ISSN 0378-6986

Official Journal of the European Communities

C 209

Volume 35

15 August 1992

English edition

Information and Notices

(Continued overleaf)

(Continued overleaf)

(Continued overleaf)

(Continued on inside back cover)

I

(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

WRITTEN QUESTION No 642/90
by Mr Florus Wijsenbeek (LDR)
to the Commission of the European Communities
(20 March 1990)
(92/C 209/01)

Subject: Creation of the BTT cooperative

Is the Commission aware that, since 1 January 1990, the Bahntank Transport GmbH (BTT) Cooperative has been set up by four transport undertakings in cooperation with the German rail authorities?

Is the Commission also aware that no guarantees have been given that BTT will not be given more favourable treatment than private undertakings and that, on the contrary, the German rail authorities have gone as far to inform private undertakings that kilometre rates for transport by rail can be given only after consultation with BTT?

Will the Commission investigate this matter as soon as possible to establish whether distortion of competition is taking place? What measures does it intend to take if this proves to be the case?

WRITTEN QUESTION No 1315/91
by Mr Florus Wijsenbeek (LDR)
to the Commission of the European Communities
(24 June 1991)
(92/C 209/02)

Subject: Rail transport cooperative

In Written Questions No 642/90 (1) and No 1764/90 (2) on the creation of the BTT cooperative in the Federal Republic of Germany and Transeurochem in France, the Commission was asked whether any distortion of competition was taking place and, more particularly, whether guarantees were being provided that the German BTT and French Transeurochem undertakings were not unfairly undercutting private competitors or infringing the principles normally taken on trust by transport users.

The Commission's answer of 11 April 1991 simply stated that the creation of Transeurochem did not infringe the provisions of the EC Treaty. Since this fact was never in doubt this fails to answer the question of whether BTT and Transeurochem are 'guilty' of unfair competition.

Can the Commission answer this question?

(1) OJ No C 266, 22. 10. 1990, p. 39, (see above).
(2) OJ No C 70, 18. 3. 1991, p. 22.

Joint supplementary answer to Written Questions Nos 642/90 and 1315/91
given by Sir Leon Brittan
on behalf of the Commission
(8 April 1992)

Further to its answers of 10 May 1990 and 30 September 1991 (1) the Commission would inform the Honourable Member that Bahn-Tank Transport GmbH (BTT) is a subsidiary of the German firm Transfracht, which is itself a subsidiary of the Deutsche Bundesbahn.

From a legal viewpoint, therefore, all three firms belong to the same group, within which responsibilities are apportioned. Consequently, the agreements concluded between them are not caught by Article 85 of the EEC Treaty.

However, as with the group SNCF-Transeurochem (Written Question No 1764/90 (2)) the conduct of BTT/DB on the market is still covered by Article 86 of the EEC Treaty.

(1) OJ No C 323, 13. 12. 1991, p. 27.
(2) OJ No C 70, 18. 3. 1991 and OJ No C 150, 10. 6. 1991.

WRITTEN QUESTION No 1712/90
by Mr Wilfried Telkämper (V)
to the Commission of the European Communities
(5 July 1990)
(92/C 209/03)

Subject: Pollution of the Rhine by the Stracel Company

With reference to my question No 519/89 (1) and the Commission's supplementary answer of 7 February 1990, I should like an answer to the following questions. Under Directive 76/464/EEC (2) on the discharge of dangerous substances, the Member States are obliged to take appropriate measures to end or reduce water pollution.

1. Have the French authorities given 'Cellulose de Strasbourg' (Stracel) the authorizations required under Articles 3 and 7 of the Directive to discharge chlorinated hydrocarbons into the Rhine? If so, when, on what legal basis and on what conditions (e.g. limit values under Article 6 (1) and time limits under Article 6 (4) in conjunction with Article 3 (3) and Article 7 (5))?

2. Have the relevant French authorities drawn up a programme or programmes on reducing water pollution in the Rhine, as required under Article 7 (1)? If so, have the programmes and the results of their implementation been communicated to the Commission under Article 7 (6)?

3. Is the Commission prepared to make use, if necessary, of its rights under Article 13 to be informed and to make the information obtained available to the European Parliament?

4. In its supplementary answer of 7 February 1990, the Commission stated (paragraph 4) that 'because of problems of analysis, the identification of individual compounds is incomplete at present and covers only a small percentage of organic chlorine compounds found in discharges'. Is it true that although a wide range of priority substances, such as phenol, dioxin and furan compounds is being discharged into the Rhine, in addition to the discharges reported in 1987, it is only because of 'problems of analysis' that information on this is not available from the Stracel Company?

(1) OJ No C 93, 11. 4. 1990, p. 16.
(2) OJ No L 129, 18. 5. 1976, p. 23.

Supplementary answer given by Mr Ripa di Meana on behalf of the Commission
(24 April 1992)

Further to the answer it gave on 18 October 1990 (1), the Commission is now able to issue the following information:

1. No. However, in reply to the Commission's request for information, the French authorities supplied the following details:

   Discharges from the Stracel factory are governed by the Prefectorial Order of 12 October 1990 authorizing the company to set up and operate a newsprint manufacturing plant and to modernize the existing bleached chemical pulp unit. This order replaced previous prefectorial orders, in particular as regards discharge standards, the parameters to be monitored and the frequency of measurement.

   These orders were issued pursuant to the Law of 19 July 1976 on installations classified for environmental protection purposes and the Decree of 21 September 1977 laying down the relevant rules of application.

2. No, but France — a full member of the ICPRP as is the EEC, represented by the Commission — has taken part in the technical programmes aimed at reducing the quantities of various effluents discharged into the Rhine.

3. In October 1988 the Commission asked the Member States to supply the information referred to in Article 13 of the Directive. This data is still being analyzed and it is intended to draft a Commission communication to the Council regarding the application of the Directive.

4. The Commission has no incontrovertible information on the point raised by the Honourable Member. However, tests carried out in 1990 by 'Triangle Laboratory, NC' on effluent from the factory and on Stracel's bleached pulp apparently show no trace of the toxic compounds 2, 3, 7, 8 TCDD (dioxin) and 2, 3, 7, 8 TCDC (furan). Information recently published in the scientific press appears to confirm that these compounds are not formed in bleaching processes where chlorine as an element is not used.

(1) OJ No C 49, 25. 2. 1991, p. 26.

WRITTEN QUESTION No 636/91
by Mr Enrico Falqui (V)
to the Commission of the European Communities
(16 April 1991)
(92/C 209/04)

Subject: Large-scale release in Belgium of genetically engineered live viral rabies vaccine

Was the Commission informed about the field trials carried out by Professor Pastoret in Belgium in October-November, 1989, and again in the summer of 1990, which involved the large-scale release into the environment of baits containing live genetically manipulated viruses aimed at vaccinating foxes in the wild against rabies? If so, can the Commission provide the following information?

(a) What approval procedure was followed? Did it include an assessment of the environmental and public

health risks of each of the two phases of the project and a procedure for informing the public?

(b) Would such environmental and public health risk assessment, if it was carried out, have satisfied the requirements of the Council Directive 90/220/EEC on deliberate release into the environment of genetically modified organisms ([1])?

Is the Commission aware of any subsequent phases of the abovementioned Pastoret experiment involving large-scale release into the environment of genetically engineered live viral vaccines against rabies? If so:

1. When and where are they to take place?
2. What is to be the area of dissemination?
3. How many baits are to be released?
4. What is the method of dissemination?
5. What kind of post-release monitoring will be conducted?
6. What kind of environmental and public health risk assessment is being conducted, and how is the public being informed?
7. Would the environmental and public health risk assessment satisfy the requirements of the GMO release Directive 90/220/EEC?
8. What is the nature, if any, of the Commission's involvement in this project?

([1]) OJ No L 117, 8. 5. 1990, p. 15.

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

(25 March 1992)

Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms only came into force on 23 October 1991. Before that date, releases could take place in Member States according to the existing national regulations, and the Member State authorities were under no obligation to inform the Commission of such releases, as is now the case. The Commission has therefore not received notification of the field trials in 1989 and 1990 of the genetically engineered live viral rabies vaccine, under Directive 90/220/EEC.

However, the Commission was informed of these releases under Council Decision 89/455/EEC of 24 July 1989 on introducing Community measures to set up pilot projects for the control of rabies with a view to its eradication and prevention.

This work of Professor Pastoret was supported by a grant of the Commission of the European Communities (BAP 368) and the Ministry of the Region Wallone for the Environment. When Professor Pastoret presented a proposal under BAP (on 'Assessment of environmental impact from the use of live recombinant virus vaccines'), he signed an undertaking to adhere to national laws or regulations. Professor Pastoret followed the existing national procedure for authorization in Belgium, which involves the National Council of Hygiene of the Ministry of Public Health, the General Inspection of Environment and Forestry, and the Veterinary Inspection for collaboration of campaigns and controls. The Commission has not been informed by the authorities of the details of the approval procedure followed, and has not received the information requested by the Honorable Member on the environmental and public health risk assessment carried out.

As concerns future research, Professor Pastoret has presented in the framework of Bridge (1990-1993) a proposal entitled 'Assessment of environmental impact from the use of live recombinant virus vaccines'. The role of his team in the Virology — Immunology Department of the Faculty of Veterinary Medicine of the University of Liège will be the assessment of safety from the release of recombinant vaccinia virus.

The Commission has been informed under Council Decision 89/455/EEC of the intention to release genetically modified rabies virus for fox vaccination in the spring and autumn of 1992, south of the rivers Sambre and Meuse over an area of 10 000 km². It is planned that 300 000 baits will be distributed by aerial drops, and Community financial aid has been requested under Council Decision 89/455/EEC.

The Commission has not yet been notified by the Belgian authorities of the proposed release of the genetically modified vaccine under Directive 90/220/EEC.

WRITTEN QUESTION No 647/91
by Mr Sotiris Kostopoulos (S)
to the Commission of the European Communities

(16 April 1991)

(92/C 209/05)

Subject: Measures to protect cities and public land from development projects

Protection of the environment and the natural assets of each Member State (forests, parks etc.) is covered by EC legislation and, notably a number of special EC Directives.

Greece is renowned for its natural environment and natural assets, although the vast forest fires since 1974 and the environmental problems in certain cities have caused considerable damage.

Like other EC capitals, Athens faces serious environmental problems which should be dealt with at European level by adopting a uniform European urban renewal policy.

These environmental problems are becoming more acute because some governments will implement whatever policies promise a solution to urgent fiscal problems, even if this means jeopardizing the natural assets of the country.

In order to solve urgent problems (mainly fiscal), the Greek Government is selling property bonds (concerning the former base, Nea Makris, Ellinikou, Poros, Elaionas, etc.) for the development of large areas — mainly around Athens with its intractable environmental problems — although these could be used differently and contribute to an increase in the green area and an improvement in environmental conditions.

It should be noted that local government authorities representing the inhabitants of these areas are opposed to these projects which will entail a further decline in the quality of life in the cities.

Does the Commission intend:

1. To take immediate measures to protect the natural environment, especially in the immediate vicinity of run-down city areas?

2. To give special economic assistance to help implement a series of infrastructure projects to enhance these areas?

3. To oblige the governments of the EC Member States of refrain from authorizing the development of public land which could be used to protect and enhance the environment?

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

(4 May 1992)

The Community has a number of Directives concerning protection of the natural environment. In particular, the Directive 79/409/EEC (1) on the conservation of wild birds and the Directive on the conservation of natural habitat and of wild fauna and flora approved by the Council on 12 December 1991 which directly foresees sites protection. Whilst those two pieces of legislation are intended to cover areas of special importance for wildlife, they do not cover general areas of local amenity importance. The provision of open space and green areas around cities is clearly the responsibility of local authorities and national governments and not a subject where the Community would expect to get involved in detailed arguments about the merits of particular areas.

The main source of financial assistance for infrastructure and other development are the Community structural funds, particularly the regional fund. In so far as the development of infrastructure in natural areas may be serving economically important tourism development, it may potentially be assisted by these funds.

Unless a particular area of land is covered by one of the two Directives mentioned above, the Commission has no power to oblige a Member State to refrain from its development. For certain forms of development, as covered by Directive 85/337/EEC (2), the Commission can, however, oblige the Member State to ensure that an Environmental Impact Assessment is carried out to ensure adequate consideration of potential impacts on the environment.

(1) OJ No L 103, 25. 4. 1979.
(2) OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION No 850/91
by Mr Mihail Papayannakis (GUE)
to the Commission of the European Communities
(3 May 1991)
(92/C 209/06)

Subject: Infringement of Greek and Community provisions on hunting

Scores of inhabitants of the Agios Andrea Korakochorio area (Pirgos Elis) have vigorously protested in a petition to the European Parliament against the continual breaches of Greek and Community laws on hunting, and more specific bylaws. It would appear from other reports that inhabitants and hunters have come to blows while the authorities do nothing, and may even be open to suspicions of tolerance or complicity. For example, at critical periods when hunting is banned, wardens have also been prevented from going out in the afternoons, with the result that hunters who have flocked to the area from many parts of the country have been left undisturbed.

Does the Commission intend to remind the Greek autorities of their obligations in respect of the supervision of hunting and the enforcement of bans enacted by them? Will it also convey that reminder to the Greek Deputy Prime Minister and Minister of Justice, who is a native of Elis, and would certainly be more receptive on this matter.

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

(10 April 1992)

According to the information supplied by the Greek authorities (Ministry of Agriculture), Greek legislation

does not authorize hunting in the Korakochorio area (Pirgos Elis), but there are problems regarding surveillance and monitoring of its application. The Ministry of Agriculture has decided to cooperate with the police at local level, in order together to enforce the Greek legislation and Directive 79/409/EEC (1).

In addition, the Commission has taken infringement proceedings against Greece for failure to implement properly the provisions of Directive 79/409/EEC, in particular those relating to hunting.

(1) OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION No 908/91
by Mr Paul Lannoye and Mrs Hiltrud Breyer (V)
to the Commission of the European Communities
(17 May 1991)
(92/C 209/07)

Subject: Implementation of the two Council Directives on genetically modified organisms

We are now more than halfway through the implementation period for Council Directive 90/220/EEC (1) of 23 April 1990 on the deliberate release into the environment of genetically modified organisms and Council Directive 90/219/EEC (2) of 23 April 1990 on the contained use of genetically modified micro-organisms.

Could the Commission explain what steps have been taken thus far and are planned to ensure the proper implementation of these two Directives? Could the Commission also explain what is the situation in the various Member States regarding progress toward the deadline of 31 October 1991 for the full implementation of these two Directives?

(1) OJ No L 117, 8. 5. 1990, p. 15.
(2) OJ No L 117, 8. 5. 1990, p. 1.

Answer given by Mr Ripa di Meana
on behalf of the Commission
(20 March 1992)

The Commission, in its commitment to ensure the timely and harmonized implementation of the two Directives on the use and release of GMOs, has undertaken a series of activities to this end, and has followed the implementation in Member States very closely.

From the moment of adoption of these Directives on 23 April 1990, and until the entry into force on 23 October 1991, a group of national experts on the environmental aspects of the use of genetically modified organisms was established in order to deal with the preparatory work for the implementation of the Directives, and met 8 times. Since the entry into force, the first meeting of the Committee of appointed Competent Authorities for each of the two Directives has met. In addition, there have been four meetings of the formal Committees of Member States representatives foreseen under Article 21 of the two Directives in order to take certain decision related to implementation.

At a less formal level, the objective of all these meetings has been to facilitate implementation, to exchange experience, to discuss points of legal and technical interpretation of the Directives and produce guidance. The objective of the formal Committee meetings have been to prepare Commission Decisions on the guidance for classification (Article 4 of Directive 90/219/EEC), the list of legislation in Article 10 of Directive 90/220/EEC, the Summary Notification Information Format for R&D (Article 9, Directive 90/220/EEC) and the Summary Notification Information Format (Article 12, Directive 90/220/EEC). All these decisions have been adopted, in addition to a number of less formal documents giving guidance and assisting the interpretation of the Directives.

