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## Information and Notices

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<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<b>I Information</b>	
	<b>European Parliament</b>	
	<i>Written Questions with answer</i>	
92/C 78/01	No 2173/90 by Mr Salvatore Lima to the Commission Subject: Greenhouse effect .....	1
92/C 78/02	No 98/91 by Mr Jean-Pierre Raffarin to the Commission Subject: Prevention of domestic accidents .....	1
92/C 78/03	No 512/91 by Mr Pierre Bernard-Reymond to the Council Subject: Aid to national amateur theatrical federations .....	2
92/C 78/04	No 588/91 by Mr Filippos Pierros to the Commission Subject: Intra-European telecommunication networks .....	2
92/C 78/05	No 625/91 by Mr Christopher Jackson to the Commission Subject: Proposed zoos Directive .....	3
92/C 78/06	No 709/91 by Mr José Alvarez De Paz to the Council Subject: EEC policy for the integration of immigrants .....	3
92/C 78/07	No 756/91 by Mr José Alvarez De Paz to the Council Subject: Demographic trends in the Community and future immigration policies .....	3
	Joint answer to Written Questions Nos 709/91 and 756/91 .....	3
92/C 78/08	No 749/91 by Mr Thomas Maher to the Commission Subject: Imports of calves .....	4
92/C 78/09	No 902/91 by Mrs Mary Banotti to the Commission Subject: Community recycling symbols .....	4

<u>Notice No</u>	Contents (continued)	Page
92/C 78/10	No 910/91 by Mrs Caroline Jackson to the Commission Subject: EC Directive on emissions from large combustion plants .....	4
92/C 78/11	No 918/91 by Mr Carlos Robles Piquer to the Commission Subject: Community funds to finance infrastructure works in poor countries .....	5
92/C 78/12	No 938/91 by Mrs Marijke Van Hemeldonck to the Council Subject: Proposal for a Council Directive on the legal protection of computer programs — the legal basis of Article 2(3) .....	5
92/C 78/13	No 1108/91 by Mr Jacques Vernier to the Commission Subject: Implementation of the conclusions of the Gerondeau report on measures to improve road safety .....	6
92/C 78/14	No 1143/91 by Mr Carlos Robles Piquer to the Commission Subject: The process of concentration in the European information industry .....	6
92/C 78/15	No 1147/91 by Mr Gérard Monnier-Besombes to the Commission Subject: The Haven disaster .....	7
92/C 78/16	No 1168/91 by Mr Dieter Rogalla to the Commission Subject: Customs clearance of HGVs at the internal borders .....	8
92/C 78/17	No 1265/91 by Mr Paul Staes to the Commission Subject: Channel Tunnel .....	9
92/C 78/18	No 1283/91 by Mrs Brigitte Langenhagen to the Council Subject: Partial suspension of autonomous customs tariffs in respect of frozen fish fillets of Alaska pollack and hake from third countries into the EC .....	9
92/C 78/19	No 1317/91 by Mr Gijs de Vries to the Commission Subject: Information offices in Vilnius, Riga and Tallin .....	10
92/C 78/20	No 1334/91 by the following Members: José Valverde Lopez, Ria Oomen-Ruijten and Egon Klepsch to the Commission Subject: Use of non-ageing paper .....	10
92/C 78/21	No 1430/91 by Mrs Marie Jepsen to the Council Subject: Mutual recognition of driving licences issued by the Member States — lifting of the requirement to exchange licences on taking up residence in another Member State .....	11
92/C 78/22	No 1433/91 by Mr Freddy Blak to the Commission Subject: The need for product labelling to aid those suffering from allergies .....	11
92/C 78/23	No 1436/91 by Mr Freddy Blak to the Council Subject: The relocation to other countries of companies causing pollution .....	12
92/C 78/24	No 1458/91 by Mrs Annemarie Goedmakers and Mrs Maartje van Putten to the Commission Subject: Demand for EC study grants .....	12
92/C 78/25	No 1495/91 by Mrs Marijke Van Hemeldonck to the Commission Subject: Granting of authorizations under Council Directive 76/464/EEC .....	13

<u>Notice No</u>	Contents (continued)	Page
92/C 78/26	No 1511/91 by Mr Mihail Papayannakis to the Commission Subject: Pan-European forum of migrants and membership thereof .....	13
92/C 78/27	No 1521/91 by Mr Alain Pompidou to the Council Subject: 'L'European' vehicle licence plates .....	14
92/C 78/28	No 1531/91 by Mr Gerhard Schmid to the Commission Subject: Trade in stored blood .....	14
92/C 78/29	No 1543/91 by Mr Llewellyn Smith to the Commission Subject: Convention on the physical protection of nuclear materials .....	14
92/C 78/30	No 1580/91 by Mr Jean-Pierre Raffarin to the Commission Subject: Aid to protect the Marais Poitevin area .....	15
92/C 78/31	No 1586/91 by Mr Kenneth Collins to the Commission Subject: Replies from Commission officials to enquiries from Members of the European Parliament .....	15
92/C 78/32	No 1592/91 by Mrs Winifred Ewing to the Commission Subject: Car seat belts to accommodate infant carriers .....	16
92/C 78/33	No 1618/91 by Mr Gérard Monnier-Besombes to the Commission Subject: Preservation of the monk seal ( <i>Monachus monachus</i> ) .....	16
92/C 78/34	No 1648/91 by Mrs Winifred Ewing to the Commission Subject: British Steel's closure of profitable steel plants in Scotland and EEC competition policy .....	16
92/C 78/35	No 1659/91 by Mr Niall Andrews to the Commission Subject: Notification of the technical regulations by Member States in respect of the obligations to the Commission .....	17
92/C 78/36	No 1674/91 by Mr Louis Lauga to the Council Subject: Respect for legislation on international transport of live animals .....	18
92/C 78/37	No 1676/91 by Mr Gérard Monnier-Besombes to the Commission Subject: Dolphin fishing in Japan .....	18
92/C 78/38	No 1686/91 by Mr Brian Simpson to the Commission Subject: Investment criteria .....	19
92/C 78/39	No 1705/91 by Mrs Marie Jepsen to the Commission Subject: Preliminary draft Commission Directive on foods intended for weight-control diets ..	19
92/C 78/40	No 1724/91 by Mr Alex Smith to European Political Cooperation Subject: Contracts of employment for EC nationals outside the Community .....	19
92/C 78/41	No 1732/91 by Mr Herman Verbeek to the Commission Subject: Trade in protected species of plants and animals .....	20
92/C 78/42	No 1739/91 by Mr Madron Seligman to the Commission Subject: Danger from defective gas-fuelled water heaters .....	20
92/C 78/43	No 1744/91 by Mr Elio Di Rupo to the Council Subject: Cooperation as regards the right of custody or visiting rights in respect of children ...	21

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
92/C 78/44	No 1745/91 by Mr Sotiris Kostopoulos to the Council Subject: Need for a common policy as regards the manufacture of arms .....	21
92/C 78/45	No 1751/91 by Mrs Ursula Braun-Moser to the Council Subject: Vocational training in alternative medicine/homeopathy .....	22
92/C 78/46	No 1767/91 by Mr Jean-Pierre Raffarin to the Commission Subject: Diversification of agriculture into non-agricultural activities .....	22
92/C 78/47	No 1769/91 by Mr Miguel Arias Cañete to the Commission Subject: Tuna imports in the EEC .....	23
92/C 78/48	No 1776/91 by Mr Kenneth Stewart to the Commission Subject: Mido funding for Merseyside, United Kingdom .....	24
92/C 78/49	No 1846/91 by Mrs Birgit Bjørnvig to the Commission Subject: Destruction of tropical rain forests in Sarawak .....	25
92/C 78/50	No 1870/91 by Mr Mihail Papayannakis to the Commission Subject: Protection of the seal monachus monachus .....	25
92/C 78/51	No 1885/91 by Mr Ian White to the Commission Subject: Environmental Impact Assessment .....	26
92/C 78/52	No 1921/91 by Mr George Patterson to the Council Subject: Conscientious objectors in Greece .....	26
92/C 78/53	No 1928/91 by Mr Thomas Megahy to the Commission Subject: Trans-European networks — Structural Funds .....	27
92/C 78/54	No 1929/91 by Mr Thomas Megahy to the Commission Subject: Consultation on reform of the Structural Funds .....	27
92/C 78/55	No 1959/91 by Mr Mark Killilea to the Commission Subject: Export refunds on beef exports to Japan .....	27
92/C 78/56	No 1961/91 by Mrs Raymonde Dury to the Commission Subject: Driving schools .....	27
92/C 78/57	No 1981/91 by Mrs Ria Oomen-Ruijten to the Commission Subject: Implementation of the Directive on consumer credit .....	28
92/C 78/58	No 1992/91 by Mr Dieter Rogalla to the Council Subject: Controls at internal and external frontiers .....	28
92/C 78/59	No 1994/91 by Mr Ernest Glinne to the Council Subject: The campaign against the laundering of the proceeds of crime, in particular drug trafficking .....	29
92/C 78/60	No 1998/91 by Mr Thomas Megahy to the Commission Subject: Unsolicited invoices and order forms for business directories received from abroad ...	29
92/C 78/61	No 2006/91 by Mr Proinsias De Rossa to the Commission Subject: Nuclear waste dumping at Sellafield .....	30

<u>Notice No</u>	Contents (continued)	Page
92/C 78/62	No 2013/91 by Mr Victor Manuel Arbeloa Muru to the Commission Subject: Convention on the environment and war .....	31
92/C 78/63	No 2052/91 by Mrs Jessica Larive to the Council Subject: Organ doning .....	31
92/C 78/64	No 2056/91 by Mr Lyndon Harrison to the Commission Subject: European Community chess tournament .....	31
92/C 78/65	No 2057/91 by Mr Lyndon Harrison to the Commission Subject: Chess .....	31
	Joint answer to Written Questions Nos 2056/91 and 2057/91 .....	32
92/C 78/66	No 2082/91 by Mr Lyndon Harrison to the Commission Subject: Public funding accounting (United Kingdom) .....	32
92/C 78/67	No 2105/91 by Mr Ernest Glinne to the Council Subject: Anomalies in the status of the 'autonomous self-governing territory' of Mount Athos as recognized by Greece and the European Community .....	32
92/C 78/68	No 2107/91 by Mr Ernest Glinne to the Commission Subject: Fraud, and its effect on the Community's budget .....	33
92/C 78/69	No 2111/91 by Mr Ernest Glinne to the Council Subject: Problems arising when Community territory does not correspond to the geographical area of the Member States .....	33
92/C 78/70	No 2112/91 by Mrs Christine Crawley to the Commission Subject: Pensioners' Concession Card .....	34
92/C 78/71	No 2122/91 by Mr Proinsias De Rossa to the Commission Subject: Disposal of aircraft waste food .....	35
92/C 78/72	No 2128/91 by Mr Proinsias De Rossa to the Commission Subject: Racism and Xenophobia .....	35
92/C 78/73	No 2129/91 by Mr Proinsias De Rossa to the Council Subject: Racism and Xenophobia .....	35
92/C 78/74	No 2134/91 by Mr Jean-Pierre Raffarin to the Commission Subject: Social marginalization .....	35
92/C 78/75	No 2138/91 by Mr Sotiris Kostopoulos to the Commission Subject: Transparency in the allocation of financial aid under the Envireg programmes .....	36
92/C 78/76	No 2143/91 by Mr Michael Hindley to the Commission Subject: Exports of knitted garments from Hong Kong .....	37
92/C 78/77	No 2145/91 by Mr Ernest Glinne to the Commission Subject: The smashing of the Topkapi network and action taken against suppliers of illegal Turkish labour .....	37

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
92/C 78/78	No 2146/91 by Mr Ernest Glinne to the Council Subject: The smashing of the Topkapi network and action taken against suppliers of illegal Turkish labour .....	38
92/C 78/79	No 2148/91 by Mr Ernest Glinne to the Council Subject: Corruption in the Dominican Republic .....	38
92/C 78/80	No 2155/91 by Mrs Carmen Díez de Rivera Icaza to the Commission Subject: Raw sewage discharged by yachts and pleasure boats .....	38
92/C 78/81	No 2157/91 by Mrs Carmen Díez De Rivera Icaza to the Commission Subject: Boat tourism in the Mediterranean .....	39
92/C 78/82	No 2206/91 by Mr Ernest Glinne to the Commission Subject: Controls on the quality of spring water .....	39
92/C 78/83	No 2207/91 by Mr Kenneth Collins to the Commission Subject: Social Charter .....	40
92/C 78/84	No 2218/91 by Mr Proinsias De Rossa to the Commission Subject: Interreg programmes in Ireland .....	40
92/C 78/85	No 2225/91 by Mr Victor Manuel Arbeloa Muru to the Commission Subject: Television monopolies in the Member States .....	41
92/C 78/86	No 2233/91 by Mr Victor Manuel Arbeloa Muru to the Council Subject: Agreements with the Baltic States .....	41
92/C 78/87	No 2234/91 by Mrs Andriana Ceci to the Commission Subject: Horizon programme .....	41
92/C 78/88	No 2271/91 by Mr Dieter Rogalla to the Commission Subject: Measures to combat forest fires .....	42
92/C 78/89	No 2308/91 by Mr Jean-Pierre Raffarin to the Commission Subject: European sports forum .....	42
92/C 78/90	No 2316/91 by Mr Gijs de Vries to the Commission Subject: Netherlands law on the media .....	42
92/C 78/91	No 2323/91 by Mrs Cristiana Muscardini to the Commission Subject: Provisional release from detention on remand .....	43
92/C 78/92	No 2341/91 by Mr Ernest Glinne to the Council Subject: Nuclear policy with regard to Europe .....	43
92/C 78/93	No 2358/91 by Mr David Martin to the Council Subject: Procedure for election to the European Parliament .....	44
92/C 78/94	No 2362/91 by Mr Sérgio Ribeiro and Mr Francis Wurtz to European Political Coopération Subject: The selection of Morocco to chair the International Conference on Human Rights ...	44
92/C 78/95	No 2391/91 by Mrs Raymonde Dury to the Council Subject: Social security rights of volunteer development workers employed by NGOs .....	45

<u>Notice No</u>	Contents (continued)	Page
92/C 78/96	No 2393/91 by Mrs Raymonde Dury to the Council Subject: Action of the Twelve to combat infanticide in Brazil .....	45
92/C 78/97	No 2399/91 by Mr Marc Galle to the Commission Subject: Charges for financial services in Belgium .....	46
92/C 78/98	No 2403/91 by Mr Sotiris Kostopoulos to the Commission Subject: Pollution of the Aegean .....	47
92/C 78/99	No 2417/91 by Mr Thomas Maher to the Commission Subject: Staple food prices in EFTA countries .....	47
92/C 78/100	No 2419/91 by Mrs Joanna Rønn to the Commission Subject: The Commission's proposal to set up a working environment agency .....	48
92/C 78/101	No 2422/91 by Mr Gijs de Vries to the Commission Subject: Anti-dumping policy in relation to competition policy .....	48
92/C 78/102	No 2430/91 by Mr Hans Peters to the Commission Subject: Implementation of Council Directive 83/189/EEC as amended by Council Directive 88/182/EEC laying down a procedure for the provision of information in the field of technical standards and regulations .....	49
92/C 78/103	No 2445/91 by Mr David Martin to the Commission Subject: Political role of EIB and EBRD .....	50
92/C 78/104	No 2514/91 by Mr Gijs de Vries to the Commission Subject: Advisory Committee on Competition Policy .....	50
92/C 78/105	No 2515/91 by Mr Francesco Speroni to the Commission Subject: Rules concerning the driving by Italian nationals of vehicles registered in other Community Member States .....	51
92/C 78/106	No 2523/91 by Mr Victor Manuel Arbeloa Muru to the Council Subject: Women's family responsibilities .....	51
92/C 78/107	No 2524/91 by Mr Victor Manuel Arbeloa Muru to the Council Subject: Women's family responsibilities .....	51
	Joint answer to Written Questions Nos 2523/91 and 2524/91 .....	51
92/C 78/108	No 2525/91 by Mr Victor Manuel Arbeloa Muru to the Council Subject: Agreement on forest protection .....	52
92/C 78/109	No 2526/91 by Mr Victor Manuel Arbeloa Muru to the Council Subject: Noise at airports .....	52
92/C 78/110	No 2555/91 by Mr Jaak Vandemeulebroucke to the Council Subject: Budget appropriations earmarked for consumer information and protection .....	52
92/C 78/111	No 2645/91 by Mr Luigi Vertemati, Mr Franco Iacono, Mr Pierre Carniti, Mr Nereo Laroni, Mrs Maria Magnani Noya and Mr Vincenzo Mattina to the Council Subject: Immigration and racism .....	53
92/C 78/112	No 2664/91 by Mr Hugh McMahon to the Council Subject: Social Charter .....	54

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
92/C 78/113	No 3111/91 by Mr Yves Verwaerde to the Council Subject: Brief report on the meeting of the Council of Social Affairs Ministers on 6 November 1991 .....	54
	Joint answer to Written Questions Nos 2664/91 and 3111/91 .....	54
92/C 78/114	No 2682/91 by Mr Gerardo Fernández-Albor to the Council Subject: Special measures in favour of women convicted for parricide .....	54
92/C 78/115	No 2688/91 by Mr Carlos Robles Piquer to the Council Subject: Classifying initiatory 'ragging' as a criminal offence .....	55
92/C 78/116	No 2707/91 by Mrs Brigitte Ernst de la Graete to the Council Subject: Imports of meat from the United States to the EC .....	55
92/C 78/117	No 2709/91 by Mrs Martine Lehideux to the Council Subject: AIDS contamination through blood transfusions .....	55
92/C 78/118	No 2716/91 by Mr Herman Verbeek to the Council Subject: Agricultural trade negotiations and the environment .....	56
92/C 78/119	No 2727/91 by Mr John Cushnahan to the Council Subject: Employee financial participation .....	56
92/C 78/120	No 2736/91 by Mr Sotiris Kostopoulos to European Political Cooperation Subject: Voting rights of Community citizens .....	57
92/C 78/121	No 2789/91 by Mr Freddy Blak to the Council Subject: Mortality among alcoholics and smokers .....	57
92/C 78/122	No 2855/91 by Mr Ernest Glinne to the Council Subject: Drugs trafficking from the Dominican Republic .....	57
92/C 78/123	No 2858/91 by Mr Ernest Glinne to the Council Subject: Impending ecological disaster along the Pacific coast of Central America .....	58
92/C 78/124	No 3013/91 by Mr Victor Manuel Arbeloa Muru to the Council Subject: Harmonization of asylum policies .....	59
92/C 78/125	No 3053/91 by Mr Carles-Alfred Gasòliba I Böhm to the Council Subject: Inclusion of Catalan in the Lingua programme .....	59
92/C 78/126	No 3129/91 by Mr Adrien Zeller to the Council Subject: Istanbul Convention on Bankruptcy .....	59



## I

*(Information)*

## EUROPEAN PARLIAMENT

## WRITTEN QUESTIONS WITH ANSWER

## WRITTEN QUESTION No 2173/90

by Mr Salvatore Lima (PPE)

to the Commission of the European Communities

*(4 October 1990)**(92/C 78/01)**Subject: Greenhouse effect*

1. Is the Commission aware of the findings of the seminar in Erice in August 1990 on the 'greenhouse effect' and the report by 300 scientists that was discussed on that occasion?
2. Could the Commission state the number and location of monitoring posts for the substances principally responsible for the 'greenhouse effect' (carbon dioxide, methane, nitrogen dioxide and chlorofluorocarbons)?
3. Is the Commission prepared to participate in and support from its own funds the world monitoring project on which a group of twelve scientists (including two Nobel prizewinners) led by the Chairman of the World Lab, Professor Antonino Zichichi, is actively engaged?

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

*(6 September 1991)*

1. The Commission is aware of the seminar organized in Erice on the greenhouse effect and considers its findings to be a valuable and interesting contribution to the current debate on anticipated climatic changes and their consequences.
2. The Commission has been running a research programme in the field of climatology since 1980 and has had occasion over this period to make periodic updates to

the results available in conjunction with scientists throughout the world. The European contribution to the three summary reports of the Intergovernmental Panel on Climatic Change (World Climate Conference, Geneva, 29 October—7 November 1990) has come largely from research scientists engaged in the Community research programme. The data collected by European researchers tie in by and large with the findings of scientists throughout the world.

Most of the monitoring posts scattered over the globe form part of national meteorological services or are answerable to them. A complete inventory will be provided as soon as it is available.

3. A new research programme on the environment was recently adopted (6 June 1991) by the Council. Once the respective call for proposals is published the World Monitoring Project led by Professor Zichichi could be submitted as one such research proposal.

## WRITTEN QUESTION No 98/91

by Mr Jean-Pierre Raffarin (LDR)

to the Commission of the European Communities

*(11 February 1991)**(92/C 78/02)**Subject: Prevention of domestic accidents*

How does the Commission intend to reduce the number of domestic accidents which claim more victims than road accidents and involve a very large number of children? What conclusions has Mr Jimenez-Betran drawn from the symposium on domestic accidents involving children organized by the European Club as part of Medec 90 which he attended on behalf of the Commission?

**Answer given by Mr Van Miert  
on behalf of the Commission**  
(22 November 1991)

The symposium mentioned by the Honourable Member confirmed the many aspects involved in consumer safety.

The Commission is aware of the seriousness and the number of domestic accidents involving children and is trying to resolve the many problems which these raise.

The Commission believes that prevention of these accidents and an efficient policy in the area of consumer safety require a series of actions and initiatives with direct responsibility on the part of the Member States or the Community, depending on the case.

These initiatives should not be limited to adopting legislative measures, which remain fundamental, but must also cover organization and general consumer information in this area.

**WRITTEN QUESTION No 512/91**  
**by Mr Pierre Bernard-Reymond (PPE)**  
**to the Council of the European Communities**  
(26 March 1991)  
(92/C 78/03)

*Subject:* Aid to national amateur theatrical federations

Does the Council not consider that it is necessary to take measures similar to those envisaged for the audiovisual sector to help the theatre, in particular the amateur theatre, to achieve a European dimension too, as part of the development of cultural Europe in 1992?

For this purpose, national federations could be given financial assistance and be encouraged to form an amateur theatrical confederation.

**Answer**  
(4 March 1992)

In their resolution of 24 November 1991 <sup>(1)</sup> on European cultural networks, the Council and the Ministers for Culture agreed 'to encourage active participation of cultural organizations of their countries in non-governmental cooperation on a European scale'.

Moreover, in their resolution of 7 June 1991 <sup>(2)</sup> on the development of the theatre in Europe, the Ministers for Culture had already expressed their 'determination to

encourage the theatre in Europe and to enhance its European dimension' by examining jointly a series of actions in that field.

<sup>(1)</sup> OJ No C 314, 5. 12. 1991.

<sup>(2)</sup> OJ No C 188, 19. 7. 1991.

**WRITTEN QUESTION No 588/91**  
**by Mr Filippos Pierros (PPE)**  
**to the Commission of the European Communities**  
(26 March 1991)  
(92/C 78/04)

*Subject:* Intra-European telecommunication networks

At the end of 1989 (European Council meeting in Strasbourg, December 1989) an important initiative was taken to harness the completion of the internal market and economic and social cohesion to the creation of an intra-European network infrastructure *inter alia* in the field of telecommunications, with a view to establishing a link between the peripheral regions and the centre of the Community.

The Commission is already drawing up proposals and measures to this end. However, despite the progress already made, the question of financing these networks remains vague and uncertain. Can the Commission give its view on this matter and state whether it intends to provide for the realization of this ambitious project new and sufficient Community resources in addition to existing resources and in addition to those provided by private sources?

**Answer given by Mr Bangemann**  
**on behalf of the Commission**  
(8 January 1992)

The issues associated with trans-European networks were discussed in a Commission communication to the Council and Parliament <sup>(1)</sup> which is currently being examined by both institutions, the Economic and Social Committee having recently given its opinion. Financing is at the heart of these discussions, with several sources being available: private, national and Community. As regards financing from the Community budget, it is up to the budgetary authorities to decide what new resources may be allocated to the establishment of trans-European networks.

As stated in the communication, the Commission will make appropriate proposals.

In the context of the intergovernmental conference on political union, the Commission proposed that a chapter

on trans-European networks should be inserted in the EEC Treaty.

In the short term, trans-European networks will have to be financed from existing instruments, such as the Insis and Caddia programmes, or from instruments still under discussion, such as the specific research and technological development programme in the field of telematic systems in areas of general interest, which is provided for by the framework programme of research and technological development adopted in April 1990, with proposed funding of ECU 380 million. Under the regulations currently in force, the structural Funds are a further possible source of assistance for Member States in respect of eligible areas. Between 1989 and 1993, the European Regional Development Fund is expected to allocate more than ECU 1 100 million (provided for in the Community support frameworks, including the Star programme) to the financing of telecommunications infrastructures in the regions covered by Objective 1, including ECU 345 million in Greece.

There are also the Star and Telematique programmes, likewise financed by the ERDF, which are designed to promote the use of advanced telecommunications services in the least-favoured regions of the Community (regions covered by Objective 1).

(<sup>1</sup>) COM(90) 585 final.

#### WRITTEN QUESTION No 625/91

by Mr Christopher Jackson (ED)

to the Commission of the European Communities

(15 April 1991)

(92/C 78/05)

*Subject:* Proposed zoos Directive

Can the Commission explain why it has not yet published proposals for a zoos Directive?

It is still discussing proposals and, if so, when will the draft Directive on zoos be published?

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

(12 September 1991)

The Commission has recently adopted a draft Directive (<sup>1</sup>) laying down minimum standards for the keeping of animals in zoos.

