue where culpable negligence or guilt is often difficult to demonstrate, it may be advisable to give the producer, importer or vendor scope to compensate the consumer, thus avoiding the necessity for criminal proceedings.

(¹) OJ No L 17, 21. 1. 1989.

WRITTEN QUESTION No 2197/90

by Mr José Barros Moura (CG)
to the Commission of the European Communities

(4 October 1990)
(91/C 94/63)

Subject: Advance payment of ERDF appropriations to municipal authorities

The Ministry for Regional Planning and Administration, acting on behalf of the Portuguese Government, has submitted to the National Association of Municipal Authorities a draft comprehensive protocol between the state and the municipal authorities on advance payment of ERDF appropriations, establishing a more restricted system than that provided for in Community regulations. The principal changes are as follows.

- whereas the EC transfers 50% of ERDF co-participation to Member States as the first advance payment on the date the project begins, the Portuguese Government intends to advance a mere 30%;
- whereas the EC automatically transfers 50% of the second annual tranche as soon as the Member State in question proves that it has made the equivalent of 60% of the investments provided for in respect of the first year, the Portuguese Government intends to pay advances in respect of the second year only when the municipal authority has established that it has undertaken 100% of the proposed investments.

The government also intends to make payment of advances conditional on acceptance by the municipal authorities of the withholding at source of two-tenths of the Financial Balance Fund (EEF) (appropriations entered in the state budget and intended for municipal authorities which are their main source of revenue) and to confer

disproportionate far-reaching powers on the operational programmes management bodies.

These arrangements will undermine the ability of municipal authorities to carry out the substantial investment programmes they are entrusted with under the Community support framework and may even prevent the full use of the Community funds available, thereby facilitating the misuse of these funds by government authorities.

Will the Commission state what conditions should be observed to guarantee that Community rules are respected?

WRITTEN QUESTION No 2361/90

by Mr Carlos Carvalhas (CG)
to the Commission of the European Communities

(18 October 1990)
(91/C 94/64)

Subject: ERDF payments to Portuguese municipalities

The Portuguese National Association of Municipalities (ANMP) recently accused the Portuguese Government of 'seriously undermining' the finances of local authorities by transferring only 30% of ERDF payments to the municipalities while receiving 50% from Brussels, thus creating an ingenious system by which the municipalities end up financing the government.

Can the Commission state what action it intends to take on the matter?

Joint answer to Written Questions Nos 2197/90 and 2361/90

given by Mr Millan
on behalf of the Commission

(9 January 1991)

The Commission wishes to emphasize the importance it attaches to the full cooperation of the Portuguese municipalities, within the framework of the partnership created by the reform of the Structural Funds, in the implementation of the CSF, in particular with regard to the execution of the regional programmes adopted by the Commission in July and August 1990. According to the information that has been made available to the Commission, the internal financial mechanisms for the implementation of these programmes have been agreed between the Government and the association of the municipalities on a rather different basis from that outlined in the questions. These mechanisms seem to be adequate, assuring efficiency in the implementation of the regional programmes. Furthermore the Commission through its participation in the monitoring process of the various programmes will have the opportunity to ensure that management and financial flow mechanisms will be operated in a satisfactory manner.

WRITTEN QUESTION No 2204/90

by Mrs Ursula Schleicher, Mrs Doris Pack, Mrs Ria Oomen-Ruijten, Mr José Valverde Lopez, Mr Siegbert Alber, Mr Pronk, Mr Fernando Suárez González, Mrs Mary Banotti, Mr Karl-Heinz Florenz, Mr Winfried Menrad, Mr Arturo Escuder Croft and Mr Raphaël Chanterie (PPE)

to the Commission of the European Communities

(4 October 1990)

(91/C 94/65)

Subject: Lengthy procedures for constructing waste disposal plants

In the Federal Republic of Germany, five to 15 years must be allowed for obtaining planning permission for waste disposal plants for special waste. Under the legislation covering waste disposal, permission for other types of waste disposal plant takes between two and 10 years.

From the point of view of developing and applying the latest technology, it is extremely important that disposal plants which have been planned should be built within a reasonable time, as it is only by so doing that the latest technology can help improve the protection of the environment. In addition, any significant discrepancy between periods taken for granting planning permission in the various Member States may lead to major distortions in disposal capacities.

1. Does the Commission have an overview of the length of time taken to grant planning permission in the various Member States?
2. Do the individual Member States have deadlines by which the authorities must respond to applications?
3. Does the Commission share the questioner's view that such procedures should be as short as possible, in the interest of environmental protection?

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

(26 November 1990)

1. The Commission is aware of the considerable variations in the time taken to obtain permission for waste treatment plants, but it does not have a full overview of the situation in the Member States.
2. According to the information at the Commission's disposal, there are time limits for procedures or at least for certain stages of procedures in some Member States. Given that the lengths of time referred to by the Honourable Members are due in part to legal proceedings entered into by the parties concerned, it is nevertheless clear that the actual time taken depends only to a limited extent on prescribed time limits.
3. The Commission agrees that excessively long authorization procedures hinder the development of adequate disposal capacities in plants applying the best

possible technology. Furthermore, if the variations between the length of procedures in the various Member States are too great, there is a risk that plants will be built in those Member States with shorter procedures, on account of the advantage to investors. This would jeopardize the development of an adequate infrastructure throughout the Community and, consequently, compliance with the principle of proximity. While, as stressed by the Council in its resolution of 7 May 1990, the establishment of an adequate waste disposal infrastructure must be a short and medium-term priority, the authorization procedure must be of sufficient length to enable the parties affected by the project to give their opinions. The Commission is prepared to examine the reasons for the differences in the length of procedures and to seek possible means of eliminating them.

WRITTEN QUESTION No 2205/90

by Mrs Christa Randzio-Plath (S), Mrs Braun-Moser (PPE), Mr Manfred Vohrer (LDR) and Mr Karl Partsch (V)

to the Commission of the European Communities

(4 October 1990)

(91/C 94/66)

Subject: Value added tax on package tour operators

1. Why has the Commission initiated proceedings against the Federal Republic of Germany for breach of the Treaties under Article 169 for violation of the Sixth VAT Directive in respect of the taxation of tour operators, although other Member States have not taken harmonization measures?
2. Why has the transitional period in the 18th VAT Directive been extended?
3. Does the Commission not regard this as a form of discrimination in favour of undertakings in those Member States which have taken immediate steps to implement it?
4. How have the Member States implemented the harmonization requirement set out in Article 28 of the Sixth VAT Directive? How do these arrangements affect competition?
5. Does the taxation of profits from cross-frontier transport services not have competitive disadvantages for undertakings in the Federal Republic? To what extent does the Commission regard this as acceptable?
6. Are air transport services for individual and package travellers subject to the same tax treatment? Where are instances of discrimination to be found?
7. Are operators who do not operate their own aircraft put at a competitive disadvantage in terms of tax

compared with operators who run charter flights with their own planes? How does the Commission intend to reduce such disadvantages? Does it not perceive a danger that operators and travellers will turn to third countries or to countries which have not implemented the Sixth VAT Directive?

8. Should the proceedings against the Federal Republic of Germany for breach of the Treaty not be deferred until an arrangement has been reached that applies to everyone?