Considerable progress towards implementation has been made in the Member States. Competent Authorities for both Directives have been appointed in all the Member States except for Ireland, Greece and Luxembourg. Specific legislation to transpose the Directives has already been adopted in four Member States, is at an advanced stage of the decision-making process in four other Member States, and at the final stages of preparation in yet another four Member States. While recognizing the efforts made by Member States, the Commission is nonetheless starting the procedures for non-implementation against those Member States which have not yet adopted legislation and is examining the legislation already adopted for compliance with the Directives. Finally, the system foreseen under Directive 90/220/EEC for examining notifications has come into operation, and the Commission has already received five notifications submitted under Part B of the Directive since the date of entry into force.

WRITTEN QUESTION No 927/91
by Mr Gianfranco Amendola (V)
to the Commission of the European Communities
(15 May 1991)
(92/C 209/08)

Subject: Building of the Desenzano — Sirmione — Peschiera bypass: failure to enforce Directive 85/337/EEC of 27 June 1985 on environmental impact assessment

Under Directive 85/337/EEC (1) of 27 June 1985 on environmental impact assessment, plans to build motorways and expressways are subject to mandatory assessment.

On 3 August 1990 the Lombary regional authorities in Italy approved the operational plan to build the improved

route bypassing the Desenzano — Sirmione — Peschiera stretch of the main SS 11 road, even though, contrary to Community rules, no environmental impact assessment had been conducted.

The project will have a significant environmental impact, since the road concerned will run in the immediate vicinity of numerous population centres (rural dwellings, farms whose wine is much prized) and through the heart of the Morenica hill country, leading to serious consequences for regional planning, economic activities and mobility, the quality of life for residents and European tourists, and more besides.

At meetings with the parties concerned, the Italian Minister for the Environment has expressed perplexity and doubts about the soundness of the project.

Does the Commission not therefore believe that it should institute infringement proceedings pursuant to Article 169 of the Treaty?

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

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

(15 May 1992)

The Commission wrote to the Italian authorities on 26 September 1991.

They have not yet replied.

The project in question is a variation of a project and, as such, might not have to be made subject to an environmental impact assessment within the meaning of Directive 85/337/EEC.

WRITTEN QUESTION No 1662/91

by Mr Georgios Romeos (S)

to the Commission of the European Communities

(6 August 1991)

(92/C 209/09)

Subject: Pension schemes in Greece

Announcements of pension cuts, an increase in the retirement age and larger pension contributions have caused considerable concern in Greece.

The Greek Government maintains that such measures have been imposed by the European Community.

Given the lack of clear and reliable information, can the Commission say whether it in fact requested the Greek Government to modify its pension schemes? What were its precise instructions? Do they relate to compliance with Community Directives or do they form part of the package of measures connected with the loan of Ecu 2,2 billion?

Answer given by Mr Miss Papandreou on behalf of the Commission

(25 March 1992)

The Community's powers in the field of social protection are still fairly limited. The only binding legal instruments are the Directives relating to equal treatment for men and women (Directives 79/7/EEC (1) and 86/378/EEC (2)) and the Regulations relating to social security for migrant workers (Regulations 1408/71 and 574/72) and the various amendments thereto.

The Directives relate only to equal treatment in the context of national systems and the Regulations serve only to establish a coordination mechanism making it possible to total all the periods of insurance taken into consideration under the laws of the different Member States and to pay social security benefits to persons residing on the territory of the Member States.

The Member States are therefore still free to determine their own policy on social protection.

As regards the ECU 2,2 billion loan granted to Greece by virtue of Council Decision 91/136/EEC (3), the following provisions apply:

— the loan was granted on the basis of the decision taken by Greece to implement an economic programme of adjustment and reform (Article 3 of the Greek decision);

— the objectives of the programme set out in the recitals of the Council Decision include an undertaking by the Greek Government to provide, in consultation with the Commission, by June 1991, a timetable for legislative action over the adjustment period (point 14); planned reforms include the reform of the social security system.

(1) OJ No L 6, 10. 1. 1979.
(2) OJ No L 225, 12. 8. 1986.
(3) OJ No L 66, 13. 3. 1981.

WRITTEN QUESTION No 1844/91

by Mr Paul Staes (V)

to the Commission of the European Communities

(1 September 1991)

(92/C 209/10)

Subject: Tropical rain forests of Sarawak

Is the Commission not in clear contradiction with the aims of the ITTO Convention by insisting on free trade within the framework of the GATT negotiations against

the outspoken interests of countries like Malaysia and Indonesia who want to restrict their exports of non-processed timber?

Considering the severe situation, especially in Sarawak, is it willing, within the GATT negotiations, to call for the inclusion of clauses providing for:

1. restrictions on imports and exports of environmentally hazardous products, and

2. national subsidies for environmental protection measures and restoration of the ecosystem?

Answer given by Mr Andriessen on behalf of the Commission

(20 May 1992)

1. As noted in the answer to Written Question No 259/91 by Mrs Ernst de la Graete and others (1) the Commission does not consider that there is a contradiction between the approaches followed by the Community in the framework of the ITTO and the GATT. The Commission also wishes to underline its full support for the ITTO objective of ensuring that by the year 2000 at the latest, only products of substainably managed forests will be allowed for international trade. As regards export restrictions by Malaysia and Indonesia on non-processed timber, the Commission has serious doubts about whether such measures, as currently applied, fulfil a legitimate environmental objective.

2. The Commission is of the view that the relationships between trade and environmental policies is a matter which should be urgently tackled by the international Community. While certain aspects of this relationship have been examined in the Uruguay Round, a more comprehensive approach is clearly needed. It is for this reason that the Community has given its full support to the decision to reconvene the GATT Working Group on environmental measures and international trade. As regards the more specific issues concerning the GATT raised by the Honourable Member, the following comments are called for:

(a) Export restrictions relating to the conservation of exhaustible natural resources are justified under GATT rules, provided that such measures are made effective in conjunction with restrictions on domestic production or consumption. Although not specifically related to the issue of tropical timber, it is worth mentioning that a GATT Working Group has prepared a draft of a Decision on products banned or severely restricted in the domestic market. The draft decision establishes, inter alia, that a country adopting measures to ban or severely restrict a product in its domestic market should examine whether to apply equivalent measures on exports. The Community and most GATT members fully support the adoption of this Decision, which has not yet come into force due to the fact that the United States still maintains a number of reserves.

(b) Non-discriminatory import restrictions necessary for the enforcement of domestic conservation requirements are fully compatible with GATT rules. On the other hand, unilateral import restrictions of a extrajurisdictional nature would not be compatible with GATT rules. The Commission is of the view that global environmental issues, such as deforestation, are more effectively and equitable tackled through multilateral cooperation rather than through the adoption of unilateral trade restrictions. The Commission also considers that trade measures adopted on the basis of multilateral environment conventions are not incompatible with the GATT. In order to avoid any potential risk of a GATT challenge against such trade restrictions, the Commission indeed favours action in the GATT to define in precise terms the legal interface between the GATT and the trade provisions of multilateral environment conventions.

(c) Domestic subsidies are not contrary to GATT rules. Under certain conditions, however, a country whose interests are seriously affected by the granting of such subsidies may apply countervailing measures or seek remedial action in the GATT. In the context of the Uruguay Round negotations on subsidies, the Community has pressed for the inclusion of certain types of transitional environment subsidies under a 'Green Category' which would be exempt from remedial action. It should be noted, however, that some countries, notably the US, are opposed to this proposal.

(1) OJ No C 199, 29. 7. 1991.

WRITTEN QUESTION No 1957/91

by Mr Alonso Puerta (GUE)

to the Commission of the European Communities

(15 September 1991)

(92/C 209/11)

Subject: Pollution of the Montés River, Langreo/Asturias (Spain)

Much industrial and urban waste water is being discharged into rivers in the region of Asturias, which are suffering increasing damage and pollution.

Waste from the Escaut Energie company is currently causing serious pollution in the Montés River.

Can the Commission make representations to the Spanish authorities to ensure that:

(a) no more pollutant waste is allowed into the Montés river;

(b) the Escaut Energie company complies with Community environmental protection legislation, in particular the directives laying down criteria for the quality of water in rivers?

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

(15 May 1992)

The Commission has learned from the information provided by the Honourable Member of the discharges of the enterprise Escaut Energie into the Montes River.

According to the provisions of Directive 76/464/EEC on the pollution caused by certain dangerous substances discharged into the aquatic environment (1), discharges into the waters which are liable to contain any substance included in the List I of that Directive, shall require prior authorization by the competent authority of the Member State concerned; the authorization shall lay down emission standards, and can only be granted for a limited period of time.

The Commission does not possess any information of the authorization to Escaut Energie to discharge any dangerous substance into the Montes River, and therefore will further inquire into this matter to assure that the obligations of Directive 76/464/EEC have been met by the Spanish authorities.

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

WRITTEN QUESTION No 1962/91
by Mrs Raymonde Dury (S)
to the Commission of the European Communities
(15 September 1991)
(92/C 209/12)

Subject: Special city fuel

Has the Commission heard of a new type of petrol developed by a Finnish company, making it possible to achieve a substantial reduction in the toxicity of car exhaust gas? The product is known as 'city gasoline' and apparently discharges less carbon monoxide and benzene and fewer hydrocarbons.

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

(29 April 1992)

The Commission is aware of the Finnish type of petrol called 'city gasoline'.

The 'city gasoline' has a relatively high MTBE content (11 vol %), a somewhat lower vapour pressure and slightly lower sulphur and benzene contents compared to conventional petrols.

The 'city gasoline' seems to ensure a reduction of emissions of unburned hydrocarbons and of CO in cars without catalytic converters.

At the moment this type of petrol is only available in Finland.

The environmental effects of this and other types of petrol has not yet been fully examined and assessed.

WRITTEN QUESTION No 1973/91
by Mr Jean-Pierre Raffarin (LDR)
to the Commission of the European Communities
(15 September 1991)
(92/C 209/13)

Subject: American maize and sorghum imported by Spain

The extension by one year of the EEC-United States agreement of 1987 which obliges Spain to import 2 million tonnes of maize and 300 000 tonnes of sorghum from America is causing problems for European farmers.

They are subject to strict budgetary discipline with regard to curbing production (price freeze, increase in the co-responsibility levy, set-aside), and the loss of an annual outlet of 2,3 million tonnes will have a destabilizing effect on the Community cereals market.

However, the main worry of European farmers is that this agreement might be extended indefinitely at the request of the USA.

In the light of the problems which this would cause, does the Commission intend to oppose indefinite extension of the agreement?

Answer given by Mr Mac Sharry on behalf of the Commission

(5 May 1992)

The agreement requiring Spain to import two million tonnes of maize and 0,3 million tonnes of sorghum each year was concluded between the European Community and the United States on the basis of Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT). Since negotations are underway in the context of the Uruguay Round, the Council has decided to extend the period of application of the agreement to 1992 automatically.

The different cereals are not fully interchangeable. Demand for maize is based on the characteristics imparted to the meat of animals fattened on it. This explains the different prices to be found on the market for each cereal.

It also explains why Spain produces about one million tonnes of barley surplus to requirements each year, since barley has never been able to fully displace or substitute demand for maize in that Member State.

In addition, Spain's accession has provided a small but real outlet for French maize production, because trade, which was non-existent before accession, now amounts to about 350 000 tonnes per year on average.

As to the future, the Commission does not intend to extend the agreement indefinitely. On the contrary, it expects to find a definitive solution during the Uruguay Round negotiations on agriculture, particularly in the context of undertakings on current access to the market.

WRITTEN QUESTION No 2053/91
by Mr Ian White (S)
to the Commission of the European Communities
(26 September 1991)
(92/C 209/14)

Subject: Lomé Convention

Are there any moves to extend the benefits of the Lomé Convention to all other least-developed countries? If not, why not?

Answer given by Mr Marin
on behalf of the Commission
(18 March 1992)

No, there are no moves to extend the benefits of the Lomé Convention to other least developed countries.

To enjoy all the benefits of the Lomé Convention, a country must apply to join the Convention, accepting also the obligations therein. Further, ACP members of the Convention have no plans to vary the Georgetown agreement, which impose a geographic limit on membership.

Relations with non-ACP least developed countries in respect of development cooperation are governed by bilateral or collective agreements, which contain where appropriate elements similar to the trade and aid provisions of Lomé.

WRITTEN QUESTION No 2097/91
by Mr Peter Crampton (S)
to the Commission of the European Communities
(26 September 1991)
(92/C 209/15)

Subject: Drilling for oil off Flamborough Head

The Flamborough Head and Bempton coastline of Humberside contains internationally important breeding grounds for seabirds. Consent has recently been given to allow drilling for oil offshore very close to the breeding grounds. A condition of the consent is that no drilling occurs within one kilometre of the nesting sites and no drilling occurs between April and October. The Royal Society for the Protection of Birds states that the distance limit is not sufficient and that the birds affected are not at the cliffs during the banned months anyway, thus rendering it a meaningless condition. What is the Commission's opinion of these conditions? Are there any EC regulations regarding drilling close to such important wildlife sites?

Answer given by Mr Ripa di Meana
on behalf of the Commission
(14 May 1992)

Where a project for deep drilling for oil is likely in the opinion of the Member States to have significant effects on the environment, in this case birdlife, then the provisions in Articles 2 (1), 4 (2) and Annex II of Directive 85/337/EEC [1] would apply and the Commission would expect there to have been an environmental impact assessment made of the project. This would then identify *inter alia* appropriate measures of mitigation to protect the birdlife from disturbance during the breeding season.

[1] OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION No 2137/91
by Mr Jean-Pierre Raffarin (LDR)
to the Commission of the European Communities
(26 September 1991)
(92/C 209/16)

Subject: The breeding of bison

French bison breeders are confronted with problems of classification, since the Ministry of the Environment regards bison as wild animals, the Ministry of Agriculture as breeding game and the customs authorities as bovine animals.

Bison therefore suffer all the disadvantages of these classifications but none of the advantages.

In order to clarify this situation could the Commission take steps to have bison breeding recognized under the common agricultural policy and establish specific arrangements for this sector?

Answer given by Mr Mac Sharry on behalf of the Commission

(6 May 1992)

As meat of a bovine animal, bison meat benefits under the beef/veal market organization from protection at the frontier (levy on imports) and the common prices regime. It is in fact recognized as bovine meat for the purposes of both the Common Customs Tariff and veterinary legislation (Council Directive 91/497/EEC of 29 July 1991 (1)). Moreover, although not itself eligible for public intervention or private storage aid it benefits indirectly, as meat equivalent to beef, from the price support afforded by the intervention mechanisms.

Bison as live animals do not however qualify for premiums, since the market organization restricts these to live animals of domestic bovine species (Article 1 of Regulation (EEC) No 805/68 (2)). Moreover bisons, like other animals of subheading 0102 90 90, are not subject to the levy (Article 9 of the same Regulation).

Given the present market situation the Commission does not consider it opportune to extend full CAP support to this subheading and establish specific arrangements for it.

(1) OJ No L 268, 24. 9. 1991.
(2) OJ No L 148, 28. 6. 1968.

WRITTEN QUESTION No 2140/91
by Mr Panayotis Roumeliotis (S)
to the Commission of the European Communities
(26 September 1991)
(92/C 209/17)

Subject: Illegal exports by Turkish Cypriots to the European Community

According to press reports Turkish Cypriots have exported products from the occupied territory of Cyprus to the European Community by using forged Republic of Cyprus stamps on official EUR 1 forms. Cypriot producers claim that these products (mostly agricultural) are of doubtful quality and are exported at dumping prices. They also make inroads in the quotas applicable to Cyprus under the Cyprus-EEC customs union.