(<sup>1</sup>) COM(91) 177 final.

#### WRITTEN QUESTION No 709/91

by Mr José Alvarez De Paz (S)

to the Council of the European Communities

(19 April 1991)

(92/C 78/06)

*Subject:* EEC policy for the integration of immigrants

What conclusions have been reached by the group of experts which has been studying policies regarding the integration of immigrants? Is there a timetable for the development of this kind of policy by the Community?

#### WRITTEN QUESTION No 756/91

by Mr José Alvarez De Paz (S)

to the Council of the European Communities

(23 April 1991)

(92/C 78/07)

*Subject:* Demographic trends in the Community and future immigration policies

At the meeting of 14 and 15 December 1990 in Rome, the Council Presidency issued a statement on demographic problems, particularly those arising from immigration from the southern Mediterranean and eastern European countries, the decline in birth rates, family policies, the aging of the population and the crisis facing pension schemes and provisions for the elderly in general.

Can the Council specify the exact content of this statement and say what measures it intends to draw up to remedy and correct these potential imbalances?

**Joint answer**

**to Written Questions Nos 709/91 and 756/91**

(17 February 1992)

At its meeting in Strasbourg the European Council wanted an inventory to be prepared of national positions on immigration so that a discussion on this issue within the Council (General Affairs) could be prepared. That discussion took place on 4 December 1990.

At its Rome meeting in December 1990 the European Council took note of the reports on immigration and asked the General Affairs Council and the Commission to examine the most appropriate measures and actions regarding aid to countries of emigration, entry conditions

and aid for social integration, taking particular account of the need for a harmonized policy on the right of asylum.

Finally, the European Council in Maastricht noted the reports on immigration and asylum drawn up at its request by the Ministers responsible for immigration. It considered that they constituted an adequate basis for measures to be taken in those areas.

It agreed on the programme of work and the timetables laid down and invited the Ministers for Immigration to implement them.

Moreover, the draft Political Union Treaty approved by the Maastricht European Council contains provisions allowing certain subjects within the purview of inter-governmental co-operation to be transferred to Community competence.

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**WRITTEN QUESTION No 749/91**

**by Mr Thomas Maher (LDR)**

**to the Commission of the European Communities**

(23 April 1991)

(92/C 78/08)

*Subject:* Imports of calves

Can the Commission state how many calves, under two months of age, have been imported into the Community over the past 18 months, since October 1989?

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

(25 October 1991)

The customs classification, on the basis of the Harmonized System, separates calves from the adult animals on the basis of their weight (not more than 220 kg or more than 220 kg). For this reason the Commission does not have specific information concerning the age of calves at the time of their import into the Community.

However, taking into consideration the existing trade patterns in this field as well as the criterion of the average weight of those animals, the calves imported for which the weight is not higher than  $\pm 60$  kg can be estimated at:

October—December 1989:	53 000 heads
January—December 1990:	850 000 heads.
January—March 1991:	200 768 heads.

**WRITTEN QUESTION No 902/91**

**by Mrs Mary Banotti (PPE)**

**to the Commission of the European Communities**

(8 May 1991)

(92/C 78/09)

*Subject:* Community recycling symbols

Would the Commission be prepared to introduce a Community labelling system which would give consumers information on the recyclability of products and how correctly to handle the packaging of such products so as to increase recycling in the EC?

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

(27 November 1991)

In February 1991 the Commission made a proposal for a Council Regulation covering a Community award scheme for an Eco-label.

Products considered for an award under this scheme will be evaluated on a 'cradle to grave' basis and the question of recyclability could, where appropriate, be one of the criteria to be met.

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**WRITTEN QUESTION No 910/91**

**by Mrs Caroline Jackson (ED)**

**to the Commission of the European Communities**

(15 May 1991)

(92/C 78/10)

*Subject:* EC Directive on emissions from large combustion plants

Article 3(1) of Directive 88/609<sup>(1)</sup> requires Member States to draw up programmes for the progressive reduction of total annual emissions from large combustion plants by 1 July 1990. These are to include timetables and the implementing measures. Article 16 requires Member States to inform the Commission of these programmes by 31 December 1990.

Can the Commission state which Member States did not inform the Commission of their programmes by 31 December 1990? Which Member States have not yet informed the Commission of their programmes?

<sup>(1)</sup> OJ No L 336, 7. 12. 1988, p. 1.

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

(27 November 1991)

The Commission received the German, French, Portuguese, Dutch and Danish programmes to reduce total annual emissions from large combustion plants before 31 December 1990. The United Kingdom provided the Commission with its draft programme before the deadline.

Luxembourg, Ireland, Italy, Spain and Greece have not yet provided the Commission with their programmes.

Belgium has applied for a delay which has been accepted by the Commission.

**WRITTEN QUESTION No 918/91**

by Mr Carlos Robles Piquer (PPE)

to the Commission of the European Communities

(15 May 1991)

(92/C 78/11)

*Subject:* Community funds to finance infrastructure works in poor countries

The Spanish Government's decision not to take any decision until 1992 on which Spanish rail route should connect with the French frontier and with the European high-speed train, once more raises the question whether the Community will accept for the year in question the proposal to set up a specific fund to finance major infrastructure works of European interest in the poor countries of the Community.

The disparity of criteria in this regard between rich and poor countries raises doubts in the governments concerned as to the planning of such infrastructure works, at least whilst awaiting a decision from the Community on whether such a fund should be created.

What is the Commission's attitude to the creation of a Community fund of this kind? Can it provide encouragement for the Community to take action one way or another during the 1992 financial year?

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

(3 December 1991)

The setting-up of a specific fund for financing major transport infrastructure works of European interest is one of the matters being examined by the Commission with the aim of developing transport policy.

Noting the problems regarding the financing of major communications networks and the direct risk of a crisis which this implies for the Community, an independent expert group, chaired jointly by Mrs Smit-Kroes and Mr Pisani, presented to the Commission its conclusions, which tend towards the setting-up of a fund of this kind.

The Commission reserves the right to adopt its position on the proposal when a white paper on the common transport policy is published at the end of 1991.

**WRITTEN QUESTION No 938/91**

by Mrs Marijke Van Hemeldonck (S)

to the Council of the European Communities

(15 May 1991)

(92/C 78/12)

*Subject:* Proposal for a Council Directive on the legal protection of computer programs — the legal basis of Article 2(3)

The basis for the above proposal for a Directive (COM(90) 509 final<sup>(1)</sup>) is Article 100a of the EEC Treaty. However, Article 2(3) of the proposal for a Directive contains a provision to which Article 100a(2) of the Treaty would appear to apply.

1. Does the Council consider that Article 100a(2) is applicable to Article 2(3) of this proposal for a Directive?
2. If so, what conclusion does it draw concerning the procedures for adoption of this proposal for a Directive (qualified majority or unanimity)?
3. In general, if a proposal for a Directive contains provisions covered both by both Article 100a(1) and Article 100a(2), what voting procedure shall govern its adoption? In such a case, is reference to Article 100a sufficient as a legal basis and should not this legal basis be spelt out in greater detail?

<sup>(1)</sup> OJ No C 320, 20. 12. 1990, p. 22.

**Answer**

(4 March 1992)

1 and 2. The Council takes the view that the exception mentioned in Article 100a(2) of the Treaty does not apply to the Directive on the legal protection of computer programs, which it adopted on 14 May 1991<sup>(1)</sup>. It was therefore correct for this Directive to be adopted on the basis of Article 100a.

3. All proposals for Directives submitted to the Council must be examined case by case according to their purpose and content, in order to determine, in accordance with the provisions of the Treaty and the case law of the Court of Justice, the legal basis on which they are to be adopted.

(<sup>4</sup>) OJ No L 122, 17. 5. 1991, p. 42.

**WRITTEN QUESTION No 1108/91**  
by Mr Jacques Vernier (RDE)  
to the Commission of the European Communities  
(5 June 1991)  
(92/C 78/13)

*Subject:* Implementation of the conclusions of the Gerondeau report on measures to improve road safety

Each year road accidents take a massive toll in the Community, resulting in 50 000 deaths and more than one-and-a-half million injuries, at a cost of approximately ECU 70 billion.

A report recently drawn up at the request of the Commission by a committee of experts led by Mr Gerondeau recommends various measures which could, according to the authors, achieve a reduction by 20% to 30% in the number of deaths and serious injuries by the year 2000.

The envisaged measures include extending speed limits to all roads, limiting blood alcohol levels to 0,5 g/l, the incorporation of certain safety features as standard fittings in all vehicles and, more generally, a full-scale exchange of information between national authorities.

1. Can the Commission submit a programme for implementing the conclusions of this report?
2. Can the Commission undertake to keep Parliament regularly informed of the progress made in implementing the conclusions of the report?

**Answer given by Mr Van Miert  
on behalf of the Commission**  
(26 September 1991)

1. The report to which the Honourable Member refers is indeed a study requested by the Commission. It constitutes the basis on which a new strategy and a programme is to be launched with the intention of developing a European policy on road safety.
2. The Commission is contemplating a thorough examination of this report, most probably through a

working party made up of Member State Government representatives in order to establish the objectives of the programme and how it should be undertaken.

The outcome of these deliberations should appear in a report to the Council before the end of this year.

The Honourable Member can rest assured that the Parliament will be kept duly informed and that the conclusions and any report arising from these deliberations will be referred to it.

**WRITTEN QUESTION No 1143/91**  
by Mr Carlos Robles Piquer (PPE)  
to the Commission of the European Communities  
(5 June 1991)  
(92/C 78/14)

*Subject:* The process of concentration in the European information industry

The symposium held by Parliament on a European strategy in the field of industrial components has brought two points to light once again: the inadequate size of the European information industry and the lack of support for Community R & D policy with particular reference to Community industrial policy.

Mr Pandolfi, Vice-President of the Commission has welcomed the fact that discussion is finally taking place on the need for a single European undertaking for the production of semi conductors (Le Monde, 25 April 1991) and the French minister Paul Quilès has stressed the need to set up a European electronics agency (Le Monde, 26 April 1991). Only a few days later, the Council is preparing measures to encourage cooperation agreements between the main European undertakings in this sector.

Are we witnessing an attempt to strengthen cooperation or a process of concentration?

What is the role reserved for shareholders and the public authorities in these developments, which are intended to achieve a critical mass to ensure that the Community can compete efficiently at world level?

Does the Commission believe that the European information industry should be in predominantly private hands as the result of a process of concentration?

**Answer given by Mr Pandolfi  
on behalf of the Commission**  
(30 September 1991)

At world level, the electronics industry, and the semiconductors sector in particular, are undergoing fast

and deep structural changes leading to a general increase in the degree of market concentration. According to EIC (Electronics International Corporation), 35% of the world production of semiconductors was concentrated in five companies in 1990. In more specific market segments, these concentration ratios are even higher (65% of total production of Drams (Dynamic Random Access Memory) was concentrated in five firms and 54% of Asics (Applications Specific Integrated Circuits) in just four firms) <sup>(1)</sup>. The combination of intensified R & D efforts and shortening life expectancy of each new generation of semiconductors is increasing the minimum optimum scale of plants.

It is now commonly accepted that the threshold for profitable operations in the semiconductor industry is somewhere around 5% of the world market. Technological and economic competition in these markets requires the confluence of different technological skills and complementary know-how, as well as minimum market share to cover the risks and costs that firms must incur. It is difficult to ascertain all these elements within a single company and, for that reason, companies are progressively resorting to different forms of strategic alliances.

The European Community has adopted where appropriate a cooperative approach to try to overcome these kinds of difficulties in the field of R & D, provided effective competition was not eliminated. In the case of this particular initiative, as on past occasions, the European Community is providing the impulse and favourable environment of cooperation required to facilitate the success of this private European initiative.

The Community has always carefully avoided interfering with private initiatives like the one considered in this question. Therefore, it will always try to preserve the leading role of the project in the hands of the private promoters of this initiative.

The role of the Community and national public authorities shall be limited to defending the Community's interest, on the grounds of technological policy as well as in the domain of competition policy. On the one hand, the Commission will act as a catalyst (e.g. in standard setting) providing the necessary institutional environment and support to ensure the success of this private initiative, which could improve substantially the competitiveness of the electronics industry; on the other, the Commission and all the public authorities concerned must ensure that all the legal safeguards necessary to guarantee competition in the single market are respected.

On this last point, it should be recalled that the Commission has made important efforts to increase the level of legal certainty regarding all kinds of initiatives of this nature. The new Regulation on the control of concentrations between undertakings (4064/89 of 21

December 1989) <sup>(2)</sup> has been complemented with a Commission notice regarding the concentration and cooperative operations (90/C203/06). Together with Commission Regulation 418/85 <sup>(3)</sup>, which introduces an exemption to the application of Article 85(3) to R & D agreements, these legal texts define clearly the boundaries of the forms of cooperation that are compatible with the common market, hence eliminating any potential legal uncertainty on this subject.

In this regard, the position of the European Commission has always been clearly defined in the Treaties establishing the European Communities. Article 222 of the EEC Treaty says that 'This Treaty shall in no way prejudice the rules in Member States governing the system of property ownership'. Therefore, the Commission has the mandate to be neutral regarding the public or private ownership of undertakings and cannot discriminate on these grounds.

It is clear that the Commission is absolutely neutral as to the form of ownership that this undertaking will adopt. Furthermore, the neutrality of the Commission does certainly include domains such as the protection of market competition through the application of competition rules, both to private undertakings and to state aids. The past and present record in the application of this neutrality principle by the European Commission dismisses any doubt about the Commission's commitment to the implementation of this principle.

<sup>(1)</sup> OECD figures for 1987 and 1988.

<sup>(2)</sup> OJ No L 395, 30. 12. 1989.

<sup>(3)</sup> OJ No L 53, 22. 2. 1985.

#### WRITTEN QUESTION No 1147/91

by Mr Gérard Monnier-Besombes (V)

to the Commission of the European Communities

(5 June 1991)

(92/C 78/15)

*Subject:* The Haven disaster

The oil slick from the tanker 'Haven' has made a mockery of the reassuring statements issued by the French authorities by reaching certain coasts and islands in the South of France, including the famous Port-Cros national park.

1. Does the Commission believe the measures taken by the Member States affected to have been appropriate and satisfactory, given that the Polmar plan is felt

to have been implemented by the French authorities somewhat tardily?

2. Might not the use of a double hull have prevented the disaster?
3. Bearing in mind the main risk-factors of disasters at sea, are there not grounds for tightening up prevention measures, e.g. by imposing limits on the tonnage transported so as to ensure that ships are more manoeuvrable or by making safety a greater consideration in the choice of routes, which are too often selected purely on grounds of profitability?

If so, what steps does the Commission intend to take?

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

*(3 December 1991)*

The improved situation resulting from the Italian initiative to control matters by towing the tanker 'Haven' into coastal waters has been generally recognized in Europe.

The decision to implement the 'Polmar' plan was taken under French Government authority, and the French and Italian Governments have achieved a good level of cooperation on the issue.

As the operation is not yet complete, no analysis of the accident has so far been made or appropriate responses formulated.

The enquiry into the accident is still under way, but the fact that explosions occurred is not really sufficient to suggest that the consequences would have been any less serious, or even avoidable, had the vessel been equipped with a double hull.

The Commission shares the Honourable Member's concern regarding the need to step up preventive action. The organization of maritime traffic, the use of the VTS system and other such measures are being looked into by the International Maritime Organization, in whose work the Commission participates.

On the basis of the results achieved within the IMO, the Commission is looking at the possibility of Community-level initiatives. This will be the subject of a communication which the Commission expects to present to the Council and Parliament early next year on Community policy on maritime safety and the prevention of marine pollution.

**WRITTEN QUESTION No 1168/91**

**by Mr Dieter Rogalla (S)**

**to the Commission of the European Communities**

*(5 June 1991)*

*(92/C 78/16)*

*Subject: Customs clearance of HGVs at the internal borders*

1. Does the Commission share my view that its responsibility for implementing the Treaties also covers the customs union, which is the foundation of the Community?

2. Does the Commission share my view that the situation at the German/Dutch border crossing points has become absolutely intolerable (as I myself observed on Monday, 29 April 1991 and Thursday, 2 May 1991 at the Venlo crossing point on the motorway near Niederdorf), with mile-long queues of heavy goods vehicles from the Netherlands waiting to enter the Federal Republic, and that these unacceptable delays inflict serious and undue damage on industry?

3. Is the Commission prepared to meet the claims for compensation of the haulage and shipping companies concerned as a result of the intolerable situation described in point 2 above?

4. How can the Commission talk about a customs union and the creation of an internal market when, owing to the Commission's failure to act and the lack of cooperation between the Member States concerned, not even the minimum requirement of coordinated opening times of customs offices has been met on public holidays celebrated on different days but in close succession?

5. What speedy action does the Commission intend to take to prevent a recurrence of such events in similar public holiday situations this year and in the more distant future?

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

*(21 November 1991)*

1 and 2. The Commission does believe that queues at internal Community borders seriously jeopardize the principles of the Single Act, particularly with regard to the free movements of goods.

3. Given its role and responsibilities, with particular reference to the completion of the single market, the Commission does not envisage offering compensation in this particular case.

4 and 5. The Commission believes that the whole problem should be settled by legislation.



The Community has already adopted a number of customs and health measures to ease or even abolish border controls, particularly by simplifying cross-border and transit administrative procedures and documents.

However, the problems mentioned by the Honourable Member highlight the fact that the abolition of internal border controls requires the abolition of the machinery of inspection.

The Commission is continuing to work towards such a situation, which will require the redeployment of customs officers and police.

**WRITTEN QUESTION No 1265/91**

**by Mr Paul Staes (V)**

**to the Commission of the European Communities**

*(14 June 1991)*

*(92/C 78/17)*

*Subject: Channel Tunnel*

Will the Commissioner give the necessary attention to the 14 questions I put to him through the proper channels on 3 May, relating to possible deception as to the composition of the concrete used in the construction of the Channel Tunnel on the French coast, in view of claims concerning the addition of waste (toxic or otherwise) to the large quantities of fly ash used in this material, which may in the long term have serious consequences for the environment and for those using the tunnel?

Will the Commissioner give separate answers to all 14 questions and allow his officials to study the documents I have provided?

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

*(13 September 1991)*

The Honourable Member has raised questions concerning the composition of the concrete used in construction of the Channel Tunnel. The Commission has carefully examined the various questions, and it is not clear to them which Community measures have not been respected. Further information concerning the use of waste in construction materials is being sought from the French authorities. A detailed reply to the various points will be communicated directly to the Honourable Member.

**WRITTEN QUESTION No 1283/91**

**by Mrs Brigitte Langenhagen (PPE)**

**to the Council of the European Communities**

*(14 June 1991)*

*(92/C 78/18)*

*Subject: Partial suspension of autonomous customs tariffs in respect of frozen fish fillets of Alaska pollack and hake from third countries into the EC*

1. Has the partial suspension of customs tariffs on imports of frozen fillets of Alaska pollack and hake from third countries had a negative effect on demand for white fish landed by EC fishermen?
2. Is the Council aware of any negative effects on the growth in EC fishermen's incomes related to the partial suspension of customs tariffs on the above species?
3. The partial suspension of autonomous customs tariffs for these species is decided upon annually by the Council on a proposal from the Commission.

Why are the customs tariffs for these two species, which are important raw materials for deep-frozen fish processing firms in the EC and are not offered by EC fishermen,

- (a) partially suspended only from 1 April each year,
- (b) not set at 0%.

**Answer**

*(18 February 1992)*

1 and 2. The Council does not have information enabling it to carry out the assessment which the Honourable Member would like.

3. The suspension of duties for frozen fillets of Alaska pollack and hake is decided annually at the same time as the various autonomous quotas are opened for fishery products (covering among other things certain types of white fish such as cod, haddock and saithe).

All these measures are, pursuant to decisions adopted to date by the Council, applicable from 1 April each year so as not to harm the interests of Community fishermen for whom the first quarter of the year is of paramount importance in the fishing year.

The Council has followed the Commission's suggestion of partially rather than totally suspending duties in the case of all these measures in order to maintain a balance

between the interests of processors and Community producers of fishery products (application of the principle of Community preference).

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**WRITTEN QUESTION No 1317/91**

**by Mr Gijs de Vries (LDR)**

**to the Commission of the European Communities**

(24 June 1991)

(92/C 78/19)

*Subject:* Information offices in Vilnius, Riga and Tallin

On 15 February 1991 President Havel announced the opening of a Czechoslovak information office in Vilnius (*Le Monde*, 17 February 1991).

Is the Commission prepared to open similar offices in the capitals of the three Baltic States?

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

(25 November 1991)

After the recognition of independence of the Baltic States, the Commission is examining the possibility of opening a delegation in these newly independent States. As an interim solution, and due to budgetary constraints, the Commission may consider the possibility of an already existing EC delegation becoming responsible for the relations with these countries.

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**WRITTEN QUESTION No 1334/91**

**by the following Members: José Valverde Lopez,  
Ria Oomen-Ruijten and Egon Klepsch (PPE)**

**to the Commission of the European Communities**

(26 June 1991)

(92/C 78/20)

*Subject:* Use of non-ageing paper

One third of the books in our most important libraries are disintegrating. Books published only 50 years ago have begun to show signs of serious ageing under normal storage conditions because they are printed on acid paper, which disintegrates. There are various types of

non-ageing paper, however, for long-term storage purposes. An international or European standard is called for. A public information campaign is required, in collaboration with all those involved in the area, to draw attention to this problem: consumers must be aware of the quality of the paper on which the books they are purchasing are printed. Proper labelling and a symbol identifying non-ageing paper are required. What is the Commission's involvement in the ISO TC 46 project? What measures is the Commission preparing to boost supply and demand in connection with non-ageing paper? Do these include a campaign to inform consumers about non-ageing paper? Is the Commission considering setting a precedent by, for example, printing official publications on non-ageing paper as historical records to be stored in archives and libraries?

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

(11 October 1991)

The Commission would refer the Honourable Members to its reply to Written Question No 612/91 (1).

In its communication on books and reading (2), the Commission — aware of the problems resulting from the use of acid paper — recommended that a campaign be organized to raise public awareness of the issue. This was endorsed by the Council (Cultural Affairs) in its resolution of 18 May 1989 on the promotion of books and reading (3).

Furthermore, the Commission is following, as an observer, the work of the European Committee for Standardization (CEN) on a European standard concerning the permanence of paper and board (CEN/TC 172).

This is based on the work done by the International Standards Organization (ISO). The Commission fully supports the work done by the CEN and hopes that the standards will be formulated as soon as possible.

As regards the Commission's involvement in the ISO TC 46 project, the Commission has observers attending the 'Information and Libraries' Committee meetings. These observers may also make technical contributions to the meetings of the working group 'Communication protocol in libraries'.

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(1) OJ No C 259, 4. 10. 1991.

(2) COM(89) 258 final.

(3) OJ No C 183, 20. 7. 1989.

**WRITTEN QUESTION No 1430/91**  
**by Mrs Marie Jepsen (ED)**  
**to the Council of the European Communities**  
*(12 July 1991)*  
*(92/C 78/21)*

*Subject:* Mutual recognition of driving licences issued by the Member States — lifting of the requirement to exchange licences on taking up residence in another Member State

The Council's first Directive on the introduction of a Community driving licence (80/1263/EEC) <sup>(1)</sup> merely provides for the introduction of a Community model for national driving licences and the exchange of licences for holders who change their place of residence or work from one Member State to another.

However, the very introduction of the Community driving licence under Directive 80/1263/EEC gave the public the impression that the national driving licences issued by the Member States would immediately be recognized throughout the Community and that drivers would not be required to exchange their licence. This impression has since been strengthened since the Community announced its aim of creating a 'People's Europe' and a 'Europe without frontiers'. As a result of this, both the Commission and the European Parliament regularly receive enquiries from Community nationals who are surprised that they are still required to exchange the driving licence issued in their own country when taking up residence in another Member State.

On implementation of the Commission's latest proposal for a Directive on the introduction of the Community driving licences (COM(88) 705 final) the requirement to exchange driving licence when moving from one Member State to another will finally be dropped. There is much to indicate however, that the Council does not intend to let this Directive enter into force until the latter half of the decade — ostensibly for technical reasons.

In view of the annoyance that the requirement under the present rules causes EC nationals who already regard concepts such as freedom of establishment and freedom of movement of labour as established rights, will the Council ensure, in connection with the adoption of COM(88) 705 that the date for the Directive entering into force is brought forward considerably, and preferably as near to 1 January 1993 as possible.

<sup>(1)</sup> OJ No L 375, 31. 12. 1980, p. 1.

**Answer**  
*(4 March 1992)*

1. The new Directive on driving licences to which the Honourable Member refers was actually adopted by the Council on 29 July 1991, as Council Directive 91/439/EEC <sup>(1)</sup>.

Articles 12 and 13 stipulate that the Directive concerned will enter into force on 1 July 1996, and that at the same time the first Directive on driving licences (80/1263/EEC) will be repealed.

2. During the discussions in the Council bodies, Member States acknowledged, as the Honourable Member has done, the importance of this Directive not only in the context of transport policy but also for the 'People's Europe' and the free movement of persons within the Community. Lifting of the requirement to exchange licences on transferring residence from one Member State to the other is a significant step in that direction.

3. However, lifting the requirement to exchange licences is not the only important aspect of the Directive: it contains a series of other provisions which effectively change considerably the arrangements laid down in Directive 80/1263/EEC. Member States have accordingly highlighted the need for sufficient time to adapt their national laws to the new provisions. Under the circumstances, the Council concluded that 1 July 1996 was the appropriate date for entry into force of the new Directive.