9. Should regulations on taxation of profits from transport services not be deferred until uniform regulations for taxation of transport services themselves have been drawn up?

**Answer given by Mrs Scrivener
on behalf of the Commission**

(7 December 1990)

1. The method employed by the Federal Republic of Germany to calculate tour operators' taxable margins is contrary to Article 26 of the Sixth VAT Directive of 17 May 1977 since German legislation provides that, where the supply of services comprises one part that is exempt from tax and another that is subject to tax, only that part of the margin relating to taxable transactions is to be taxed. This is in breach of Article 26 of the Sixth VAT Directive, according to which calculation of the margin for travel within the Community should be independent of the arrangements governing the various transactions taken into account for determining the travel agent's costs.

This special method of calculation is not covered by the derogations which permit Member States to depart for a transitional period from the scheme laid down in Article 26.

2. The Commission would point out that the proposal for an 18th Directive of 4 December 1984 ⁽¹⁾ provided for the transitional arrangements for travel agents' services to be abolished as from 1 January 1986. Parliament and the Economic and Social Committee called for this deadline to be extended to 1 January 1988 for certain services. The Council deferred abolition of the transitional arrangements in question to a later date.

3 and 5. The Commission has repeatedly pointed to the existence of distortions of competition due to a number of derogations that are prejudicial in particular to travel agents, whose services relating to intra-Community travel are subject to tax on the basis of the definitive scheme laid down in Article 26.

4. Those Member States which derogate, on the basis of Article 28 of the Sixth VAT Directive, from the general scheme for travel agents have so far retained their legislation in this field. The Commission is analysing the impact of these derogations on competition with a view to achieving complete harmonization of national schemes.

6. The Commission is unaware of any differences in tax treatment according to whether individuals travel on their own or in groups.

7. Dangers of distortion of competition detrimental to travel agents who do not own aircraft may indeed exist at the present time. However, these dangers are bound to disappear since they are attributable to derogations authorizing the retention, for a transitional period, of the exemption for passenger transport services, and in particular services involving international flights. Taxation of passenger transport is included in the Commission's work programme.

8. The Commission cannot predict when the Council will adopt uniform Community arrangements for services supplied by travel agents.

The Commission's task is to ensure that existing Community law is correctly applied.

9. The Commission does not consider it necessary to suspend application of the provisions relating to the taxation of profits from transport services until definitive arrangements for taxing those services are adopted, since both the existing and the definitive arrangements do not and will not affect the procedure for taxing profits.

⁽¹⁾ OJ No C 347, 29. 12. 1984.

**WRITTEN QUESTION No 2207/90
by Mrs Raymonde Dury (S)
to the Commission of the European Communities**

(4 October 1990)

(91/C 94/67)

Subject: Application of standards for aircraft noise emission levels

Belgium has still failed to apply the European directives of 21 December 1979, 21 April 1983 and 4 December 1989 on standards for aircraft noise emission levels.

What action does the Commission intend to take to ensure that these directives are applied in future?

Are other European countries in a similar position?

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

(4 December 1990)

The Commission has initiated proceedings against Belgium for infringing the Community provisions concerning the limitation of noise emission from subsonic aircraft, and has decided to send a reasoned opinion on this matter.

The Commission is forwarding direct to the Honourable Member and to Parliament's Secretariat the press release it published on this subject on 6 October 1990 (IP(90) 790).

WRITTEN QUESTION No 2263/90

by Mr Hemmo Muntingh (S)

to the Commission of the European Communities

(8 October 1990)

(91/C 94/68)

Subject: Report by the Task Force on the Environment and the Internal Market

Has the Commission produced a formal response to the report of the Task Force on the Environment and the Internal Market published at the end of 1989?

What action does the Commission intend to take in response to the Task Force's finding with regard to the Structural Funds that 'the process enacted by the Commission to ensure that, as these funds are expended, the environment will be protected, and the implementation thereof by the applicant countries, are both inadequate as a means of ensuring that the environment is protected, and that the Commission's statutory obligations in that regard are fulfilled.'

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

(27 November 1990)

1. The Commission has not yet delivered a formal response to the report of the Task Force on the Environment and Internal Market. However, at the Council's request and on the basis of certain matters referred to in the report, the Commission is specifically working on certain items such as the use of economic and fiscal instruments.

2. The Commission attaches major importance to regional development that is in harmony with environmental policy. This can be seen in the qualitative changes obtained during the negotiation of the Community support frameworks for objectives 1, 2 and 5 b and the level of aid set aside for environmental protection measures.

The Commission has taken a number of steps to ensure that environmental protection is taken more effectively into account: a draft directive currently being produced on the assessment of the effects of policies, plans and programmes on the environment, a proposal for the amendment of Council Directive 85/337/EEC⁽¹⁾ on the assessment of the effects of certain public and private

projects on the environment, and the establishment of a network of technical experts to provide the information required to analyse the effects on the environment.

The Commission also wishes to point out that the initiative for the design and production of development programmes lies with the Member States and the regions. In addition, in regions which apply for it the Commission promotes training and the exchange of experience in environmental planning, which is therefore a first step in creating an awareness within the regions of the intrinsic value of incorporating environmental protection requirements in such plans and programmes. Furthermore, the decision to grant assistance under the Structural Funds and the provisions laid down to monitor their implementation ensure that Community environmental policy is fully adhered to. With regard to the Structural Fund's rules, the Commission would ask the Honourable Member to refer to the joint answer to Written Questions No 1962/90 from Mr Monnier-Besombes and others, and No 2013/90 from Mr Papayannakis and others⁽²⁾.

⁽¹⁾ OJ No L 175, 5. 7. 1985.

⁽²⁾ OJ No C 70, 18. 3. 1991, p. 27.

WRITTEN QUESTION No 2266/90

by Mrs Brigitte Ernst de la Graete (V)

to the Commission of the European Communities

(15 October 1990)

(91/C 94/69)

Subject: ERDF aid for the financing of a golf course to be constructed in Malmédy (Belgium)

In 1988 the Commission decided to allocate Bfrs 58 million from the ERDF for the construction of a golf course in Malmédy, in a rural forest region.

This decision was taken at that time on the basis of an anticipated financial contribution of 50% from the French-speaking community in Belgium.

Since then, the general profile of these plans has undergone drastic changes. The French-speaking community in Belgium has withdrawn its financial contribution and has been replaced by one individual and one company from the private sector. An agreement made between the abovementioned bodies and the municipal authorities fixes the duration of the concession granted to them at 27 years and stipulates a payment to the local authority of a single lump sum of Bfrs 75 300 000 excluding VAT.

In view of this development, does the Commission consider that these plans still comply with the rules and criteria for the awarding of ERDF subsidies?

WRITTEN QUESTION No 2991/90**by Mr Desama (S)****to the Commission of the European Communities***(15 October 1990)**(91/C 94/70)*

Subject: ERDF subsidy to the town of Malmédy to build a golf course

At the end of December 1988 the Commission granted an ERDF subsidy of Bfrs 57 220 000 to the town of Malmédy to build a golf course. This subsidy was the subject of Question No H 89/89 ⁽¹⁾. The Commission stated in its reply that all the conditions required for ERDF financing to be authorized had been met.