Will the Commission say whether it is aware of these charges and, if so, what measures it intends to take to deal with this situation?

Answer given by Mr Matutes on behalf of the Commission

(6 April 1992)

The Commission has not received only complaints concerning the practices described by the Honourable Member.

The Community maintains diplomatic relations with the government of the Republic of Cyprus only, and consequently only those imports from the island that are accompanied by certificates giving the Republic of Cyprus as their place of origin are admitted to the Community.

WRITTEN QUESTION No 2147/91
by Mr Ernest Glinne (S)
to the Commission of the European Communities
(26 September 1991)
(92/C 209/18)

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

Answer given by Mr Marin on behalf of the Commission

(10 June 1992)

Since acceding to the fourth Lomé Convention, the Dominican Republic, which signed its related National Indicative Programme on 6 December 1991, has not received any financial aid under the Convention. The Commission will take care, as it does everywhere else, that aid to the Dominican Republic under the fourth Lomé Convention is administered in accordance with the rules laid down in the Convention and will rquire every assurance that aid actually reaches the intended recipients.

WRITTEN QUESTION No 2150/91
by Mr Ernest Glinne (S)
to the Commission of the European Communities
(4 October 1991)
(92/C 209/19)

Subject: The need for international supervision of banks

The international banking community and the general public have been shocked by the scandal of the Herstatt bank in 1974, Banco Ambrosiano in the early 1980s, the German deposit banks in summer 1991 and in particular the spectacular collapse of the Bank of Credit and Commerce International (BCCI) in recent months in Luxembourg, London, Paris and many other places where this unscrupulous organization has branches.

The question throughout has been whether the extent and nature of supervisory practices in the host countries and, more importantly, in the countries where the banks are registered are adequate, particularly in the light of the international activities which certain banks are engaged in. Supervision is a waste of time if it is not concerned with every aspect of a bank's operations, or if access to information on such activities is restricted.

There is clearly a need for a system of international supervision, as has been acknowledged by Mr E. G. Corrigan, President of the Federal Reserve Bank (New York) and President since July 1991 of the Basel Committee on Banking Regulations and Supervisory Practices.

Is an independent watchdog needed, or is it enough to extend the code of conduct and professional ethics adopted by the banks of the Group of Ten in 1988 (and subsequently by others) as a guarantee that certain of their activities are beyond reproach? The BCCI affair clearly shows that the criteria used post-Ambrosiano are inadequate, given the inability of the authorities in Luxembourg or the Cayman Islands, for example, even to establish the scale of the operations.

What are the views of the Commission on this major problem which undermines and perverts any sense of responsibility and international democracy?

Answer given by Sir Leon Brittan
on behalf of the Commission
(18 March 1992)

The Commission is fully aware of the problems caused by the banking scandals to which the Honourable Member refers. It would point out that the first few scandals coincided with the Commission's initial proposals to the Council regarding the harmonization of banking legislation, which culminated in the first coordinating Directive 77/780/EEC (1) and in the first Directive 83/350/EEC (2) concerning banking supervision on a consolidated basis.

It would also point out that the second coordinating Directive 89/646/EEC (3) adopted in December 1989, takes broadly into account the observations made by the Honourable Member and introduces centralized banking supervision in the hands of the competent authority in the country in which a bank's head office is situated. This Directive, which will enter into force on 1 January 1993, will strengthen cooperation between supervisory authorities and should, therefore, prevent scandals such as the BCCI affair.

The Commission can but agree with Mr Corrigan, President of the Basle Committee (at whose meetings the Commission is represented), regarding the merits of international cooperation in banking supervision.

It remains in close contact with the Committee and with other Community and international bodies with a view to fostering such cooperation.

One of the instruments that could play a key role in this respect is the Directive which the Commission proposed to the Council on 22 November 1990 (4) and which represents an in-depth re-examination of the aforementioned Directive on consolidated supervision by extending its scope to financial holding companies, widening the consolidation net, stepping up cooperation between the supervisory authorities responsible for different financial institutions, defining more precisely the consolidation techniques to be applied and providing for the negotiation of international agreements on extending its application beyond the frontiers of the Community.

Lastly, the Commission would like to assure the Honourable Member that if it transpired from the investigation of the BCCI affair that the existing measures at Community level needed to be strengthened, it would have no hesitation in presenting appropriate proposals.

(1) OJ No L 322, 17. 12. 1977.
(2) OJ No L 193, 18. 7. 1983.
(3) OJ No L 386, 30. 12. 1989.
(4) COM(90) 451 final.

WRITTEN QUESTION No 2190/91
by Mr Herman Verbeek (V)
to the Commission of the European Communities
(4 October 1991)
(92/C 209/20)

Subject: Quality of cattle fodder

According to a study carried out by the consumers union in the Netherlands, manufacturers of cattle fodder very regularly (in 58 out of 76 cases examined) infringe the Community Directive on the composition of cattle

fodder. In particular, the amounts of vitamin A, copper and harmful medicines are said to exceed the permitted norms. The consumers union study confirms previous findings made by the Nature and Environment Foundation and the Central Veterinary Institute.

1. Can the Commission confirm or refute these results on the basis of its own quality studies?

2. Does the Commission have data on the quality of cattle fodder in other Member States and will it make this information available to me?

3. Will the Commission come forward with proposals to clarify and tighten up the rules on the composition of cattle fodder (as urged by the Netherlands)? If so, when will the Commission present these proposals?

4. What measures will the Commission take or urge the Member States to take to improve quality inspection and impose heavier penalties on infringements?

Answer given by Mr Mac Sharry on behalf of the Commission

(18 May 1991)

1. The Commission has neither the legal nor the technical means to check the quality of feedingstuffs in the Member States.

The Commission has read with great interest the article published by the Nederlandse Consumentenbond in the September 1991 issue of Consumentengids, but does not have the means of evaluation required to refute or confirm the conclusions.

2. No, the Commission has only very sketchy information on the quality of feedingstuffs produced in Member States other than the Netherlands. In all cases, the information is not of a kind to allow a judgment to be made on the way in which Community rules are observed.

Under existing legislation, checks to see that rules and regulations on feedingstuffs are being observed is a formal duty of the Member States.

3. The Commission is required to adapt constantly Community legislation on feedingstuffs as scientific and technical knowledge progresses. The Council is currently examining a proposal presented by the Commission in October 1991 which effectively aims to strengthen the checking arrangements on undesirable substances and products in feedingstuffs. The Commission has begun a study to ascertain if there are grounds for laying down stricter rules as regards certain contaminants of the raw materials used in the production of feedingstuffs.

4. The Commission is working on a proposal for a Regulation which it intends to present in 1992 with a view to harmonizing and supervising checks on feedingstuffs within the Community: its intention is to allow checks to be directed, as needs dictate, through the introduction of a monitoring plan. At the same time, the Commission intends to examine the question of the sanctions to be applied in cases of non-compliance.

WRITTEN QUESTION No 2370/91
by Mr Herman Verbeek (V)
to the Commission of the European Communities
(22 October 1991)
(92/C 209/21)

Subject: BST

1. Which countries have now, like the Soviet Union and Czechoslovakia, authorized the use of BST to increase milk production?

2. Does the EC import dairy products, meat, live animals, sperm or embryos from countries where BST has been authorized, and if so, which countries?

3. If so, can the Commission say whether these products are BST-free and how this is verified?

4. Does it know whether Monsanto has built a plant in Austria to manufacture BST and whether this plant is currently operating?

5. What impact will the accession of Austria to the EC have for this plant if BST is still not authorized in the Community?

Answer given by Mr Mac Sharry on behalf of the Commission

(11 May 1992)

1. To the knowledge of the Commission, products based on bovine somatotrophin (BST) have been authorized for use in Brazil, Bulgaria, Czechoslovakia, Mexico, Namibia, South Africa, USSR and Zimbabwe.

2. See the table below.

3. At the present time, no suitable method is available to enable food from treated animals imported into the Community to be checked effectively for the presence of residues of BST.

4. The Commission does not have details of the investment activities of industrial companies which enable it to inform the Honourable Member of the involvement of the Monsanto Company in Austria.

5. Should Austria become a Member State of the Community, the conditions of adhesion would be established in accordance with Community procedures. It would only be then that any particular consequences could be indicated for specific sectors.

Imports by product and partner

1989

(1 000 kg)

Com. nom.	Bulgaria	Czecho-slovakia	South Africa	Soviet Union
Fresh	1	20	0	0
SMP	0	13 496	0	725
WMP	0	235	0	0
Condensed	0	1 898	0	0
Whey	0	5 096	17	40
Butter	0	3 683	0	982
Butteroil	0	0	0	0
Cheeses	1 911	2 415	0	26
Caseines	790	549	0	3 773

Source: Eurostat — Comext.

WRITTEN QUESTION No 2397/91
by Mrs Ursula Braun-Moser (PPE)
to the Commission of the European Communities
(22 October 1991)
(92/C 209/22)

Subject: Projected new Brenner railway tunnel

Plans for a new Brenner railway tunnel on the Munich-Verona express route have not yet been finalized.

Can the Commission take measures to speed up the study and planning phase preceding the decision to build, which is scheduled to last until the end of 1992, and does it intend the Community to participate in any way in the planning and funding of this project, which is of vital importance for a further increase in north-south transit capacity?

Answer given by Mr Van Miert
on behalf of the Commission
(9 April 1992)

The Brenner base tunnel is vital to trans-Alpine traffic between Member States.

As long ago as 1988, the Commission committed Ecu 100 000 for a study into whether the tunnel could be financed by the private sector.

The results are expected this year.

With regard to Community funding for the tunnel's construction, these resources may only be used on Italian territory, where the Community is already helping finance access routes to the Brenner that will also serve the projected tunnel.

In principle, a contribution to financing the tunnel is possible, but it should be considered in the light of the findings of the study currently under way.

WRITTEN QUESTION No 2398/91
by Mr Dieter Rogalla (S)
to the Commission of the European Communities
(22 October 1991)
(92/C 209/23)

Subject: Free exchange of scientific and cultural information

In 1987, while visiting the Dion museum in Greece, Dr Antonios Risos, a student of history, was told that he was not allowed photograph the exhibits since they had not yet appeared in any scientific works and the archaeologist who had discovered the objects had the right of first publication. In order to protect this right it was forbidden to photograph the exhibits. By letter of 1 August 1988, the relevant ministry stated that the right of first publication applied for a period of ten years following excavation of the items by the archaeologist concerned and could be extended if, for overriding reasons, it has not been possible to commence scientific investigation of the items discovered.

Does the Commission agree that application of this Greek legislation in respect of a history student is not compatible with the principle of the free exchange of scientific and cultural information within the European Community? What steps is the Commission taking to guarantee this free exchange of information?

What measures are being taken by the Member States to guarantee the free exchange of scientific and cultural information within the European Community?

Answer given by Mr Bangemann
on behalf of the Commission
(1 April 1992)

1. The matter raised by the Honourable Member relates to the specific situation of a Member State imposing restrictions on the taking of photographs by visitors to museums. On the basis of the information provided by him. there is nothing to suggest that those restrictions are applied in a discriminatory manner, particularly on grounds of nationality.

In the light of the information available to it, the Commission considers, therefore, that the measures described by the Honourable Member do not constitute an infringement of Community law, irrespective of the reasons given to justify the ban on taking photographs in museums.

2. Since the principle of the free exchange of scientific and cultural information to which the Honourable Member refers has not been precisely defined and has not yet been incorporated in a specific legal framework, it would not appear possible to take punitive measures for failing to comply with it. Moreover, to reserve the right of first publication in respect of photographs of archeological finds to those who have actually made the finds seems to be an appropriate way of rewarding them for their efforts and success.

3. The Commission has no detailed information on Member States' legislation in this area.

WRITTEN QUESTION No 2415/91

by Mrs Winifred Ewing (ARC)

to the Commission of the European Communities

(30 October 1991)

(92/C 209/24)

Subject: Restrictions on the sowing of oilseed rape crops

Has the Commission instituted any guidelines, or does it intend to, which would prevent the sowing of oilseed rape crops in close proximity to residential areas and roadways?

Answer given by Mr Mac Sharry on behalf of the Commission

(6 April 1992)

The Commission has not instituted any guidelines, nor does it intend to in the foreseeable future, which would prevent the sowing of oilseed crops in close proximity to residential areas and roadways as it is not aware of any conclusive evidence to date indicating that the growing of such seed is harmful to human health.

WRITTEN QUESTION No 2429/91

by Mr Giuseppe Mottola, Mr Franco Borgo, Mrs Felicia Contu, Mr Lorenzo De Vitto, Mr Mario Forte, Mr Antonio Iodice (PPE)

to the Commission of the European Communities

(30 October 1991)

(92/C 209/25)

Subject: Council Directive of 1979 on the conservation of wild birds

A great deal of confusion has arisen concerning the interpretation of the notion of 'dependence'.

Can the Commission give a definition of this term within the meaning of Article 7 (4) of Council Directive 79/409/EEC [1].

---

[1] OJ No L 103, 25. 4. 1979, p. 1.

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

(23 April 1992)

The Ornis database implicitly considers the period of dependence to be the period during which the young birds have to be fed and/or guided by their parents in order to be able to survive.

For practical reasons, the Ornis database defines the end of the period of dependence in game birds which have an extended period of social dependence as follows:

— in *Anser* and *Branta,* the time when the young birds leave the nest;

— in *Perdix* and *Alectoris,* inter alia, the end of the period of parental protection.

WRITTEN QUESTION No 2448/91

by Mr Georgios Romeos (S)

to the Commission of the European Communities

(30 October 1991)

(92/C 209/26)

Subject: Conversion of the Chinese arms industry

The Chinese authorities and Chinese producers' associations have recently appealed for aid for the conversion of their arms industry and the manufacture of consumer goods. A large number of arms manufacturers have already started to switch to consumer goods and are requesting technology transfers from the West. Will the Commission meet this request and how does it intend to promote cooperation with China in this respect?

Answer given by Mr Andriessen on behalf of the Commission

(4 March 1992)

The Commission has not received any request from the Chinese authorities for assistance concerning reconversion of military industries. The Chinese Premier Mr Zou Jiahua has recently highlighted that priority is to be given to the reform of the inefficient Chinese public sector. Emphasis is placed, in this context, on the objective of achieving national industrial self-reliance,

rather than on considerations concerning possible reduction of military power.

WRITTEN QUESTION No 2500/91

by Mr Kenneth Stewart (S)

to the Commission of the European Communities

(4 November 1991)

(92/C 209/27)

Subject: Health legislation for the display of food for sale

Is the Commission aware that health chiefs in Liverpool, England, are to investigate claims that shopkeepers in the city are breaking hygiene regulations, with quite a number of shops displaying dairy products outside their premises without refrigeration; sausages, bacon, cheese, meat, pies, and cooked meats, all displayed in plastic wrapping paper, and no container to keep germs away; in some cases products are unwrapped.

Does the Commission agree that some foods should be kept at certain temperatures to prevent germs spreading or laying eggs, which could cause illness when eaten?

Does the Commission agree that consumers should be warned about this type of trading, since such unhygienic methods could cause outbreaks of salmonella poisoning and botulism?

As a matter of urgency will the Commission bring forward any hygiene legislation covering this type of trading, and consider a total ban on such methods, in the interest of public health?

Answer given by Mr Bangemann on behalf of the Commission

(18 May 1992)

The Commission is not aware of the situation described by the Honourable Member.

Foodstuffs, likely to support the multiplication of pathogenic or toxicogenic microorganisms, must be kept at temperatures which inhibit the growth of such microorganisms to levels that are harmful to health. It is up to the competent authorities of the Member States to take appropriate action in case these requirements are not met.