<sup>(1)</sup> OJ No L 237, 24. 8. 1991, p. 1.

**WRITTEN QUESTION No 1433/91**  
**by Mr Freddy Blak (S)**  
**to the Commission of the European Communities**  
*(12 July 1991)*  
*(92/C 78/22)*

*Subject:* The need for product labelling to aid those suffering from allergies

Many people suffer from allergies to certain foodstuffs or additives. It is therefore important for allergics to be able to see what a particular product contains.

Would the Commission therefore state what progress it has made with regard to the compulsory labelling or description of foodstuffs to ensure that not only additives but the other ingredients of edible processed products are clearly indicated?

**Answer given by Mr Bangemann**  
**on behalf of the Commission**  
*(27 November 1991)*

In accordance with Directive 79/112/EEC on the labelling of foodstuffs <sup>(1)</sup>, as last amended by Directive 91/72/EEC <sup>(2)</sup>, and in particular Articles 3 and 6 thereof, foodstuff labels must carry a list of ingredients.

This list includes all the ingredients of the foodstuff plus any additives, including sweeteners. These must be indicated by the name of their category followed either by their specific name or their EEC number.

The Commission's scientific advisers consider that all this information, indicated clearly and legibly on foodstuff labels, is enough to enable persons suffering from allergies to choose suitable products.

A draft amendment to Directive 79/112/EEC is currently being drawn up with a view to improving this information by making it obligatory to include the list of ingredients on the labelling of alcoholic drinks. It is also being proposed that foodstuffs which are made up of a single ingredient shall not be exempt from the requirement to indicate the list of ingredients unless the name of ingredient already appears in the name under which the product is sold or unless the latter makes it possible to identify the ingredient clearly.

(<sup>1</sup>) OJ No L 33, 8. 2. 1979.

(<sup>2</sup>) OJ No L 42, 16. 2. 1991.

#### WRITTEN QUESTION No 1436/91

by Mr Freddy Blak (S)

to the Council of the European Communities

(12 July 1991)

(92/C 78/23)

*Subject:* The relocation to other countries of companies causing pollution

What does the Council propose to do to prevent companies breaking one country's environmental laws from relocating without obstacle to another country where they are free to carry on polluting?

This question arises from the fact that a Danish-based factory has now gone into production in the United Kingdom, with the same disastrous environmental consequences as in Denmark.

#### Answer

(4 March 1992)

The Community's environment policy will continue to be based on standards designed to guarantee a high level of environmental protection.

Under Article 155 of the EEC Treaty it is for the Commission to ensure that all distortions in the way in which such legislation is applied are eliminated, having regard to Article 130t of the EEC Treaty.

#### WRITTEN QUESTION No 1458/91

by Mrs Annemarie Goedmakers and Mrs Maartje van Putten (S)

to the Commission of the European Communities

(16 July 1991)

(92/C 78/24)

*Subject:* Demand for EC study grants

As a condition for proposing candidates for EC study grants, the Nigerian Government is evidently requiring them to be civil servants.

1. Is there a uniform procedure for applications for EC study grants by candidates from ACP countries?
2. Is the Commission aware of the conditions laid down by the Nigerian Government for proposing candidates for EC study grants?
3. Does the Commission think it fair that people from the market sector and the unemployed should in this way be excluded from applying for EC study grants?
4. Does the Commission share the view that in selecting candidates for EC study grants, aptitude should be the determining factor and that the question of whether or not the candidate is in government service must not be allowed to determine eligibility for an EC study grant?

Answer given by Mr Marín  
on behalf of the Commission

(21 November 1991)

1. Applications for EC grants are governed by the Lomé Conventions and an ACP-EEC agreement covering the general measures for implementing the study and training grant programme which applies to all ACP countries.

2. The ACP State preselects candidates for EDF study grants on the basis of the priorities and goals set by the national authorities in their indicative programme negotiated with the Commission (Directorate-General for Development). The content of the programme is discussed and submitted for Member State approval at the preprogramming meeting.

3. Under the procedures governing cooperation programmes and projects, each ACP State sets the targets it deems vital for development. Under Lomé II and III, Nigeria saw fit to give priority to enhancing its administrative capacities in management, health, the economy, transport, the environment etc.

This is why priority for EC grants was given to civil servants in these areas. Priority needs and not even-handedness were the main criteria, with the underlying principle of giving maximum benefit to the

national process of development and not to individual training. Experience shows that Nigerian grant holders have taken advantage of this training by returning home and using their knowledge for the benefit of the whole country.

4. However, the new indicative programme drawn up in 1990 under Lomé IV between the Commission and Nigeria will place more emphasis on vocational training as a way of boosting production and employment in the private sector. EC grants will, therefore, no longer be limited to civil servants.

**WRITTEN QUESTION No 1495/91**

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

**to the Commission of the European Communities**

*(16 July 1991)*

*(92/C 78/25)*

*Subject:* Granting of authorizations under Council Directive 76/464/EEC

Under Article 13(1) of Council Directive 76/464/EEC (1) Member States are required to supply the Commission with details of authorizations granted pursuant to Article 3 and Article 7 (2).

Has the Commission requested such information and if so with what results? If not why not?

(1) OJ No L 129, 18. 5. 1976, p. 23.

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

*(28 November 1991)*

In pursuance of Article 13 of Directive 76/464/EEC the Commission sent the Member States a letter on 17 October 1988 asking them to provide information that was considered necessary in relation to each of the specific Directives that were already at a stage of effective implementation.

In order to help the Member States and harmonize a method of presenting data the Commission's departments have prepared model forms accompanied by instructions on filling these in. Information on the authorizations granted under Articles 3 and 7 (2) have been provided for in these models.

The Commission has received a great deal of information from the Member States and is in the process of adding to this. On this basis and once it has received the information requested the Commission will be able to pass on the

comparative assessment of the implementation of each of the specific Directives. The Commission is also taking account of the complaints concerning pollution of the aquatic environment as a result of discharges of the dangerous substances covered by Directive 76/464/EEC referred to above.

**WRITTEN QUESTION No 1511/91**

**by Mr Mihail Papayannakis (GUE)**

**to the Commission of the European Communities**

*(23 July 1991)*

*(92/C 78/26)*

*Subject:* Pan-European forum of migrants and membership thereof

The Commission is rightly encouraging the creation of a pan-European forum for migrants' associations to express their views at Community level and obtain and pass on to their members information on Community issues.

Four organizations in Greece have expressed interest in joining (representing Egyptians, Cypriots, Filipinos and Armenians). However, the association representing the Armenians was not invited to join. Can the Commission say why this organization was excluded?

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

*(2 December 1991)*

Participants for the Migrants Forum were invited by the Commission, but chosen by the Forum Preparatory Committee, consisting of representatives of Migrants Associations throughout the EC.

The Commission funds and supports, but does not direct the make-up and activities of the Forum.

The distribution of the 100 or so invitees reflects roughly the existing statistics on the origins of the numbers of migrants legally resident on Community territory, i.e. so many million Turks, North Africans, Black Africans and Asians, and so many hundred thousand East Europeans, Stateless, Caribbeans and Latin Americans, etc.

The numbers and origins to be invited were then distributed as equitably as possible among the Member States, again according to approximate numerical strength (i.e. more Turks in Germany, more Asians in the United Kingdom, etc.)

Faced therefore with hundreds of qualified applications, and the impossibility of accommodating all origins resident in all Member States, the choice was made to invite the Federation of Armenian Associations resident in Germany as part of the East European contingent, rather than those resident in Greece.

However, membership of the Forum will be open to continual review, and Forum support groups will probably be formed in each Member State, in which the Armenians in Greece may make their valid contribution.

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**WRITTEN QUESTION No 1521/91**

**by Mr Alain Pompidou (RDE)  
to the Council of the European Communities**

(23 July 1991)

(92/C 78/27)

*Subject:* 'L'European' vehicle licence plates

What progress has been made in promoting a European design on vehicle licence plates in the twelve Member States of the European Community and when is a harmonized position on this subject likely to be attained?

**Answer**

(17 February 1992)

The Council is unable to accede to the Honourable Member's request for a report on its progress in promoting an European design on vehicle licence plates, as it has not received any proposal from the Commission on the subject.

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**WRITTEN QUESTION No 1531/91**

**by Mr Gerhard Schmid (S)  
to the Commission of the European Communities**

(23 July 1991)

(92/C 78/28)

*Subject:* Trade in stored blood

Up to the present time blood from donors has not been subjected to routine testing for the hepatitis C virus in Denmark.

1. To what tests is blood from donors submitted to in which Member States?
2. What provisions are there concerning the import of stored blood from third countries?

3. Will the Commission propose common provisions for stored blood? If not, why not?

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

(21 November 1991)

1. At present, there are still varying tests in the Member States which are carried out on donated blood. According to the information currently available to the Commission, the majority of the Member States either require or intend to require in the near future the screening for anti-hepatitis C antibodies of blood and plasma donations for the manufacture of medicinal products. The situation is at present evolving very rapidly.

2. At present, imported blood is not yet in all Member States subject to the same safety requirements as domestic blood. However, those Member States which currently do not require anti-hepatitis C antibody screening of imported plasma are moving towards imposing this requirement on imports.

3. Member States shall take the necessary measures to comply with Directive 89/381/EEC<sup>(1)</sup> extending the scope of the EEC pharmaceutical legislation to medicinal products derived from human blood or plasma before 1 January 1992. A Directive on testing requirements for these products in order to ensure their quality, safety and efficacy, has been adopted by the Commission on 19 July 1991.

<sup>(1)</sup> OJ No L 181, 28. 6. 1989.

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**WRITTEN QUESTION No 1543/91**

**by Mr Llewellyn Smith (S)  
to the Commission of the European Communities**

(23 July 1991)

(92/C 78/29)

*Subject:* Convention on the physical protection of nuclear materials

Will the Commission be represented at the forthcoming Review Conference of the Convention on the Physical Protection of Nuclear Materials?

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

(29 November 1991)

The Community, through the Commission, will be represented at the forthcoming Review Conference of the Parties, convened in accordance with Article 16 of the Convention.

**WRITTEN QUESTION No 1580/91****by Mr Jean-Pierre Raffarin (LDR)****to the Commission of the European Communities***(24 July 1991)**(92/C 78/30)**Subject: Aid to protect the Marais Poitevin area*

The regional and departmental representatives regret that the Commission is unable to reverse its decision not to recognize the Marais Poitevin as a fragile European rural area (area 5 b) before 1993 and requests at this early stage that this decision be reversed when the 1993-1998 policy programme is adopted.

Although nothing can be done in the context of European regional policy in the short term, the Community's agricultural and environmental protection policies offer some scope for action. For the European Parliament has just adopted a new budgetary heading for the environment (the Life programme) which could accommodate the Département des Deux-Sèvres and the Poitou-Charentes region's plans in respect of the Marais Poitevin area.

Moreover, the Commission's proposals for a new common agricultural policy seem to involve increased environmental protection measures.

Since the local authorities concerned are determined to act to protect the Marais Poitevin area, what procedures can the Commission adopt to co-finance this major project?

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

*(4 November 1991)*

There are two aspects to protection of the Marais Poitevin:

**1. Action taken so far**

The Marais Poitevin is not recognized as a fragile European rural area under Objective 5(b). No decision on recognition under the new policy for 1993-98 has yet been taken and proposals for such recognition have to be made by the Member State.

Assistance for the protection of areas such as the Marais Poitevin may be secured under two Community instruments, Article 19 of the agricultural structures Regulation<sup>(1)</sup> and Community measures on the environment (biotopes)<sup>(2)</sup>. Both have been employed, in the form of an Article 19 programme for the northern Vendée islands and a Community environmental measure

on the agricultural and pastoral management of common land on the Marais Poitevin.

In the former case, the Commission told the French authorities when they submitted the first project for the Marais Poitevin that they would like to see the procedure extended to other areas of the marsh.

**2. Future measures which could be taken under Commission proposals**

As the Honourable Member states, both the proposals on the reform of the common agricultural policy<sup>(3)</sup> and Community action relating to nature conservation (ACNAT)<sup>(4)</sup>, which should shortly be incorporated into the Life programme, will provide extra budget resources for environmentally-friendly agricultural practices, the maintenance of the natural environment, the preservation of seriously threatened species and the restoration of biotopes.

These measures will enable the Community to contribute to eligible measures to protect the environment.

<sup>(1)</sup> Regulation (EEC) No 797/85, OJ No L 93, 30. 3. 1985.

<sup>(2)</sup> Regulation (EEC) No 2242/87, OJ No L 207, 29. 7. 1987.

<sup>(3)</sup> COM(91) 258 final.

<sup>(4)</sup> COM(90) 125, as amended by COM(91) 35.

**WRITTEN QUESTION No 1586/91****by Mr Kenneth Collins (S)****to the Commission of the European Communities***(24 July 1991)**(92/C 78/31)*

*Subject: Replies from Commission officials to enquiries from Members of the European Parliament*

On 12 February 1991 I wrote to Mr Dieter Frisch, the Director General of DG VIII, about the allocation of contracts relating to consciousness-raising in the field of development and the environment. A further letter was sent on 25 March, as no reply had been received to my earlier letter. On Thursday, 18 April, I received a telephone call from a member of staff of DG VIII, saying that the problems had been solved and that I would be receiving a letter from Mr Frisch. I have not yet received any such letter.

Will the Commission now say whether it is likely that I will receive a reply before Mr Frisch retires and will they say what steps they are proposing to take to ensure that Members of the European Parliament who make legitimate enquiries about the Commission's sins of omission will receive prompt and truthful replies?

**Answer given by Mr Marín  
on behalf of the Commission**  
(21 November 1991)

Mr Dieter Frisch, Director-General for Development sent a reply to the Honourable Member on 16 June, in which he explained the reasons for the delay in dealing with a complex matter concerning the award of a consultant's contract to a former Member of the European Parliament.

**WRITTEN QUESTION No 1592/91**  
**by Mrs Winifred Ewing (ARC)**  
**to the Commission of the European Communities**  
(24 July 1991)  
(92/C 78/32)

*Subject:* Car seat belts to accommodate infant carriers

What is the Commission's view of the fact that some cars currently in use cannot accommodate rear-facing infant carriers owing to the fact that the seat belts fitted to the car are too short?

Is there any proposal for legislation to ensure that car manufacturers will be obliged to fit rear seat belts, of adequate length and adaptability in order to allow the use of all infant carriers?

**Answer given by Mr Bangemann  
on behalf of the Commission**  
(26 September 1991)

The Commission is aware that some cars currently in use cannot accommodate rear-facing child seats in the rear passenger seats. This may be due to the fact that the seat belts fitted to the car are too short to pass around the child seat, or to the fact that there is insufficient space for the child seat, particularly if the front seat of the car is set well back.

There are no minimum dimensions for car seats. Very small rear seats have certain limited uses and it would not be practicable to prescribe minimum dimensions for such seats, nor minimum lengths for their seat belts.

In this context, it should also be noted that a draft Directive on Child Restraint Systems is being prepared by the Commission.

**WRITTEN QUESTION No 1618/91**  
**by Mr Gérard Monnier-Besombes (V)**  
**to the Commission of the European Communities**  
(25 July 1991)  
(92/C 78/33)

*Subject:* Preservation of the monk seal (*Monachus monachus*)

Is the Commission aware of the outcome of the colloquy held in May 1991 in Antalaya (Turkey) on the conservation of pinnipeds in general and the monk seal in particular?

If so, can it give its opinion on the conclusions drawn at this colloquy, in particular about the chances of survival of the *Monachus monachus* species, especially in the light of highly controversial attempts to encourage them to reproduce in captivity?

**Answer given by Mr Ripa di Meana  
on behalf of the Commission**  
(7 October 1991)

The Commission participated in the Antalya seminar held in May 1991 at the instigation of the Council of Europe.

Despite the many efforts made, the situation of the monk seal continues to deteriorate. However, encouraging results have been recorded in the Madeira Natural Park.

The idea of rearing monk seals in captivity should therefore be seriously considered and the Commission is closely following the work done by the French Government in this field.

**WRITTEN QUESTION No 1648/91**  
**by Mrs Winifred Ewing (ARC)**  
**to the Commission of the European Communities**  
(25 July 1991)  
(92/C 78/34)

*Subject:* British Steel's closure of profitable steel plants in Scotland and EEC competition policy

Having regard to the devastating social and economic consequences of British Steel's decision to close down highly productive steel plants in Scotland, including the strip mill and one blast furnace at Ravenscraig and the tube works at Clydesdale, in preference to offering these plants for sale to alternative buyers;

whereas, in evidence to the House of Commons Select Committee on Trade and Industry, the Chairman of British Steel, Sir Robert Scholey, stated that the



possibility of 'selling that mill to continue operations in the United Kingdom or the EEC', would 'have the Commission jumping out of its skin';

whereas in its report of 14 March 1991, the above all-party Select Committee recommends 'that the competition case on the closure of Ravenscraig should be further examined by the relevant authorities in the European Community';

1. Will the Commission urgently investigate whether British Steel's refusal to disburse its assets in Scotland constitutes uncompetitive behaviour or restraint of trade?
2. Will the Commission clarify whether Sir Robert Scholey had any cause or reason to claim that the Commission would be hostile to the sale of British Steel assets in Scotland to alternative buyers?

**Answer given by Mr Bangemann  
on behalf of the Commission**  
(6 November 1991)

1. As the Honourable Member will be aware, as a result of a complaint made by the Scottish Steel Campaign Trust, the Commission has completed a thorough investigation into the Competition aspects of the closure of the Ravenscraig hot wide strip mill. On 5 June the Commission wrote to complainants rejecting the complaint, a copy of the press release relating to the investigation is being sent directly to the Honourable Member and to the Secretariat-General of the Parliament.

In general a company has no duty to facilitate the entry of a competitor into its markets. The Commission does not intend, in the present circumstances, to conduct any further investigations into the matter.

2. The Commission's attitude to the sale of British Steel plc's assets in Scotland or elsewhere is neutral. Private steel companies which do not receive state aid are free to dispose of their surplus plant and equipment in whatever manner they think best.

**WRITTEN QUESTION No 1659/91**

by Mr Niall Andrews (RDE)

to the Commission of the European Communities

(6 August 1991)

(92/C 78/35)

*Subject:* Notification of the technical regulations by Member States in respect of the obligations to the Commission

Has the Commission any recent statistical data concerning application by the Member States of the

notification procedures laid down in Directives 83/189/EEC <sup>(1)</sup> and 88/182/EEC <sup>(2)</sup>? Does not the Commission believe it necessary to continue and enforce these monitoring procedures so as to ensure full application of the above Directives, especially with a view to the completion of the internal market?

<sup>(1)</sup> OJ No L 109, 26. 4. 1983, p. 8.

<sup>(2)</sup> OJ No L 81, 26. 3. 1988, p. 75.

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

(4 November 1991)

The Honourable Member will find information concerning the notification of draft technical regulations (Article 8 *et seq.* of Directive 83/189/EEC as amended) in the three tables dated 16 July 1991 being sent to him direct and to the Secretariat of the European Parliament. These contain facts and figures on:

- the total number of notifications since 1984 and the types of response which they received;
- the trend in the number of notifications from each Member State;
- the breakdown of notifications between the various sectors of the economy.

Briefly, the main features which emerge are as follows:

- a steady rise in the number of notifications received annually;
- the large number of notifications in the agri-foodstuffs sector (which came under the procedure only in 1989 and now has the highest number of notifications);
- the continuing high percentage of reasoned opinions delivered by the Commission, mainly for failure to include a mutual recognition clause for specifications in force or tests carried out in other Member States.

By and large, the Commission considers compliance by the Member States with the notification requirement laid down by Directive 83/189/EEC as amended to be satisfactory. However, it is in full agreement with the Honourable Member as to the importance of monitoring. In this context, it recently renewed its contract with the firm given the task of scanning the official publications of the Member States for technical regulations within the meaning of Directive 83/189/EEC not notified prior to their adoption.

Since the contract was concluded in 1988, the number of cases of non-compliance with the notification requirement has averaged no more than 50 a year.

**WRITTEN QUESTION No 1674/91**  
**by Mr Louis Lauga (RDE)**  
**to the Council of the European Communities**  
 (6 August 1991)  
 (92/C 78/36)

*Subject:* Respect for legislation on international transport of live animals

During the strike by Italian customs officers, when 3 000 trucks were held up on the eastern side of the border and 500 on the western side, there was seen to be some difficulty in enforcing legislation on international transport of live animals.

Such violations infringe the European Convention.

In addition, it was possible to see the terrible conditions of sea crossings from South America when, in order to overcome transport difficulties, animals were unloaded from ships in French ports before continuing by road to Italy.

Is the Council aware of these facts? Does it plan to ask importing and exporting countries to respect international conventions and does it plan to demand that the essential controls are put in place?

**Answer**  
 (4 March 1992)

1. The Council is aware of the effects that certain strike activities may have, in particular when they disrupt road traffic, especially the transport of live animals.

The Council has therefore reaffirmed, in Article 7 (1) of the Directive on the protection of animals during transport, adopted on 19 November 1991, that 'Member States shall ensure that the necessary measures are taken to prevent or reduce to a minimum any delay during transport or suffering by animals when strikes or other unforeseeable circumstances impede the application of this Directive'.

2. As regards the requirements imposed on imports from third countries, a number of measures are applicable;

— Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC makes provision:

— in Article 4 (2) (d) for physical checks on animals at border inspection posts with a view to ensuring

compliance with Community legislation on welfare during transport,

— in Article 5 (e) for a ban on imports of animals that do not fulfil the requirements,

— in Annex A for facilities at border inspection posts to house, feed, water, treat, and where necessary, slaughter animals.

— Article 11 (2) of the Directive on the welfare of animals during transport also provides that the import into and transit through Community territory of animals coming from third countries is subject to a written undertaking by the exporter or the importer to comply with Community welfare requirements and point D of the Annex lays down further special provisions for transport by water.

**WRITTEN QUESTION No 1676/91**  
**by Mr Gérard Monnier-Besombes (V)**  
**to the Commission of the European Communities**  
 (6 August 1991)  
 (92/C 78/37)

*Subject:* Dolphin fishing in Japan

Although certain subsidies previously paid to dolphin fishermen have recently been abolished, Japan continues to authorize fishing of this species in complete contradiction to the major international conventions on wild life protection.

How does the Commission view this situation? Does it intend to take any measures? If so, which?

**Answer given by Mr Ripa di Meana**  
**on behalf of the Commission**  
 (25 November 1991)

The import of all cetacean products into the Community is prohibited since 1982.

The Commission is not, however, aware of international conventions prohibiting the catch of dolphins in Japan.

**WRITTEN QUESTION No 1686/91****by Mr Brian Simpson (S)****to the Commission of the European Communities***(6 August 1991)**(92/C 78/38)**Subject: Investment criteria*

Is the Commission aware that the United Kingdom Government still assesses investment for road and rail transport differently, thus giving an unfair advantage to road transport? Would the Commission indicate what investment criteria are used in other Member States when assessing road and rail schemes?

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

*(3 December 1991)*

The Commission is aware that the investment criteria used in Member States are different and that they even vary from one mode of transport to another.

Up to now, it has not been considered necessary to intervene so as to harmonize the different national methodologies. However, work has been carried out successfully in order to adopt Community criteria for projects financed by the Community.

**WRITTEN QUESTION No 1705/91****by Mrs Marie Jepsen (ED)****to the Commission of the European Communities***(7 August 1991)**(92/C 78/39)**Subject: Preliminary draft Commission Directive on foods intended for weight-control diets*

Specialists in very low-calorie diet and low-calorie diet (VLCD and LCD) have pointed out that the Commission's preliminary draft Directive on low-calorie prepared foodstuffs contains a number of conflicting definitions of the products sold in some Member States as VLCD or LCD, and that, furthermore, the definitions contained in the Directive do not comply with the guidelines laid down by the WHO.

When the Commission was drawing up the draft Directive, did it obtain expert advice in respect of VLCD and LCD? If not, will it do so, in order to bring the definitions into line with the WHO recommendations?

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

*(29 November 1991)*

The preliminary draft Commission Directive referred to by the Honourable Member does not cover very low-calorie diet products. The preliminary draft is based on the relevant report of the Scientific Committee for Food which has yet to be published. A prepublication copy is being sent directly to the Honourable Member and to the Secretariat-General of Parliament. In addition, it takes into account the relevant Codex Alimentarius Standard (Joint FAO/WHO Food Standards Programme) and the existing Community situation.

Finally, the Commission would like to point out that the preliminary draft Commission Directive is at the very early stages of discussion and recently has been the subject of consultations with the Advisory Committee for Food.

**WRITTEN QUESTION No 1724/91****by Mr Alex Smith (S)****to European Political Cooperation***(7 August 1991)**(92/C 78/40)**Subject: Contracts of employment for EC nationals outside the Community*

What support is given by the Community to protect EC nationals who enter into contracts of employment in extra-EC countries, particularly in the Middle East?

**Answer***(4 March 1992)*

Without prejudice to the provisions of individual contracts of employment, assistance in a third country to nationals of a Member State is currently the responsibility of the authorities of that Member State.

**WRITTEN QUESTION No 1732/91**  
**by Mr Herman Verbeek (V)**  
**to the Commission of the European Communities**  
*(7 August 1991)*  
*(92/C 78/41)*

*Subject:* Trade in protected species of plants and animals

The Netherlands association for the monitoring of animal welfare and environmental protection has warned that the disappearance of EC internal borders may have disastrous consequences for protected plant and animal species, which are already being imported into the Netherlands from France, Spain and Belgium for further distribution (*Agrarisch Dagblad*, 15 June 1991). The association considers this illicit trade to be comparable with drug trafficking.