Work on this golf course has still not begun, and the project has undergone significant changes in the meantime. Thus, the French-speaking community responsible for sports facilities will not be contributing to the cost, the commune has agreed a 27-year lease with a private company which will make a single payment in advance, and the company will be responsible for laying out the course, which will remain the property of the commune. Thus, only the actual land will be publicly owned.

In view of these developments, will the Commission:

- reconsider this case to see if it still conforms to ERDF rules;
- decide whether the golf course can still be considered 'public', even though it is to be privately run;
- confirm that an extension of the deadline for completion of construction work has been authorized?

⁽¹⁾ Debates of the European Parliament No 2-378 (May 1989).

Joint answer to Written Questions Nos 2266/90 and 2291/90

given by Mr Millan**on behalf of the Commission***(13 November 1990)*

The Commission has reconsidered the project to build a golf course in Malmédy to which the Honourable Members refer.

The project continues to comply with ERDF rules for the following reasons:

- (a) it is infrastructure for leisure activities intended in particular to promote tourism;
- (b) the town of Malmédy owns the land on which the golf course will be built. It will build the course and will continue to own all the buildings and

installations. This means that the investment is public in nature even though the town of Malmédy has taken the place of the French-speaking community in arranging the financing.

The concession contract signed on 17 January 1990 by the Malmédy municipal authorities with a private company includes the following provisions:

- (a) the town agrees to finance the works and equipment and to take charge of the works as client ('*maitre d'ouvrage*') (Article 4);
- (b) the company undertakes to operate and manage all the facilities and equipment, which remain the property of the town (Article 5.1);
- (c) the company specifically guarantees to ensure the public nature of the golf course at all times (Article 5.2);
- (d) if the company fails to comply with these obligations, the town may terminate the contract (Article 12).

In other words, the golf course is the property of the town of Malmédy but will be managed, in accordance with the contract referred to above, by a private company.

The contract is to run for a period of 27 years (Article 2) and entails a single payment of Bfrs 75 300 000 to the town by the company, which, for its own reasons, has chosen to make a single advance payment rather than annual payments over the 27 years.

Authorization to extend the deadline for completion of the works to 30 June 1993 was given on 20 July 1990.

WRITTEN QUESTION No 2278/90**by Mrs Cristiana Muscardini (NI)****to the Commission of the European Communities***(15 October 1990)**(91/C 94/71)*

Subject: Steak made of scraps

A new type of meat is becoming popular in the Community, particularly in the Netherlands and the United Kingdom. Officially it is called reconstituted steak and it is made of beef scraps (the so-called waste) held together with a protein jelly spread on the contact surface. Can the Commission confirm that these 'glued-together steaks' are actually on the European market, how hygienic they are, and under what guise they are offered to the consumer? Furthermore, if the existence of this 'adulterated food' on the market cannot be put right, can the Commission ensure that this product is clearly described on the label and that the food and health inspectors in the Member States carry out stricter inspections?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(19 December 1990)

The Commission is aware that reconstituted steak is sold on the European market.

This type of presentation falls into the category of meat-based preparations, for which rules guaranteeing a high level of protection for consumers are laid down, for the purposes of intra-Community trade, by Council Directive 88/657/EEC of 14 December 1988 ⁽¹⁾ laying down the requirements for the production of, and trade in, minced meat, meat in pieces of less than 100 grams and meat preparations and amending Directives 64/433/EEC, 71/118/EEC and 72/462/EEC.

The Directive stipulates that, without prejudice to Directive 79/112/EEC ⁽²⁾, information concerning the species from which the meat was obtained, the percentage of fat and the collagen meat protein ratio must be displayed on the wrapping of meat preparations.

Furthermore, in accordance with Article 5 (3) of Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer, the name under which the product is sold must include or be accompanied by particulars as to the physical condition of the foodstuff or the specific treatment which it has undergone, in all cases where omission of such information could create confusion in the mind of the purchaser.

The Commission has put forward a proposal for the extension of the health rules contained in this Directive ⁽³⁾ to the whole of the Community market.

⁽¹⁾ OJ No L 382, 31. 12. 1988.

⁽²⁾ OJ No L 33, 8. 2. 1979.

⁽³⁾ COM(89) 671.

WRITTEN QUESTION No 2280/90

by Mr Ernest Glinne (S)

to the Commission of the European Communities

(15 October 1990)

(91/C 94/72)

Subject: Rationalization of Community aid and of the Community's attitude towards the islands of Saint-Martin and Saint Barthélemy

The island of Saint-Barthélemy and one part of the island of Saint-Martin, situated in the mini archipelago of the Leeward and Windward Islands, together form a district of France some 73 km² in size with a population of around 7 000 (the most recent (1967) census figures available to the author of the question). Sint Maartin is the other part of the island of Saint-Martin and, along with Sint Eustatius and Saba, it constitutes an area with some twenty to thirty thousand inhabitants under the authority

of a governor nominated by the Dutch Government, as well as a Council of Ministers with 22 elected members. This Council administers, from Willemstad in Curacao, the affairs of this small territory, which was formerly a colony, with just one of the abovementioned elected members representing Sint Maartin, Sint Eustatius and Saba.

Moreover, if Venezuela is close, Guadeloupe is even closer, especially if one considers its cultural links (a multilingual society containing speakers of French, Dutch, Creole and English) and its actual and potential common interests. It should also be remembered that Guadeloupe, which has been wavering for a long time between gaining increased status as a French département on the one hand and becoming autonomous and independent on the other, saw the law of 2 March 1982 relating to the rights and freedoms of territories and regions being widened in scope by the law which was passed on 31 December 1982 by the National Assembly in Paris. Guadeloupe thus has both a general council and (since February 1983) a regional council which has more extensive powers, if not more resources.

Accordingly, and assuming that the details given above are correct, how is the Commission organizing contributions from the Community's structural fund (and possibly from the European Development Fund) for the present population of some (?) 50 000 in Saint-Barthélemy and Saint-Martin/Sint Maartin in well-coordinated operations which are beneficial to all the inhabitants of Saint-Martin? How were Community aid and funds allocated to the various regions of Saint-Martin (and the jointly-administered neighbouring islets) in 1987, 1988 and 1989, including those for the Marigot, Gustavia and Philipsburg Airports, as well as for development of these areas not connected with tourism?

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

(19 December 1990)

The island of Saint-Barthélemy and the French part of the island of Saint-Martin form part of the region of Guadeloupe eligible under Objective 1 of the reform of the structural Funds, i.e. the development and structural adjustment of regions whose development is lagging behind. Structural Fund measures are therefore covered by the Community support framework for the region adopted by the Commission on 31 October 1989. This framework, for example, provides for investment in the port of Saint-Martin.

During the period 1987 to 1989, the European Regional Development Fund contributed to the financing of three projects in the French part of Saint-Martin with total aid of FF 22 million. The projects involved:

- the building of a system to drain rainwater from urban areas (ERDF aid of FF 6,6 million),

- the drainage of rainwater from the urban area of Marigot (ERDF aid of FF 4,4 million),
- the establishment of a system for the collection and treatment of waste water on the east coast (ERDF aid of FF 11 million).