The Commission currently prepares Community legislation in the form of a general framework Directive on the hygiene of foodstuffs which deals among others, with the indicated type of trading.

WRITTEN QUESTION No 2588/91

by Mr Patrick Lalor, Mr Gene Fitzgerald, Mr Niall Andrews, Mr James Fitzsimons, Mr Mark Killilea and Mr Patrick Lane (RDE)

to the Commission of the European Communities

(14 November 1991)

(92/C 209/28)

Subject: EC financial assistance for essential investment in access transport services to/from Ireland, and other peripheral regions

Once the Channel Tunnel has been opened in 1993, Ireland will be the only EC Member State without a land link to mainland Europe. Furthermore, Ireland has unique transport needs because it is the only island nation and one of the most peripheral regions in the Community. It is also one of the most open economies in Europe and relies very heavily on foreign trade for sustainable economic growth and employment creation.

In the light of the above factors and the study carried out by KPMG/SKC on access transport for Ireland, will the Commission now indicate its position with regard to the following issues:

1. the principle of EC funding for essential investment in transport services to and from Ireland;

2. initial specific priority investments on direct services to mainland Europe, both roll-on/roll-of (Ro/Ro) and lift-on/lift-of (Lo/Lo), financed from within Ireland's allocation of Structural Funds;

3. a significant (up to 50%) EC aid rate for such investments;

4. an allocation of EC funds for future further investment in access transport services?

WRITTEN QUESTION No 3178/91

by Mr John Cushnahan (PPE)

to the Commission of the European Communities

(24 January 1992)

(92/C 209/29)

Subject: Community investment in access transport services to and from Ireland

What progress has the Commission made in its consideration of the Irish Government's request for increased Community investment in access transport facilities to and from Ireland?

Joint answer to Written Questions Nos 2588/91 and 3178/91 given by Mr Millan on behalf of the Commission

(27 April 1992)

The Commission is aware of the particular problems experienced by Member States on the periphery of the Community, including the problems of access transport. The need to ensure adequate transport access throughout the Community in the context of the internal market has been recognized as well in the recent proposal, 'From the Single Act to Maastricht and Beyond' (1). This is reflected both in the proposal on the new cohesion fund and the proposals relating to Trans-European networks.

The Commission has examined a submission received from the Government of Ireland, in which ERDF assistance was requested for the purchase of ships for use on services between Ireland and Mainland Europe.

While assistance for the purchase of mobile assets has been made available in certain limited cases to ensure the provision of essential transport services, it is not clear that such assistance is necessary in the present case. It appears that extra capacity for roll-on/roll-off services could be provided by operators without ERDF assistance, and that sufficient capacity is available for lift-on/lift-off services. Even if the case for assistance were fully established, it is not clear that a mechanism could be designed to provide aid in a manner which did not distort competition and which ensured that the benefits of aid were reflected in stabilized or reduced charges to users.

It is expected that this question will continue to be the subject of discussions between the Irish authorities and the Commission services.

(1) COM(92) 2000 final.

WRITTEN QUESTION No 2615/91
by Mrs Nel van Dijk (V)
to the Commission of the European Communities
(19 November 1991)
(92/C 209/30)

Subject: Decision to site a refuse incineration plant in Kamp-Lintfort

1. Is the Commission aware of plans by the German state of North-Rhine Westphalia to site a refuse incineration plant in Kamp-Lintfort, 30 km east of Venlo?

2. Is it true that neither the province of Limburg nor the municipalities of Venlo, Arcen/Velden and Bergen have been notified of the siting of the refuse incineration plant in Kamp-Lintfort?

3. If this is the case, does the Commission consider that Article 7 of the Council Directive on environmental impact assessment has been complied with?

4. Will the Commission take action against North Rhine-Westphalia if it infringes the above Directive?

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

(24 April 1992)

1. No.

2. The Commission is not able to answer this question.

3. Article 7 of Directive 85/337/EEC (1) requires a Member State to forward information to another Member State, if the Member State is aware that a project is likely to have significant effects on the environment in the other Member State, or where a Member State likely to be significantly affected so requests. It is up to the Member States of Germany and the Netherlands to consider whether the building of a refuse incineration plant in Kamp-Lintfort is likely to have significant effects in the Netherlands.

If the German authorities in North-Rhine Westphalia do not consider the proposed plant to have significant effects in the Netherlands, and the Dutch authorities have not requested information, then Article 7 has been complied with.

However, if one of the above assumptions is wrong, and the German authorities in North-Rhine Westphalia have not forwarded information to the Netherlands at the same time as it has been made available to its own nationals, then Article 7 has not been complied with.

4. Article 169 of the EEC Treaty provides for measures which the Commission takes against a Member State — not against a region — where Community law has not been complied with.

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

WRITTEN QUESTION No 2631/91
by Mr Sotiris Kostopoulos (S)
to the Commission of the European Communities
(19 November 1991)
(92/C 209/31)

Subject: Supervision of the governing boards of sickness insurance funds

The Greek Government recently took measures to enlarge the governing boards of sickness insurance funds

which fall within the jurisdiction of the Ministry of Health, Welfare and Social Services. The measures resulted in the appointment of government representatives to the sickness insurance funds to monitor the management thereof. Until now, sickness insurance funds have been managed by representatives of insured persons. Trade union organizations are protesting at this measure by the government which, they say, runs counter to the idea that sickness insurance funds should be self-governing.

Can the Commission state whether it intends to make representations to the Greek Government to restore the self-governing status of sickness insurance funds?

Answer given by Mrs Papandreou on behalf of the Commission

(26 March 1992)

The Commission has no power to compel the Greek Government to restore the self-governing status of sickness insurance funds.

However, Article 118 of the Treaty requires the Commission to promote close cooperation between Member States in the social field, particularly in matters relating to social security. Such cooperation mainly takes the form of the exchange of information through studies and seminars.

WRITTEN QUESTION No 2646/91
by Mr Peter Beazley (ED)
to the Commission of the European Communities
(19 November 1991)
(92/C 209/32)

Subject: Chinese imports of bicycles

Considering that one of the central aims of the European single market is the strengthening of European industry's competitiveness both in Europe and on the world maket can the Commission explain:

1. Why — in relation to bicycle manufacture — the import duty on Chinese bicycles was reinstated only as last as 10 September 1991 whilst the import reference point on Chinese bicycles (Ecu 9,3 million) has been exceeded as early as February 1991?

2. What the Commission intends to do on behalf of European bicycle manufacturers in relation to the maintenance of the import duty on chinese bicycles, which is due to expire once again at the end of 1991, thus leaving an opportunity for the Chinese to flood the European market with cheap, duty-free bicycles from 1 January 1992?

Answer given by Mr Andriessen on behalf of the Commission

(2 March 1992)

In view of the substantial increase in bicycle imports in recent years the Community decided to make them subject to the special surveillance measures for which the Generalized System of Preferences provides. Surveillance is on a monthly basis and the Commission passes on the information received to all Member States which, depending on the case, ask for the normal duty to be re-established when the reference base is reached. To implement this procedure the Commission, of course, depends on the speed with which the relevant information reaches it from the Member States.

In the case in point the Ecu 9 004 000 reference base was reached on 14 June 1991 (1) and the Commission received a request for the duty to be re-established from a Member State on 2 August 1991. The procedure set out in Article 8 of Regulation (EEC) 3831/90 calls for consultation with the other Member States, which have 15 days to state their views; having regard to the foregoing, the time taken to publish the re-establishment of normal duty in respect of China is acceptable. Pending the complete revision the Generalized System of Preferences the present mechanisms for reintroducing duty will continue to be used in 1992.

It may be of interest to point out that the Commission recently (2) announced that an anti-dumping proceeding in respect of imports of bicycles originating in Taiwan and the People's Republic of China has been initiated.

(1) OJ No L 250, 7. 9. 1991.
(2) OJ No C 266, 12. 10. 1991.

WRITTEN QUESTION No 2656/91
by Sir James Scott-Hopkins (ED)
to the Commission of the European Communities
(19 November 1991)
(92/C 209/33)

Subject: Extracted aggregates in the construction industry

What new proposals does the Commission intend to bring forward designed to encourage the use of alternatives to extracted aggregates in the construction industry, given the many scars to the European landscape which result from mineral extraction?

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

(13 May 1992)

As far as quarrying is concerned, Directive 85/337/EEC (1) makes provision for an environmental

impact assessment of certain projects and in this context alternatives to the proposed project should be considered. This means, in the case of quarrying, not only alternative sites but alternatives to the use of quarried material, for example recycling existing construction material or the use of other waste products.

Because quarrying comes within Annex II of the Directive, Member States have some discretion as to whether an impact assessment is required for a particular project. In the UK, for example, the Commission is aware of the fact that an indicative threshold of 50 hectares is used for sand and gravel works and that for rock quarried or clay operations the location, scale and type of activities proposed are taken into account in determining whether an assessment is required.

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

WRITTEN QUESTION No 2732/91
by Mrs Anita Pollack (S)
to the Commission of the European Communities
(21 November 1991)
(92/C 209/34)

Subject: Women and the Social Fund

What figures are available to show the proportion of the Social Fund spent on projects for women and what sort of projects are they?

Answer given by Mrs Papandreou
on behalf of the Commission
(7 April 1992)

1. Specific operations are planned for women in the Community support frameworks for objectives 1, 3 and 4. They are based on the guidelines for ESF aid under objectives 3 and 4 and concern the vocational training and integration of women seeking to re-enter the labour market after a lengthy interruption (objective 3) and the integration of women in occupations where they are heavily under-represented (objectives 3 and 4).

A budgetary analysis of the Community support frameworks planned for 1990-1993 shows that operations in favour of women account for some Ecu 380 million throughout the Community; that is 5% of the total multiannual financial allocations devoted to the campaign against long-term unemployment and the occupational integration of young people (objectives 3 and 4). Specific operations in favour of women accounted for only 0,7% of the ESF's total budget in 1986.

To this sum of Ecu 380 million must be added the Ecu 120 million allocated to the NOW initiative (1) which is designed to promote equal opportunities for women in the field of employment and vocational training. This is to be financed by the European Social Fund, with additional support from the ERDF.

2. As regards projects, since the reform of the structural Funds the Commission has approved only such operational programmes as include the priorities and eligible measures proposed by the Member States. These programmes contain no information on the projects selected by the Member States.

To obtain specific information on the content of projects, the Commission is carrying out an assessment study on the quantitative and qualitative involvement of women in the full range of operations developed in 1990. It will then be possible to assess the impact of ESF operations on the overall situation of women on the labour market and will guide the choice of measures to be promoted within the framework of ESF operations and, in particular, those associated with the NOW initiative. The findings are expected to be available shortly; Parliament will be notified of them.

The Commission has devised a specific system for monitoring and assessing projects under the NOW initiative that will provide detailed information. This will be sent to the Honourable Member when projects are selected by the Member States.

(1) OJ No C 327, 29. 12. 1990.

WRITTEN QUESTION No 2762/91
by Mrs Barbara Dührkop Dührkop (S)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/35)

Subject: Aid to projects concerned with the protection and promotion of the European architectural heritage

The Commission has already decided what projects will be financed from Budget Item B3-2000 (Support for pilot projects for the protection and promotion of the European architectural heritage).

The subject chosen for 1991 is the restoration of monuments and sites on which work has already commenced and which are of particular significance for the European heritage. In 1992 attention will be given to those projects which are designed to improve public sites in historic centres included in a restoration project.

Can the Commission say who is responsible for selecting the areas of action and on the basis of what criteria? Are such decisions taken annually or within a multiannual framework for the next two, three or four years? If so, what is the nature of this framework?

For the purposes of selecting projects for funding, does a system exist to ensure a fair allocation of funds between Member States and in what proportions are available funds allocated? What are the basic criteria for the selection of projects? Has the fact that a project is located in a less-favoured area of the Community, for example, been taken as a criterion?

Answer given by Mr Dondelinger on behalf of the Commission

(24 March 1992)

In 1988 the Commission, aided by a team of conservation specialists, adopted and published in the *Official Journal of the European Communities* (1) an initial list of four themes (1989-1992) intended to illustrate certain aspects of architectural heritage conservation and make more effective use of very limited budgetary resources.

A list of the themes for the next few years is currently being drawn up for approval by the Commission and publication in the Official Journal in the next few months.

A panel of 12 internationally renowned experts on architecture, archaeology and history of art (one from each Member State) is responsible for selecting the projects to be financed.

The panel determines the selection criteria in the light of the specific theme for the year. It should be noted, however, that quality both in terms of the historical and cultural value of the monument and in terms of the technical approach to the conservation/restoration/change in use of the monument prevails over any consideration of allocation amongst the Member States or criteria used in connection with the Commission's other structural policies.

(1) OJ No C 308, 3. 12. 1988.

WRITTEN QUESTION No 2766/91
by Mrs Mary Banotti (PPE)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/36)

Subject: EC funding for recycling

The Commission is presently preparing a draft Directive on general waste packaging, which aims at introducing ambitious recycling rates for packaging waste. In the context of this Directive is the Commission prepared to assist Member States in fulfilling these targets by funding recycling projects (glass, paper, etc.) in the Member States?

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

(13 May 1992)

The current draft of the proposal for a Council Directive on Packaging and Packaging Waste sets targets for the recovery and, more particularly, the recycling of packaging waste. It has to be taken into consideration that this draft is at present at the stage of a working document and as such is subject to further consultation of the Commission services concerned.

As far as funding to support national and/or local initiatives is concerned, the Commission will only co-finance research and demonstration projects within the general context of the programmes for financial support.

WRITTEN QUESTION No 2771/91
by Mrs Mary Banotti (PPE)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/37)

Subject: Environmentally sensitive areas

Has the Commission identified the important bird areas most suitable for designation as Environmentally Sensitive Areas under Article 13 of Council Regulation (EEC) No 797/85 (1). What level of agreement has the Commission achieved in its discussion with Member States over these sites and what sites in Ireland are to be designated as ESAs?

(1) OJ No L 93, 30. 3. 1985, p. 1.

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

(13 May 1992)

The Commission informs the Honourable Member that according to Article 19 of Council Regulation (EEC) No 797/85, as amended by Article 21 of the new Council Regulation (EEC) No 2328/91 (1), the designation of environmentally sensitive areas is at the discretion of the Member States. Ireland has recently designated two sites as ESAs: the Slieve Blooms and Slyne Head — these two sites do not include important bird Areas.

(1) OJ No L 218, 6. 8. 1991.

WRITTEN QUESTION No 2777/91
by Mrs Mary Banotti (PPE)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/38)

Subject: Consumer effects of the lack of competition in the motor vehicle sector

1. Can the Commission explain why no replies have so far been given to the following official complaints?

— Official complaint lodged by BEUC (Bureau Européen des Unions de Consommateurs) in January 1990 concerning the non-respect of Regulation (EEC) No 123/85 (1) by the automobile sector;

— Official complaint lodged jointly by BEUC and two UK consumer organizations, NCC (National Consumer Council) and CA (Consumers' Association), in September 1991 concerning the industry-to-industry agreement which restricts the percentage of Japanese cars on the UK market to 11 %.

2. Can the Commission give some indication of when replies to these complaints can be expected, and to their content?

(1) OJ No L 15, 18. 1. 1985, p. 16.

Answer given by Sir Leon Brittan on behalf of the Commission

(14 April 1992)

1. Following the complaint of January 1990 by BEUC (the European Consumer Organization), the Commission began its enquiry into car price differentials in the EC in April of that year. The study is now in its final phase. The Commission is currently examining the comprehensive data collected and is preparing its position with regard to further action which may ensue as a result of its findings. With regard to the BEUC complaint of September 1991, relating to quotas on the importation of Japanese cars into the UK, the Honourable Member will, no doubt, know of the recent consensus agreed between Japan and the EC concerning the importation of Japanese cars into the Community. This consensus involves the abolition of national restrictions of any kind from 1 January 1993 at the latest, accompanied by a transitional period to facilitate the adjustment of Community producers to adequate levels of international competitivness.