1. Does the Commission agree that the seriousness of the situation is giving cause for concern?
2. Does the Commission have information concerning the extent of this trafficking and the plant and animal species involved?
3. Does the Commission consider that the frequent measures taken to prevent the illicit trade in protected species in the international market are adequate and, if not, what measures does it intend to take?

**Answer given by Mr Ripa di Meana**  
**on behalf of the Commission**  
*(6 November 1991)*

1. The Commission is aware of reports on illegal trade in protected species of wild animals and plants, and shares the concern of the Honourable Member.
2. The Commission has no data on the extent of such trade, nor on the species involved.
3. The Commission is about to make a proposal for a Council Regulation on the possession of and trade in specimens of wild fauna and flora, which contains comprehensive measures on trade in such specimens to, from and within the Community. The Regulation concerned is to replace the current Regulation on the implementation in the Community of Cites<sup>(1)</sup> as of 1 January 1992.

<sup>(1)</sup> OJ No L 384, 31. 12. 1982.

**WRITTEN QUESTION No 1739/91**  
**by Mr Madron Seligman (ED)**  
**to the Commission of the European Communities**  
*(7 August 1991)*  
*(92/C 78/42)*

*Subject:* Danger from defective gas-fuelled water heaters

A courageous British lady, whose son was killed and daughter seriously disabled by fumes from a defective water heater in Tenerife, has been campaigning since the accident in 1985 to secure the enforcement of adequate safety standards of such equipment, especially in accommodation provided for holiday-makers in Mediterranean resorts.

Backed by members of the British and European Parliaments and with invaluable support from the media, this mother's enquiries have revealed that so-called accidents from carbon monoxide poisoning have frequently been ascribed by property owners to alleged suicide by the victims. In most Member States there are regulations governing safety standards both for the equipment itself and its installation. Unfortunately it has been revealed that safety certificates or certificates of compliance have been obtained in many cases by fraud. Furthermore, when subsequent death or injury arises, I am advised that local authorities have been known to refrain from prosecution ostensibly for fear of prejudicing the tourist trade.

Gas-fuelled water heaters are a commodity, which will be traded in the Single Market. Citizens of Member States are welcomed as holiday-makers in other Member States. This is clearly an area where the Commission should become involved as a matter of urgency. Once again — and I still await answers to my Written Questions 671/91 (Wanton cruelty to animals in Spain) and 1087/91 (Illegal sale of thrush pate) — I submit that Community laws will continue to be flouted while the Commission is unable to impose substantial financial penalties on Member States, in which those laws are not enforced, and has to rely on infringement procedures, which appear to be disregarded with impunity.

**Answer given by Mr Bangemann**  
**on behalf of the Commission**  
*(25 October 1991)*

As indicated previously in response to a Written Question No 311/90 from Mrs Muscardini<sup>(1)</sup> the Commission is aware of the casualties due to leaks of carbon monoxide from defective or wrongly installed and maintained gas appliances. The Commission proposed a Directive for appliances burning gaseous fuels which was adopted on

29 June 1990 and will come into force on 2 January 1992 (Directive 90/396/EEC) <sup>(1)</sup>.

The Directive provides for intrinsic safety of appliances with respect to combustion products and their dispersal, in particular with regard to carbon monoxide.

Further requirements oblige the manufacturer to set out clearly the necessary information for installation and maintenance in the relevant manuals.

The Directive also contains the obligation for Member States to take all necessary steps to ensure that the appliances may be placed on the market and put into service only after having been subject to third party certification.

If a Member State does not fulfil its obligations under the abovementioned Directive the Commission will initiate proceedings under Article 169 of the EEC Treaty.

If finally the Commission brings the matter before the Court of Justice and the Court finds that the Member State has failed to fulfil an obligation, under Article 171 of the EEC Treaty the Member State is obliged to take the necessary measures to comply with the judgment of the Court. The Treaty does not, however, provide the Commission or the Court of Justice with the possibility of imposing further sanctions on Member States, in the form of financial or other penalties.

This is why, in its contribution to the intergovernmental Conference on Political Union, the Commission envisaged several solutions to strengthen the powers of the Court of Justice in the event of failure to comply with judgments, in particular by providing for the possibility of imposing financial penalties on Member States.

(1) OJ No C 325, 24. 12. 1990.

(2) OJ No L 196, 26. 7. 1990.

#### WRITTEN QUESTION No 1744/91

by Mr Elio Di Rupo (S)

to the Council of the European Communities

(7 August 1991)

(92/C 78/43)

*Subject:* Cooperation as regards the right of custody or visiting rights in respect of children

It is a curious paradox that just at a time when in most Member States childrens' rights are increasingly defined in terms of what is best for the child, the difficulty in ensuring that a right of custody or visiting rights are respected compounded by the lack of judicial cooperation in this area means that the parties concerned are often left to act almost as they wish.

Does the Council not agree that it is essential to promote judicial cooperation to safeguard childrens' interests and the right of parents to have regular contacts with their children?

Does it not consider, furthermore, that it should harmonize its position on the abduction or withholding of children and that it should set up a register of children who have been abducted or have disappeared, valid for the Community as a whole?

#### Answer

(18 February 1992)

While acknowledging the importance of finding a solution to the problem raised by the Honourable Member, the Council would remind him that this is a matter for judicial co-operation between the Member States.

#### WRITTEN QUESTION No 1745/91

by Mr Sotiris Kostopoulos (S)

to the Council of the European Communities

(7 August 1991)

(92/C 78/44)

*Subject:* Need for a common policy as regards the manufacture of arms

The lack of cooperation in the EEC in respect of the defence industry means that governments are resorting to unacceptable methods to subsidize national defence industries at the taxpayer's expense. Commissioner Sir Leon Brittan recently expressed the view that the Community countries should adopt a common policy as regards the manufacture of weapons systems so as to increase their competitiveness. Will the Commission say:

1. whether it intends to extend the scope of the EEC's common industrial policy to include the defence industry?
2. how it intends to overcome British and Dutch objections to such a single policy, given that the remaining Member States approve the idea?

#### Answer

(18 February 1992)

The Council can only refer the Honourable Member to the interventions by the President-in-Office of the

Council and of European Political Co-operation in the debates on security and arms on 10 July 1990 and 23 October 1991, as well as that of the Commission in the debate of 9 September 1991 on the employment situation in the arms industry.

**WRITTEN QUESTION No 1751/91**

**by Mrs Ursula Braun-Moser (PPE)**

**to the Council of the European Communities**

(7 August 1991)

(92/C 78/45)

*Subject:* Vocational training in alternative medicine/homeopathy

Since the Commission has not adopted any general legal provisions on the mutual recognition of professional qualifications of non-graduate practitioners in the health sector and since such provisions are not contained in the amendment to the proposal for a Council Directive on a second general system for the recognition of professional education and training (COM(90) 389 final — SYN 209) it is impossible for a non-medical practitioner authorized to practise under German law to establish himself, for example, in France, an EC Member State which allows only approved doctors to engage in such activities. On the other hand, applicants from other EC Member States wishing to work as non-medical practitioners in Germany are not required to obtain authorization in accordance with the law on non-medical practitioners if, in accordance with the last paragraph of Article 7 (2) of the proposal for a Directive, they can provide proof of qualifications issued in other Member States giving equivalent guarantees to those required by the laws, regulations or administrative provisions of the host Member State, in this case Germany (as set out in paragraph 1 of the Non-Medical Practitioners Act). Since Germany has no specific legal requirements concerning the training of non-medical practitioners, but only legal provisions concerning inspection procedures the term 'equivalent' cannot be precisely defined, giving rise to the danger of a large number of foreign applicants being able to practise in the Federal Republic of Germany without actually obtaining authorization under paragraph 1 of the Non-Medical Practitioners Act.

1. How can the Council reconcile these infringements of freedom to provide services and freedom of establishment with the principles of non-discrimination and recognition of foreign qualifications?
2. In order to overcome these problems, does it envisage amending the directive on the recognition of professional education and training (COM(90) 389 final — SYN 209) or a new Directive on non-medical practitioners, homeopathic and anthroposophic medicines and alternative therapy, as envisaged on page 21 of the Chanterie Report on the introduction of provisions on homeopathic and veterinary medication?

**Answer**

(18 February 1992)

First of all, it should be pointed out that neither the first general system for the recognition of professional education and training (Directive No 89/48/EEC <sup>(1)</sup>), nor the amended proposal for a second general system (COM(90) 389 final — SYN 209 <sup>(2)</sup>), provide for unlimited freedom of establishment and freedom to provide services, since the Member States retain the right to regulate, or not to regulate, specific professions in the manner which they consider fit.

Consequently, a Member State is entitled to limit the practice of healing to qualified medical practitioners.

Subject to this limitation, the text of the amended proposal is in part designed to cover precisely those non-graduate professions in the health sector (for example, physiotherapists and laboratory technicians) which are not the subject of existing Directives. In fact, it is designed to cover *any* professional education and training which is below the level referred to in Directive 89/48/EEC, where the professional activity is regulated in one of the Member States concerned, and where the activity in question is not covered by existing Community acts. Given, therefore, that this proposal is general in its nature and in its application, there was no need to amend it in order for it to apply to any specific professional group.

In the case of non-medical practitioners from other Member States wishing to work in Germany, and in the absence in Germany of legal requirements concerning the level of training, the second indent of Article 7 (2) of the amended proposal provides for 'an assessment of the . . . professional aptitudes of the applicant'. In order to be exempted from this requirement, the applicant would have to demonstrate that he possessed a qualification issued in another Member State giving guarantees equivalent to those required in Germany. In any event, the applicant would still be subject to the requirement of Article 11, should the German authorities require proof of good character or repute.

<sup>(1)</sup> OJ No L 19, 24. 1. 1989, p. 16.

<sup>(2)</sup> OJ No C 217, 1. 9. 1990, p. 4.

**WRITTEN QUESTION No 1767/91**

**by Mr Jean-Pierre Raffarin (LDR)**

**to the Commission of the European Communities**

(1 September 1991)

(92/C 78/46)

*Subject:* Diversification of agriculture into non-agricultural activities

The *Centre National des Jeunes Agriculteurs en France* (National Centre of Young Farmers in France) now

accepts that the future of farmers might depend on diversification into non-agricultural activities instead of considering farming profession in isolation.

On the basis of this new concept, the CNJA's idea is to offer farmers genuine 'contracts' guaranteeing them an additional income in exchange for specific commitments, such as respect for the environment, development of rural areas, reduction of production, etc.

Would the Commission care to comment on this idea of 'contracts' proposed by the French CNJA?

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

(7 October 1991)

The Commission agrees that it is important for farmers to diversify their activities towards areas other than production for human or animal consumption and that account should be taken of farmers' work as producers of both goods and services so that they can derive extra income. Some measures already exist and these need to be strengthened, particularly through production for non-food purposes. During negotiations on agricultural prices for 1991/92, the Council asked the Commission to include in its proposals for the reform of the common agricultural policy (CAP) suggestions on how outlets for agricultural products in the non-food sector could be created.

As long ago as 1985 the Council made provision through Article 19 of Regulation (EEC) No 797/85<sup>(1)</sup> for aid to farmers introducing or continuing agricultural production practices compatible with the requirements of conserving the natural habitat.

Hitherto, these aid schemes have been restricted to environmentally sensitive areas. That Regulation, amended in 1989 by Regulation (EEC) No 3808/89<sup>(2)</sup> also provides for aid to investment for the diversification of farming activities, including tourism, craft activities and the manufacture and sale on the spot of farm products.

The Commission's communication to the Council on the development and future of the CAP<sup>(3)</sup> contains accompanying measures, including an agri-environmental action programme under which aid may be provided to farmers who:

- use production methods with low risks of pollution and damage to the environment;
- adopt measures to promote environmentally-friendly management of farmed land in order to conserve or

re-establish the diversity and quality of the natural environment;

- set aside agricultural land on a long-term basis for environmental purposes.

Another measure concerns encouragement for the afforestation of agricultural land at rates of premium higher than those currently paid.

It should also be noted that the operational programmes adopted by the Commission for the Objective 5(b) regions of France include a broad range of measures to promote rural development through diversification, which involve farmers directly. The Commission considers that these measures should be stepped up in future to assure the prosperity of rural communities and preserve and develop the natural environment in rural areas.

<sup>(1)</sup> OJ No L 93, 30. 3. 1985.

<sup>(2)</sup> OJ No L 371, 20. 12. 1989.

<sup>(3)</sup> COM(91) 258.

**WRITTEN QUESTION No 1769/91**

**by Mr Miguel Arias Cañete (PPE)**

**to the Commission of the European Communities**

(1 September 1991)

(92/C 78/47)

*Subject:* Tuna imports in the EEC

Regulation (EEC) No 3211/90<sup>(1)</sup> lifted all current and future duties on tuna imported from Bolivia, Colombia, Ecuador and Peru for a period of four years.

Under the protection of this regulation, thousands of tonnes of tuna from the Eastern Pacific, particularly Mexico, are fraudulently claimed to originate in Bolivia, Ecuador, Peru and above all Colombia, given the ease with which the latter country's laws allow boats flying foreign flags to link up with Colombian fishing ventures.

These fraudulent practices are distorting Community markets and aggravating the crisis currently affecting the Community tuna fleet.

In the light of the above, what urgent measures will the Commission take to prevent abuse of Regulation No 3211/90?

Does the Commission intend, as a matter of urgency, to change the compensation mechanism so as to ensure that

its effective and rational application will prevent the Community fleet from disappearing in the face of the collapse in prices arising from massive duty-free imports?

(<sup>1</sup>) OJ No L 308, 8.11.1990, p. 1.

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

(8 October 1991)

On 1 January this year, Regulation (EEC) No 3211/90 was replaced by Regulation (EEC) No 3835/90 of 20 December 1990 (<sup>1</sup>). This Regulation amends Regulation (EEC) No 3833/90 of 20 December 1990 (1991 GSP for agricultural products) as regards the generalized tariff preferences applied to products originating in four Andean countries.

No amendment was made, however, to paragraph 1 of Article 1 (4) of Regulation No 3833/90, which states that application of the preferences in question shall be subject to conformity with the rules of the origin of products (GSP) determined by Commission Regulation (EEC) No 693/88 of 4 March 1988 (<sup>2</sup>).

These rules of origin do not allow a vessel flying the flag of any country other than Colombia, but 'affiliated' to a Colombian company, to be considered as Colombian. Consequently, tuna fished by such vessels outside Colombian territorial waters is not of Colombian origin for the purposes of the Community preferences.

The provisions of Regulation No 693/88 have been brought to the attention of representatives of the Colombian authorities by the Commission on three occasions this year.

When the Commission was informed of the opinion of certain Colombian authorities as to the origin of the canned tuna, it immediately reminded them of the relevant provisions.

Furthermore, given the possibility that GSP Form A certificates of origin may have been incorrectly issued in Colombia, the Commission proceeded to take the necessary steps to identify the imports in question with a view to recovering, where appropriate, any applicable customs duty.

For details on the tuna compensation mechanism, the Commission would refer the Honourable Member to the reply which it gave to Written Question No 1770/91 (<sup>3</sup>).

(<sup>1</sup>) OJ No L 70, 31. 12. 1990.

(<sup>2</sup>) OJ No L 77, 22. 3. 1988.

(<sup>3</sup>) OJ No C 66, 16. 3. 1992.

**WRITTEN QUESTION No 1776/91**

**by Mr Kenneth Stewart (S)**

**to the Commission of the European Communities**

(1 September 1991)

(92/C 78/48)

*Subject:* Mido funding for Merseyside, United Kingdom

The Commissioner will be aware of the large increase in unemployment figures for Merseyside and especially Liverpool and Sefton as issued on 13 June 1991 and that despite the ERDF funding for Mido the situation is getting worse.

Would the Commissioner itemize the projects funded since Merseyside received objective two status, amounts claimed against projects listed, and completions?

Would the Commissioner state if there has been any progress with the UK Government on additionality?

Would he say if any discussions have taken place between the Commission and the British Government regarding the local authorities administering the funding for their particular area, instead of quangos as determined by the UK Government?

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

(10 October 1991)

The Merseyside Integrated Development Operation is a programme which covers the five Merseyside District Council areas and brings together national resources and the European Community's Structural Funds (the European Regional Development Fund and the European Social Fund) to cofinance a programme for the period 1989-91.

The ERDF contribution to the programme's funding was 71,9 million Ecu in a programme the total cost of which — including anticipated private sector funding — was to be 340,6 million Ecu at 1989 prices. The position at 22 July 1991 was that 104 projects had been fully approved and a further 53 approved in principle. The total cost of projects fully approved, or approved in principle, is 203,7 million Ecu and they would be expected to earn 70 million Ecu of ERDF at current prices. Very few projects have been completed yet, though interim and final grant claims for 18,6 million Ecu had been approved for payment at 22 July.

A complete list of Mido projects is being transmitted directly to the Honourable Member and to the Secretariat General of the European Parliament.

Progress has been made on clarifying the issues concerning additionality. However the Commission has



not yet been satisfied that the United Kingdom public expenditure system ensures that the ERDF contribution to Operational Programmes is in its entirety delivered to the regions for which it is intended as additional resources, as required by Article 9 of Regulation 4253/88. Discussions are still going on with the United Kingdom authorities in order to ensure the implementation of this principle.

In each of the Operational Programme areas the programme is managed by a partnership which includes local authorities, the Commission, United Kingdom Government Departments and other, mainly public sector, participants in the economic development of the region. The greater part of the ERDF funding helps to finance local authority projects. The programme Secretariat is provided by the regional offices of Government Departments, in some cases supported by local authority secondees. Quangoes have no specific role in the administration of operational programmes, though they may in appropriate circumstances receive ERDF for eligible projects which contribute to the aims and objectives of the operational programme or be represented at some level within an Operational Programme's management structure.

**WRITTEN QUESTION No 1846/91**

by Mrs Birgit Bjørnvig (ARC)

to the Commission of the European Communities

(1 September 1991)

(92/C 78/49)

*Subject:* Destruction of tropical rain forests in Sarawak

Despite the study by the ITTO (1989), which stated the need for a reduction in the annual cut of 13 million cubic metres to 9 million cubic metres in order to achieve sustainability, exports in 1990 actually soared to 18 million cubic metres! The Sarawak primary industries minister claims that this exploitation is being carried out very properly on a sustainable yield basis. This means that the indigenous peoples face more hunger and suffering as a result of logging.

1. Is the EC aware of being itself a cause of the destruction of the last primary forests and being involved in human rights violations against indigenous peoples by trading their forests?
2. What is the total amount of EC timber imports from Malaysia over the last 10 years and how many square kilometres of primary forests fell victim to these logging activities?

3. Does it continue to do so, or is the EC ready to implement an urgent and immediate moratorium on all timber imports originating from Malaysia?

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

(27 November 1991)

1. The Community considers its policy on tropical timber trade is best managed through its participation in international organizations such as the ITTO which provide a forum for discussion of tropical forest management in the light of the needs of the timber trade and a dialogue between producer and consumer countries.

Relations between the Community and Malaysia in this area are no exception to these principles. Nevertheless, the Community will do all it can to ensure that the recommendations contained in the report by the ITTO's international mission — to which the Honourable Member refers — are taken up and implemented.

2. The total volume of Community imports of timber under Chapter 44 of Nimese from Malaysia over the last ten years is put at 9,912 million tonnes (<sup>1</sup>).

No figures are, however, available for the reduction in surface forest area in Malaysia over the same period.

3. In view of the Community's international commitments, the Commission considers the use of hard-hitting trade measures requires thorough examination and careful evaluation of the implications. In the Commission's view, a moratorium on tropical timber imports from Malaysia would be incompatible with GATT rules and would not necessarily ensure greater protection of the Sarawak tropical forest. A broader-based solution should be sought under an appropriate multilateral framework.

(<sup>1</sup>) Source: Eurostat. The figures for 1980 to 1983 do not relate to the Community of Twelve.

**WRITTEN QUESTION No 1870/91**

by Mr Mihail Papayannakis (GUE)

to the Commission of the European Communities

(1 September 1991)

(92/C 78/50)

*Subject:* Protection of the seal monachus monachus

The Mediterranean seal monachus monachus which had found a refuge in the marine park of the northern

Sporades which was set up with EC funds now faces extinction. In May 1991 Joint Ministerial Decision No 49714/3453/1990 laying down measures for the protection of this Mediterranean seal expired. The Ministry of Agriculture issued a new ministerial decree valid until the relevant Presidential Decree is issued, allowing seine nets to be used at a distance of 1,5 miles from the coast and banning fishing at a depth of less than 50 metres at a distance of 500 metres from the shore in the whole group of islands, and banning all fishing from 1 September to 15 November. It should be pointed out that while non-industrial fishing by local fishermen is banned for two and a half months, seine-net fishing is allowed near Piperi, one of the main reproduction areas and the centre of the park.

Since long-term efforts by the European Community and Greece to protect the seal *monachus monachus* have reached an impasse, will the Commission bring pressure to bear on the Greek Government to avert these dire consequences for the Mediterranean seals and issue a new presidential decree containing similar fishing arrangements to those contained in the previous joint ministerial decisions which proved generally acceptable in practice?

**Answer given by Mr Ripa di Meana  
on behalf of the Commission**  
(17 December 1991)

The Commission is fully aware of the extremely serious situation as regards the 'monk seal' and has requested the Greek Government to issue the Presidential Decree which will give official status to the marine park in the northern Sporades.

Pending this measure, it has informed the Greek Government in an official letter that it can no longer continue to finance actions in this sector.

**WRITTEN QUESTION No 1885/91**  
**by Mr Ian White (S)**  
**to the Commission of the European Communities**  
(1 September 1991)  
(92/C 78/51)

*Subject:* Environmental Impact Assessment

Why has the Commission required the Office of Public Works in the Republic of Ireland to provide an Environmental Impact Assessment for the proposed Interpretative Centre in the Wicklow Mountains National

Park, but not asked for the same requirement in the case of the similar Centre proposed at Mullaghmore in the Burren National Park in County Clare?

**Answer given by Mr Ripa di Meana  
on behalf of the Commission**  
(26 November 1991)

The decision to submit the proposed interpretative centre in the Wicklow Mountains to an impact study was solely that of the Irish Office of Public Works. The OPW has now commissioned impact studies for the Mullaghmore and Dunquin centres.

**WRITTEN QUESTION No 1921/91**  
**by Mr George Patterson (ED)**  
**to the Council of the European Communities**  
(2 September 1991)  
(92/C 78/52)

*Subject:* Conscientious objectors in Greece

Will the Council of Ministers state what action it has taken to follow up Parliament's resolution of October 1989 calling for entitlement to conscientious objection in all EC Member States?

The Council will no doubt be aware that imprisonment of conscientious objectors is continuing in Greece and other Member States. What action does it propose to take to encourage these Member States to end such practices?

**Answer**  
(18 February 1992)

As it has stated on many occasions, the Council attaches great importance to respect for human rights, both inside and outside the Community.

The Council can assure the Honourable Member that it has also taken note of the European Parliament's resolution of October 1989, but would point out, however, that respect for human rights is essentially a matter for individual Member States.

It is neither customary nor necessary for the Council to comment on the facts recounted by the Honourable Member.

**WRITTEN QUESTION No 1928/91****by Mr Thomas Megahy (S)****to the Commission of the European Communities***(2 September 1991)**(92/C 78/53)**Subject: Trans-European networks — Structural Funds*

Will the Commission confirm that it is its intention to link trans-European networks as outlined in the EPU drafts and the Europe 2000 Consultation Document to regional policy to ensure that there is no conflict with the objectives of the Structural Funds?

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

*(22 November 1991)*

The Commission can confirm that it is its intention to ensure that the development of trans-European networks contributes to the objectives of Community regional policy.

**WRITTEN QUESTION No 1929/91****by Mr Thomas Megahy (S)****to the Commission of the European Communities***(2 September 1991)**(92/C 78/54)**Subject: Consultation on reform of the Structural Funds*

Will the Commission confirm that it will consult with all members of the partnership which exists at European, Member State and the regional level, on the reform of the Structural Funds — in particular on the retention of Community support frameworks, the mechanisms and criteria for deciding eligible areas and eligible applications as well as ensuring all partners respect and fully adopt the principles of additionality and transparency?

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

*(22 November 1991)*

The Commission is already studying all possible ways of improving the reform and enhancing the effectiveness of structural assistance. It plans to set out its findings in a mid-term review.

It intends to circulate this document as widely as possible within the context of its own powers and spheres of

competence, with a view to initiating a broad debate in which all those involved, including its partners at local and regional level, can air their opinions on the full range of measures to be taken.

**WRITTEN QUESTION No 1959/91****by Mr Mark Killilea (RDE)****to the Commission of the European Communities***(15 September 1991)**(92/C 78/55)**Subject: Export refunds on beef exports to Japan*

With the Japanese beef import market forecast to become the largest in the world within the next few years, and with Denmark and Ireland being the only two EC Member States whose disease-free status is high enough for their beef to be accepted into Japan, can the Commission explain why export refunds are not being made available to promote such exports, especially in view of the current situation, where we have huge surpluses of beef in intervention stores, much of it Irish beef? In 1990 exports of Irish beef to Japan were only 343 tonnes, compared to 1 538 tonnes in 1989.

Taking these factors into account, does the Commission not feel that it should review the situation at this time?

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

*(29 November 1991)*

The Commission would refer the Honourable Member to its answer to his Written Question No 1284/91 <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 66, 16. 3. 1992.