EAGGF Guidance Section measures in the overseas departments were covered by Directive 81/527/EEC extended to 28 January 1989 by Directive 87/522/EEC. The programme based on this Directive enabled the financing of various agricultural structure measures proposed by the Member State (land improvements, irrigation, forestry measures) although it is impossible to give the exact location of these measures as the EAGGF only reimbursed expenditure made by the Member State.

In the Netherlands Antilles part of the island (St Maarten) the following projects were funded from the Sixth EDF in the years 1987—1989.

- Identification study Milton Peters College St Maarten (ECU 13 500)
- Corporate Review Windward Islands Airways (based on St Maarten) (ECU 48 000)
- Hotel and Technical Training Demand Study St Maarten (ECU 50 000)
- Surveys-design-tender documents for the reclamation of the Flamingopond within the boundaries of the airport of St Maarten (purpose: extension of apron, construction of taxiway) (ECU 103 500).

The Commission ensures the coordinating of the Community's attitude towards the overseas departments (including Guadeloupe) and the overseas countries and territories (including the Netherlands Antilles). This was one of the reasons for the setting-up, in 1986, of an interdepartmental group responsible for both the overseas departments and the overseas countries and territories.

To this end, the Commission proposed the principle, which was accepted by the Council, that 'the development of the different constituents of a given geographical area, each of which has similar constraints and characteristics, requires the implementation of regional projects common to the various constituents, irrespective of their status in relation to Community law, as this makes it possible to achieve economies of scale and strengthens regional cooperation among the partners concerned' ⁽¹⁾.

In its role as manager of the Funds, the Commission, with its respective partners, has earmarked funds for the financing of regional projects, both from the structural Funds under the Community support frameworks for each of the overseas departments and from the EDF under the regional programmes for the overseas countries

and territories and the ACP States. Internal coordination between the departments concerned takes place to the extent that the beneficiary authorities concerned formulate joint applications. With specific regard to Saint Martin and Sint Maarten, several joint ideas have already been put forward but applications have not yet been submitted.

⁽¹⁾ Extract from the recitals of Decision 89/687/EEC establishing Poseidom.

WRITTEN QUESTION No 2296/90

by Mr José Barros Moura (CG)

to the Commission of the European Communities

(27 September 1990)

(91/C 94/73)

Subject: Fires, forest protection and replanting

Can the Commission outline the results of the implementation of Regulation (EEC) No 4256/88 ⁽¹⁾ supplemented by Regulation (EEC) No 1610/89 ⁽²⁾ with regard to forest protection and the replanting of forests destroyed by fire in the countries of southern Europe? In view of the recent spate of such fires, will the Commission be proposing new and more effective measures?

⁽¹⁾ OJ No L 374, 31. 12. 1988, p. 25.

⁽²⁾ OJ No L 165, 16. 6. 1989, p. 3.

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(21 December 1990)

Regulation (EEC) No 1610/89 laying down provisions for implementing Regulation (EEC) No 4256/88 indeed provides for a Community financial contribution towards protective measures against forest fires and the reconstitution of woodland damaged by fire. However, under the terms of the CSFs for Objectives 1 and 5 (b), these measures must be incorporated in a regional operational programme, forming part of schemes for the development and exploitation of woodland in the rural areas of the Community.

Most of the operational programmes are now being negotiated by the Member States and the Commission. Some have been approved. It is not possible, at the moment, therefore, to give the Honourable Member the results of the implementation of the Regulation.

The Commission is aware that fire represents a fundamental threat to woodlands in southern Europe. In the last two years serious fires have destroyed several

hundred thousand hectares. The Standing Forestry Committee has therefore set up a discussion group on forest fires which is devoting all its energy to an in-depth analysis of the causes of fires and fire prevention measures. The aim is to introduce improved procedures in the Member States for eliminating the causes of fires and providing protection against them.

In addition, the Commission meeting on civil protection of 23 November 1990 adopted a resolution requesting the Commission to begin consultations and undertake studies with a view to devising schemes to strengthen intra-Community cooperation in order to establish a framework for fire prevention and control through the improved use of the available resources, to improve forest fire prevention and detection measures and to facilitate the improved exchange of information and training in this field. The Council, lastly, asked the Commission to take part in the organization of a seminar of experts on the various aspects of the overall problem of forest fires to be held in 1991.

WRITTEN QUESTION No 2297/90

by Mr Günter Lüttge (S)

to the Commission of the European Communities

(15 October 1990)

(91/C 94/74)

Subject: Fishing practices in the plaice-fishing area known as the 'Schollenbox'

Is the Commission aware of the complaints of German inshore fishermen and the state fishing authorities of Bremerhaven regarding the use by Dutch fishermen in the 'Schollenbox' of powerful cutters with large-scale fishing equipment?

1. If so, what does the Commission intend to do about these fishing practices?
2. What protective and monitoring measures is the Commission taking to ensure equal fishing conditions?
3. What measures does the Commission intend to take to prevent the destruction by unauthorized and excessively heavy fishing equipment of the sea bed and, possibly, of spawn and young fish?

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

(19 December 1990)

1. The Commission shares the Honourable Member's concern regarding the possible infringement of

Community rules governing beam trawlers in certain Community fishing zones.

2. The lists of vessels which may fish in these zones are submitted by the Member States and checked and approved by the Commission on the basis of the information received.

In accordance with Article 3 of Regulation (EEC) No 55/87 ⁽¹⁾, when the lists are drawn up or the event of any changes being requested, the Commission checks whether these vessels comply with the technical legal requirements.

3. However, the Commission must point out that it is the Member States who are directly responsible for checks on fishing activities and fishing vessels and dealing with infringements in their territory and territorial waters. In every respect, and in particular through Community checks, the Commission is at pains to remind Member States of their obligations in this area.

4. It is not known exactly what effect the fishing gear mentioned by the Honourable Member may have on the sea bed and/or fish stocks. For this reason the Commission intends to refer the matter to the Scientific and Technical Committee on Fisheries.

⁽¹⁾ OJ No L 8, 10. 1. 1987.

WRITTEN QUESTION No 2298/90

by Mr Stephen Hughes (S)

to the Commission of the European Communities

(15 October 1990)

(91/C 94/75)

Subject: Taxation of benefits in the Member States of the Community

Can the Commission provide information on which Member States of the Community levy taxes on disability or war pensions?

**Answer given by Mrs Scrivener
on behalf of the Commission**

(6 December 1990)

According to the information at the Commission's disposal, it would seem that in most Member States war pensions are generally exempt from tax, whereas disability pensions are not.

WRITTEN QUESTION No 2306/90
by Mr Ben Visser (S)
to the Commission of the European Communities

(15 October 1990)

(91/C 94/76)

Subject: Satellite communications as a means of monitoring dangerous substances

My information from the AEGIS group is that the INMARSAT system of satellite communications for monitoring ships is also used on land — the 'land mobile satellite communication system'. Communication is via screen, telephone and text. The equipment needed can easily be mounted in a lorry. For example, it is fitted in DAF trucks in the Soviet Union. AEGIS believes this system has considerable potential for the permanent monitoring of dangerous substances. It estimates the unit cost for ca. 750 000 units at ECU 1 000 to 2 000.