2. The Commission expects to make public its opinion in relation to both complaints in the coming months.

WRITTEN QUESTION No 2787/91
by Mr Freddy Blak (S)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/39)

Subject: Efforts to reduce tobacco consumption

An investigation carried out in Britain has recently shown that 25 % of all deaths of persons aged between 35 and 60 in the EC can be linked to smoking. Can the Commission say what initiatives are planned to reduce tobacco consumption? TV campaigns are very expensive, but so is the treatment of smoking-related diseases. What action will the Commission take, and what level of resources will be devoted to this problem?

WRITTEN QUESTION No 2788/91
by Mr Freddy Blak and Mrs Kirsten Jensen (S)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/40)

Subject: Mortality among alcoholics and smokers

What has the Commission done over the past 12 months to prevent the 30 000 deaths among alcoholics and 220 000 deaths among smokers in the European Community?

Joint answer to Written Questions Nos 2787/91 and 2788/91 given by Mrs Papandreou on behalf of the Commission

(9 April 1992)

The Commission considers tobacco prevention a priority within the framework of the 'Europe against cancer' programme. Both action plans (1987/1989-1990/1994)

include several actions with the objective of reducing smoking habits, particularly among young people.

Thus, the Commission, having in view the establishment of the single market, has already presented several draft legal provisions which have also been adopted by the Council:

— Directive 89/622/EEC (1). It provides for health warnings to be carried on the labelling of cigarettes packages;

— Directive 90/239/EEC (2). It provides for a reduction of the tar yield of cigarettes;

— Resolution 89/C189/01 (3) has been adopted by the Council on 18 July 1989. It invites Member States to ban smoking in places open to the public.

The Commission has also presented a draft Directive banning tobacco advertising. Another draft Directive is currently under discussion amending Directive 89/622/EEC and providing for health warnings to apply to the labelling of tobacco products other than cigarettes.

On the other hand, still in the framework of the 'Europe against cancer' programme, the Commission gives financial support to the tobacco prevention actions implemented by the Member States non-governmental organizations. An external office (BASP) is in charge of the coordination of action by the organizations.

These legal proposals as weil as the other activities against tobacco implemented by the Commission are particularly targetted to young people, namely the health education in schools.

Since the autumn of 1990 and as a follow up to Council resolution 86/C184/02 (4) on alcohol abuse and Council resolution 89/C3/01 (5) concerning health education in schools, the Commission has developed and/or supported a number of activities in the following areas:

— Health education and teacher training actions:
  — pilot projects
  — elaboration of a European Manual for teachers
  — seminars, summer schools and conferences.

— A Community wide 'Drink or Drive' campaign run jointly with the Alliance Internationale de Tourisme: 4 million copies of the 'Drink or Drive' information brochure on alcohol issues have been distributed to travelling motorists within the Community.

— Support of European actions of self-help groups and non-governmental organizations working in the field of substance abuse prevention (including alcohol).

— Discussions with the alcohol industry and the social partners in relation to the prevention of alcoholism at work.

— Health costs related to alcoholism.

(1) OJ No L 359, 8. 12. 1989.
(2) OJ No L 137, 30. 5. 1990.
(3) OJ No C 189, 26. 7. 1989.
(4) OJ No C 184, 23. 7. 1986.
(5) OJ No C 3, 5. 1. 1989.

WRITTEN QUESTION No 2791/91

by Mr Bernhard Sälzer (PPE)

to the Commission of the European Communities

(22 November 1991)

(92/C 209/41)

Subject: Staff employed in DG XIII

What changes were there in the number of staff employed in the Commission's Directorate-General XIII between 1982 and 1990, in permanent posts and temporary posts respectively?

How many staff are employed in this Directorate-General XIII by nationality, in absolute terms and by grade?

Answer given by Mr Pandolfi on behalf of the Commission

(12 May 1992)

The Honourable Member will find below information in reply to his question for the period 1986—1990. DG XIII was set up in 1986 as the result of a merger between the former Luxembourg Directorate-General XIII 'Information Market and Innovation', which was responsible for tasks different from those devised since, and the 'Task Force for Information and Telecommunications Technologies', which was set up in 1983.

Changes in DG XIII staff

posts authorized under the budget

	1986	1987	1988	1989	1990
Permanent	230	251	271	300	327
Temporary	132	231	298	347	412

The Commission makes every endeavour to ensure an overall balance in distribution by nationality. Information

on the subject is communicated to the Parliament each year under the budgetary procedure (Annex to the document 'Justification for posts').

WRITTEN QUESTION No 2799/91
by Mr Paul Staes (V)
to the Commission of the European Communities
(22 November 1991)
(92/C 209/42)

Subject: Rest periods for lorry drivers

Regulation (EEC) No 3820/85 (1) lays down driving and rest periods for lorry drivers. On 29 November 1988 Directive 88/599/EEC of 28 November 1988 (2) on standard checking procedures for the implementation of this Regulation was published in *Official Journal.*

In practice, this means that the rest period is reduced from 14 to 8 hours per 24-hour period. The EC lacks any uniform monitoring arrangements in this area.

1. Does the Commission agree with me that it would be better to delete the paragraph of Article 8 on the division of resting time, since it enables employees to bend the rules?

2. Is the Commission aware that this Directive is still not being implemented in Belgium and what steps does it intend to take?

(1) OJ No L 370, 31. 12. 1985, p. 1.
(2) OJ No L 325, 29. 11. 1988, p. 55.

Answer given by Mr Van Miert
on behalf of the Commission
(29 April 1992)

1. Article 8 of Regulation (EEC) No 3820/85 provides that the minimum daily rest period may, in certain circumstances, be reduced from eleven to nine consecutive hours. It also permits drivers to divide their daily resting time into two or three separate periods, one of which must be at least eight consecutive hours, on condition that the minimum rest period is increased to twelve hours. Nowhere does the Regulation, as the Honourable Member seems to believe, impose a daily resting time of fourteen hours. The Commission has no evidence of many abuses due to the division of rest time, but it is willing to examine any evidence to the contrary.

2. As for the incorporation into Belgian law of Directive 88/599/EEC on standard checking procedures, the Commission is aware that Belgium has still to adopt national implementing measures, although it has organized the requisite checks and notified the Commission of the results. For that reason the Commission, on 26 June last year, decided to bring the matter before the Court of Justice.

WRITTEN QUESTION No 2804/91
by Mr Alan Donnelly (S)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/43)

Subject: Community law and national law

Does the Commission consider that the decision of the Court of Justice in Case C-106/89 Marleasing v. La Comercial Internacional de Alimentacion means that, in future, any failure by a Member State to transpose a Directive into national law by the stipulated date will be without effect as regards the enforceability within that Member State of the rights and obligations arising from that Directive; and, if so, will the Commission nonetheless continue to bring actions against offending Member States in the Court of Justice?

Answer given by Mr Delors
on behalf of the Commission
(31 March 1992)

In its judgment of 13 November 1990 in Case C-106/89 *Marleasing* the Court of Justice held that a national judge must interpret his national law in line with the wording and purpose of a Community Directive. This judgment was given in a dispute between two parties over the interpretation of a Directive for which no national implementing measures had been taken.

But this ruling cannot be taken to acknowledge that Directives have 'horizontal effect' enabling individuals to benefit from the application of the clear, unconditional and sufficiently precise provisions of a Directive not incorporated in national law as such, *vis-à-vis* another individual. It follows that these rights may be guaranteed less fully than they would be if the Directive had been incorporated in national law.

Consequently, the ruling does not require the Commission to make even greater efforts to see that the provisions of the Treaty or secondary legislation are applied, in particular as regards compliance by Member States with their obligation to transpose Community Directives into national law.

WRITTEN QUESTION No 2820/91
by Mr Thomas Megahy (S)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/44)

Subject: Fraudulent labelling of garments

Tests carried out over the last year by the West Yorkshire Trading Standards Service have revealed that 21% of garments offered for sale in the region and making claims as to wool content are seriously misdescribed. A major cause has been shown to be the use by UK manufacturers of descriptions given by Italian manufacturers of cloth made from recycled rags. Is the Commission aware of this problem and does it have any plans to tackle it?

WRITTEN QUESTION No 2821/91
by Mr Thomas Megahy (S)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/45)

Subject: Fraudulent labelling of carpets

Tests carried out over the last three years by the West Yorkshire Trading Standards Service have shown that one in three carpets imported from other Member States claim a higher wool content than they actually possess. In view of the rigorous enforcement of the EC fibre contents regulations within the UK, British manfacturers, as well as honest traders elsewhere, are placed at a considerable competitive disadvantage by this fraudulent practice. Is the Commission aware of this problem and does it have any plans to tackle it?

Joint answer to Written Questions Nos 2820/91 and 2821/91
given by Mr Van Miert
on behalf of the Commission
(2 April 1992)

The Commission was not informed directly of the garment conformity tests carried out in West Yorkshire last year by the Trading Standards Service. However, it is in general terms up to date as regards the problem raised by the Honourable Member.

The Commission has already responded to the concerns voiced by the Honourable Member, in particular in its answer to Written Question No 2499/86 by Mr Seal [1]. The criteria and arguments set out in the answer to the second question referred to above still remain valid.

It must therefore be confirmed that any non-compliance of textile articles with framework Directive 71/307/EEC, which provides for the mandatory labelling of those products, falls in principle within the responsibilities of the inspection authorities in the Member State in which those articles are marketed and are covered by the sanctions specifically provided for by the law of that same State in implementation of the abovementioned Directive. Any such regulations also apply to the non-compliance of products covered by separate Directives.

The solution to the problem raised in this question must therefore be found within English law.

[1] OJ No C 212, 10. 8. 1987.

WRITTEN QUESTION No 2827/91
by Mr Filippos Pierros (PPE)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/46)

Subject: Insurance for Aids sufferers in the Community

An agreement has recently been concluded between the French Government in the person of its Minister of Health and the French Federation of Insurance Companies represented by its chairman, on insurance cover for Aids sufferers under certain conditions. This sets a promising example which could be followed at international level.

The Commission previously considered the question of insurance for Aids sufferers without reaching any decisions. However, the initiative now taken by France provides a fresh opportunity for the Commission to consider the matter and draw up legislation at European Community level, a necessary measure, not only on humane grounds but also in order to harmonize basic social security legislation in the Community. What are the Commission's views and what steps will it take?

Answer given by Mrs Papandreou
on behalf of the Commission
(13 March 1992)

The Commission welcomes any initiative that will help to improve the social protection of Aids sufferers. By Article 10 of the Community Charter on the fundamental

social rights of workers, every worker in the European Community is entitled to adequate social protection.

But the Commission is not planning to propose any legislative measures which would require the Member States to adopt a specific attitude to the social protection and compensation of Aids sufferers. The Treaties provide for only limited powers in the field of social protection, confined mainly to promoting close cooperation between the Member States. However, the Community attaches great importance to compliance with the principle of non-discrimination *vis-à-vis* Aids victims and to their social integration.

In the field of social protection the Commission recently adopted two proposals for Council recommendations, one dealing with common criteria relating to sufficient benefits and resources in social protection schemes and the other with convergence of social protection objectives and policies. These recommendations would call on the Member States to guarantee adequate social protection, as provided for in the Community Charter on the fundamental social rights of workers. The organization and funding of national social protection schemes is the sole responsibility of the Member States and there are no plans to harmonize these schemes at Community level. The Commission takes the view that these two Community initiatives extend to Aids sufferers.

As part of its 'Europe against Aids' programme, adopted by the Council and the Ministers of Health on 4 June 1991, the Community also plans to promote appropriate ways of informing HIV-positive persons on the various forms of social assistance (action 5) and, where necessary, to propose appropriate Community measures to outlaw discrimination against HIV-positive persons (action 9). The Commission is implementing this action plan.

WRITTEN QUESTION No 2829/91

by Mr Virgílio Pereira (LDR)

to the Commission of the European Communities

(5 December 1991)

(92/C 209/47)

Subject: Implementing Regulations for the Poseima programme

When does the Commission propose to adopt the implementing Regulations of the Poseima programme, which came into force on 1 July 1991, so that its impact can be assessed as soon as possible and there is no repetition of the delays that have already been ascertained in connection with the Poseidom programme?

Answer given by Mr Delors on behalf of the Commission

(10 April 1992)

The Commission can inform the Honourable Member that it is in the process of finalizing its proposals to the Council for implementing Poseima.

These proposals have been prepared very thoroughly in partnership with the Portuguese authorities concerned and will be sent to the Council very shortly.

Parliament will of course be consulted on the Commission's proposals.

WRITTEN QUESTION No 2839/91

by Mr Peter Crampton (S)

to the Commission of the European Communities

(5 December 1991)

(92/C 209/48)

Subject: Transport of nuclear materials

In view of the dangers of transporting nuclear materials often expressed in the European Parliament, does the Commission have an opinion on the transport of spent fuel rods and other radioactive materials on passenger ferries across the North Sea between Newcastle and Stavanger and from Hull to Rotterdam?

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

(5 May 1992)

As regards transport of spent fuel, the Honourable Member is referred to the answer given by the Commission to the Written Questions No 2635/90 by Mr Glinne [1] and No 1544/91 by Mr L. Smith [2].

As regards transport operations specifically, according to information received by the Commission, a passenger ferry from Newcastle to Stavanger has only been used on one occasion to transport irradiated fuel elements and that they would normally use cargo-only ferries, although there is no legal requirement to do so. Ferries from Hull to Rotterdam to transport irradiated fuel elements have never been used.

---

[1] OJ No C 141, 30. 5. 1991.
[2] OJ No C 66, 16. 3. 1992.

WRITTEN QUESTION No 2846/91
by Mr Peter Crampton (S)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/49)

Subject: Fisheries: 'One net rule'

The meeting of Fisheries Ministers in October failed to make a decision on the 'one net rule'.

Does the Commission agree that the failure to introduce a 'one net rule' and the derogation on whiting, will actually introduce yet another opportunity for fisheries rules to be broken and will encourage more discards of haddock and cod — the very species these measures are supposed to be protecting?

Answer given by Mr Marin
on behalf of the Commission
(3 April 1992)

The Commission would point out that the derogation on whiting was adopted subject to conditions agreed at the Council meeting of Fisheries Ministers on 28 October 1991.

With regard to the Commission proposal concerning the 'one net rule', the Council agreed that it would be withdrawn from the package of technical conservation measures and discussed subsequently in connection with an amendment of Regulation (EEC) No 2241/87 (1).

The Commission shares the Honourable Member's view that a very close watch needs to be kept on discards of cod and haddock together with their effects on stocks of these two species. To this end, it will be working out appropriate measures.

(1) OJ No L 207, 29. 7. 1987.

WRITTEN QUESTION No 2851/91
by Mr Freddy Blak (S)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/50)

Subject: Reference to the term 'erga omnes' in labour market Directives

In Article 3 of its proposal for a Council Directive concerning the posting of workers in the framework of the provision of services (1) the Commission uses the term 'erga omnes' concerning the scope of a collective agreement. Can the Commission give the precise meaning of this term? Has it been used previously in Community legislation?

Is it the Commission's intention to make 'erga omnes' a fundamental principle of future Community labour legislation? How does the Commission consider that Community legislation which is limited to certain sectors where agreements with an 'erga omnes' effect have been concluded can be made generally applicable in countries where there is no tradition of given labour agreements the force of law?

Does the Commission take the view that it is desirable for Member States to move towards 'erga omnes' labour agreements and does the Commission intend to encourage this at Community level or introduce Community legislation requiring Member States to devise labour market arrangements covering entire sectors?

(1) COM(91) 230 final.