**WRITTEN QUESTION No 1961/91****by Mrs Raymonde Dury (S)****to the Commission of the European Communities***(15 September 1991)**(92/C 78/56)**Subject: Driving schools*

There are a great number of driving schools and they play an important role in improving road safety. It is currently

up to the Member States to lay down the rules governing driving schools.

Are there plans to harmonize such rules at Community level so as to ensure that the quality of service provided and the level of training is the same throughout the Member States?

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

(4 December 1991)

Council Directive 80/1263/EEC of 4 December 1980 <sup>(1)</sup> on driving licences, which provides for the mutual recognition by Member States of national licences, contains provisions concerning the minimum requirements for driving tests.

The new Directive 91/437/EEC of 29 July 1991, due to replace the 1980 Directive from 1 July 1996 <sup>(2)</sup>, provides for a greater degree of harmonization, in particular as regards the knowledge, skill and behaviour connected with driving for the purposes of training applicants for driving licences (Annex II to the Directive).

This Community legislation does not deal with the detailed arrangements governing training. This falls within the competence of national authorities; it is not mandatory to attend a driving school to learn how to drive.

However, it is clear that the provisions contained in this Community legislation and in particular in Annex II to the new Directive 91/439/EEC <sup>(2)</sup> entail harmonization of the level of training of applicants for driving licences, which will in turn lead to harmonization of the tuition provided by driving schools in order that they may comply with the provisions on theoretical knowledge and tests.

<sup>(1)</sup> OJ No L 375, 31. 12. 1980.

<sup>(2)</sup> OJ No L 237, 24. 8. 1991.

**WRITTEN QUESTION No 1981/91**

by Mrs Ria Oomen-Ruijten (PPE)

to the Commission of the European Communities

(15 September 1991)

(92/C 78/57)

*Subject:* Implementation of the Directive on consumer credit

1. Is the Commission aware that a number of Member States have failed to comply with their obligation to transpose into their national legislation by 1 January 1990 the Council Directive of 22 December 1986 on the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit (87/102/EEC) <sup>(1)</sup>?

2. Is it not high time that the Commission initiated proceedings in the Court of Justice pursuant to Article 169 of the EEC Treaty against the Member States which have failed to comply with their obligations?

It should be noted that a second Council Directive was adopted on 22 February 1990 amending the Directive of 22 December 1986 and requiring the Member States to introduce measures implementing the second Directive by 31 December 1992.

<sup>(1)</sup> OJ No L 42, 12. 2. 1987, p. 48.

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

(5 November 1991)

Directive 87/102/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit was adopted by the Council on 22 December 1986.

Under Article 16 of the Directive, Member States had until 1 January 1990 at the latest to comply with its provisions.

As by that date several Member States had not taken the necessary measures, the Commission initiated proceedings in accordance with Article 169 of the Treaty.

Proceedings are still in progress concerning seven Member States: Belgium, Greece, Ireland, Italy, Luxembourg, the Netherlands and Spain.

The deadline for incorporation into national law of Directive 90/88/EEC of 22 February 1990 <sup>(1)</sup> is 31 December 1992. At present, only Denmark has notified the Commission of the measures taken to comply with it.

The Commission will of course continue to keep a very watchful eye on compliance with Community legislation, particularly when it comes to monitoring the transparency of transactions involving consumers.

<sup>(1)</sup> OJ No L 61, 10. 3. 1990.

**WRITTEN QUESTION No 1992/91**

by Mr Dieter Rogalla (S)

to the Council of the European Communities

(15 September 1991)

(92/C 78/58)

*Subject:* Controls at internal and external frontiers

1. What does the Council have to report on the question of controls and crossings at internal or external frontiers during the recent holiday season?

2. What are the figures for the numbers of tourists?

3. What complaints and criticisms have the Council and the Member States received?

4. What conclusions does the Council draw from the above?

**Answer**

(4 March 1992)

The Council has already replied to a substantially identical question put by the Honourable Member <sup>(1)</sup> during Question Time on 11 September 1991.

<sup>(1)</sup> Question H-828/91.

**WRITTEN QUESTION No 1994/91**

by Mr Ernest Glinne (S)

to the Council of the European Communities

(15 September 1991)

(92/C 78/59)

*Subject:* The campaign against the laundering of the proceeds of crime, in particular drug trafficking

1. Have all the Community Member States ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted on 19 December 1988 in Vienna? Which countries have failed to do so and what reasons do they give?

2. Has the Council of Europe Convention on 'laundering, tracing, seizure and confiscation of proceeds of crime', opened for signature in November 1990, been signed and/or ratified by each of the Twelve? Which countries have not done so and what reasons do they give? Could such failure be because the Council of Europe advocates fairly sweeping penalties extending beyond banks and credit institutions? How many countries need to ratify the Convention before it can enter into force?

3. Council Directive 91/308/EEC <sup>(1)</sup> on prevention of the use of the financial system for the purpose of money laundering contains a statement by the representatives of the Governments of the Member States meeting within the Council in which they 'undertake to take all necessary steps by 31 December 1992 at the latest to enact criminal legislation enabling them to comply with their obligations under the aforementioned instruments'. Will these measures, which are to be communicated to Parliament 'en bloc', be determined by an arbitrary choice made disparately by individual governments from the array of instruments quoted above?

4. With reference in particular to the technical estimates on laundering compiled by the G 7 financial

action group, which EC Member States have decided to amend their national legislations (as has Belgium, for example, with the law of 17 July 1990 extending the notion of receiving stolen goods, and Luxembourg with the law of 7 July 1989)? How close does such amended legislation come to the three instruments mentioned above?

<sup>(1)</sup> OJ No L 166, 28. 6. 1991, p. 77.

**Answer**

(18 February 1992)

1. On 1 September 1991 five Member States had ratified the Vienna Convention. The Community has also ratified it as far as matters coming within Community jurisdiction are concerned.

The other Member States are continuing their efforts with a view to ratifying the Convention before 1 January 1992.

2. Nine Member States of the European Communities have signed the Council of Europe Convention on laundering, tracing, seizure and confiscation of proceeds of crime.

The Council does not have any information on the reasons why the other Member States have not yet signed this Convention.

3. Article 14 of Directive 91/308/EEC provides that it is the responsibility of each Member State to determine the penalties to be applied for infringement of the measures adopted in implementation of the said Directive.

4. The Council does not have the information requested by the Honourable Member.

**WRITTEN QUESTION No 1998/91**

by Mr Thomas Megahy (S)

to the Commission of the European Communities

(15 September 1991)

(92/C 78/60)

*Subject:* Unsolicited invoices and order forms for business directories received from abroad

There have been many complaints from United Kingdom companies who have been sent unsolicited invoices and order forms for business directory entries. This includes faxes, telexes and trade marks directories. The unsolicited invoices tend to be sent out during holiday periods when it is assumed that the business recipients are busy and short of staff and there is an increased likelihood of their

paying up without query. The majority of invoices originate from Switzerland, Liechtenstein and Germany. Current legislative controls to prevent and indeed stop this trading practice are clearly inadequate. Has the Commission any proposals to deal with this problem?

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

(6 November 1991)

The type of commercial practice to which the Honourable Member has drawn the attention of the Commission is not an isolated instance <sup>(1)</sup>.

In the view of the Commission, most of these cases are already covered by the Misleading Advertising Directive 84/450/EEC <sup>(2)</sup>, which covers any representation to promote the supply of services which is likely to deceive the person to whom it is addressed.

In some cases, the demand for payment has not been preceded by any representation. Indeed, it is even unclear whether the charge relates to a genuine directory or a genuine entry in it. This type of case may be covered under various provisions of national law, especially the criminal law capable of ensuring appropriate action.

However the cross border nature of these incidents could be a factor in inhibiting successful recourse against the responsible parties.

While the Commission has engaged studies in order to examine the desirability and feasibility of specific Legislation at Community level, the proper authorities in the Member States could make it their business to inform firms, especially small and medium-size enterprises, about the risks of an unexpected demand for payment by publishers of telex or telefax directories.

<sup>(1)</sup> See for example Written Questions Nos 45/87, 412/89, 431/89, 444/89 and 638/89, and the reply given by the Commission to these questions.

<sup>(2)</sup> OJ No L 250, 19. 9. 1984, p. 17.

**WRITTEN QUESTION No 2006/91**

**by Mr Proinsias De Rossa (CG)**

**to the Commission of the European Communities**

(23 September 1991)

(92/C 78/61)

*Subject:* Nuclear waste dumping at Sellafield

Is the Commission aware of the decision by the relevant United Kingdom authorities to authorize Sellafield as an

underground dumping site for low and intermediate level nuclear waste and the concern that this decision has engendered on both sides of the Irish Sea, particularly since a study commissioned by Greenpeace expresses the view that insufficient information was available to interpret seismic data in an area of extremely complex structure and geology.

Does the Commission not consider it reasonable that people in Ireland should suspect that this selection was made on political rather than scientific grounds and that they should be gravely concerned that this will lead to further pollution of the Irish Sea which is already the most radioactive sea in the world.

In view of this and in light of the continuing moves towards European integration does the Commission not think it unreasonable that one Member State should be permitted to site a nuclear waste dump, or indeed any nuclear installation on the border of another Member State, without their agreement, and will they now consider bringing forward proposals to having this situation rectified.

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

(15 November 1991)

According to the information available to the Commission no decision has been taken to authorize an underground nuclear waste repository at Sellafield. A decision has been taken to initiate the procedures necessary to obtain authorization and the United Kingdom Government has already stated that the formal application for planning permission (anticipated for late 1992) will be followed by a public enquiry.

Moreover, Annex I of the Council Directive 85/337/EEC <sup>(1)</sup> on the assessment of the effects of certain public and private projects on the environment specifically refers to 'installations designed for the permanent storage or final disposal of radioactive waste' and the measures called for in that Directive prior to any development consent being granted therefore apply.

Finally, the conditions set out in Article 37 of the Euratom Treaty will require to be met prior to authorization by the UK competent authorities concerned with the discharge of radioactive effluents, if and when the repository is constructed.

The above procedures will serve to ensure that any potential radioactive contamination of the Irish Sea which might result from the proposed repository will be fully examined and the outcome of this examination will be publicly available.

<sup>(1)</sup> OJ No L 175, 5. 7. 1985.

**WRITTEN QUESTION No 2013/91**  
**by Mr Victor Manuel Arbeloa Muru (S)**  
**to the Commission of the European Communities**  
*(23 September 1991)*  
*(92/C 78/62)*

*Subject:* Convention on the environment and war

What does the Commission intend to do to promote the idea of a Convention on protection of the environment in war situations, which was considered at the meeting in London at the beginning of June, officially attended by the Commission?

**Answer given by Mr Ripa di Meana**  
**on behalf of the Commission**  
*(18 November 1991)*

Commissioner Ripa di Meana took part, as an invited guest, in the 'Conference for a Fifth Geneva Convention' held in London in June 1991. In his speech he made some specific proposals on how to ensure the protection of the environment in all future war situations.

The Commission has not yet decided what initiatives might be undertaken by the Community and its Member States to extend and/or reinforce the existing international legal regime concerning environmental damage in case of war because this question is currently being examined within the framework of Unced preparations and in other relevant international fora.

The European Parliament will be kept informed of any new developments or initiatives in this area.

**WRITTEN QUESTION No 2052/91**  
**by Mrs Jessica Larive (LDR)**  
**to the Council of the European Communities**  
*(26 September 1991)*  
*(92/C 78/63)*

*Subject:* Organ donating

Is the Council aware of the Netherlands cabinet proposal to ask the whole population over the age of 18 whether they are prepared to offer their organs for transplants on their death?

Given the acute shortage of transplant organs in some Member States, will the Council take measures before January 1992 to see that the Netherlands proposal, which

is likely to result in an increase in the number of organs available for transplants, is used as a model for a European regulation in this matter?

**Answer**  
*(18 February 1991)*

The Council has not hitherto received any proposals on organ donation in the Community.

**WRITTEN QUESTION No 2056/91**  
**by Mr Lyndon Harrison (S)**  
**to the Commission of the European Communities**  
*(26 September 1991)*  
*(92/C 78/64)*

*Subject:* European Community chess tournament

Is the Commission prepared to promote the game of chess amongst the many millions of young people in the Community who play and love the game?

Is it prepared to sponsor chess tournaments between Member States, especially those which are aimed at our younger people?

Is the Commission also prepared to support the fixing of an exhibition by the World Chess Champion, Gary Kasparov, of an exhibition of chess skills by the Polgar sisters, of Hungary, as a method of encouraging the growth of the game as well as recognizing its strength as a game throughout the European Community and, indeed, throughout Central and eastern Europe?

**WRITTEN QUESTION No 2057/91**  
**by Mr Lyndon Harrison (S)**  
**to the Commission of the European Communities**  
*(26 September 1991)*  
*(92/C 78/65)*

*Subject:* Chess

Is the Commission satisfied that, within the current budget, the European Community is doing enough to aid and support the spread of chess throughout the European Community?

Given the unique attributes of the game of chess — its artistic, scientific, cultural and sporting elements — is the Commission prepared to do more to promote its growth,

especially given the fact that it is one of the most widely popular games throughout the European Community?

**Joint answer to Written Questions Nos 2056/91 and 2057/91**  
**given by Mr Dondelinger**  
**on behalf of the Commission**  
 (26 November 1991)

In matters relating to sport and leisure pastimes, as in other sectors of Community activity, the Commission's activities are guided by the principle of subsidiarity.

In this case, the organisation and financing of chess tournaments and the promotion of the game of chess is the responsibility of the various national and international bodies which already exist to govern and regulate the game.

**WRITTEN QUESTION No 2082/91**  
**by Mr Lyndon Harrison (S)**  
**to the Commission of the European Communities**  
 (26 September 1991)  
 (92/C 78/66)

*Subject:* Public funding accounting (United Kingdom)

Will the Commission comment on the recent report, from the UK Auditor General, that some £ 200 million intended for use in training programmes for the unemployed cannot be accounted for, or has been wrongly allocated by the Department of Employment? Can the Commission assure Parliament that this does not include monies from European Community Structural Funds? If not, will the Commission say what action it intends to take?

**Answer given by Mrs Papandreou**  
**on behalf of the Commission**  
 (4 November 1991)

The Commission thanks the Honourable Member for drawing its attention to the UK Auditor General's report.

The Commission was not aware of the report, and is now having discussions with the United Kingdom authorities on its implications, if any, for the structural Funds.

**WRITTEN QUESTION No 2105/91**  
**by Mr Ernest Glinne (S)**  
**to the Council of the European Communities**  
 (26 September 1991)  
 (92/C 78/67)

*Subject:* Anomalies in the status of the 'autonomous self-governing territory' of Mount Athos as recognized by Greece and the European Community

The Treaty signed when Greece joined the European Community in January 1981 provides for continued observance of the status granted by the 'charter' of 1924 and subsequent measures to the approximately 1 500 people living on the peninsula and practising very strict orthodoxy. The peninsula, which is 10 km wide and extends for 60 km into the Aegean Sea is subject to a regime of archaic prohibitions imposed by the contemplative 'Holy Community' ('female' animals, particularly goats, and humans, are banned) and yet benefits substantially from tax privileges such as a 75% tax reduction on fuel or cars.

In view of the significant progress which Greek women have made in the last decade towards a position of respect and equality, and in view of the strangeness of the tax and customs regime enjoyed by the trade on the peninsula, does the Council not think it would now be appropriate to ask the Greek Government whether it would be possible to renegotiate the status of Mount Athos, with a view to deleting the two clauses mentioned above?

**Answer**  
 (18 February 1992)

The ban on the presence of women and even female animals results from religious prohibitions which have been applied for centuries by the religious authorities of Mount Athos and fall within their sphere of competence pursuant to the status granted to them by Greece's acceptance of the 1924 Charter and subsequent provisions.

The Treaty concerning the accession of Greece to the Community provides for the latter's observance of that status, as the Honourable Member quite rightly points out.

Moreover, on customs and tax matters, Community law takes account of the joint declaration annexed to the Treaty concerning the accession of Greece to the Community as regards the arrangements applicable to Mount Athos (').



Finally, the Honourable Member is no doubt aware that any initiative to change existing Community rules must come from the European Commission.

(<sup>1</sup>) See in particular Article 135 of Council Regulation (EEC) No 918/83, OJ No L 105, 23. 4. 1983.

**WRITTEN QUESTION No 2107/91**

**by Mr Ernest Glinne (S)**

**to the Commission of the European Communities**

(26 September 1991)

(92/C 78/68)

*Subject:* Fraud, and its effect on the Community's budget

The Commission report on the action taken in response to the comments made in the parliamentary resolution accompanying the decision giving discharge for the 1988 financial year (SEC(91) 512 Annex) is being considered by Parliament on the basis of a report drawn up by Mr John Iversen (PE 151.094/fin. of 18 July 1991), who singles out for particular attention the agricultural sector, structural policies and development aid.

The European public, during the run-up to 1992, is interested in such documents, and is increasingly concerned that Community funds should be used properly. Sober estimates of fraud (<sup>1</sup>) within the Community (misappropriations of subventions, etc.) put the loss at 10% of the Community budget, or ECU 4 000 million in 1989, which is the enormous sum of FB 168 000 million, while Luxembourg's budget for 1989 was in the region of FB 90 000 million for both income and expenditure!

What is the Commission's view of these estimates?

To give a concrete example which is not a joke, I refer to subsidies ('refunds') for exports of agricultural products to the Vatican City, which is in every respect a third country.

What were the figures of

- (a) exports of agricultural products to that country and
- (b) subsidies paid in this connection in 1988 and, if possible, 1989?

(<sup>1</sup>) For example in 'Euroscopie' by Gérard Mermet, recently published by Larousse.

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

(10 December 1991)

The Commission is at pains to ensure that Community funds are properly used. Indeed, its reports to Parliament

on progress in 1989 and 1990 in combating fraud against the Community budget underline this fact and review past achievements and prospects for future action in this area by the Commission and the Member States.

As to the scale of fraud, the Commission continues to take the view (<sup>1</sup>) that, as in the area of tax evasion at national level, it is difficult to find a reliable method of calculation that can be used to gauge the level of fraud against the Community budget in percentage terms with any degree of accuracy. The Commission is endeavouring nonetheless to reduce the risk of fraud and has already secured tangible results thanks to the policy pursued and effective cooperation by the Member States.

With reference to the example quoted by the Honourable Member, the Commission would point out that Vatican City is regarded as a third country and that agricultural products exported to that destination therefore qualify for refunds. Indeed, the customs convention between Italy and Vatican City (<sup>2</sup>) and the provisions adopted for its implementation stipulate that Community agricultural products exported to Vatican City, and to institutions and offices of the Holy See outside that State Vatican City if they are intended for consumption at those institutions and offices, qualify for the refunds under Community rules on exports of agricultural products to third countries. A form issued by the Governatorato dello Stato della Citta del Vaticano is used to certify that the products in question are intended for consumption.

The figures for exports of agricultural products to Vatican City for 1988, 1989 and 1990 will be sent direct to the Honourable Member and to Parliament's Secretariat.

(<sup>1</sup>) Answers to Written Questions Nos 1528/87 from Mr Vandemeulebroucke (OJ No C 195, 25. 7. 1988) and 2116/87 from Sir James Scott-Hopkins (OJ No C 244, 19. 9. 1988).

(<sup>2</sup>) Convention signed on 30 June 1930 in implementation of the terms of the Lateran Treaty of 11 February 1929.

**WRITTEN QUESTION No 2111/91**

**by Mr Ernest Glinne (S)**

**to the Council of the European Communities**

(26 September 1991)

(92/C 78/69)

*Subject:* Problems arising when Community territory does not correspond to the geographical area of the Member States

Gibraltar, a Community territory under British sovereignty, is not part of the European customs area, but

Monaco is, although it is not in the EC. San Marino has been part of Italy since 1939, and is therefore part of the Community. But although in 1989 Andorra concluded an agreement for a customs union with the EC, allowing the free movement of manufacture goods, agricultural products are subject to special agreements — what are these agreements? Liechtenstein is in a customs union with the EC, via EFTA, but the Vatican is in every respect a third country.

Similar confusion arises from the exclusion of the French overseas territories and the Adélie Coast, the Dutch possessions in the West Indies, Macao and Portuguese Timor, British possessions and Hong Kong, as well as Gibraltar. But other overseas territories have privileged trading relations with the EC, although their constitutions are very diverse: Mayotte is a 'collectivité territoriale', Jersey and Guernsey are feudal bailiwicks, the Isle of Man is a territorial dependency, Bornholm belongs to the State of Denmark (and therefore to the EC), but Greenland and the Faroe Islands belong to the Kingdom of Denmark, etc.

While it is true that uniformity is boring and would also defy some very ancient and honourable traditions, I should like to know the Council's opinion on the problems raised by this mosaic for the single market of 1992/93 and for the harmonization of customs and tax regulations which will be required of everyone (for example, will Jersey be able to keep its 20% ceiling on direct taxation?).

**Answer**

(18 February 1992)

The customs territory of the Community is defined by Council Regulation No 2151/84<sup>(1)</sup> and any country or territory not included in the definition laid down in Article 1 is considered as a third country for customs purposes, subject to the other provisions of that Regulation.

Council Regulation No 918/83<sup>(2)</sup> sets up a Community system of reliefs from customs duty applicable to products originating in third countries.

The Council has received proposals from the Commission to amend the above rules, in particular in the context of drawing up the Community Customs Code. Those proposals are being examined by the Council.

With regard to a possible alignment of the rules applicable to the countries and territories referred to by the Honourable Member, it is for the Commission to submit

to the Council any proposals which it considers appropriate.

<sup>(1)</sup> OJ No L 197, 27. 7. 1984, p. 1.

<sup>(2)</sup> OJ No L 105, 23. 4. 1983, p. 1.

**WRITTEN QUESTION No 2112/91**

by Mrs Christine Crawley (S)

to the Commission of the European Communities

(26 September 1991)

(92/C 78/70)

*Subject:* Pensioners' Concession Card

Retired people in the United Kingdom who have written to the UK Department of Social Security about implementation of the Pensioners' Concession Card are receiving replies saying that the Government will respond 'in due course'. In the light of the fact that the Commission's recommendation was that this card should have been implemented by 1 January 1991, would the Commission outline which Member States have started implementing the scheme, and what actions the Commission will take to ensure that the UK and those other Member States which have not yet responded to the Commission do so as a matter of urgency?

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

(4 November 1991)

The creation of a European Over-Sixties' Card was the subject of a Commission recommendation issued on 10 May 1989, with the objective of making more visible the advantages to which older European citizens are entitled by virtue of their age, especially when travelling outside their own countries.

Throughout 1990 the Commission requested, formally and informally, the Member States to report on progress toward implementation of the recommendation. These reports, when delivered, served to show that little progress was made. The implementation date of 1 January 1991 passed without any Member State having put the recommendation into effect. Most recently the positions of Member States were clarified in an informal exchange of views on the subject in the context of a meeting of a Advisory Committee on the Elderly in June 1991.

The Commission regrets the failure of Member States to implement the recommendation.

**WRITTEN QUESTION No 2122/91****by Mr Proinsias De Rossa (CG)****to the Commission of the European Communities***(26 September 1991)**(92/C 78/71)**Subject: Disposal of aircraft waste food*

What regulations are currently in force in the Member States with regard to the disposal of waste food from aircraft and does the Commission have any proposals in mind with a view to standardizing such arrangements?

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

*(9 December 1991)*

According to the Commission's information, waste from aircraft is treated in different ways in the Member States. In some of them the same food-hygiene regulations apply as to restaurants generally. In others the local authorities' food hygiene regulations apply.

The Commission has in mind no specific action to deal with food waste from aircraft, but rather Community action on municipal waste, of which waste from aircraft generally forms part.

**WRITTEN QUESTION No 2128/91****by Mr Proinsias De Rossa (CG)****to the Commission of the European Communities***(26 September 1991)**(92/C 78/72)**Subject: Racism and Xenophobia*

Has the Commission yet formulated a response to the report of the Ford Enquiry into Racism and Xenophobia and in particular to those recommendations which were addressed to itself?

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

*(21 November 1991)*

The Commission would refer the Honourable Member to Parliament's proceedings of 9 and 10 October 1990 and

9 October 1991, during which it commented on all the recommendations. The Commission would also point out that as promised, following an invitation to tender, work has begun on a survey of the legal machinery available in the Member States for combating racism and xenophobia.

**WRITTEN QUESTION No 2129/91****by Mr Proinsias De Rossa (CG)****to the Council of the European Communities***(26 September 1991)**(92/C 78/73)**Subject: Racism and Xenophobia*

Has the Council yet formulated a response to the report of the Ford Enquiry into Racism and Xenophobia and in particular to those recommendations which were addressed to itself?

**Answer**

*(4 March 1992)*

In its resolution B3-1721/90 of 10 October 1990, the European Parliament called on the Council to study in detail the recommendations addressed to it by the Committee of Enquiry into Racism and Xenophobia.

The Council examined these recommendations and replied at length to the questions put by the Honourable Member during the debate on racism and xenophobia at the plenary session on 9 October 1991.

**WRITTEN QUESTION No 2134/91****by Mr Jean-Pierre Raffarin (LDR)****to the Commission of the European Communities***(26 September 1991)**(92/C 78/74)**Subject: Social marginalization*

Unfortunately, social marginalization exists in the Community today, but it would be wrong to see poverty

as inevitable, an acceptable state of affairs or even the result of a deliberate policy.

In order to reassure the poorer sections of the population that progress towards an economically strong Europe will not worsen their plight, does the Commission not consider that a committee on poverty should be set up which would be required to issue an opinion on the possible social consequences for the poorest sectors of the population of each proposal for an EEC Directive before it is drawn up?