1. Is the Commission familiar with this monitoring system and, if so, does it think the system is sufficiently operational for large-scale use?
2. Does the Commission think that this sort of system could be introduced by the EC for the permanent monitoring of dangerous substances?

Answer given by Mr Pandolfi
on behalf of the Commission

(7 December 1990)

The Commission has followed with close interest the developing availability within Europe of satellite systems which will provide location of, and communications with, land mobiles (trucks, rail wagons, river barges, etc.). These systems are not limited to the service provided by INMARSAT, but include the EUTELTRACS service to be offered operationally from 1 January 1990 by EUTELSAT (the satellite system operator formed by the European telecommunications administrations), the forthcoming LOCSTAR system, the European Space Agency's PRODAT network, and the 'European Mobile System' (which will include voice capability) to be developed by ESA, and operated by EUTELSAT when it is implemented in 1993.

All of these systems will be operational within the next two to three years and are capable of providing monitoring of a large family of mobile units. Amongst other possibilities for application to policies of the

Community, the Commission is examining the contribution such satellite-based system could make to a permanent monitoring of the transport of dangerous substances.

WRITTEN QUESTION No 2314/90

by Mrs Jessica Larive (LDR)
to the Commission of the European Communities

(15 September 1990)

(91/C 94/77)

Subject: Disbursal of EC grants overseas

In a number of instances (e.g. Lesotho) overseas grants awarded by the Commission are disbursed by the competent authorities of the recipient country. This practice could give rise to irregularities in the channelling of grants to the students in question.

1. Does the Commission agree that to avoid any hint of fraudulent practices it would be better to pay the grants direct to the students?
2. If so, is the Commission prepared to make this suggestion become EC policy?

Answer given by Mr Marin
on behalf of the Commission

(17 December 1990)

In line with the procedures laid down in the agreement between the ACP countries and the Commission, overseas study grants are awarded to citizens of countries benefiting from EDF assistance in the context of the training schemes forming part of the national indicative programme.

Pre-selection of candidates is indeed the responsibility of the relevant authorities in the recipient country. In some ACP countries, candidates are interviewed by selection panels made up of representatives of the national authorities and the Commission delegation. The Commission reserves the right to take the final decision on the applications, applying criteria such as the candidates' age, qualifications and work experience, and the extent to which the training required dovetails with the programme.

Since Lomé III, training courses have been financed as part of the projects or programmes and the candidates selected according to the likely benefits for the project.

The Commission considers that paying the grants direct to ACP students without seeking the opinion of the relevant authorities would run counter to Lomé procedures.

Where training in Europe is concerned, the monthly grant is paid through administrative bodies such as Nuffic (Netherlands), the British Council, and the CIES (France). If the training takes place in an ACP country other than the country of origin, or in the country of origin, the money is paid through the Commission delegation.

WRITTEN QUESTION No 2316/90

**by Mr Pol Marck, Mr Reimer Böge, Mr Honor Funk,
Mrs Hedwig Keppelhoff-Wiechert, Mrs Astrid Lulling,
Mr James Nicholson, Mr Leopoldo Ortiz Climent and
Mr Jan Sonneveld (PPE)**

to the Commission of the European Communities

(18 October 1990)

(91/C 94/78)

Subject: Conclusions for veterinary policy to be drawn from the swine fever epidemic in Belgium

The battle against the swine fever epidemic in Belgium has shown that EC strategy in this field is highly questionable as regards countermeasures and their funding, and the defensibility of a universal ban on vaccination.

What conclusions has the Commission drawn from the Belgian experience? Do not these suggest that present policy and strategy should be reconsidered?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(4 January 1991)

Two strategies are available for the control of classical swine fever. One is based on vaccination of pigs and one on controls without the use of vaccine.

Most Member States have in the past used vaccines in the control of classical swine fever as the vaccination strategy was justified by endemic situations in Member States in the 1960s and 1970s. For example, more than 6 000 outbreaks were recorded in 1961 and 5 000 in 1973. Use of vaccination may prevent acute illness and control the disease but classical swine fever cannot be eradicated in this way.

The non-vaccination strategy is based on eradication of disease, elimination of infection and tracing of contacts. An important tool in controls is serological examination

of pigs. This tool cannot be used when vaccination is carried out.

The Community has for several years promoted the non-vaccination policy as the establishment of a single market requires trade in live pigs and fresh pig meat without spread of disease. Furthermore, a number of third countries permit importation of live pigs and fresh pigmeat from non-vaccinating countries only.

In general, the disease situation has improved within the Community in recent years with a total of 32 and 83 outbreaks recorded in 1988 and 1989, respectively. Vaccination has been stopped in all Member States.

Experience of the recent epidemic in Belgium confirms that the non-vaccination strategy calls for strict implementation of control measures by Member States. This is especially so where disease occurs in areas with high densities of pigs and husbandry systems and trade patterns not conducive to preventing disease spread.

The experience of the non-vaccination policy in Belgium and other Member States is being evaluated by the Commission. Furthermore, the Commission is looking at the situation in all national veterinary administrations with the aim of assisting Member States in equipping themselves to undertake the growing number of important tasks connected with the single market and in meeting other new requirements. Diagnostic procedures are reviewed annually and training courses are conducted regularly at the Community Liaison Laboratory for Classical Swine Fever to ensure that all national swine fever laboratories are informed about the most up-to-date diagnostic techniques.

The Commission will continue to support the non-vaccination strategy as essential to its internal market objectives and to trade with third countries.

WRITTEN QUESTION No 2327/90

by Mr Yves Verwaerde (LDR)

to the Commission of the European Communities

(18 October 1990)

(91/C 94/79)

Subject: Common agricultural policy

Article 19 of Regulation (EEC) No 797/85⁽¹⁾ provides for aid to be granted to farmers whose production practices are favourable to the environment. In the light of the new concern about the environment, does the Commission intend to consolidate the efforts being made in this area by tightening the link between measures in the agricultural and environmental spheres?

⁽¹⁾ OJ No L 93, 30. 3. 1985, p. 1.

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(29 November 1990)

The Commission is aware of the increasingly serious nature of environment problems and of the overriding need to protect the environment against potential damage caused by intensive arable and livestock production. In this context, the Commission has presented to the Council a number of proposals with a view to improving the cohesion of measures in the agricultural and environment spheres, notably:

- proposal for a Regulation on the introduction and the maintenance of agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside;
- proposal for a Directive concerning the protection of fresh, coastal and marine waters against pollution caused by nitrates from diffuse sources;
- proposal for a Regulation on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs;
- amended proposal for a Directive concerning the placing of EEC-accepted plant protection products on the market.

The two proposals for Directives could have significant consequences for a large number of agricultural holdings.

The two proposals for Regulations provide new opportunities for farmers to demonstrate voluntarily a commitment to farming activities which accord more closely with environmental requirements.

These proposals are currently under consideration within the Council.

WRITTEN QUESTION No 2335/90

by Mr Dieter Rogalla (S)

to the Commission of the European Communities

(18 October 1990)

(91/C 94/80)

Subject: Checks on individuals at internal borders

Does the Commission agree that the continued practice of checking individuals at internal borders within the Community during the holiday period has resulted in unjustifiable delays and queues at border crossing points? Can it give details of the situation (length of tailbacks, which crossing points were worst affected, and whether extra staff were deployed)? How many complaints from citizens have the competent authorities (at Member State and Community level) received since May 1990?