Answer given by Mrs Papandreou
on behalf of the Commission
(6 April 1992)

The term 'collective agreements . . . having an erga omnes effect' referred to in Article 3(1) (a) of the proposal for a Council Directive concerning the posting of workers in the framework of the provision of services should be construed as including any collective agreement which applies to all employers and employees of the occupation or industry concerned.

The term 'erga omnes collective agreement' has not been used in previous Community Regulations or Directives.

Article 3(1) (a) above is not intended to interfere with the collective bargaining systems of the Member States and, consequently, it does not seek to establish a fundamental principle for future Community legislation nor does it intend to impose or recommend the conclusion of 'erga omnes collective agreements' throughout the Community.

The provision seeks to identify a 'hard core' of mandatory rules in force in the host countries which must be observed by an employer who posts a worker to work temporarily in that country. Such mandatory rules are those itemized in Article 3(1) (b) and laid down by national statutes or, where they exist, by collective agreements (or awards) of the kind mentioned in Article 3(1) (a).

WRITTEN QUESTION No 2865/91
by Mr John Cushnahan (PPE)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/51)

Subject: Consumer protection — safety of children

In view of the vital importance of child safety and the European Parliament's proposal to provide a 1992 budget

appropriation of 1 million Ecu for this area, does the Commission have any specific proposals aimed at improving the safety of children?

Answer given by Mr Van Miert on behalf of the Commission

(31 March 1992)

The budgetary credits which were intended to promote child safety during the period 1989-1991 were used to stimulate and extend information campaigns and other actions which were undertaken by a variety of external organizations (e.g family organizations, consumer associations, and institutions specializing in child safety). Such organizations have the advantage of being directly in touch with child safety issues in their own areas and can thus target their action at specific problems, which tends to be more cost-effective than a general information campaign.

The exchange of experiences which took place during the recent conference on 'Communicating child safety: European approaches to accident prevention campaigns', held in Brussels on 4 and 5 November 1991, served to confirm that this particular example of subsidiarity was, indeed, the right approach to take on this issue, and all participants emphasized the need for, and expressed their interest in, the continuation of such action.

Given such positive and encouraging results, the Commission intends, therefore, to use the Ecu 1 million included in the budget for 1992, to provide grants to those organizations which are able to demonstrate that they have proposals for actions which would clearly benefit from additional financial assistance.

The Commission is of the opinion that, used in this way, the budgetary credits to which the Honourable Member refers in his question can best complement the legislative actions proposed by the Commission in recent years which have a bearing on child safety, such as the Directive on toy safety.

WRITTEN QUESTION No 2887/91
by Mr Richard Simmonds (ED)
to the Commission of the European Communities
(5 December 1991)
(92/C 209/52)

Subject: Package travel Directive

The Isle of Wight economy relies largely on returns from tourism and the industry has to offer 'packages' which include the price of accommodation and ferry travel to the island. Under the EC's package-travel Directive, proprietors will have to put up considerable sums to provide security for such packages and this would place an intolerable financial burden particularly on the owners of smaller hotels and boarding houses. What proposal does the Commission have for redressing this situation which otherwise will bring about the closure of many small businesses?

Answer given by Mr Van Miert on behalf of the Commission

(31 March 1992)

According to the Directive 90/314/CEE [1] on package travel, package holidays and package tours, the term 'package' means the pre-arranged combination of not fewer than two of the following elements: transport, accommodation and other tourist services not ancillary to transport or accommodation and accounting for a significant proportion of the package; and when the service covers a period of more than 24 hours or includes overnight accommodation.

The term 'organizer' means the person who, other than occasionally, organizes packages and sells or offers them for sale, whether directly or through a retailer.

The term 'retailer' means the person who sells or offers for sale the package put together by the organizer.

In this legal framework and given the information provided by the Honourable Member, the Commission does not see which kind of financial burden can affect the owners of small hotels and boarding houses.

But if the Isle of Wight is characterized by the particular feature that hotel owners are organizing or offering not only accommodation but also transportation to visitors, the situation is obviously different. In this case, the Honourable Member is asked to provide more information. In any event, it should be recalled that relations between 'organisers' and 'retailers' on the one hand, and hotel owners on the other hand, continue to be regulated by national laws and are not, therefore, affected by the package travel Directive.

[1] OJ No L 158, 23. 6. 1990.

WRITTEN QUESTION No 2921/91
by Mrs Carmen Díez de Rivera Icaza (S)
to the Commission of the European Communities
(9 December 1991)
(92/C 209/53)

Subject: Energy-saving in the Berlaymont building

Is the Commission trying to set an example of the energy-saving and efficiency it recommended by leaving

the lights on in the Berlaymont building day and night and during public holidays? Is there a very good reason for this of which I am unaware?

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

(16 March 1992)

The technical departments responsible for guarding and maintaining Commission buildings have standing instructions to keep an eye on energy wasting. They normally cut off the current on holidays and at night except unless they have orders to the contrary because staff are working.

Since the Berlaymont was the very centre of Commission operations, it often happened that certain offices had to be manned night and at weekends and urgent work had to be done by the offices of Members of the Commission and the various Directorates-General; this meant that the lights had to stay on.

WRITTEN QUESTION No 2923/91
by Mr Rolf Linkohr (S)
to the Commission of the European Communities
(9 December 1991)
(92/C 209/54)

Subject: Location of refuse dump on the island of Zakynthos (Greece) in the Ionian Sea — Use of Medspa appropriations

The local authorities of the island of Zakynthos (to the west of the Peloponnese) have decided to locate a refuse dump in Skopos Kalamaki. However, Kalamaki Beach is a nature-protection area because of its great importance as a breeding ground for the Caretta Caretta turtle. The projected dump is intended to stabilize the slop above the beach and funding will be provided under the Medspa programme.

1. Does the Commission consider that the Zakynthos local authorities have taken sufficient account of environmental factors?

2. Does the funding of the project under the Medspa programme need to be reviewed?

3. Has an environmental impact asessment of this project been carried out or is one in preparation?

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

(14 May 1992)

If a landfill site is to accept hazardous waste, the project setting it up is subject to an environmental impact assessment in accordance with Council Directive 85/337/EEC (1).

When the application for a permit required by Council Directive 78/319/EEC (2) is made, the public concerned is given the opportunity to consult the results of the assessment and express an opinion before the project is approved. The authorities in Zakynthos will determine the detailed arrangements for informing and consulting the public. Furthermore, Article 4 of Directive 91/156/EEC (3) and Article 5 of Directive 78/319/EEC state that the disposal of waste must not endanger human health or harm the environment.

(1) OJ No L 175, 5. 7. 1985.
(2) OJ No L 84, 31. 3. 1978.
(3) OJ No L 78, 26. 3. 1991.

WRITTEN QUESTION No 2941/91
by Mr François Musso (RDE)
to the Commission of the European Communities
(9 December 1991)
(92/C 209/55)

Subject: IMPs for Italy

In view of the long delays in implementing IMPs in Central Italy (Tuscany, Umbria and Marche), can the Commission provide the following information concerning Community funding broken down by source (structural) funds and additional IMP heading) on an annual basis:

1. the estimated amount of Community funding instalments,

2. commitments entered into,

3. payments made?

What measures will the Commission take to remedy the delays in implementing the projects for which assistance has been granted?

Answer given by Mr Millan on behalf of the Commission

(26 March 1992)

1. The most recent data on implementation of the IMPs in Tuscany, Umbria and Marche are as follows:

IMP Tuscany *(ECU million)*

Source of finance	Planned at 31. 12. 1990	Committed at 31. 10. 1991	% of amounts planned	Payments at 31. 10. 1991	% of amounts planned
EAGGF	35,5	49,7	140	42,3	119
ESF	17,1	6,0	35	5,0	29
Article 551	89,4	39,1	44	27,4	31
Total	142,0	94,8	67	74,7	53

IMP Umbria *(ECU million)*

Source of finance	Planned at 31. 12. 1990	Committed at 31. 10. 1991	% of amounts planned	Payments at 31. 10. 1991	% of amounts planned
EAGGF	42,1	16,9	40	10,0	24
ESF	10,6	4,6	44	3,9	37
Article 551	53,4	19,5	37	11,7	22
Total	106,1	41,0	39	25,6	24

IMP Marche *(ECU million)*

Source of finance	Planned at 31. 12. 1990	Committed at 30. 9. 1991	% of amounts planned	Payments at 30. 9. 1991	% of amounts planned
EAGGF	29,8	31,4	105	14,0	47
ESF	6,1	3,6	59	2,0	33
Article 551	45,8	26,2	57	30,0	66
Total	81,7	61,2	75	46,0	56

2. Acting through the partnership mechanism, and more specifically through the various regional monitoring committees, the Commission ensures that all possible steps are taken to ensure that programmes progress as planned and that Community funds are used to the best advantage.

The recent adoption by the Commission of the second phase of the IMPs for Italy, which also involved a revision of the programmes, should mean that the measures planned are implemented more rapidly (1).

(1) Following the changes to schedules introduced by the Commission Decision of 16 December 1991 amending the second phase of the Italian IMPs.

WRITTEN QUESTION No 2943/91
by Mr James Ford (S)
to the Commission of the European Communities
(9 December 1991)
(92/C 209/56)

Subject: Bus deregulation in Britain

Will the Commission kindly comment on the points raised by a Manchester constituent, and address the issue of firstly, his allegations that the Secretary of State for Transport is evading the need for an investigation into public transport in the UK since deregulation, and secondly the issue he raises of a European perspective on deregulation, and the UK policy on public transport in general?

Answer given by Mr Van Miert on behalf of the Commission
(4 June 1992)

The Commission has examined the facts mentioned by the Honourable Member, which are set out in the annex to his question. The Commission has not made any statement on the organization and quality of urban transport. This particular side of transport will be discussed in the white paper on the future of the common transport policy, on which the Commission's departments are now working, so as to decide the possible role which the Commission may play in the future.

In this context the principle of subsidiarity — as defined in the Treaty on European Union — will be observed.

WRITTEN QUESTION No 2949/91
by Mr Arturo Escuder Croft (PPE)
to the Commission of the European Communities
(9 December 1991)
(92/C 209/57)

Subject: Investment in the La Gomera IDO

What Investment did the Communities actually make in the island of La Gomera during the first six months of 1991 as part of the IDO?

Answer given by Mr Millan
on behalf of the Commission
(6 March 1992)

At 30 June 1991 (1), the state of public investment in the La Gomera IOP was as follows:

(Pta million)

	1989—1990 (1)			1991		
	Planned	Implemented	%	Planned	Implemented	%
ERDF	863,96	872,12	100,94	3 001,44	506,75	16,88
ESF	124,618	11,475	9,21	180,637	6,002	3,32
EAGGF — Guidance Section	130,2	128,7	98,84	489,6	35,9	7,33

(1) For the ESF: 1990.

The position as regards implementation is due to delays in the following measures:

(Pta million)

	Amounts programmed for 1991
Construction, improvement and expansion of ports	200
Construction of an airport	900
Construction of a helicopter port and bus station	30
Commercial centre	88
Craft centre	33
Restoration of buildings	40
Drinking water and sewage system	297

In mid-December the Spanish authorities submitted a reprogramming proposal which reduced the amounts planned for 1991 to the following:

(Pta million)

ERDF	1 510
EAGGF	227
ESF	117
	1 854

(1) For the ESF and EAGGF: 31 July 1991.

WRITTEN QUESTION No 2951/91
by Mr Arturo Escuder Croft (PPE)
to the Commission of the European Communities
(9 December 1991)
(92/C 209/58)

Subject: ERDF payments in 1990 and 1991

The Spanish Ministry of Economics and Finance has stated in print that ERDF payments for projects implemented in the Canaries in 1990 totalled Ecu 31 860 500.

To which projects do these 1990 payments correspond?

What projects have already been approved in 1991 in the Canaries and what is the amount involved?

Answer given by Mr Millan
on behalf of the Commission
(9 March 1992)

During 1990 payments by the ERDF for assistance in the Canary Islands totalled Ecu 53 183 000 plus a further Pta 1 641,2 million.

(a) The payments in ecus were the first two advances on the IOP for La Gomera, the first advance on the OP for the Canary Islands and a number of payments for the following projects:

— water treatment station at Las Palmas;

— main road from Las Palmas to Arguineguin;

— restoration of the tourist area at Las Canteras.

(b) The payments in pesetas were intermediate or final instalments on older projects including the purchase of ten aircraft for transport between the islands, marking of an airport on Tenerife, restoration of the beach at Bajamer (La Palma), the main road from Las Palmas to Maspalomas and improvements to roads GC-822 and GC-700.

During 1991 one project in the Canary Islands was approved. This concerned the construction of two thermal power stations costing a total of Ecu 366,8 million, to which the ERDF will contribute Ecu 108,6 million. An operational programme was also adopted under the Regis Community initiative. This will cost a total of Ecu 238,4 million of which the ERDF will provide Ecu 61,5 million.

WRITTEN QUESTION No 2955/91

by Mr Sotiris Kostopoulos (S)

to the Commission of the European Communities

(13 January 1992)

(92/C 209/59)

Subject: The need for protection of nightclub workers

The Greek Government recently decided to liberalize the opening hours of nightclubs. However, according to the trade unions, workers are completely at the mercy of their employers as a result of this since they know what time they start work but not when they finish. How will the Commission protect nightclub workers from arbitrary action by their employers?

Answer given by Mrs Papandreou on behalf of the Commission

(25 March 1992)

In accordance with the provisions of Council Directive 91/553/EEC [1] on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, employees are entitled to written information concerning the essential aspects of their contract or employment relationship. This includes 'the length of the employee's normal working day or week'. Member States are required to implement the Directive no later than 30 June 1993.

In addition the Commission, in its proposal for a Directive concerning certain aspects of the organization of working time [2], provides for the normal hours of work for night workers to be limited to an average of eight hours in any 24-hour period.

The Commission hopes that these provisions taken together will solve the problem raised by the Honourable Member.

---

[1] OJ No L 288, 18. 10. 1991.
[2] OJ No C 254, 9. 10. 1990.

WRITTEN QUESTION No 2983/91

by Mrs Karla Peijs (PPE)

to the Commission of the European Communities

(13 January 1992)

(92/C 209/60)

Subject: Future relations with the United States in the steel sector

Community exports of steel products to the United States are governed by the US-Community steel agreement of 1989 and are subject to quantitative restrictions. This agreement expires at the end of March 1992. In the accompanying bilateral steel consensus the Community and the United States agree to abolish all quantitative import restrictions on each other and on third countries by the end of March 1992. Reports are appearing regularly in the US Metal Bulletin about a vigorous campaign being waged by American steel producers aimed at ending the American VRA system for steel products, and about their threats to lodge complaints en masse about dumping by foreign producers.

1. What is the value of the Community's present steel exports to the United States? What proportion of the Community's total exports to the United States do they represent?

2. Does the Commission expect access to the US steel market to be completely liberalized by 1 April 1991;

3. Will the planned complete liberalization of the American steel market by 1 April 1992 also apply to Eastern European countries?

4. What steps does the Commission intend to take to prevent American steel producers from starting

another steel war by lodging hundreds of complaints about dumping and countervailing charges as they did in 1982?

5. What does the Commission think about the proposal by the European steel industry (Eurofer) in 1990 regarding a multilateral consensus on steel in the context of GATT?

Answer given by Mr Bangemann on behalf of the Commission

(3 March 1992)

1. In 1990, the EC exported to the USA steel products valued at Ecu 2,434 million which amounts to 3,2 % of the value of all EC exports to the USA during that time.

2. In the arrangement (1) concluded by the EC and the US at the end of 1989, it was agreed that the export restraints which expire on 31 March 1992 will be 'the final phase of such restraints on such exports'. Nonetheless, the termination of these quantitative restrictions does not imply a complete liberalization of steel trade with the US, since domestic US law which involves a significant number of trade obstacles (2), would continue to apply.