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

*(5 November 1991)*

The Commission attaches major importance to the campaign against social marginalization and endeavours to contribute actively to it within the limits of its responsibilities and resources. In line with the principle of subsidiarity, the Commission's actions in this field are designed essentially to supplement and stimulate the initiatives and policies pursued in the Member States and to ensure the overall consistency of Community assistance measures with an impact upon poverty situations.

Over the last few years the Commission has stepped up its endeavours in this field. On 7 May 1991 it adopted a proposal for a Council recommendation on common criteria concerning sufficient resources and social assistance in the social protection systems<sup>(1)</sup>, which is currently being scrutinized by Parliament, the Council and the Economic and Social Committee. Its adoption and implementation of its provisions should help to guarantee the most disadvantaged members of our society adequate, stable and foreseeable resources, and promote comprehensive and consistent policies for the fight against social marginalization.

The Commission likewise supported the setting up of a European liaison committee of non-governmental organizations involved in the fight against poverty. This committee will be able to express the view-point of these organizations and, through them, that of the poor on the Community initiatives likely to have an impact in this area. The Committee, which is independent, is developing a regular dialogue with the Commission in a spirit of active partnership.

Lastly, the Commission has set up its own interdepartmental working party to ensure that the interests of the disadvantaged are safeguarded in all Community policies and to promote the cooperation

between departments which is essential if consistent policies are to be pursued.

<sup>(1)</sup> COM(91) 161 final.

**WRITTEN QUESTION No 2138/91**

**by Mr Sotiris Kostopoulos (S)**

**to the Commission of the European Communities**

*(26 September 1991)*

*(92/C 78/75)*

*Subject:* Transparency in the allocation of financial aid under the Envireg programmes

The European Community is taking steps to protect and improve the environment and the quality of life in general. Under the Envireg programmes very substantial financial aid is being granted to the municipalities and communes of Mediterranean countries, and notably Greece, for specific projects (cleaning up the coastline, the biological purification of harbours etc.) and improving the regions concerned. Local government bodies in Greece have accused the Ministry of the Interior of allocating these funds to municipalities and communes without any transparency and according to purely party criteria so that projects provided for under the Envireg programme are not being undertaken.

Will the Commission say:

1. what measures it has taken to make the allocation of Envireg programme resources more transparent?
2. whether it is prepared to present a plenary sitting of Parliament with a list containing the names of all the municipalities and communes which have so far received Envireg programme funds through the Ministry of the Interior?

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

*(21 November 1991)*

The operational programme implementing Envireg in Greece was adopted by the Commission on 26 September 1991.

The selection of the individual projects to be financed by the structural funds under Envireg is yet to be carried out by the Greek authorities. This selection will be done under the supervision of the Envireg Monitoring Committee, within the individual measures and in accordance with the criteria stipulated in the programme and in conformity with the provisions of the relevant Community legislation.

The Commission considers that it is a matter for the Greek authorities to publish information on projects selected by them under programmes such as Envireg. It is of course desirable that this be done at regular intervals and the Commission services will so advise the Greek authorities at the first meeting of the Monitoring Committee for Envireg, due before the end of the year.

**WRITTEN QUESTION No 2143/91**

**by Mr Michael Hindley (S)**

**to the Commission of the European Communities**

*(26 September 1991)*

*(92/C 78/76)*

*Subject:* Exports of knitted garments from Hong Kong

The Hong Kong Trade Description (Amendment) Act establishes separate criteria for knitted garments exported to the USA and the EC. Items to the USA can be labelled with a Hong Kong certificate of origin although the linking process may be done outside Hong Kong. What steps has the Commission taken to ensure that such products, although not allowed under EC rules, do not enter the EC, or are diverted to the EC, intentionally or otherwise?

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

*(21 November 1991)*

In conformity with the provisions of the EC-Hong Kong bilateral agreement on trade in textile products, textile products considered as originating in Hong Kong must fulfil the origin criteria in force in the Community (Council Regulation No 1364/91 of 24 May 1991 determining the origin of textiles and textile articles falling within Section XI of the combined nomenclature) <sup>(1)</sup>.

According to EC rules, all imports into the EC of products under restriction originating in Hong Kong must be accompanied by both a certificate of Hong Kong origin and an export licence. In the absence of certificates in conformity with those provided for in the EC-Hong Kong agreement, products will not be accepted for entry into the Community.

<sup>(1)</sup> OJ No L 130, 25. 5. 1991.

**WRITTEN QUESTION No 2145/91**

**by Mr Ernest Glinne (S)**

**to the Commission of the European Communities**

*(26 September 1991)*

*(92/C 78/77)*

*Subject:* The smashing of the Topkapi network and action taken against suppliers of illegal Turkish labour

After two years of investigations an illegal immigration network responsible for thousands of Turkish workers entering France was smashed several weeks ago by the French and Italian police. 'Le Monde' (11/12 August 1991) estimated that the organizers made FF 400 million from this trafficking in humans in 1989 and 1990, and that the network involved local gangs of criminals and the public service.

1. How many of the organizers of the Topkapi network for whom warrants have been issued internationally since 1989 have been arrested so far?
2. Have the sentences been sufficiently severe, and have they been coordinated at Community level in line with the Trevi group's recommendations?
3. Are the Vienna and Schengen agreements, which commit the signatories to introducing legislation permitting controlled monitored 'deliveries', the start of a campaign to combat the trade in workers on the lines of the arrangements concerning drugs?
4. How many traffickers in humans have been sentenced in the Community since 1989?
5. What happens to the workers involved (both voluntary participants and those duped into taking part)?

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

*(12 December 1991)*

1, 4 and 5. The Commission does not have the information requested by the Honourable Member.

2 and 3. Under the Convention implementing the Schengen Agreement, the Member States concerned undertake to impose appropriate penalties on anyone who, for pecuniary gain, helps or attempts to help aliens to enter or reside in the territory of a contracting party in breach of the laws of that contracting party on the entry and residence of aliens. The Convention has not yet entered into force.

The Trevi Group also deals with this matter. The Commission is not authorized to take part in the work of the competent working group.

**WRITTEN QUESTION No 2146/91**  
by Mr Ernest Glinne (S)  
to the Council of the European Communities  
(26 September 1991)  
(92/C 78/78)

*Subject:* The smashing of the Topkapi network and action taken against suppliers of illegal Turkish labour

After two years of investigations an illegal immigration network responsible for thousands of Turkish workers entering France was smashed several weeks ago by the French and Italian police. 'Le Monde' (11/12 August 1991) estimated that the organizers made FF 400 million from this trafficking in humans in 1989 and 1990, and that the network involved local gangs of criminals and the public service.

1. How many of the organizers of the Topkapi network for whom warrants have been issued internationally since 1989 have been arrested so far?
2. Have the sentences been sufficiently severe, and have they been coordinated at Community level in line with the Trevi group's recommendations?
3. Are the Vienna and Schengen agreements, which commit the signatories to introducing legislation permitting controlled monitored 'deliveries', the start of a campaign to combat the trade in workers on the lines of the arrangements concerning drugs?
4. How many traffickers in humans have been sentenced in the Community since 1989?
5. What happens to the workers involved (both voluntary participants and those duped into taking part)?

**Answer**  
(18 February 1992)

- 1, 3, 4 and 5. The Council does not have the information requested by the Honourable Member.
2. Member States are responsible for deciding on criminal sanctions against organizers of illegal immigration networks. There are no recommendations for the harmonization of such sanctions.

**WRITTEN QUESTION No 2148/91**  
by Mr Ernest Glinne (S)  
to the Council of the European Communities  
(4 October 1991)  
(92/C 78/79)

*Subject:* Corruption in the Dominican Republic

Following the sentencing of Jorge Blanco, a former President of the Dominican Republic, to 20 years imprisonment for corruption, it appears that under various governments there has been blatant misappropriation of national budget resources and development aid, not only by the head of state but also by the central bank and 'at every level of the civil service' ('Le Monde', 11/12 August 1991) and corruption has involved drug trafficking on a grand scale, even at regional level.

What is the Council's attitude towards the utilization of European aid, in particular following the accession of the Dominican Republic to Lomé IV?

**Answer**  
(18 February 1992)

The Council has not been apprised of any difficulties concerning the channelling of financial assistance granted by the Community to the Dominican Republic prior to its accession to the Lomé Convention. The Dominican Republic is henceforward eligible for all forms of aid available under the ACP-EEC Convention.

The Council is naturally very concerned that Community aid should reach those for whom it is intended. It is essentially for the Commission, which is responsible for managing the aid, to ensure that Community financing is correctly utilized, and to obtain guarantees accordingly.

**WRITTEN QUESTION No 2155/91**  
by Mrs Carmen Diez de Rivera Icaza (S)  
to the Commission of the European Communities  
(4 October 1991)  
(92/C 78/80)

*Subject:* Raw sewage discharged by yachts and pleasure boats

Is the Commission aware that yachts and pleasure boats discharge raw sewage directly into bathing waters and

that the resulting pollution is visible in the coves of various islands in the Community?

What measures does it intend to take in response to the constant increase in such boats in the peak holiday season, particularly in the Mediterranean islands, and the risk to bather's health posed by such discharges?

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

(12 November 1991)

In accordance with Article 13 of Directive 76/160/EEC, the Commission receives annual reports from the Member States on the quality of bathing water, including the results of analysis and/or inspection of the relevant physical, chemical and microbiological parameters <sup>(1)</sup>.

More specifically, findings relating to total and faecal coliforms are likely to indicate the presence of faecal pollution. Risks to bathers' health are thus covered by the Directive and bathing waters are monitored in this light.

Moreover, Article 6 (4) provides for increased surveillance if there is a probability of discharges likely to lower quality of the water.

Within the framework of Directive 76/160/EEC and in accordance with Article 4 (1), national authorities must take all necessary measures to ensure that bathing waters are of the required quality.

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

**WRITTEN QUESTION No 2157/91**

**by Mrs Carmen Diez De Rivera Icaza (S)**

**to the Commission of the European Communities**

(4 October 1991)

(92/C 78/81)

*Subject:* Boat tourism in the Mediterranean

Has the Commission studied boat tourism in the Mediterranean, or does it intend to do so? If such a study has already been made, what were the results?

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

(3 December 1991)

The Commission has to date carried out two studies on nautical tourism in the European Community. These are:

— *Le Tourisme Nautique en Méditerranée: Les Pays de la CEE (1987).*

This study highlights the role of the boating sector in tourism on the Community's southern coast. It analyses the different types of leisure vessels, examines the state of development of nautical tourism in each country (including also Corsica, Yugoslavia, Turkey), the rules and regulations in force and perspectives for development based on the various models. The study concludes with a number of observations and recommendations.

A complementary study to the above was carried-out in 1989:

— *Nautical Tourism on the Atlantic Coasts of the European Community (1989).*

This study includes an inventory of existing installations and an evaluation of future requirements, and gives recommendations regarding national and Community actions with regard to the development of nautical tourism on the Atlantic coasts of the Community.

The Commission's Tourism Unit does not plan to carry out any further studies on this topic at present.

Copies of both existing studies are being sent directly to the Honourable Member and to European Parliament's Secretariat.

**WRITTEN QUESTION No 2206/91**

**by Mr Ernest Glinne (S)**

**to the Commission of the European Communities**

(4 October 1991)

(92/C 78/82)

*Subject:* Controls on the quality of spring water

Controls on spring water do not fall within the terms of reference of Directive 75/440/EEC <sup>(1)</sup> and 79/869/EEC <sup>(2)</sup> on tap water and surface water intended for the abstraction of drinking water. In Belgium the Royal Decree of 11 October 1985 (Moniteur Belge of 26 November 1985) defines spring water as underground water which is naturally filtered, thereby avoiding the risk of contamination. Spring water 'is characterized by its natural microbiological purity, its chemical make up and other essential characteristics'(?!). This Royal Decree hardly provides any difference of treatment between natural mineral water and spring water: however, it does say that spring water may not be carried in tankers and, furthermore, that it may be labelled 'suitable for preparing baby food' (unlike some mineral waters).

What Community texts apply specifically to spring water? What specific warnings, bans and authorizations apply? Does the Belgian definition given above correspond to European usage? Do the national and/or regional authorities responsible for prior and periodic controls on the quality of spring water cooperate with the Commission and, if so, how? Does the Commission have its own means of control and does it use standards which have to be — or will have to be — respected?

(<sup>1</sup>) OJ No L 194, 25. 7. 1975, p. 26.

(<sup>2</sup>) OJ No L 271, 29. 10. 1979, p. 44.

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

(25 November 1991)

The term 'spring water' ('eau de source') is not defined as such in Community legislation. There is no specific Directive for this type of water. However, spring waters are covered by Council Directive 80/778/EEC (<sup>1</sup>) on the quality of waters intended for human consumption, as all bottled waters that are not natural mineral waters. This Directive sets out the levels for toxic substances, and for the organoleptic, physico-chemical and microbiological parameters, which are all applicable to spring waters. The Directive also contains provisions for the patterns and frequency of standard analyses.

Spring waters are also subject to the horizontal legislation for foods, notably, labelling requirements (<sup>2</sup>) and packaging materials that can be used (<sup>3</sup>).

The control of spring waters is assured by national authorities of Member States. In the framework of the control of foodstuffs in general, the Commission has established a programme of cooperation between the controlling authorities of Member States according to Directive 89/397/EEC (<sup>4</sup>).

(<sup>1</sup>) OJ No L 229, 30. 8. 1980.

(<sup>2</sup>) OJ No L 33, 8. 2. 1979.

(<sup>3</sup>) OJ No L 40, 11. 2. 1989.

(<sup>4</sup>) OJ No L 186, 30. 6. 1989.

**WRITTEN QUESTION No 2207/91**

by Mr Kenneth Collins (S)

to the Commission of the European Communities

(4 October 1991)

(92/C 78/83)

*Subject:* Social Charter

42 members of the AEU, GMB and EPIU at Craven Tasker in Cumbernauld went on official strike on 7 June

1991, after the failure of the management to enter into meaningful discussions on the workforce's wages and conditions claim. Within four days of taking action all strikers were sacked for breach of contract and the company has now recruited 25 non-union workers from outside the area to take over production from the original workers.

Will the Commission say whether or not this is the kind of action that stands outside the intension of the Social Charter?

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

(5 November 1991)

The Community Charter of basic social rights for workers includes the right to collective action and specifies that, in the event of a conflict of interests, that shall include the right to strike subject to the obligations arising under national regulations and collective agreements. The action programme states that responsibility for the implementation of rights relating to the freedom of association rests with the Member States in accordance with their national traditions and policies.

**WRITTEN QUESTION No 2218/91**

by Mr Proinsias De Rossa (CG)

to the Commission of the European Communities

(4 October 1991)

(92/C 78/84)

*Subject:* Interreg programmes in Ireland

How many Interreg-supported projects have there been to date on the Northern Ireland/Republic of Ireland border and what has been the total Community contribution?

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

(21 November 1991)

The programme in question was signed by the Commission on 25 July 1991 and application forms were sent by both the Department of Finance and Personnel in Belfast and the Department of Finance in Dublin at the end of August 1991 to all those who had expressed a prior interest in funding under this joint programme.

It is not yet possible to give the details required until the numerous applications have been considered.



**WRITTEN QUESTION No 2225/91****by Mr Victor Manuel Arbeloa Muru (S)****to the Commission of the European Communities***(4 October 1991)**(92/C 78/85)**Subject: Television monopolies in the Member States*

Does the Commission believe that the existence of a single public television service in a given Member State where requests have been made for permission to install other channels is compatible with the Community principles of freedom of movement for services and goods and the rules concerning competition?

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

*(8 January 1992)*

Under Community law, Member States are free to determine the number and the public or private status of television broadcasting organizations that may be authorized to broadcast programmes within their territory. However, the authorization procedures and the enterprises to which special or exclusive rights have been granted must comply with the fundamental principles of freedom of establishment and free movement of persons, services and capital and with the rules of competition laid down in the EEC Treaty.

**WRITTEN QUESTION No 2233/91****by Mr Victor Manuel Arbeloa Muru (S)****to the Council of the European Communities***(4 October 1991)**(92/C 78/86)**Subject: Agreements with the Baltic States*

Does the Council intend to conclude so-called 'European agreements' or association agreements with the three Baltic States?

**Answer***(18 February 1992)*

At its meeting on 30 September and 1 October 1991 the Council said that it welcomed the fact that the Commission had opened exploratory talks with those countries regarding trade and co-operation agreements

and noted that the Commission would very soon be submitting draft negotiating directives to the Council.

These agreements will thus constitute the basis for preparing European association agreements in due course.

Furthermore, with a view to strengthening relations with the Baltic States, the Council has also:

- signified its agreement to the principle of including, as from 1 January 1992, Estonia, Latvia and Lithuania in the Phare-programme and the G-24 coordinated aid, as well as among the beneficiaries of the Community's system of generalized preferences;
- noted that the Commission will accelerate the procedures for establishing a first package of technical assistance measures for these countries.

**WRITTEN QUESTION No 2234/91****by Mrs Andriana Ceci (GUE)****to the Commission of the European Communities***(4 October 1991)**(92/C 78/87)**Subject: Horizon programme*

Can the Commission say what stage has been reached in using the funds for the Horizon programme and in the selection of projects? Is it true that some research units have not been able to obtain funding, despite having submitted proposals and projects, because of excessively short deadlines for submitting applications?

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

*(21 November 1991)*

By June this year the Commission had already received operational programmes for the Horizon initiative from all twelve Member States. Supplementary information was obtained via bilateral contacts between the Commission and each of the national Horizon coordinators in September and the beginning of October. This meant that a revised operational programme was available for most Member States, as required under European Social Fund rules.

Only Italy's revised programme is still outstanding.

Project selection is entirely a matter for Member States.

**WRITTEN QUESTION No 2271/91**  
**by Mr Dieter Rogalla (S)**  
**to the Commission of the European Communities**  
*(18 October 1991)*  
*(92/C 78/88)*

*Subject:* Measures to combat forest fires

1. In 1991 large areas of European forest (for example in Sardinia and Liguria) were once more destroyed by fires, as reported in the Frankfurter Allgemeine Zeitung of 30 August 1991.
2. Does the Commission agree that the creation of a European fire-fighting unit would be helpful in combating forest fires? What moves has it made or will it make in this direction?
3. Does the Commission know how the formation of such a unit is viewed by the Member States?

**Answer given by Mr Ripa di Meana**  
**on behalf of the Commission**  
*(29 November 1991)*

The Commission is paying particular attention to the serious problem of forest fires.

It is thus carefully examining every suggestion proposal or innovation intended to improve forest fire fighting methods and techniques.

Under the 'Interdepartmental Agreement on the Protection of Forests against Fires' the Commission has indeed received a proposal for a study aimed at the setting up of a European fleet of water bombers based in the south of France which could be used to the benefit of various countries in the Mediterranean basin.

This proposal is under examination by the Commission's departments, which will make the necessary contacts and conduct the appropriate consultations with the administrations and entities concerned before adopting any attitude.

**WRITTEN QUESTION No 2308/91**  
**by Mr Jean-Pierre Raffarin (LDR)**  
**to the Commission of the European Communities**  
*(21 October 1991)*  
*(92/C 78/89)*

*Subject:* European sports forum

Can the Commission secure inclusion on the agenda of the first meeting of the European sports forum of the

proposal that the singlets worn by the European competitors at the next Olympic Games at Albertville and Barcelona should bear the twelve-star Community emblem?

**Answer given by Mr Dondelinger**  
**on behalf of the Commission**  
*(14 November 1991)*

The Commission has tried several times to get the Member States' National Olympic Committees, the only competent bodies, to agree to some Community identification for sportsmen and women from the 12 Member States. Unfortunately no unanimously favourable position has so far emerged. The Commission is continuing its efforts to secure a decision in line with the Adonnino report endorsed by the Heads of State and Government at the Milan European Council in 1985.

**WRITTEN QUESTION No 2316/91**  
**by Mr Gijs de Vries (LDR)**  
**to the Commission of the European Communities**  
*(21 October 1991)*  
*(92/C 78/90)*

*Subject:* Netherlands law on the media

The Court of Justice recently gave a judgment on the Netherlands Media Act (C-288/89, C-353/89).

According to the Netherlands Government, this judgment will not affect the new Article 66 of the Media Act (Second Chamber, 1990-1991 session, answer to Question No 830).

Does the Commission share this view?

**Answer given by Mr Bangemann**  
**on behalf of the Commission**  
*(19 December 1991)*

As regards the conditions laid down in former Article 66(b) of the Mediawet, the Commission is able to inform the Honourable Member that the new wording of that Article as contained in the draft law (First Chamber, 1990-91 session) takes account of the judgments given by the Court on 25 July 1991 (Cases C-288/89 and C-353/89).

**WRITTEN QUESTION No 2323/91**by Mrs **Cristiana Muscardini (NI)**to the **Commission of the European Communities**

(21 October 1991)

(92/C 78/91)

*Subject:* Provisional release from detention on remand

Following adoption of the law on detention on remand, the Italian Government has provisionally released 47 303 people charged with offences and convicted at first instance, 1 385 for murder, 1 840 for attempted murder, 1 869 for drug trafficking and 2 474 for criminal association. Is there equally permissive legislation elsewhere in the Community which provides guarantees only to the rights of the offender? Furthermore, is there not a need for Community legislation establishing procedures to speed up the holding of trials?

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

(18 November 1991)

The question raised by the Honourable Member does not come within the competence of the Commission.

The Commission is therefore unable either to provide the information requested or to give a positive response to the initiatives proposed.

**WRITTEN QUESTION No 2341/91**by Mr **Ernest Glinne (S)**to the **Council of the European Communities**

(21 October 1991)

(92/C 78/92)

*Subject:* Nuclear policy with regard to Europe

There are an ever-increasing number of western initiatives aimed at securing acceptance in Central Europe of the idea that nuclear power, rather than alternative forms of energy and a programme to rationalize existing sources and make them cost-effective, will solve the problem of acid rain and air pollution. The private sector is behind many of these initiatives: Siemens KWU of Germany; Westinghouse, General Atomics and Bechtel from the USA; Atomic Energy of Canada Ltd; Nuclear Power International, a joint venture between Siemens and Framatome; Ansaldo of Italy, INI of Spain, and so on —

not to mention Electricité de France. Such companies are particularly active in Hungary and Czechoslovakia, and answers from the executive institutions of the Community to the following questions would therefore be welcome.

1. Nuclear power is banned under Austrian law. Can one consent (as has, in particular, the International Atomic Energy Agency — acting upon what instructions from EC Governments?) to the construction or the continued operation (albeit to a 'higher standard'), of nuclear installations in Bohunice, which is only 40 km from the Austrian border and in the middle of a seismically active region? The same questions apply to the continued operation of a faulty reactor in Slovakia, again close to the border with Austria.
2. At least two of the abovementioned companies are offering to supply the two countries in question with installations far in excess of their needs, with surplus production to go to Germany, Italy and the whole of Western Europe. Is this consistent with the Community's energy policy?
3. The monitoring installations known as ZPA (Zavody Prumyslove Automatizace) are regarded as unreliable, both officially and unofficially. The same applies to the Skoda A-1s and the V-1s. There were three cases last year of radioactive contamination (which went unreported in the western European press) at the Jaslovské Bohunice power station in Slovakia and that at Dukovany in Moravia. Should the fifth anniversary of Chernobyl not be an occasion to put forward more stringent measures against contamination which is uncontrollable in its severity and in its ability to spread? Is responsibility in the matter not clearly international and incumbent on us all?
4. What are the results of the excessively confidential study on the 'Chernobyl effect' carried out in Hungary by the Hungarian institute for the chemistry and biology of radioactivity?
5. Is it true that the planned construction by Siemens of a fifth power station near Kerčerove, in Slovakia, will cost more than \$ 2,6 billion, i.e. more than the total sum of western investment to date in post-communist eastern Europe?
6. Will the intensive mining of uranium deposits in Czechoslovakia and Hungary not aggravate the problem directly facing vast areas as a result of the 'Chernobyl effect'?

**Answer**

(18 February 1992)

The Council attaches the utmost importance to questions of nuclear safety. It has therefore taken due note of the question, but observes that it is also addressed to the Commission.

The Council's role, as defined by the Treaty establishing the EAEC, does not require it to intervene in the detailed examination of the problems raised by the Honourable Member, particularly in the case of installations situated outside the Community.

Accordingly, the Council can only invite the Honourable Member to refer to the replies that the Commission will be able to give to these questions, which the Council acknowledges are of importance to the Community and its citizens.

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**WRITTEN QUESTION No 2358/91**

by Mr David Martin (S)

to the Council of the European Communities

(22 October 1991)

(92/C 78/93)

*Subject:* Procedure for election to the European Parliament

In reply to Question No H-0010/91 by Mr Raffarin (<sup>1</sup>), the Council stated that 'so far the Council has received no proposal from the European Parliament' pursuant to Article 7 of the Act concerning the election of representatives of the European Parliament by universal suffrage.

Did the Council not receive the proposal made by the European Parliament in March 1982 (Seitlinger report)? If so, on what basis does the Council consider that its duty under the Treaty to 'lay down the appropriate provisions' has lapsed? Does it not agree that such a duty remains whether or not the European Parliament is considering whether to submit a new proposal in light of the Council's failure to act on its original proposal?

(<sup>1</sup>) Debates of the European Parliament No 3-398 (January 1991).

**Answer**

(4 March 1992)

The Council made an in-depth study of the resolution and of the draft Act for a uniform electoral procedure adopted by the European Parliament on 10 March 1982 (Seitlinger report).