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

(13 November 1990)

The Commission is not aware of any unjustifiable delays or queues at internal frontiers this summer. Nor is it in possession of the detailed information requested by the Honourable Member.

WRITTEN QUESTION No 2348/90

by Mrs Winifred Ewing (ARC)

to the Commission of the European Communities

(18 October 1990)

(91/C 94/81)

Subject: Structural policy in the fisheries sector

The Commission has recently expressed its desire to strengthen EEC structural policy in the fisheries sector.

Will the Commission propose a new structural fund objective to give special assistance to areas which are particularly dependent upon fisheries (such as, for example, the 'Hague Preference' fisheries areas in the North and other, similarly fisheries-dependent areas in Spain, Portugal and the Mediterranean)?

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

(18 December 1990)

The Commission recognizes the needs of areas within the Community where the local economy is particularly dependent on fisheries. These needs are reflected in measures already adopted and will continue to be borne in mind in any future measures.

Community measures have been adopted to improve and adapt structures in the fisheries and aquaculture sector in Regulation (EEC) No 4028/86 (*) and to improve the conditions under which fishery and aquaculture products are processed and marketed in Regulation (EEC) No 4042/89 (*).

In preparing the integration of fisheries structural policy into the reform of the Funds, the Commission will continue to keep in mind the needs of the areas which are particularly dependent on fisheries.

(*) OJ No L 376, 31. 12. 1986.

(†) OJ No L 388, 30. 12. 1989.

WRITTEN QUESTION No 2363/90**by Mr Gérard Monnier-Besombes (V)****to the Commission of the European Communities***(18 October 1990)**(91/C 94/82)*

Subject: Threat to Vendres Lake from a project receiving IMP subsidies

The realization of the NYSA project in the Aude lowlands will seriously disrupt this wetland area of international interest (the construction of dykes, dredging of the Aude river bed, construction of a dam to keep out salt water, and of a tourist complex etc.).

How does the Commission consider this project can comply with the preconditions for allocation of IMP subsidies, which include the protection of nature and support for a development promoting long-term activity?

If this project fails to comply with the above criteria and also infringes other Community legislation, for example Directive 79/409/EEC ⁽¹⁾, given that this area is inhabited by 45 species registered in the red book of threatened species in France, what measures does the Commission intend to take to guarantee the conservation of this area?

⁽¹⁾ OJ No L 103, 25. 4. 1979, p. 1.

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

(21 November 1990)

The NYSA project in the Aude lowlands forms part of the tourism sub-programme in the Languedoc-Roussillon IMP. The project is located in the 'Triangle d'Oc', one of the 19 areas where assistance for tourism is concentrated. The objectives of the tourism sub-programme include the attraction of tourists passing through the Languedoc-Roussillon region, encouraging exchanges, exploitation of the complementary features of seaside and mountain sites and developing local tourism for visitors from the main urban centres in the region and from nearby regions.

As regards compliance with Community legislation on safeguarding the environment, and in particular Directive 79/409/EEC, a clause in the programme specifies that measures taken for implementation of the IMP must respect the Community's environment legislation. If this provision is not observed, the Commission will not fail to take appropriate steps.

WRITTEN QUESTION No 2380/90**by Mr Paul Howell (ED)****to the Commission of the European Communities***(25 October 1990)**(91/C 94/83)*

Subject: Implementation of Article 130r of the Treaty

Can the Commission state how Article 130r of the Treaty is applied to the Guarantee Section of the EAGGF?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(9 January 1990)

Article 130r (2) of the EEC Treaty stipulates that 'Environmental protection requirements shall be a component of the Community's other policies', and therefore also of the CAP. The aims of Article 130r supplement the aims of the CAP as set out in Article 39.

The Commission has repeatedly stressed the need to integrate environmental concerns into the CAP, which is closely tied up with the environment and natural resources.

Community policy on markets and prices, for instance, is designed to gear agricultural production to market requirements and hence aims to reduce the intensity of farming, in the process making an important contribution towards adjusting agriculture to the needs of environmental protection and so also towards implementing Article 130r in the markets and prices field.

None the less, the Commission considers that the machinery for managing markets and prices — financed from the Guarantee Section of the EAGGF — should be augmented by positive action to integrate the aims of Article 130r into the CAP.

This is why the Commission has proposed a scheme for the introduction and maintenance of agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside ⁽¹⁾. This scheme is to apply throughout the Community to all types of arable farming.

The proposed Regulation is intended to unify in one scheme all the diverse measures already in existence (set-aside, extensification, modification of production methods in environmentally sensitive areas), as a major step towards implementing Article 130r.

⁽¹⁾ COM(90) 366 final — OJ No C 267, 23. 10. 1990.

WRITTEN QUESTION No 2397/90
by Mr Reimer Böge (PPE)
to the Commission of the European Communities
(25 October 1990)
(91/C 94/84)

Subject: Nitrate directive

In December 1988 the Commission submitted a draft nitrate directive. Under this directive liquid manure production is limited to two livestock units per hectare or 170 kg of nitrogen equivalent per hectare in endangered areas still to be defined.

Does the Commission agree that the distinction between endangered water protection areas and non-endangered areas runs counter to the objective of achieving comprehensive soil and water protection?

Can the Commission support demands for a maximum of two livestock units per hectare to apply in general in the Community?

Answer given by Mr Ripa di Meana
on behalf of the Commission
(17 December 1990)

In putting forward its nitrate proposal, the Commission intended to provide an effective policy of water protection for the whole of the Community. In Article 4 (6) of the proposal, Member States are asked to set up a Code of Good Agricultural Practice which will apply everywhere. This requirement will provide a general level of protection against pollution caused by nitrates. However, the Commission recognized that in certain areas due to geological conditions or particularly intensive farming activities, severe problems with nitrate pollution were occurring or were likely to occur. In these areas special measures are needed over and above those provided by a Code of Good Agricultural Practices. Such measures include limitations on the spreading of animal manure.

The Commission continues to hold the view that extra measures should be taken in these vulnerable zones.

WRITTEN QUESTION No 2414/90
by Mr Peter Crampton (S)
to the Commission of the European Communities
(25 October 1990)
(91/C 94/85)

Subject: Compensation for Italian fishermen during recurring algal blooms

Could the Commission state what public aid, either national or at EC level, has been paid to Italian fishermen as compensation during the recurrent algal blooms?

Answer given by Mr Marin
on behalf of the Commission
(13 December 1990)

I. National aid

On 14 September 1989, the Regional Parliament of the Region of Emilia-Romagna adopted law No 237/89 which authorizes the payment of regional aid to local fishermen adversely affected by recurrent algal blooms in the Adriatic Sea.

This law was notified to the Commission and a Commission decision not to oppose its implementation was taken on 30 March 1990. Notice of this decision together with a description of the aid scheme was published in the Bulletin of the European Communities (No 3-1990).

A second Italian measure was adopted by the national Parliament (Law No 424 of 30 December 1989). This measure which provides compensation for losses caused by algal blooms is currently under examination by the Commission's services.