3. In the bilateral consensus (3) agreed between the EC and the US at the same time as the above export restraint agreement, it is stipulated that 'the US and the EC agree to phase out all steel voluntary restraint agreements with third parties by 31 March 1992'. Thus, the termination of quantitative restrictions is expected to be effective for all the trading partners and hence also Eastern European countries.

4. The European Community and the United States are committed to working together to achieve a multilateral agreement whose main objectives are the elimination of tariff and non-tariff barriers, the expansion of ECSC style disciplines on public support, the introduction of a strict effective and transparent dispute settlement mechanism, and the creation of a multilateral Parties Group with sufficient power and expertise to analyse problems and agree on appropriate solutions. The Commission is actively pursuing the successful conclusion of such a Multilateral Steel Agreement (MSA) under the auspices of GATT, which could be in force before the expiry of the current VRAs. This agreement should provide for mechanisms which will limit the potential for harassment through the unjustified and excessive use of trade actions which has been seen from the US industry in the past.

5. The Commission has welcomed Eurofer's constructive contributions to the MSA debate in the past, and will continue to bear in mind the industry's position throughout the discussions.

(1) OJ No L 368, 18. 12. 1989, p. 101.
(2) See the Commission's report on US trade barriers and unfair practices, 1991.
(3) OJ No L 368, 18. 12. 1989, p. 139.

WRITTEN QUESTION No 3019/91
by Mrs Maartje van Putten (S)
to the Commission of the European Communities
(13 January 1992)
(92/C 209/61)

Subject: EC micro-projects in Zimbabwe

Until recently, the Netherlands Voluntary Service Foundation (SNV) was responsible for administering the budget for EC micro-projects in Zimbabwe and for monitoring their implementation.

Why did the Commission discontinue this cooperation with the SNV, which, as far as is known, satisfactorily carried out the tasks assigned to it by the EC?

Answer given by Mr Marín on behalf of the Commission

(5 June 1992)

The participation of the 'Stichting Nederlandse Vrijwilligers' (SNV), in the implementation of the Micro-Projects Programme, was defined in an agreement between the implementing agency, the Agriculture Development Agency, signed in June 1990 and endorsed by the Ministry of Finance, Economic Planning and Development and the Commission in July 1990. Within the framework of this agreement, the SNV assigned at its own costs one Manager and three Advisors to be attached to each of the programme's three regional offices.

In the meantime, the competent Zimbabwean authorities estimated, in March 1991, that this agreement was unsatisfactory and consequently demanded the withdrawal of the Project Manager, the termination of the present agreement and the preparation of a new agreement. The withdrawal of the Manager was later confirmed by the SNV. The Commission agreed to this request. A new agreement on the implementation of the micro-projects is presently being negotiated between the Commission and the Zimbabwean authorities. Possible technical assistance would be recruited within the framework of this agreement and subject to the rules of the Lomé Convention.

WRITTEN QUESTION No 3027/91
by Mr John Cushnahan (PPE)
to the Commission of the European Communities
(13 January 1992)
(92/C 209/62)

Subject: Control of gambling activity in the Community

When is the Commission likely to take a decision on whether the Community's internal market and competition rules should be applied to gambling activity in the Community, which is estimated to have an annual turnover of in excess of Ecu 50 billion?

Answer given by Mr Bangemann
on behalf of the Commission
(31 March 1992)

The Commission appreciates the interest of the Honourable Member, and other Honourable Members, in the question of the treatment of gambling activities in the context of the Single Market. The principles and rules of the Treaty which concern the four freedoms and competition policy are directly applicable. They therefore apply to all economic and commercial activities in the gambling sector.

However, this is a complex area of varying national regulation covering a range of differing activities having a high cumulative economic value. The Commission is developing its understanding of the sector and the issues which require consideration at Community level through its own internal analyses and direct consultations with interested parties and Government authorities. This work requires several stages of operation. The Commission recently held hearings in Brussels, on 16 and 17 December 1991, with all those non-governmental bodies and individuals expressing an interest in this area. The Commission intends to follow this with consultations with the Government authorities responsible for the regulation and control of these activities in the Member States.

Only in the light of the conclusions reached at that stage will it be possible for a decision to be taken on the best procedure to follow, what further stages that procedure might include and an appropriate timetable for the work involved.

WRITTEN QUESTION No 3074/91
by Mr James Fitzsimons (RDE)
to the Commission of the European Communities
(13 January 1992)
(92/C 209/63)

Subject: Energy efficiency

Despite relatively mild winters in Ireland in the last few years, energy consumption in the residential sector has increased by 3,25 %.

Can the Commission outline what actions are being undertaken at EC level to establish energy efficiency in the residential sector and can the Commission outline the energy efficiency levels in each of the Member States in the residential sector?

Answer given by Mr Cardoso e Cunha
on behalf of the Commission
(30 March 1992)

The Save Programme contains a number of measures aimed at improving the rational use of energy in the residential sector. A Directive setting out minimum energy efficiency standards for boilers has already been discussed by both Parliament and Council and should be adopted in May 1992. A Directive on appliance labelling is currently being discussed and Directives relating to energy certification of buildings, heat metering, minimum insulation levels and periodic inspection of boilers will be presented shortly. These legislative measures will be augmented by Member State and Community information programmes and by efforts aimed at making utilities play their part in the energy efficiency process.

On the question of residential energy efficiency for Member States, there is no real measure of actual energy efficiency for this sector. The traditional national measure for energy efficiency is the energy intensity of final demand which is formed by dividing final energy consumption by gross domestic product. An energy intensity for the residential sector formed by dividing final residential energy consumption by gross domestic product would be very misleading because of difference in income levels within the Member States.

Residential energy consumption has been on the increase in most Member States because of several factors which include increases in population, larger numbers of dwellings, lower number of inhabitants for dwelling and in particular income effects and lower energy prices since the 1985/86 oil price fall. However, increases in some Member States, e.g. in the period 1980/90, Ireland 24 %, Italy 12 %, Portugal 50 %, have been offset by substantial decreases in others, e.g. Denmark — decrease of 33 % in the period 1980/90, Germany — decrease of 8 %, producing an overall decrease in residential energy consumption for the EUR-12 in the period 1980/90 of 2 %.

WRITTEN QUESTION No 3075/91

by Mr Joaquim Miranda da Silva and Mr Sérgio Ribeiro (CG)

to the Commission of the European Communities

(13 January 1992)

(92/C 209/64)

Subject: Alleged fraud in the use of European Social Fund resources in Portugal

Certain cases involving the diversion of Community ESF resources intended for vocational training initiatives in Portugal have become public knowledge in that country.

A very recent revelation was the news of alleged frauds perpetrated by the autonomous authorities in Chaves and Boticas (district of Vila Real-Portugal).

In view of the major dispute over the interpretation of Article 128 of the EEC Treaty as regards the intended beneficiaries of the provision,

1. Is the Commission aware of these facts?
2. What arrangements can the Commission make to ensure transparency and correctness in the use of Community funds intended for vocational training initiatives, and how does it interpret Article 128 of the EEC Treaty?

Answer given by Mr Delors on behalf of the Commission

(6 April 1992)

Portugal has notified the Commission of cases of suspected irregularities in the management of the European Social Fund in accordance with Article 7 of Commission Decision 83/763/EEC of 22 December 1983 (1). At present 328 cases are being dealt with. The Commission has decided to bring a civil action in 27 cases.

The Commission is anxious that the national authorities should improve their vocational training structures, in particular as regards the criteria for access to and financing by the new programmes. It has also adopted general principles for the implementation of a common policy on vocational training based on Article 128 of the Treaty in its Decision 63/266/EEC of 2 April 1963 (2).

Article 23 of Council Regulation (EEC) No 4253/88 of 19 December 1988 lays down rules to ensure the proper use of Community funds (3).

For the sake of greater transparency in the use of Community funds the Commission drew up a Code of Conduct which was notified to the Member States on 30 July 1990 (4).

By its judgment of 13 November 1991 in Case C-303/90 the Court of Justice declared the Code of Conduct void. The Commission is now considering other ways of improving the system for relaying information on cases of fraud in this field.

(1) OJ No L 377, 31. 12. 1983.
(2) OJ No 63, 20. 4. 1963.
(3) OJ No L 374, 31. 12. 1988.
(4) OJ No C 200, 9. 8. 1990.

WRITTEN QUESTION No 3081/91

by Mr Jesús Cabezón Alonso (S)

to the Commission of the European Communities

(13 January 1992)

(92/C 209/65)

Subject: EEC-EFTA — cohesion and free movement of persons

In the context of the new relations between the EEC and the EFTA countries, there will be freedom of movement for persons and workers.

What arrangements for social and economic cohesion are planned to prevent possible distortions of competition in the labour market and other spheres?

What financial instruments and accompanying measures are planned to achieve convergence in the field of social protection?

Answer given by Mr Andriessen on behalf of the Commission

(9 April 1992)

In order to help avoid distortions of competition in the labour market, it is envisaged that the EFTA countries should, as part of the EEA, introduce into their internal legal order, the Community's acquis in the field of health and safety at work, labour law and equal treatment for men and women. The Commission would refer the Honourable Member in this regard to its reply to his Written Question No 3080/91 (1).

It is also envisaged that the Contracting Parties should seek to strengthen cooperation in the framework of Community activities in the fields of social policy more generally. It has been agreed that the EFTA States should, in this connection, from the entry into force of the EEA Agreement, participate within the framework of the Community actions for the elderly.

As regards the reduction of economic and social disparities more generally, the Commission would refer the Honourable Member to its reply to Written Question No 2721/91 from Mr Cushnahan (2).

(1) OJ No C 162, 29. 6. 1992, p. 42.
(2) OJ No C 133, 23. 5. 1992, p. 25.

WRITTEN QUESTION No 3090/91
by Sir Jack Stewart-Clark (ED)
to the Commission of the European Communities
(13 January 1992)
(92/C 209/66)

Subject: Environmental cases before the Court of Justice

Can the Commission supply details by Member State of the number of cases brought before the European Court of Justice on environmental matters since 1975?

Answer given by Mr Ripa di Meana
on behalf of the Commission
(12 May 1992)

For the reasons given below the Commission does not have detailed statistics on environmental cases brought before the Court of Justice:

1. There are numerous measures which are aimed at protecting natural marine resources and which put limits on fishing for certain fish. Traditionally, however, these measures are grouped together under the heading of 'fishing' rather than 'environment'. The same point can be made for measures relating to nuclear safety or the freedom of movement of products (detergents, chemicals, cars, etc.): a case brought before the Court of Justice by the Commission for the non-transposition of a 'products' Directive, for example, will often be classified under the heading 'freedom of movement' and not 'environment'.

2. Many of the cases brought before the Court are never heard, either because the Member State adapts or amends its national laws or because it comes into line with Community legislation.

3. In the past the Court has been called upon to hand down many judgments relating to the protection of the environment under Article 177 of the Treaty. In these cases the Member States are not directly concerned, even though, indirectly, the laws or practices of a Member State may be called into question during the procedure.

If the Honourable Member still wishes to have the statistics, the Commission suggests that he asks the Court of Justice to supply them given that the classification of such cases by the Court in its register would appear to be the only reliable means of obtaining comparable data.

WRITTEN QUESTION No 3091/91
by Mr Bartho Pronk (PPE)
to the Commission of the European Communities
(13 January 1992)
(92/C 209/67)

Subject: Improving the Commission procedure for proposals pertaining to social matters

On 13 November 1991, Mrs Papandreou briefly replied to my Written Question No 861/91 [1] on statements by Mr Howard. Her answer gives rise to further queries:

1. Will a new procedure be introduced for Directives on social issues, as intimated by Mr Howard, without consulting national experts?

2. If not, is Mr Howard's statement inaccurate?

3. Why did the Commission take six months to answer such a simple question?

---

[1] OJ No C 112, 30. 4. 1992, p. 2.

Answer given by Mrs Papandreou
on behalf of the Commission
(8 April 1992)

Before making proposals for legislation in fields where no appropriate statutory structures exist (e.g. the Advisory Committee on Health and Safety at the Workplace), the Commission considers it appropriate to consult the two sides of industry at European level through the medium of the social dialogue and likewise government experts. The consultations with the two sides of industry are carried out jointly.

Naturally, these consultations in no way bind the Commission as regards the proposals it actually makes.

This procedure is not new.

WRITTEN QUESTION No 3103/91
by Mrs Anita Pollack (S)
to the Commission of the European Communities
(24 January 1992)
(92/C 209/68)

Subject: Air pollution and transport

As part of the Community's target to stabilize vehicle emissions, what is the Commission doing to promote a modal shift for short journeys from cars to cycles?

Answer given by Mr Van Miert
on behalf of the Commission
(5 May 1992)

The Commission is currently studying a wide range of policy options aimed at stabilizing vehicle emissions. In this connection the Commission has recently transmitted to the Council, Parliament and the Economic and Social Committee a 'Green Paper on the impact of transport on the environment. A Community strategy for sustainable mobility' (1).

The Commission believes that increased use of bicycles for short journeys could make an important contribution to reducing both air and noise pollution and welcomes any schemes to this end.

This is regarded as especially important in the urban context, where private motor traffic is increasingly recognized as a major cause of pollution and congestion.

As part of the follow-up to the Commission Green Paper on the urban environment, financial assistance is being provided to the European Cyclist Federation for the production of a manual on cities for cyclists, the object of this manual being to demonstrate to city authorities how bicycles can, on the basis of existing examples, be integrated more substantially into city transport networks.

Consistent with the principle of subsidiarity, the decisions as to precisely how cycles should be encouraged in individual cities are the responsibility of the local authorities.

(1) COM(92) 46.

WRITTEN QUESTION No 3119/91
by Mrs Mary Banotti (PPE)
to the Commission of the European Communities
(24 January 1992)
(92/C 209/69)

Subject: Imports of crowned crane, *Grus balearica regulorum*

What scientific research has been carried out in the exporting countries to demonstrate that imports into the Community of the crowned crane, *Grus balearica regulorum,* are not detrimental to the survival of this species?

Answer given by Mr Ripa di Meana
on behalf of the Commission
(23 April 1992)

International trade in specimens of this subspecies is covered by the provisions of Cites, and imports into the Community are thus regulated under Council Regulation (EEC) No 3626/82 (1).

As the crowned crane is not included in Annex C to this Regulation, it is currently not possible to restrict imports.

Such a measure would, however, become available with the adoption of the Commission's proposal for a Council Regulation laying down provisions with regard to the possession of and trade in specimens of species of wild fauna and flora (2).

(1) OJ No L 384, 31. 12. 1982.
(2) COM(91) 448 final.

WRITTEN QUESTION No 3131/91
by Sir James Scott-Hopkins (ED)
to the Commission of the European Communities
(24 January 1992)
(92/C 209/70)

Subject: Citizens' Charters

Has the Commission noted the British Government's proposals for a Citizens' Charter? What proposals does it have for a European Citizens' Charter?

Answer given by Mr Delors
on behalf of the Commission
(18 May 1992)

The Commission knows about the Citizens' Charter adopted by the United Kingdom Government in July 1991, which is designed mainly to improve public services. The United Kingdom Government has in mind measures aimed exclusively at its national or local authorities.

The Commission's priority task is to implement the provisions relating to European citizenship embodied in the Treaty on European Union concluded at Maastricht (rights of residence and movement, voting rights, diplomatic and consular protection). Once this Treaty has come into force, the Commission, pursuant to Article 8e, will report to Parliament, the Council and the Economic and Social Committee on the application of the provisions relating to European citizenship. On this basis the Council will, in due course, decide, under the procedure set out in the second paragraph of Article 8e of the Treaty on European Union, whether it is necessary to supplement the rights of European citizens.