This study having been completed, the President of the Council, Mr Genscher, on the occasion of a meeting with a delegation from the European Parliament, led by its President, Mr Dankert, which took place on 25 April 1983 in Luxembourg, informed that delegation that it had not been possible to achieve the necessary unanimity on the proposal.

The Political Affairs Committee of the European Parliament took the matter up once again after the second European parliamentary election by direct universal suffrage held in 1984. This culminated in its preparing a new draft (Bocklet report) which it adopted when it met on 28 February 1985.

This led the Council to infer that the Parliament itself considered its 1982 draft to be out-of-date. As the European Parliament did not express any verdict on its 1985 draft when it met in plenary session, the Council confirms the reply which it gave on 22 January 1991 in response to question H-0010/91, namely that for the time being it does not consider any proposal to have been submitted to it under the terms of Article 7 of the Act dated 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage.

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**WRITTEN QUESTION No 2362/91**

by Mr Sérgio Ribeiro and Mr Francis Wurtz (CG)

to European Political Cooperation

(22 October 1991)

(92/C 78/94)

*Subject:* The selection of Morocco to chair the International Conference on Human Rights

It is with surprise, nay, astonishment, that we learned that Morocco had been asked to chair the Committee carrying out preparatory work for the International Conference on Human Rights to be held in 1993 in Berlin.

Given the numerous human rights violations in that country and the numerous resolutions and reports adopted by the European Parliament condemning the repression and violation of human rights in Morocco, and in view of the arrogant response by the King of Morocco at a recent press conference, what view is taken by EPC and/or the Twelve of the selection of Morocco?

**Answer**

(28 February 1992)

Each regional group within the UN appointed one delegate to the Bureau of the First Preparatory Committee for the World Conference on Human Rights. The African Group appointed Mrs Halima Warzazi. The delegates to the first session of the Preparatory Committee elected Mrs Warzazi to chair that session. The question of filling the chair at future sessions of the Preparatory Committee has not been determined as yet.

The Community and its Member States do not view the joining in consensus regarding this election as a statement on Moroccan Government policies.

**WRITTEN QUESTION No 2391/91**

**by Mrs Raymonde Dury (S)  
to the Council of the European Communities**

(22 October 1991)

(92/C 78/95)

*Subject:* Social security rights of volunteer development workers employed by NGOs

The Commission and Council have stated their willingness to speed up action on the question of social protection for volunteer development workers (recommendation 85/308/EEC) (<sup>1</sup>). A report by the Commission evaluating the situation was originally to have been published within two years. Is there any prospect of this report now being published as soon as possible? Are the Community authorities fully aware that any further delay on the matter will create anxiety and discouragement for those Community citizens who have expressed their wish to contribute practically and in person to the development process?

(<sup>1</sup>) OJ No L 163, 22. 6. 1985, p. 48.

**Answer**

(4 March 1992)

The Council restates its attachment to the principle of social protection for volunteer development workers and the implementation of Council recommendation 85/308/EEC of 13 June 1985.

It hopes very much that the Commission will submit as soon as possible the report on the progress achieved and the hurdles encountered in implementing social protection for volunteer development workers, provided for in point B of the recommendation.

**WRITTEN QUESTION No 2393/91**

**by Mrs Raymonde Dury (S)  
to the Council of the European Communities**

(22 October 1991)

(92/C 78/96)

*Subject:* Action of the Twelve to combat infanticide in Brazil

In a reply to a Belgian Member of Parliament, the Belgian Minister of Foreign Affairs has referred to Belgium's

participation in a joint action by the Twelve to combat the murders and maltreatment to which street children in Brazil are subject. Could the Council provide details of this Community intervention?

**Answer**

(28 February 1992)

Reports on torture and extra-judicial executions of children and youths in urban Brazil in the years 1990 and 1991, provided by sources such as Amnesty International, have caused much concern within the Community and its Member States, both at the political level and with public opinion.

According to the 1990 report of the Brazilian Institute for Geography and Economy (IBGE), violence is the main cause of death among children and adolescents in Brazil, violence being defined as accidents, homicides and suicides. For the age group of 15 to 17 years, violent deaths account for approximately two thirds of mortality. Given the fact that Brazil has an estimated population of 150 million, whereof 68 million, or 46 percent, are under twenty years of age, it is generally assumed that at least 10 million children (some sources go as far as advancing the number of 25 million) may be considered to fall under the category of 'streetchildren'.

Over the last years, a growing number of extra-judicial executions have been reported, many of them in relation with 'death squads' operating in urban surroundings. Even though it cannot be claimed that all crimes are to be attributed to those 'death squads' for the simple reason that numerous children are victims of common crime, gang wars or drug-related criminality, the Brazilian authorities are well aware of the acute problem and are no longer in a position to deny the existence of so-called 'extermination groups' or vigilantes.

On the contrary, since the coming into office of President Collor, human rights issues have increasingly moved to become of central concern to the Brazilian authorities. Preoccupied with public opinion, domestic and, above all, international, the government has undertaken a number of actions and is envisaging to launch others in order to improve the situation.

In October 1990, Congress adopted the 'statute of the child and adolescent', which grants ample rights to the Brazilian youth. It is incumbent on the recently created 'Minister of the Child', under the competence of the Minister for Health, to implement this statute. Although the statute has power of law, many of its objectives may not be reached in the near future, firstly because its implementation depends on lower authorities and secondly because of lack of necessary funds.

A further obstacle to the endeavours of the government is the fact that the fight against crime and related issues as well as social and educational matters primarily lie within the competence of the States. Only in exceptional cases, for which it needs special court permission, can the Federal government intervene. Any action therefore requires the cooperation of the statal and municipal levels. Furthermore, the various police forces also operate at different levels (federation, state, municipality) without much coordination.

After the first denouncements by Amnesty International, President Collor ordered a thorough investigation under the responsibility of the Minister of Justice. The Community and its Member States do regret that so far this inquiry has not led to a report. In November 1990, the Council for the Defence of Human Rights, subordinated to the Ministry of Justice, established a sub-commission to investigate into the assassinations and to propose measures to prevent violence against children and adolescents.

The Community and its Member States are nonetheless pleased to note that the sub-commission has meanwhile produced a number of recommendations to be used as a basis for a national plan of prevention and reduction of violence against children. These are:

- the full investigation of all cases;
- the end to impunity;
- the appointment of a special prosecutor;
- the review and improvement of police forces;
- the creation of commissions at state level, which would be responsible for the implementation of measures adopted;
- the mobilisation of society;
- the restructuring of the Council for the Defense of Human Rights.

As the preceding recommendations are characterised by a certain vagueness, they will clearly not be sufficient to achieve the improvements aimed for. To that effect, more specific and practical measures are required. In this connection, and given Brazil's concern at its image abroad, the impact of international pressure should not be underestimated.

On the one hand, the Community and its Member States welcome the recent efforts by the Government of Brazil to come to grips with a problem of such terrifying scope, on the other hand they do not wish to publicly interfere with President Collor's initiatives, which are pointing in the right direction. The Honourable Member may, however, rest assured that the Community and its Member States, through their representatives, will not fail to encourage the Brazilian Government in pursuing its

action and discuss ways and means of providing assistance to that country within the limits of their possibilities.

WRITTEN QUESTION No 2399/91

by Mr Marc Galle (S)

to the Commission of the European Communities

(22 October 1991)

(92/C 78/97)

*Subject:* Charges for financial services in Belgium

At the beginning of 1991 the Belgian banking sector reached an agreement with the Belgian Minister of Economic Affairs, under which financial institutions were entitled to charge for their services. The agreement also laid down the maximum amounts which may be charged in each case.

However, this must be treated with caution, since concerted practices on the part of financial institutions with a view to charging the maximum amount, or at least a single agreed amount, thereby excluding any form of competition, are an eventuality which cannot be ruled out.

Can the Commission ensure me that, in the interest of consumers, developments will be closely monitored and that the Commission will take timely action to prevent any concerted practices of this nature?

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

(11 December 1991)

The Commission has, for several years, been closely monitoring developments regarding competition in the banking sector. On the question of commissions charged by Belgian banks, for example, it took a formal decision relating to a proceeding under Article 85 of the EEC Treaty (87/13/EEC) (1).

Since then, the Commission has continued to be vigilant. In the spring of 1988, when it was informally consulted by the Belgian banking sector on a preliminary proposal to introduce uniform charges for cheques in Belgium, the Directorate-General for Competition stated its unequivocal opposition to the proposal. The issue was taken up by the Belgian press at the end of July 1988. In the face of the Commission's opposition, the proposal was simply withdrawn.

The charges for financial services introduced or planned by certain Belgian banks since the beginning of 1991 do not *prima facie* give rise to the same objections. The Commission was not involved in drawing up these new proposals, which were discussed directly between the banks concerned and the Belgian Ministry for Economic Affairs, the competent body under the price control arrangements in force in Belgium. According to the information at the Commission's disposal, each financial institution remains free, this time, to decide whether or not to introduce charges, and the charging procedures may vary from one institution to another.

However, the Commission will continue to pay careful attention to developments in this area in the months ahead.

(<sup>1</sup>) OJ No L 7, 9. 1. 1987.

**WRITTEN QUESTION No 2403/91**

**by Mr Sotiris Kostopoulos (S)  
to the Commission of the European Communities**

(30 October 1991)

(92/C 78/98)

*Subject:* Pollution of the Aegean

According to the Helmepea (Hellenic Marine Environment Protection Association), enormous quantities of effluent are being discharged into the Aegean without any form of monitoring. In the sea surrounding Attiki alone, according to studies by the Athens School of Health Studies (1989), the Keratsini mains discharges 20 000 tons of toxic metals annually.

Will the Commission continue its endeavours to protect the marine environment of Attiki and the Aegean in general and what form will these endeavours take?

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

(22 January 1992)

The Commission is collecting the information it needs to answer the Honourable Member's questions.

It will inform him of its findings as soon as possible.

**WRITTEN QUESTION No 2417/91  
by Mr Thomas Maher (LDR)  
to the Commission of the European Communities**

(30 October 1991)

(92/C 78/99)

*Subject:* Staple food prices in EFTA countries

Can the Commission outline the average cost of the main staple foods in the six EFTA countries in comparison with those inside the Community?

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

(9 December 1991)

In the context of the studies on purchasing power parities and volume comparisons of national accounts aggregates, a consumer price survey of food products was conducted in 1988 in the Community and in six EFTA countries (Liechtenstein excluded). The survey was organized and coordinated by Eurostat for twelve Community countries, Austria and Switzerland and by the OECD Secretariat for Sweden, Finland, Norway and Iceland. The following table gives extrapolated price indices for all food products taken together and for the main categories.

The basic information on prices of food products has already been published by Eurostat in the publication 'Consumer prices in the EC — 1988'. However, this information refers to 1988 and to the 14 countries coordinated by Eurostat.

**Price Indices**  
(EUR 12 = 100)

	D	F	I	NL	B	L	UK	IRL	DK	GR	ES	PT	AUS	CH	FIN	ICE	NOR	SWE
<b>Food, beverages tobacco</b>	102,7	103,2	100,6	98,4	104,7	97	98	98,4	144	82	96,2	76,6	108,6	150,2	183,6	173,2	179,5	168,7
— Food	102,8	106,7	104,9	98,3	104	102,5	84,9	81,5	132,4	83,1	101,8	79,4	107,8	152,5	162,6	153,3	159,1	157,9
Breads and cereals	105,6	109,8	103,7	95,5	102,9	102,7	78,2	75,5	144,1	89	118,1	68,3	118,2	158,8	201,5	150,4	170	189,7
Meat	104,9	112,8	108,6	120,2	109	112,6	76,6	77,9	124,3	75,5	88,1	77,7	105,1	190,6	170,3	162,5	185,8	172,3
Fish	99,4	105,4	134,5	75,9	91,6	105,8	77	66,1	120,5	91,6	94,1	70,8	101,6	127,4	100,9	77,4	117	122,1
Milk, cheese, eggs	83,6	100,8	111,2	85,2	98	95,6	96,4	90,9	121	99	116	93,1	112,3	152,4	133,3	165,3	148,9	133,3
Oils and fats	95,7	104,4	99,7	95,8	104,8	106,1	84,7	75,9	139,7	95,5	116,6	84,1	130,5	218,3	248,8	183,2	136,1	202,8
Fruit, vegetables and potatoes	114,1	118	88,5	108,7	116,3	96,9	100,3	98,3	156,8	74,5	104,2	75,1	97,7	128,8	155,7	172	150,6	158,7
Other food products	107,4	91,4	128,1	83,3	95,1	99,1	84,6	76,5	129,9	97	111,2	99,4	114,1	134,9	166,2	147,5	155,8	147,3
— Beverages	86,6	92,6	73,6	101,3	112	100,1	125	157,2	171,9	86,4	74,6	61,9	105,8	162,1	321,6	280,8	264,5	242,3
Non-alcoholic beverages	101,1	90,2	97,5	107,8	131	99,3	96,1	131,8	193,9	90,4	114,3	105	100,8	126,3	223,4	240,2	232,3	227,8
Alcoholic beverages	83,1	93,9	67,6	100	106,6	102,1	133,1	163,7	167,3	85,8	65	54,5	108,5	179	348,9	317	280	246,8
— Tobacco	119,5	82,1	89,8	87,3	2	73,4	127,2	104,8	176	64,5	71,9	65,6	111,3	97,3	163,5	165,8	224,4	145,6

**WRITTEN QUESTION No 2419/91**  
by Mrs Joanna Rønn (S)  
to the Commission of the European Communities  
(30 October 1991)  
(92/C 78/100)

*Subject:* The Commission's proposal to set up a working environment agency

Will the Commission please outline its plans for the submission of a proposal to set up a working environment agency? When does the Commission intend to publish the proposal? What, in the Commission's view, should the agency's terms of reference be? Does the Commission plan to increase its staff on an ad hoc basis in the period prior to setting up the agency, so as to monitor the implementation of Community law on the working environment more efficiently?

**Answer given by Mrs Papandreou**  
on behalf of the Commission  
(14 November 1991)

On September 1991 the Commission made a proposal for a Council Regulation (EEC) establishing a European Agency for Safety and Health at Work. In accordance with Article 235 of the EEC Treaty the European Parliament will be consulted.

The aim of the Agency is to provide the Community, the Member States, and those involved in the field with the technical, scientific and economic information required in the field of safety and health at the work place.

The Agency, which is responsible to the Commission, will work in close liaison with the Commission departments concerned.

**WRITTEN QUESTION No 2422/91**  
by Mr Gijs de Vries (LDR)  
to the Commission of the European Communities  
(30 October 1991)  
(92/C 78/101)

*Subject:* Anti-dumping policy in relation to competition policy

Some time ago the Commission imposed an anti-dumping levy on the company Nutrasweet, after a complaint by the Holland Sweetener Company.

Nutrasweet has since decided to build a factory in Europe in order to avoid the levy. The construction of this factory (at Dunkirk) is being subsidized by the French Government (according to NRC-Handelsblad, 14 September 1991).



1. Does the Commission consider it desirable for companies seeking to avoid the Community anti-dumping levy to be rewarded for this with subsidies from Community Member States?
2. Does the planned investment in Dunkirk comply with the anti-circumvention rules of the anti-dumping Regulation?
3. Does the subsidy granted by the French authorities comply with the rules on competition in the Treaty?

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

(6 December 1991)

1. It is highly speculative to state that Nutrasweet, which has decided to set up a plant for the manufacture of aspartame in Dunkirk, intends to circumvent the definitive anti-dumping duties imposed by Council Regulation (EEC) No 1391/91<sup>(1)</sup>.

2. Article 13(10) of Council Regulation (EEC) No 2423/88<sup>(2)</sup> does not provide for criteria relating to investments in the Community. It only sets out the conditions under which anti-dumping duties may be imposed on products that are introduced into the commerce of the Community after having been assembled or produced in the Community. Whether or not these criteria will be met once Nutrasweet is producing aspartame at the plant in Dunkirk, can only be established after an investigation by the Commission.

3. Companies setting up in these areas benefit from certain tax advantages and other administrative facilities which cannot be combined with other forms of aid and are individually verified on the basis of a quarterly report, *a posteriori*, to the Commission.

<sup>(1)</sup> OJ No L 134, 28. 5. 1991.

<sup>(2)</sup> OJ No L 209, 2. 8. 1988.

#### WRITTEN QUESTION No 2430/91

by Mr Hans Peters (S)

to the Commission of the European Communities

(30 October 1991)

(92/C 78/102)

**Subject:** Implementation of Council Directive 83/189/EEC as amended by Council Directive 88/182/EEC laying down a procedure for the provision of information in the field of technical standards and regulations

Under the information procedure Member States are required to keep the Commission regularly informed of any proposed or draft national technical regulations in

order to ensure that barriers to trade caused by discrepancies in Member States' legislation are avoided in good time. Information concerning new draft technical regulations contained in the central Brussels register is regularly forwarded to national bodies giving the title, synopsis and key words in English. The technical regulations in their entirety are available to the national bodies only in the original language. Any assessment therefore of whether national legal provisions, for example, product testing procedures, are affected and whether barriers to trade could arise as a result is possible only on the basis of the original language text. It would facilitate the task of the national bodies if the complete texts were also available in English at least.

The entire text is apparently translated for deliberations in the Standing Committee (Article 5).

Would it be possible for these translations also to be forwarded to the national standards bodies concerned?

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

(21 November 1991)

Taking a feasibility study carried out by a group of experts from CEN/Cenelec as a basis, the Commission defined in 1984 the practical details of the information procedure for standards.

For notifications made within the framework of Article 2 of Directive 83/189/EEC<sup>(1)</sup>, the working language of CEN/Cenelec, that is to say English, French and German, are used.

For the purposes of distributing draft standards in accordance with Article 4 of this Directive, the Commission has accepted the recommendation of the group of experts to limit itself to the language available, i.e. generally the national language of the country of origin.

These choices were based on the high cost of the translations, the fact that the extra time needed for these translations is incompatible with the need to react quickly and the existence of an efficient communications network between the national standards bodies. After six years of working in this way, there have been neither problems or complaints.

The Honourable Member should be aware that national draft technical regulations are translated into all the official languages (Articles 8 to 10 of the said Directive). Draft national standards are not submitted to the Standing Committee of the Directive, but are covered by a system of distribution and consultation organized by the European standards bodies.

<sup>(1)</sup> OJ No L 109, 26. 4. 1983.

**WRITTEN QUESTION No 2445/91**  
**by Mr David Martin (S)**  
**to the Commission of the European Communities**  
*(30 October 1991)*  
*(92/C 78/103)*

*Subject:* Political role of EIB and EBRD

Would the Commission outline any political pre-conditions imposed on borrowers from the European Investment Bank and the European Bank for Reconstruction and Development and state whether any European Commissioners are connected with the International Monetary Fund?

**Answer given by Mr Christophersen**  
**on behalf of the Commission**  
*(6 December 1991)*

**1. European Investment Bank (EIB)**

The EIB operates outside the Community on the following basis:

- (a) Individual authorizations: The EIB Board of Governors has, on several occasions, authorized the Bank to carry out specific investment projects on a case-by-case basis. The common characteristics of these operations are (i) a direct and clear benefit to the Community; (ii) a strong physical link with the Community territory and projects tending to be located on the periphery of the Community (e.g. gas pipeline in Austria).
- (b) Global authorizations: These loans (in the ACP, Mediterranean and eastern European countries) are a complement to other more concessional forms of Community assistance and normally fall within the framework of agreements negotiated between the Community and individual countries or group of countries.

The Commission proposals on these agreements are always submitted for the Parliament's opinion. Thus Members of the European Parliament are aware of the political implications of the Community agreements.

**2. European Bank for Reconstruction and Development (EBRD)**

The EBRD has as its purpose to foster the transition to open market oriented economies and to promote private and entrepreneurial initiative in the Central and Eastern European countries committed to, and applying the principles of, multi-party democracy, pluralism and market economies (Article 1 of the Agreement establishing the EBRD). The very purpose of the EBRD is therefore subject to political preconditions.

This is given effect by Article 8.3 which says that the Bank can suspend operations in cases where a country is implementing policies inconsistent with its purpose.

**3. International Monetary Fund (IMF)**

The Commission maintains close relations with the International Monetary Fund. Vice-President Christophersen normally participates as an observer in the semestrial meeting of the Interim Committee of the Board of Governors of the IMF. As coordinator of assistance from the Group of 24 industrial countries, the Commission is collaborating with the IMF which takes part in the work of the Group. During the spring 1991 meeting, the Vice-President of the Commission was asked by the President of the Interim Committee to present a statement on global policy issues; furthermore, in the context of the annual meeting of Bretton Woods Institutions, on 16 October 1991 in Bangkok, a special meeting of G-24 senior finance ministry officials was organised jointly by the Commission and the IMF, with Vice-President Christophersen and the Managing Director of the Fund sharing the chair.

**WRITTEN QUESTION No 2514/91**  
**by Mr Gijs de Vries (LDR)**  
**to the Commission of the European Communities**  
*(8 November 1991)*  
*(92/C 78/104)*

*Subject:* Advisory Committee on Competition Policy

1. Under what Council Decision has the Advisory Committee on Competition Policy been set up, consisting of national specialists in the field of competition policy under the chairmanship of an official from Directorate A of the Commission's DG IV?
2. How frequently has the Advisory Committee met each year since its creation?
3. What specific competition issues were entered on its agenda in 1990?

**Answer given by Sir Leon Brittan**  
**on behalf of the Commission**  
*(18 December 1991)*

1. The Advisory Committee on Restrictive Practices and Monopolies, to which the Honourable Member appears to be referring, was set up under Article 10 of Council Regulation (EEC) No 17 of 6 February 1962 (First Regulation implementing Articles 85 and 86 of the EEC Treaty) (1).

2. The number of meetings held by the Advisory Committee is as follows: 1962: 2; 1963: 1; 1964: 3; 1965: 2; 1966: 2; 1967: 8; 1968: 7; 1969: 7; 1970: 5; 1971: 9; 1972: 10; 1973: 7; 1974: 8; 1975: 12; 1976: 8; 1977: 13; 1978: 10; 1979: 6; 1980: 6; 1981: 8; 1982: 9; 1983: 7; 1984: 13; 1985:

8; 1986: 5; 1987: 6; 1988: 12; 1989: 10; 1990: 9; 1991: 8 (up to 31 October 1991).

3. During 1990, 16 individual cases were referred to the Advisory Committee;

Ecosystem/Peugeot, Metaleurope, Elopak/Metalbox, Douwe Egberts, Cekacan, Consortium ECR 900, Bayer/Gist, KSB/GOULDS/LOWARA/ITT, Bayer Dental, Screensport, Ijsselcentrale, Ansac, Soda Ash, Secretama, Sippa, Gosme Martell.

(<sup>1</sup>) OJ No L 13, 21. 2. 1962.

**WRITTEN QUESTION No 2515/91**

**by Mr Francesco Speroni (ARC)**

**to the Commission of the European Communities**

*(8 November 1991)*

*(92/C 78/105)*

*Subject:* Rules concerning the driving by Italian nationals of vehicles registered in other Community Member States

Under Article 282, 292 and 301 of Presidential Decree No 43 of 23 January 1973, a resident Italian citizen driving in Italy a vehicle which has been registered in another country shall be deemed guilty of contraband and the vehicle concerned shall be subject to confiscation. This applies also to a vehicle registered in another Community Member State.

Does the Commission consider such provisions to be in accordance with Community rules, particularly in respect of freedom of movement?

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

*(11 December 1991)*

The question raised by the Honourable Member has to be examined in the light of the provisions of Council Directive 83/182/EEC (<sup>1</sup>) on tax exemptions within the Community for certain means of transport temporarily imported into one Member State from another.

Under those provisions, any person who has his 'normal residence' in a Member State, within the meaning of Article 7 of that Directive, may use in that State only a vehicle which is registered there and must pay the various taxes on vehicles in that Member State.

At present, the only possible exception to this principle is in the case of a company car, used in accordance with the Court judgment of 6 July 1988 in Case 127/86 (*Ledoux v. Ministère des Finances du Royaume de Belgique*). In addition, the abovementioned instrument provides for tax exemptions in the event of the temporary importation of the vehicle.

The Commission is therefore of the opinion that the measures referred to by the Honourable Member are not in breach of the principle of the free movement of persons and goods, since they apply only to Italian residents.

It should be noted that the abovementioned Directive will cease to be effective, as regards VAT, from 31 December 1992.

(<sup>1</sup>) OJ No L 105, 23. 4. 1983.

**WRITTEN QUESTION No 2523/91**

**by Mr Victor Manuel Arbeloa Muru (S)**

**to the Council of the European Communities**

*(8 November 1991)*

*(92/C 78/106)*

*Subject:* Women's family responsibilities

In a recent ruling against a ban on night work for women, the Court of Justice rejected the argument that women have wider family responsibilities and recalled that the 1976 Directive regulates equal treatment and not the sharing-out of family responsibilities. Given the family responsibilities shouldered by women in certain situations, how can these responsibilities be ignored when passing judgment on discrimination?

**WRITTEN QUESTION No 2524/91**

**by Mr Victor Manuel Arbeloa Muru (S)**

**to the Council of the European Communities**

*(8 November 1991)*

*(92/C 78/107)*

*Subject:* Women's family responsibilities

In a recent ruling against the banning of night-work for women, the Court of Justice rejected the argument based on the risk of assault, stating that appropriate protective measures could be taken. In the Council's view, who should be required to take such measures?

**Joint answer**

**to Written Questions Nos 2523/91 and 2524/91**

*(4 March 1992)*

It is not for the Council to comment on a judgment by the Court of Justice of the European Communities.