II. Community aid

The Community may decide in certain circumstances to intervene financially in a concerted action to make it possible to alleviate difficulties affecting a specific aspect of fishing activities particularly in relation to the structure of the fish industry, within the framework of Regulation (EEC) No 4028/86⁽¹⁾.

⁽¹⁾ OJ No L 376, 31. 12. 1986.

WRITTEN QUESTION No 2428/90
by Mr Ernest Glinne (S)
to the Commission of the European Communities
(7 November 1990)
(91/C 94/86)

Subject: Delivery of drugs containing tryptophane

Acting on the basis of the law of 25 March 1964 on drugs, the Belgian Secretary of State for Public Health has just decided that certain drugs for internal human use should be available only on medical prescription. Will the Commission state its views on this matter and describe the situation in other Member States?

Answer given by Mr Bangemann
on behalf of the Commission
(23 November 1990)

Many cases of serious eosinophilia/myalgia syndrome were recorded during the second half of 1989, first in the

United States and then in several European countries. This easily identified syndrome has been attributed to the oral use of medicinal products and food supplements containing tryptophan. The 'pharmacovigilance' working party of the Committee for Proprietary Medicinal Products has been keeping a close eye on developments since December 1989.

The survey carried out by the working party shows that all the products listed as 'food supplements' have been withdrawn from sale in all Community countries. A number of medicinal products for oral use are still available in several countries, on prescription, and under certain conditions (specific use in certain therapeutic diets, doctor's justification etc.). No country has taken any action in respect of injectable medicinal products, which have not been implicated as yet.

Granting authorization to place medicinal products on the market is still the responsibility of the Member States but as a result of the work done by the Committee it has been possible to approximate the measures taken in the various countries so that the regulations are virtually identical throughout the Community.

WRITTEN QUESTION No 2441/90

by Sir James Scott-Hopkins (ED)

to the Commission of the European Communities

(7 November 1990)

(91/C 94/87)

Subject: Action on surpluses

In the face of the re-emergence of structural surpluses in certain agricultural products, such as beef and milk, what new initiatives is it considering to reverse this trend?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(10 January 1991)

The Commission is well aware of the re-emergence of surpluses in the beef and milk sectors. Part of these surpluses must however be attributed to special circumstances, for example, BSE and the Gulf crisis, which temporarily decreased export possibilities and consumption in some parts of the Community.

As part of these surpluses may have a structural character, the Commission will consider in the near future initiatives to deal with them.

WRITTEN QUESTION No 2474/90

by Mrs Christine Oddy (S)

to the Commission of the European Communities

(16 November 1990)

(91/C 94/88)

Subject: Cornish fishing industry

Is the Commission aware that, as a result of its fishing quotas, Cornish fishermen and women are obliged to throw dead fish into the sea?

What measures does the Commission intend to take in order to prevent and eliminate this problem?

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

(13 December 1990)

Article 5 of Regulation (EEC) No 4047/89⁽¹⁾ stipulates that any catch for which the quota has been exhausted must be thrown back into the sea.

Despite the undoubted skill of fishermen in their regular fisheries which enables them to fish selectively for certain species, it would not be possible to regard all catches of a species for which the quota has been exhausted and for which fishing is therefore implicitly prohibited, as a deliberate attempt to exceed the quota in question. There is no feasible way of knowing what is in the nets until they are hauled to the surface.

Nevertheless, Member States' fishermen have a duty to avoid as far as possible, using their professional experience, fishing in waters where there is a risk that catches of species for which quotas have been exhausted, will be too large; this is to prevent the waste of resources which would result from the obligation to throw fish back.

The Commission is currently studying ways of minimizing the throwing back of catches and will soon be presenting proposals for this purpose.

⁽¹⁾ OJ No L 389, 30. 12. 1989.

WRITTEN QUESTION No 2641/90

by Mr David Martin (S)

to the Commission of the European Communities

(23 November 1990)

(91/C 94/89)

Subject: Mobility of labour and access to housing

Pursuant to my Question H-647/90⁽¹⁾, when will the Commission undertake a comparative study on the provision of accommodation for incoming workers?

⁽¹⁾ Debates of the European Parliament No 3-392 (July 1990).

**Answer given by Mrs Papandreou
on behalf of the Commission**

(10 January 1991)

As it intimated in its answer to Oral Question H-647/90 in July 1990, the Commission takes the view that access to housing for workers who have to move needs to be taken into account for purposes of completing the single market.

The work currently being carried out by the Commission as part of its programme to combat poverty and social exclusion are such as to reply comprehensively to the concern expressed by the Honourable Member.

Measures in this area, apart from what is being done on the initiative of certain networks, include three studies initiated by the Commission itself, the final reports on which are expected before the end of 1990:

1. a study by Professor Tsiomis of Paris on trends in housing policies in Europe;
2. a study by Professor Steward of Bristol on the impact of worker mobility and the relocation of firms on housing policies; and
3. a study of Professor Wullkoff of Darmstadt analysing the consequences in the Community countries for housing and social policies of the arrival of groups of people from non-Community countries, in particular from Central and Eastern Europe.

WRITTEN QUESTION No 2680/90

by Mr Dieter Rogalla (S)

to the Commission of the European Communities

(4 December 1990)

(91/C 94/90)

Subject: Frontier crossing points and European signs

1. How far has the Commission progressed with its general survey of crossing points at the Community's internal frontiers and in what places has it detected a lack of European signs?
2. Is it true that at the St Avold crossing point, facing towards Saarlouis, the only signs in place are still those marked 'Zoll/Douane' (customs) and there are no European signs (12 stars and name of the relevant Member State on a blue background)?
3. How does the Commission explain this state of affairs?
4. When did it last write to the Member States to draw attention to the situation and what replies did it receive?

**Answer given by Mrs Scrivener
on behalf of the Commission**

(30 January 1991)

At the request of the Commission, 11 Member States including France (the country responsible for the area referred to by the Honourable Member) have confirmed that the instructions concerning the new signs have been sent to the national authorities responsible.

The Commission has recently repeated its request for information from the Member State which did not reply: it has also approached the national authorities responsible for the specific cases referred to by the Honourable Member.

WRITTEN QUESTION No 2701/90
by Mr Edward Newman (S)
to the Commission of the European Communities

(4 December 1990)

(91/C 94/91)

Subject: EEC aid to Kurdish refugees in Turkey

Will the Commission supply a full breakdown of European Community aid given to Kurdish refugees in Turkey?

Is the Commission satisfied that all this aid actually reaches Kurdish refugees in Turkey, and what measures have they taken to ensure this happens?

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

(31 January 1991)

Following the flight of thousand of Kurdish refugees from Iraq into Turkey in the summer of 1988, the Commission gave ECU 500 000 in emergency aid. This money was used to pay for the purchase by the Turkish Red Crescent Society of tent-making material. The expenditure was carefully controlled by the Commission's Representation in Ankara.

A plan proposed by UNHCR, in liaison with the Turkish Government, to transfer 12 500 refugees from the poor conditions that existed at a tent camp in Mardin, to purpose-built housing and communal facilities on a new site several hundreds of miles away, was discussed at length with Western aid donors. The Commission had been ready to offer ECU 1 000 000 to implement these

proposals. Unfortunately, although the necessary pledges were eventually secured from Western donors, this proposal had to be abandoned in April 1990 because of a change in the views of the Turkish Government.

WRITTEN QUESTION No 2702/90

by Mr Madron Seligman (ED)

to the Commission of the European Communities

(4 December 1990)

(91/C 94/92)

Subject: Industrial deafness

One of my constituents, a retired engineer, has become increasingly deaf and medical evidence attest to the fact that the disability was caused by exposure to excessive noise during military service (aero-engines on test) and his subsequent civilian career.

Whilst it is not disputed that his disability is co-called industrial or occupational deafness, the Department of Health and Social Security in the United Kingdom refuses to pay my constituent any benefit on the grounds that he had not worked in certain designated industries. The list is not exhaustive but is exclusive.

Does the Commission envisage any harmonization of industrial injury benefits within the framework of the Social Charter and, if not, how does British practice in this regard compare with that in other Member States?

**Answer given by Mrs Papandreou
on behalf of the Commission**

(21 January 1991)

As regards social protection benefits for workers, the Community Charter of Social Fundamental Rights states that:

'According to the arrangements applying in each country:

10. Every worker of the European Community shall have a right to adequate social protection and shall, whatever his status and whatever the size of the undertaking in which he is employed, enjoy an adequate level of social security benefits.'

A comparison of the United Kingdom with other Member States is given in the 'Comparative tables of social security schemes in the Member States of the European Communities'. A copy of the latest

edition (⁽¹⁾) is being sent direct to the Honourable Member and to Parliament's Secretariat. A new edition is expected shortly, a copy of which will also be sent.

The Commission has clearly stated in its Action Programme implementing its Charter of Social Fundamental Rights that it would not make proposals for harmonization of social security provisions which were linked to different cultures and histories but that, with a view to promoting mobility of workers, and in the framework of social cohesion, it would propose a strategy of convergence of social security policies and objectives by means of a recommendation.

(⁽¹⁾) 15th edition, situation at 1 July 1988.

WRITTEN QUESTION No 2841/90

by Mr Madron Seligman (ED)

to the Commission of the European Communities

(17 December 1990)

(91/C 94/93)

Subject: Protection of calves and pigs kept in intensive farming systems

In July 1989, the Commission sought the views of the Economic and Social Committee on its proposal for a Council Regulation (EEC) for the protection of calves and pigs which were frequently found to be reared in inhumane conditions.

ECOSOC's opinions on the two draft regulations were published in Official Journal No C 62 of 12 March 1990. Very many people are concerned to prevent unnecessary suffering to animals. When may we expect the Commission to expedite the passage of these measures through Parliament and to the Council of Ministers?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(25 January 1991)

The two proposals for Council Regulations referred to by the Honourable Member were presented to the Council on 19 June 1989. The opinion of the Parliament on the proposals was delivered on 5 April 1990, and published in Official Journal No C 113 of 7 May 1990.

The proposals are presently before the Council, and the Commission is unable to say when they will make further progress.

WRITTEN QUESTION No 2871/90
by Mr Lyndon Harrison (S)
to the Commission of the European Communities
 (3 January 1991)
 (91/C 94/94)

Subject: Interlingua

Does the Commission participate in any way in the promotion of the international language Interlingua?

Answer given by Mr Delors
on behalf of the Commission
 (24 January 1991)

The Commission does not participate in the promotion of Interlingua.

The Honourable Member is referred to the Commission's answer to his Written Question No 2081/90 ⁽¹⁾.

⁽¹⁾ OJ No C 85, 28. 3. 1991, p. 27.

WRITTEN QUESTION No 2891/90
by Mr Kenneth Stewart (S)
to the Commission of the European Communities
 (3 January 1991)
 (91/C 94/95)

Subject: Natural justice for the rights of the individual

Is the Commissioner aware that where police charge a citizen on the information of an informer, and where that citizen is found not guilty, the police can withhold the name of the informer?

Does the Commission agree that such a practice could be used by informants to victimize anyone they had a grudge against, and that this method of policing is against the personal freedoms and natural justice of the rights of European citizens?

Will the Commission consider bringing forward legislation to halt such practices within the European Community seeing that, in the interest of natural justice, the identity of an informer should be disclosed when the courts decide a person's innocence?

Answer given by Mr Delors
on behalf of the Commission
 (30 January 1991)

The matter raised by the Honourable Member's question does not fall within the Community's jurisdiction.

The Council would point out that in the preamble to the Single Act the Member States have given each other an undertaking to join together in promoting democracy, taking their cues from the fundamental rights recognized in their Constitutions and laws and in the Convention for the Protection of Human Rights and Fundamental Freedoms.

WRITTEN QUESTION No 2927/90
by Mr Henry Chabert (RDE)
to the Commission of the European Communities
 (11 January 1991)
 (91/C 94/96)

Subject: Community measures to promote employment in the Rhone-Alpes region

Can the Commission provide a detailed, updated breakdown by sector of the number of jobs created and/or saved directly or indirectly in 1989 and 1990 in each department of the Rhone-Alpes region as a result of contributions by the various Community funds (ESF, ERDF, EAGGF etc.), the EIB and the ECSC?

Can it also provide a detailed, updated list containing statistics for the various measures carried out in this region in 1989 and 1990?

Answer given by Mr Christophersen
on behalf of the Commission
 (26 February 1991)

In view of the length of its answer, which includes a number of tables, the Commission is sending it direct to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION No 3010/90
by Mr Christopher Jackson (ED)
to the Commission of the European Communities
 (18 January 1991)
 (91/C 94/97)

Subject: Use of set-aside in the former German Democratic Republic

It has been reported in the United Kingdom press that a British registered company has signed a 99-year lease on 9 800 acres of land near Magdeburg and that it is applying

to put some 7 400 acres of this land into set-aside. It is further reported that the annual rent on the land is £7 per acre and that the set-aside payment is £103 per acre.

1. Is the Commission aware of any such registration or application to register for set-aside?
2. In the Commission's view, could the situation arise in which companies could rent land in the former GDR extremely cheaply for no other purpose than financial gain through EC set-aside funds?

3. Does the Commission agree that such financial manipulation, giving no benefit whatsoever to farming, would be unacceptable; and if so has the Commission plans for action to counter it?

**Answer given by Mr Mac Sharry
on behalf of the Commission**

(26 February 1991)

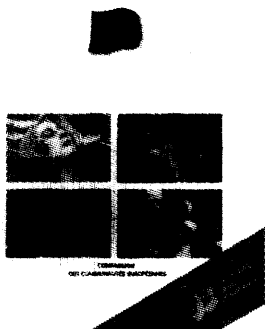
The Commission is inquiring into the facts referred to by the Honourable Member with the Member State concerned. It will inform him of its findings as soon as possible.



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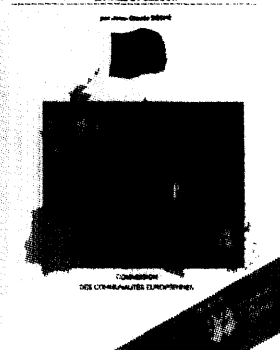
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