**WRITTEN QUESTION No 2525/91**  
**by Mr Victor Manuel Arbeloa Muru (S)**  
**to the Council of the European Communities**  
 (8 November 1991)  
 (92/C 78/108)

*Subject:* Agreement on forest protection

With a view to the forthcoming Summit of the Planet Earth, state representatives meeting in Geneva have made little progress as regards the transfer of financial resources and technology from the countries of the northern hemisphere to those of the south. Does the European Community intend to uphold a common criterion on this issue between now and the Rio de Janeiro Conference in June 1992, for example by taking up the views expressed by the European Parliament?

**Answer.**

(4 March 1992)

With regard to the broad outlines of the Community's approach on forest protection, the Honourable Member may refer to the reply given by the Council to Written Question No 2311/91 put by Mr Raffarin.

With regard to the more specific questions of the transfer of financial resources and technology, the Environment Council recognized, in the guidelines it adopted on 12 and 13 December in preparation for Unced, the need for increased financial contributions and a stepping up of technical co-operation with the developing countries.

**WRITTEN QUESTION No 2526/91**  
**by Mr Victor Manuel Arbeloa Muru (S)**  
**to the Council of the European Communities**  
 (8 November 1991)  
 (92/C 78/109)

*Subject:* Noise at airports

The Dutch Minister for Transport, speaking before the relevant section of the Economic and Social Committee, stressed the need to regulate and harmonize maximum noise levels caused by aircraft at airports. This is a longstanding issue which comes up constantly in Parliament. How does the Council intend to regulate such maximum levels effectively?

**Answer**

(17 February 1992)

On 15 April 1991 the Commission submitted to the Council a proposal for a Council Directive on the limitation of the operation of Chapter 2 aeroplanes (<sup>1</sup>).

This proposal comes within the context of the 1973 and 1977 Community action programmes on the environment (<sup>2</sup>).

Following the Council's adoption of measures in respect of propeller-driven aeroplanes and subsonic jet aeroplanes (<sup>3</sup>), the proposal aims to standardize Community policy and further restrict the noise emitted by civil subsonic jet aeroplanes taking account of the work carried out by international organizations.

Council Directive No 89/629/EEC, adopted on 4 December 1989 (<sup>4</sup>), limits the addition to Member States' civil aviation registers of aircraft that cannot meet the standards specified in Chapter 3 of Annex 16 to the Chicago Convention. This Directive, as its preamble stresses, was to be considered only as a first stage, to be followed by measures to limit the operation of aeroplanes which do not comply with the standards of Chapter 3 of Annex 16 to the Chicago Convention.

At its meeting on 7 October 1991 the Council discussed this proposal and instructed the Permanent Representatives Committee to reconsider the draft Directive, taking account in particular of the opinion of the European Parliament.

On the same occasion the Council also noted that the Commission departments were in the process of drawing up a list of noise problems in the vicinity of airports in the Community.

The Council has not yet received any other Commission proposals in the area mentioned by the Honourable Member.

The Council will look carefully at proposals submitted by the Commission aimed at reducing noise in the vicinity of airports.

(<sup>1</sup>) OJ No C 111, 26. 4. 1991, p. 5.

(<sup>2</sup>) OJ No C 328, 7. 12. 1987, p. 1.

(<sup>3</sup>) OJ No L 18, 24. 1. 1980, p. 26.

(<sup>4</sup>) OJ No L 363, 13. 12. 1989, p. 27.

**WRITTEN QUESTION No 2555/91**  
**by Mr Jaak Vandemeulebroucke (ARC)**  
**to the Council of the European Communities**  
 (14 November 1991)  
 (92/C 78/110)

*Subject:* Budget appropriations earmarked for consumer information and protection

On examining the budget for 1992, I note with dismay that the appropriations earmarked for consumer protection (Title B5-1 and Chapter B8-51) have been drastically reduced.

Can the Council give the reasons for this? Does it not consider that, as a result, consumer information is being seriously neglected in comparison with the (equally necessary) producer information? How can the Council reconcile this reduction with its earlier resolutions on consumer protection?

If the Council considers that consumer information can be achieved through other channels, I would be very pleased to hear it.

**Answer**  
(4 March 1992)

The Council has over the last few years displayed increasing interest in developing an active Community policy to protect and inform consumers, as witness its resolution of 9 November 1989 on relaunching consumer protection policy and promoting the interests of consumers and its agreement to the three-year action plan for consumer protection policy in the EEC (1990—1992).

It would therefore have been surprising if the Council had not reflected this interest in its budgetary choices, insofar as the indispensable balance among its various priorities and budgetary constraints permit.

Thus the Council, starting from the preliminary draft budget submitted by the Commission, has between its two readings very substantially increased (by some 40%) the amount of the allocations under title B5-1 and has, for the particularly important heading of product security, even adopted an amount of almost 50% more than that in the preliminary draft budget and three times more than that in the 1991 budget.

It should also be noted with regard to the mini-budgets under Title B5-1 that the Council retained at first reading an amount identical to that of the European Parliament.

**WRITTEN QUESTION No 2645/91**

by Mr Luigi Vertemati, Mr Franco Iacono, Mr Pierre Carniti, Mr Nereo Laroni, Mrs Maria Magnani Noya and Mr Vincenzo Mattina (S)

to the Council of the European Communities

(19 November 1991)

(92/C 78/111)

*Subject:* Immigration and racism

The events of the last few years have created great opportunities for the development of democracy but have

brought with them new and onerous tasks for the nations and peoples of the European Community.

If the values of freedom, democracy, cooperation and peace are to continue to be victorious, they must be considered as indispensable, and unreconcilable with any form of intolerance, racism or xenophobia. The strength of democracy is linked to the principle of solidarity.

On the basis of these considerations and surveys carried out by the Community and in the light of serious acts of intolerance and racism in various Community countries, including Germany, can the Council say:

1. What instruments, if any, it intends to introduce into the Member States to ensure that there is:
  - (a) a common immigration policy,
  - (b) a joint reaction against racism inspired by ideologies which have had such tragic effects in Europe in the past?
2. Whether it considers that policies are needed to coordinate the police forces in the Community countries?
3. Whether it considers that the budget should be restructured to allocate more resources to social and cooperation policies aimed at minimizing the problems faced in various Community countries by all citizens, both nationals and immigrants and promoting the development of the Third World and the integration of people obliged to emigrate?

**Answer**  
(17 February 1992)

In response to the request it made at its meeting in Luxembourg, the European Council received, at its meeting in Maastricht,

- a report on asylum and immigration;
- a report on Europol.

The European Council took note of the reports on immigration and asylum drawn up at its request by the Ministers responsible for immigration. It considers that they are a suitable basis for the measures to be taken in these fields.

It agreed to the work programme and the timetables proposed and called on the Ministers responsible for immigration to implement them.

Moreover, the draft Treaty on Political Union approved by the European Council provides for the possibility of

certain subjects being transferred from intergovernmental co-operation to Community competence.

With regard to co-operation between police forces, the European Council gave its agreement to the setting up of a European Criminal Investigation Office (Europol) with the initial task of organizing amongst the twelve Community Member States an exchange of information on narcotics. The European Council instructed the Trevi Ministers, in collaboration with the Commission, to take the measures required for the swift establishment of Europol.

In addition, the Community is endeavouring to promote the development of countries which are often a source of immigration, notably through the Lomé Convention and the system of generalized preferences.

The Member States and the Community, within the limits of its powers, are also continuing with their efforts to bring about the best possible integration of legal immigrants into the Member States.

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**WRITTEN QUESTION No 2664/91**

**by Mr Hugh McMahon (S)**

**to the Council of the European Communities**

*(19 November 1991)*

*(92/C 78/112)*

*Subject: Social Charter*

Can the Council inform the House what was the outcome of the meeting of the Social Affairs Council of 14 October 1991 with regard to discussion on matters relating to the Social Charter and when this matter will next be discussed by the Council?

**WRITTEN QUESTION No 3111/91**

**by Mr Yves Verwaerde (LDR)**

**to the Council of the European Communities**

*(24 January 1992)*

*(92/C 78/113)*

*Subject: Brief report on the meeting of the Council of Social Affairs Ministers on 6 November 1991*

Could the Council give a brief report on the meeting of the Council of Social Affairs Ministers on 6 November 1991?

**Joint answer**

**to Written Questions Nos 2664/91 and 3111/91**

*(4 March 1992)*

1. At its meeting on 14 October 1991, continued on 6 November 1991, the Council:

— adopted, as an 'A' item, a Directive on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship;

— agreed on two common positions with a view to adoption of a Directive on the implementation of minimum safety and health requirements at temporary or mobile work sites and of a Directive on the implementation of measures to encourage improvements in the safety and health of pregnant workers, women workers who have recently given birth and women who are breastfeeding; these two common positions will be formally adopted on 19 December 1991.

2. The Council was unable to examine the proposal for a Directive on the organization of working time at its meeting on 14 October/6 November 1991, but discussed the question in detail at a subsequent meeting on 3 December 1991.

Following that discussion, the President found that the compromise text on the table met with broad agreement from the delegations, subject to certain specific points which were still posing problems for some delegations and to reservations by two delegations.

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**WRITTEN QUESTION No 2682/91**

**by Mr Gerardo Fernández-Albor (PPE)**

**to the Council of the European Communities**

*(19 November 1991)*

*(92/C 78/114)*

*Subject: Special measures in favour of women convicted for parricide*

In the USA certain authorities are considering introducing and applying special measures to bring about the early release of women serving prison sentences for having murdered their husbands.

In view of the special circumstances which usually surround such crimes, such as uncontrollable fear and other psychic disturbances, it is felt that the generally heavy sentences passed on the women in question ought to be reviewed.

Does the Council think that the example set by various US State governors should be followed established a Community body to investigate the need to review sentences on women who have committed murder —

where there are major attenuating circumstances — and introduce special measures based on the principle of fairness?

**Answer**  
(4 March 1992)

The Honourable Member's Question does not fall within the sphere of Community competence. The Council is therefore unable to comment.

**WRITTEN QUESTION No 2688/91**  
**by Mr Carlos Robles Piquer (PPE)**  
**to the Council of the European Communities**  
(19 November 1991)  
(92/C 78/115)

*Subject:* Classifying initiatory 'ragging' as a criminal offence

The recent decision of the Spanish State Prosecutor to request that initiatory 'ragging' be classified as a criminal offence has once again highlighted the gap that exists in this connection in the national legislation of the Member States.

Both the humiliating nature of such initiation rites and the occasionally serious physical injuries they cause suggest that they should be banned from our social, working and professional life once and for all; such degenerate practices are, more than anything else, a safety valve for the growing aggressiveness of certain social groups.

Does the Council agree that, to eradicate the spreading, degrading social practice of initiatory 'ragging', it should take steps to have it classified as a criminal offence in the national law of the Member States, so as to protect both the dignity and physical well-being of potential victims of this decadent social practice?

**Answer**  
(18 February 1992)

It is not for the Council to assess whether initiatory 'ragging' should constitute a criminal offence in the national legislation of Member States.

**WRITTEN QUESTION No 2707/91**  
**by Mrs Brigitte Ernst de la Graete (V)**  
**to the Council of the European Communities**  
(21 November 1991)  
(92/C 78/116)

*Subject:* Imports of meat from the United States to the EC

With effect from 14 October 1991, the Council decided to authorize imports of fresh beef and veal and pigmeat from approved US abattoirs approved by the Commission.

What guarantees has the Council secured regarding the ban on the use of growth hormones for fattening imported cattle?

How will checks be organized?

**Answer**  
(4 March 1992)

The Council requests the Honourable Member to refer to the reply given by the President of the Council on 20 November 1991 to her Question No H-1072/91.

**WRITTEN QUESTION No 2709/91**  
**by Mrs Martine Lehideux (DR)**  
**to the Council of the European Communities**  
(21 November 1991)  
(92/C 78/117)

*Subject:* AIDS contamination through blood transfusions

There is currently a scandal in France involving the contamination of haemophiliacs through blood transfusions. This scandal may be described as a crime against mankind since the transfusions were given even though the doctors and political leaders knew that the blood was infected, thereby passing on the AIDS virus to healthy persons.

Can the Council state whether blood supplies in the twelve EC Member States have been screened and destroyed if infected and that there is no possibility of a person receiving a blood transfusion today being contaminated by such blood?

**Answer**  
(4 March 1992)

The Council has for several years been concerned about the particular risks involved in the use of human blood or

human plasma as raw material for the manufacture of medicinal products.

That is why in 1989 the Council adopted Directive 89/381/EEC <sup>(1)</sup> specific to medicinal products derived from human blood or human plasma to improve public health protection in this area.

This Directive, which must be implemented in the Member States from 1 January 1992 for new medicinal products derived from human blood or human plasma and which is to be progressively extended by 31 December 1992 to existing medicinal products, imposes a number of rules — applicable in the same manner to both public and private establishments and to blood and plasma imported from third countries — designed to guarantee the quality, safety and efficacy of such medicinal products. In particular, before an authorization to market a medicinal product derived from human blood or human plasma can be obtained, the manufacturer must demonstrate ability to guarantee batch-to-batch consistency and the absence of specific viral contamination.

It should also be noted that the 1991-1994 plan of action adopted under the 'Europe against AIDS' programme by joint decision of the Council and the Ministers for Health meeting within the Council Decision 91/317/EEC <sup>(2)</sup> includes among the measures to prevent HIV transmission 'the promotion of Community self-sufficiency in blood products by continuing the efforts made to ensure transfusion safety'.

That being so, it is not for the Council to reply to the Honourable Member's question since it involves assessing the nature, content and effectiveness of the measures taken by the Member States, but, where appropriate, for the Commission — insofar as it comes under the heading of the application of Community acts such as Directive 89/381/EEC.

<sup>(1)</sup> OJ No L 181, 28. 6. 1969, p. 44.

<sup>(2)</sup> OJ No L 175, 4. 7. 1991, p. 26.

**WRITTEN QUESTION No 2716/91**

**by Mr Herman Verbeek (V)**

**to the Council of the European Communities**

*(21 November 1991)*

*(92/C 78/118)*

*Subject: Agricultural trade negotiations and the environment*

Can the Council express its opinion on the following proposals, put forward in an open letter (20 July 1991) from a great number of non-governmental bodies from all over the world to Mr Dunkel, Secretary-General of GATT:

1. that an unconditional food security clause should be incorporated in any GATT agreement, acknowledging the policy sovereignty of developing countries in matters concerning staple food production, notably by recognizing a fundamental distinction between subsidies used in the North to perpetuate overproduction and export dumping, and subsidies used in the South to raise self-sufficiency, protect rural employment and promote environmental sustainability;
2. that any agreement should allow governments to implement supply management policies and farm management programmes aimed at reducing output by supporting less intensive forms of production;
3. that national or state legislatures retain sovereignty in trade matters concerning public health and the environment, and that they adopt the highest international standards;
4. that any amendment of the GATT should be proposed so that the treaty does not infringe either existing or future international environmental agreements (e.g. the Montreal Protocol, the Climate Change Convention) or national efforts to raise environmental standards?

**Answer**

*(4 March 1992)*

It is not for the Council to state a position on proposals made by non-governmental organizations.

The Council can, however, inform the Honourable Member that most of the questions to which he refers are currently being discussed in the agricultural negotiations under the Uruguay Round, although it is not possible to forecast the outcome at this stage.

**WRITTEN QUESTION No 2727/91**

**by Mr John Cushnahan (PPE)**

**to the Council of the European Communities**

*(21 November 1991)*

*(92/C 78/119)*

*Subject: Employee financial participation*

What progress has the Council made in considering the draft recommendation on employee participation in the profits and results of their company ('Pepper') which was suggested by the Commission recently?



**Answer**  
(4 March 1992)

The draft recommendation referred to by the Honourable Member is at present being studied by the competent Council Working Party, which will state its position on it at a later meeting.

**WRITTEN QUESTION No 2736/91**  
by Mr Sotiris Kostopoulos (S)  
to European Political Cooperation  
(21 November 1991)  
(92/C 78/120)

*Subject:* Voting rights of Community citizens

More than 4 000 women from various European countries are married to Greeks living on the island of Rhodes. According to the 'International Dodecanese Society' these women are keen to take part in public affairs and one of their aims is to gain the right to vote in local elections.

Will EPC say what stage has been reached in the Intergovernmental Conference talks preparatory to the European Council at Maastricht to resolve this problem for Community citizens?

**Answer**  
(28 February 1992)

The question raised by the Honourable Parliamentarian does not fall within EPC competence.

**WRITTEN QUESTION No 2789/91**  
by Mr Freddy Blak (S)  
to the Council of the European Communities  
(22 November 1991)  
(92/C 78/121)

*Subject:* Mortality among alcoholics and smokers

What has the Council done over the past 12 months to prevent the 30 000 deaths among alcoholics and 220 000 deaths among smokers in the European Community?

**Answer**  
(17 February 1992)

1. In the last 12 months, the Council, which is well aware of the harm done by tobacco and alcohol abuse in the Community, has continued its work under the second action plan against cancer which is the subject of the Decision of the Council and the representatives of the Governments of the Member States, meeting within the Council, of 17 May 1990 <sup>(1)</sup> and relates to the period 1990-1994.

On 11 November, the Council adopted a common position with a view to the adoption of the Directive amending Directive 89/622/EEC on the labelling of tobacco products which supplements the provisions regarding products other than cigarettes and provides for a ban on certain types of chewing tobacco.

The Council will press ahead with its discussions on the ban on advertising tobacco products in the light of the European Parliament's opinion on the amended proposal for a Directive relating to it as soon as it has received it.

2. As regards alcoholism, the Council and the representatives of the Governments of the Member States adopted a resolution on alcohol abuse in 1986 <sup>(2)</sup> but to date the Council has not received any Commission proposals on the matter.

<sup>(1)</sup> OJ No L 137/90, p. 31.

<sup>(2)</sup> OJ No C 184/86, p. 3.

**WRITTEN QUESTION No 2855/91**  
by Mr Ernest Glinne (S)  
to the Council of the European Communities  
(5 December 1991)  
(92/C 78/122)

*Subject:* Drugs trafficking from the Dominican Republic

San Francisco de Maconis (200 000 inhabitants) in the Dominican Republic has for several years been a prospering in a general climate of poverty as a result of drugs trafficking, to the extent that it is referred to as 'Villa Narco' (because of its increasingly affluent residential district) of the 'Caribbean Medellin'. Operations are targeted mainly at New York through Puerto Rico and Florida and the organization apparently also has branches in Europe.

What steps has the Council taken or is it taking to help prevent and put an end to drugs trafficking? Is it prepared to make the granting of Community aid (bilateral aid, multilateral aid and aid granted under Lomé IV)

conditional upon the implementation by the Dominican authorities of a serious programme to eradicate drugs trafficking?

**Answer**

(17 February 1992)

The Council would first point out that, generally speaking, the Community supports action taken at international level to combat drugs trafficking; in this connection, mention should be made of the Community's signing of the 1988 Vienna Convention and of the conclusion on behalf of the Community on 22 October 1990.

The Community also sees to it that provisions relating to the fight against drugs trafficking are included in the agreements it concludes with third countries. This is true in particular of the Lomé IV Convention (Article 159(k)).

#### WRITTEN QUESTION No 2858/91

by Mr Ernest Glinne (S)

to the Council of the European Communities

(5 December 1991)

(92/C 78/123)

*Subject:* Impending ecological disaster along the Pacific coast of Central America

Following the disappearance of the dense forests on the Pacific coast of Central America, the land has been used for non-environment-friendly forms of cultivation, in particular cotton-growing, which involves the excessive and unselective spraying of increasingly effective pesticides, particularly from aircraft. Organochlorines, DDT, heptachlor and parathion are particularly dangerous. Organochlorines, which are prohibited in the United States may remain active for up to 15 years in the contaminated soil and the American Food and Drug Administration has been known to refuse to allow consignments to enter the North American market on public health grounds.

Concern for quick and substantial profits is leading the country's large landowners to neglect the medium- and long-term future of the areas concerned, of plant and animal species, and of the local inhabitants and to disregard the safety and health of workers. These landowners are supplied in particular by multinational undertakings based in Europe (Bayer, Ciba-Geigy and Shell) or elsewhere (Chevron, Stauffer, Hooker etc.). The results are bordering on the disastrous, as evidenced by the fact that between 1960 and 1970 Central America

alone absorbed 40% of North American insecticide exports which gave it the distinction of being the largest per capita pesticide consumer in the entire world!

Will the Council look into this matter and contribute to an international programme for the elimination of dangerous insecticides, the introduction of balanced crop-farming with a view to achieving self-reliance, particularly by using alternative means to protect the land under cultivation.

**Answer**

(4 March 1992)

1. The Honourable Member's question, which applies in fact to a much wider framework than that of the Pacific coast of Central America alone, refers firstly to the ban on certain dangerous substances and secondly to the Community's contribution to alternative, more environmental-friendly methods of development.

For the first aspect, the Honourable Member should refer to the reply the Council gave to his Written Question No 2337/91 and No 2533/91 setting out the different provisions adopted by the Council permitting, where appropriate, a ban on dangerous substances.

2. For the second aspect, although it is not for the Council to comment on the choice of method of development (whether or not geared to self-reliance) of a particular State, it is very clear that the Council did not wait for an international initiative before implementing, notably for the benefit of the ACP States, as this is again emphasized in the very important chapter on the environment in Lomé IV, a development aid strategy recognizing the interdependence of the environment and development and promoting rational use of natural resources, in particular with regard to the use of pesticides and other dangerous substances.

3. On the subject of Central America in particular, it may be recalled that the guidelines for co-operation with the developing countries of Latin America and Asia for the 1990 decade, adopted by the Council at the beginning of 1991, state that the environment is one of the seven major areas of priority intervention regarding financial and technical co-operation.

It is envisaged that the Community will initiate, with the developing countries of Latin America and Asia, a dialogue on environmental policy (on the national, regional and international levels), on strategies and the means for implementing it.

The Council's guidelines indicate that 10% of the financial resources to be allocated to co-operation with the developing countries of Latin America and Asia will be given over to environmental protection and in particular to the protection of tropical forests.

A solution to certain local problems, including the over-exploitation of natural resources, is of particular importance.

4. Finally, more specifically, the Environment Council meeting on 12 December 1991 reached agreement on a Regulation concerning Community exports and imports of certain dangerous chemicals. The Council also adopted guidelines for further work in preparation for the United Nations Conference on the Environment and Development (UnCED) to be held in Rio de Janeiro from 1 to 12 June 1992 and which should in particular lead to the development of international legal instruments designed to protect tropical forests.

**WRITTEN QUESTION No 3013/91**  
**by Mr Victor Manuel Arbeloa Muru (S)**  
**to the Council of the European Communities**  
*(13 January 1992)*  
*(92/C 78/124)*

*Subject: Harmonization of asylum policies*

Does the Commission plan to study in detail the recent proposal put forward by Italy at the meeting in The Hague (18 September 1991) in favour of Community harmonization of national asylum policies and the creation of a common body to study immigration patterns?

**Answer**  
*(4 March 1992)*

In Maastricht the Ministers responsible for immigration submitted a report on immigration and asylum policy to the European Council.

The European Council agreed on the programme of work and the timetable set out and invited the Ministers responsible for immigration to carry them out.

As regards asylum in particular that report provides for the examination of measures to approximate the Member States' policies.

The European Council also agreed on the draft Treaty on Political Union which refers to asylum policy as one of the areas that the Member States regard as questions of common interest.

A draft declaration states their intention of adopting, before the beginning of 1993, a common measure to harmonize certain aspects of that policy.

**WRITTEN QUESTION No 3053/91**  
**by Mr Carles-Alfred Gasòliba I Böhm (LDR)**  
**to the Council of the European Communities**

*(13 January 1992)*  
*(92/C 78/125)*

*Subject: Inclusion of Catalan in the Lingua programme*

In view of the resolution adopted by the European Parliament on 11 December 1990 (A3-169/90 (1)) calling for the inclusion of Catalan in the Lingua programme and the fact that the programme is to be reviewed in 1992, what steps will the Council take to ensure that Catalan is included in it in July 1992?

(1) OJ No C 19, 28. 1. 1991, p. 42.

**Answer**  
*(4 March 1992)*

The Council has not received any proposal from the Commission for the inclusion of Catalan among the languages specified in the Lingua programme.

**WRITTEN QUESTION No 3129/91**  
**by Mr Adrien Zeller (PPE)**  
**to the Council of the European Communities**  
*(24 January 1992)*  
*(92/C 78/126)*

*Subject: Istanbul Convention on Bankruptcy*

The European Convention on certain international aspects of bankruptcy was drawn up under the aegis of the Council of Europe and presented for signature and/or signed in Istanbul on 5 June 1990.

Since the final indent of Article 220 of the Treaty of Rome and the Convention of Brussels of 27 September 1968 do not apply to bankruptcy proceedings, would it not be desirable for the 12 Member States of the European Community to sign and/or ratify the Istanbul Convention without delay?

Would it not be desirable for the Council to take an appropriate decision?

**Answer***(4 March 1992)*

The final indent of Article 220 of the Treaty states that, so far as is necessary, Member States are to enter into negotiations with each other with a view to securing for the benefit of their nationals the simplification of formalities governing the recognition and enforcement of judgments of courts or tribunals.

The Istanbul Convention, drawn up under the aegis of the Council of Europe, could in fact be a way of achieving the

same aim, although the matters covered are limited while its geographical scope might be wider than that of the Community.

It should nevertheless be pointed out to the Honourable Member that a new draft bankruptcy Convention, based on Article 220 of the Treaty, is being examined within the Council and that, if that Convention were concluded within a relatively short period, as might reasonably be hoped, it would fully satisfy the objective set in the final indent of Article 220.

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