WRITTEN QUESTION No 3164/91

by Mr Friedrich Merz and Mr Karsten Hoppenstedt (PPE)

to the Commission of the European Communities

(24 January 1992)

(92/C 209/71)

Subject: Incorporation into German law of Council Directives on the award of public works contracts and public supply contracts and the Council Directive on the application of review procedures to the award of public supply and public works contracts

1. What objections does the Commission have to the way in which the Council Directives on the award of public works and supply contracts have been incorporated into German legislation by means of the Regulation on the Award of Public Works Contracts (VOB) and the Regulation on the Award of Public Service Contracts (VOL) and the relevant German budget provisions (Council Directives 71/305/EEC [1], 88/295/EEC [2] and 89/665/EEC [3]).

2. Does the Commission consider that the Council Directives on public works and supply contracts must be implemented by means of a comprehensive national law providing channels of legal redress for tenderers who have been placed at a disadvantage?

3. Are there misgivings about provisions introduced by Germany to implement the coordination and review directives in the light of Community legislation?

(1) OJ No L 185, 16. 8. 1971, p. 5.
(2) OJ No L 127, 20. 5. 1988, p. 1.
(3) OJ No L 395, 30. 12. 1989, p. 33.

Answer given by Mr Bangemann on behalf of the Commission

(18 May 1992)

The Commission has initiated the infringement procedure provided for by Article 169 of the EEC Treaty against the Federal Republic of Germany on the grounds that the national measures which this Member State submitted to implement both Council Directive 89/440/EEC amending Directive 71/305/EEC concerning coordination of procedures for the award of public works contracts and Council Directive 88/295/EEC amending Directive 77/62/EEC relating to the coordination of procedures on the award of public supply contracts are incompatible with the Community legislation, particularly since they establish no rights for individuals. The Commission also points out that the time limit for implementing Council Directive 89/665/EEC on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts expired on 21 December 1991. The Commission is considering which action needs to be taken on this subject.

The Commission draws attention to the fact that the Member States are free to choose the legal instruments employed to implement the Directives in question. Naturally, this applies only on condition that the instrument chosen creates individual rights to the benefit of citizens, who must be in a position to exercise these rights and, if necessary, invoke them before the national courts (cf. Cases C-59/89, C-361/88 and C-58/89, Commission v. Federal Republic of Germany). The Commission considers that the form of implementation chosen by the Federal Government fails to satisfy this condition since it creates no legally binding rules which individuals could invoke.

WRITTEN QUESTION No 3166/91

by Mr Henry McCubbin (S)

to the Commission of the European Communities

(24 January 1992)

(92/C 209/72)

Subject: Cheap importation of chicken products into the Community

Is the Commission aware that the price of imported chicken products has fallen dramatically over the last year? The break-even price for chicken producers in the UK is £ 1,80 per pound. Chicken supplies by Thailand and Brazil have been available from £ 1,18 per pound ex-ship at Rotterdam. Further reports suggest that EC countries are buying in chicken meat from Eastern Europe and then selling it on in the Community as Community produce. Is the Commission aware that these third countries are purchasing grain, which accounts for 70% of the diet of poultry, from the Community at half the farm price which our producers have to pay. Does the Commission have any plans to investigate the above situation before irreparable damage is done to our chicken industry?

Answer given by Mr Mac Sharry on behalf of the Commission

(1 April 1992)

In accordance with other information received from the United Kingdom at the end of 1991, it is assumed that the products referred to by the Honourable Member are chicken breast fillets. For these products, imports at prices below sluice-gate price level had been proven about a year ago. Consequently, the Commission imposed additional levies on imports from Brazil, Thailand, Hungary (March to May 1991), Czechoslovakia (April to July 1991) and China (April to December 1991). In recent months, there were no complaints from Member States or the poultry industry about imports at too low prices until the

Honourable Member's present question and other information received from the United Kingdom.

The Commission is well aware of the level of grain prices on the world market. To make up for the incidence of higher grain prices on poultrymeat production costs in the Community, a levy is imposed on imports from third countries, the so-called grain element of which is derived from the difference between feed prices in the Community and on the world market, calculated every quarter. In addition, supplementary amounts may be levied if free-at-frontier prices fall below the EEC sluice-gate prices. These amounts are imposed on the basis of information on import prices received regularly from Member States, and the Commission does not hesitate to start an investigation into both current import prices for boned chicken meat and supposed practices of selling third country chicken meat as Community produce.

Under normal circumstances, however, the Commission can only provide protection up to the total of sluice-gate price and levy. For boned chicken meat, this sum amounts to Ecu 390 per 100 kg, which is equal to £ 1,41 per 1b. This is substantially below the break-even costs mentioned, which seem to be out of line with costs in most other Member States.

WRITTEN QUESTION No 3196/91
by Mr Virgílio Pereira (LDR)
to the Commission of the European Communities
(24 January 1992)
(92/C 209/73)

Subject: Surveys by European consumer organizations

One of the objectives of the three-year action programme (1990-1992) published by the Commission in respect of 1990 as part of the Community's consumer policy is concerned with better information for consumers.

What comparative surveys were carried out by European consumer organizations at Community level, particularly by the BEUC (European Bureau of Consumers' Unions) and promoted by the Commission to provide consumers with better information concerning the prices and quality of goods and services, thereby ensuring that they are better informed and hence able to compare and select the best value?

What future surveys are envisaged?

Answer given by Mr Van Miert
on behalf of the Commission
(30 March 1992)

The BEUC (European Bureau of Consumers' Unions) has carried out the following comparative studies at Community level on the prices and quality of products and services:

1990

Prices of car spare parts in the EEC with regard to Regulation (EEC) No 123/85

Cross-border survey on prices, guarantees and after-sales service of durable consumer goods in the EEC

Term insurance in the EEC.

1991

Holiday money

Transparency of the cost of cross-border transactions

Parallel import market for cars in the EEC

The home banking system.

In addition to these specific studies, the Commission provided financial support in 1991 to International Testing Limited, which is a group of several consumer associations whose aim is to carry out joint comparative tests. The objective was four-fold:

— to study the current situation with regard to comparatice tests in the EC to help identify ways of making improvements in view of the completion of the single market;

— to help set up a database on the results of comparative tests and to facilitate access to it;

— to develop methods of assessing goods to take better account of the specific requirements of disabled consumers;

— to improve the system of communication between consumer associations which organize joint comparative tests.

The Commission plans to carry out similar activities in 1992, the two aims being:

— to encourage consideration of the single market dimension in comparative tests, in particular in the publication of results;

— to explore new ways of presenting the results of comparative tests.

WRITTEN QUESTION No 3202/91
by Mr Madron Seligman (ED)
to the Commission of the European Communities
(28 January 1992)
(92/C 209/74)

Subject: Spurious marketing techniques

Tempting offers of prizes continue to be made to members of the public, who subsequently find that the prize was illusory and they may then be subjected to 'hard sell' marketing tactics.

Another technique offers prizes, but requires the 'winner' to send money to secure the prize. Gullible people may in this way be defrauded of their money.

A constituent of mine whose suspicions were aroused sent me copies of documentation mailed by a firm apparently domiciled in the Netherlands.

When the Commission answered Question No 1042/89 (1) in February 1990 concerning a similar nefarious practice of cross-frontier fraud, the Commission gave a somewhat nebulous undertaking to investigate the problem.

It should not be necessary for articulate citizens, such as my constituent, to incur the expense of instituting criminal proceedings in another Member State. Failing such action, citizens of the EC will remain vulnerable to unscrupulous trading methods.

Will the Commission now recognize that a serious problem exists and undertake some positive action to protect EC citizens generally?

(1) OJ No C 303, 3. 12. 1990, p. 10.

Answer given by Mr Van Miert
on behalf of the Commission
(31 March 1992)

The Commission is still examining the matters and difficulties raised by cross-frontier dishonest trading practices.

The problems raised by the Honourable Member are to be dealt with by bolstering the remedies open to consumers and also the cooperation between the authorities in the various Member States.

The legal complexity attached to cross-frontier situations does not enable adequate solutions to be found easily and quickly. Very recently these problems were again discussed among senior representatives of the relevant authorities from the EEC and EFTA countries as part of a conference held by the Danish authorities, with the support of the Commission.

A contribution to the solution of these problems may also be found in the Convention signed by the Ministers of Justice of the nine Community countries on the carrying out abroad of penal sentences. When this has been ratified and enters into force, the Convention will certainly increase the protection of consumer interests in cross-frontier lawsuits. It will then be possible to carry out a judgment on the territory of another Member State provided that this also penalizes the trading practices at issue.

WRITTEN QUESTION No 3219/91
by Mr Carlos Robles Piquer (PPE)
to the Commission of the European Communities
(28 January 1992)
(92/C 209/75)

Subject: Strict respect for the 'acquis communautaire' in future accession negotiations

Commenting on the satisfactory outcome of the negotiations leading to the creation of the European Economic Area (EEA) Mr Delors, the Commission President, gave his assurance that the EFTA countries would adopt all existing Community legislation relating to the four freedoms, adding that the adoption by 1993 of the entire 'acquis communautaire' created over the last 30 years would require enormous efforts by these countries.

Can the Commission guarantee that respect for the entire 'acquis communautaire' will be an unequivocal requirement during future negotiation with any countries wishing to join the European Community as full members, whatever their economic or social conditions may be?

Answer given by Mr Andriessen
on behalf of the Commission
(9 April 1992)

As the Honourable Member will be aware, Article 237 EEC Treaty, the text of which is reproduced *mutatis mutandis* in the final provisions of the Maastricht Treaty on European Union, provides that 'the conditions of admission and the adjustments to this Treaty necessitated thereby should be the subject of an agreement between the Member States and the applicant State'. The Commission, for its part, has stressed, in its opinion on Austria's application for membership of the Community, that, 'in the accession negotiations, the Community will have to take as a basis the Community rules and structures as they emerge from the two intergovernmental conferences, following completion of ratification procedures, including the results concerning Foreign Policy and Security'.

WRITTEN QUESTION No 3227/91
by Mrs Christine Oddy (S)
to the Commission of the European Communities
(28 January 1992)
(92/C 209/76)

Subject: French 'mission locales'

What information does the European Commission possess about French 'mission locales' — advice centres for young people?

What range of advice do they give and do similar advice centres exist in other European countries?

Would the European Commission consider establishing or encouraging European initiatives?

Answer given by Mrs Papandreou
on behalf of the Commission
(8 April 1992)

French 'missions locales' were created and publicly funded in 1983, to deal with all the different problems that young people lacking socio-economic integration have to face. These advice centre are entitled to provide information, guidance, and help in fields such as training, jobs, welfare services, housing et cetera. Their main characteristic is their individual, flexible and inter-institutional approach, avoiding bureaucratic procedures, suitable for young people and specifically those who are disadvantaged.

All other Member States have set up some kind of advice centres for young people, although generally they deal with a more narrow range of issues (employment being dealt with through other structures for instance).

In the framework of the Petra Programme, adopted by the Council on 22 July 1991 (1), specific funding is available for initiatives in the field of vocational guidance and counselling. Support can be provided for projects aiming at the improved exchange of data on vocational guidance and information, and for projects to enable guidance and counsellors to improve their training and team from European-wide experience.

(1) OJ No L 214, 2. 8. 1991.

WRITTEN QUESTION No 3230/91
by Mrs Christine Oddy (S)
to the Commission of the European Communities
(28 January 1992)
(92/C 209/77)

Subject: Extreme right-wing organizations in Yugoslavia

Has the Commission heard allegations of extreme right-wing organizations and vigilant groups operating in Yugoslavia which intimidate the local population including Serbs?

What steps are the European Community observers taking to monitor the situation and reduce intimidation?

Answer given by Mr Matutes
on behalf of the Commission
(9 April 1992)

Although it has no first-hand information the Commission is well aware that acts of brutality are being perpetrated in Yugoslavia, not only by the Federal army but also by other undisciplined groups.

The Community and its Member States have repeatedly denounced violence in all its shapes and forms, irrespective of the guilty party.

The Community observers' main task is to see that the cease-fire is observed. On the ground they have managed time and again to restore calm and forestall violence.

WRITTEN QUESTION No 3245/91
by Mr José Lafuente López (PPE)
to the Commission of the European Communities
(28 January 1992)
(92/C 209/78)

Subject: Community aid for opening consumer offices

There are now three consumer information offices in the Community (in Lille, Luxembourg and now Barcelona), with doubtless many more to follow in all parts of the Community. As these offices are promoted by the European Community and co-financed by local consumer organizations, it would be useful to other European cities interested in setting up similar offices if the Commission were to provide the following details:

— under what conditions does the European Community promote these offices?

— what percentage of aid can be expected when one is set up?

— how is the relevant application submitted?

— what public or private bodies have access to the information provided?

— under what conditions may private individuals have access to the computerized data held in these offices?

Answer given by Mr van Miert on behalf of the Commission

(1 April 1992)

The Consumer Information Offices that have already opened in several frontier areas of the Community with financial support from the Commission form part of consumer information policy under the three-year action plan of the Commission's Consumer Policy Service.

Their task is to inform and assist consumers in cross-border transactions, which are set to increase in the context of the single market.

Requests for aid to set up a Consumer Information Office, which may be submitted by public or private entities, must be sent directly to the Commission's Consumer Policy Service. It analyses and assesses requests on the basis of criteria which take account of the suitability of the projects to meet, albeit not exclusively, consumer's needs for information and assistance with cross-border transactions in the area concerned.

The Commission finances 50 % of the annual costs of the projects selected, with a current aid ceiling of Ecu 150 000.

The services provided by the Consumer Information Offices, and their relative importance, depend on the specific characteristics and requirements of the area covered.

Management of the information supplied, in particular specific management of database access, is in principle the responsibility of the Consumer Information Offices themselves, whose rules grant them total autonomy in operational management. However, the Commission considers that the role of these centres is to provide information and assistance to consumers in an open, accessible form.

In this light, the Commission ensures that the functioning and services supplied by the Consumer Information Offices are as accessible as possible to all citizens, in terms both of equipment and administrative procedures.

WRITTEN QUESTION No 3250/91

by Mr George Patterson (ED)

to the Commission of the European Communities

(28 January 1992)

(92/C 209/79)

Subject: EC Mark

In the event of manufacturers objecting on religious grounds to the use of the EC Mark, would a written declaration in some or all of the Community languages affirming that the product conformed to the standards provided for in the relevant Directives be accepted as equivalent?

Answer given by Mr Bangemann on behalf of the Commission

(2 April 1992)

All Community legislation which provides for the affixing of the EC Mark has been drawn up under the New Approach to technical harmonisation and provides for the issue either of a declaration of conformity by the manufacturer or a certificate of conformity by an independent certification body.

The affixing of the EC Mark is the final stage of the process of demonstrating conformity and is the concrete materialization on the products in question of the declaration or certificate of conformity. The EC Mark is there for market control purposes and its absence leads to a presumption of non-conformity of the product.

Manufacturers who object to affixing the EC Mark themselves, on religious grounds, can have recourse to an agent established on the territory of the Community which they can mandate to affix the mark in their name.

Any other solution such as that of derogation from the obligation to affix the mark would only undermine the very objective of the mark.

WRITTEN QUESTION No 3252/91

by Mr Henry McCubbin (S)

to the Commission of the European Communities

(29 January 1992)

(92/C 209/80)

Subject: Health and safety of air crews in regard to flight time limitations

Negotiations are at present proceeding between certain Member States and the Joint Aviation Authority with regards to flight time limitations for air crews. It is noted that in COM(90) 442 final reference is made to cooperation in the implementation of Joint Aviation Requirements in all fields related to safety of aircraft and their operation. JARs are now being discussed by the JAA in the area of flight time limitations. As health and safety issues are rightly harmonized at Community level (89/391/EEC) (1) can the Commission state what

involvement they have in these discussions and when they hope to bring forward appropriate legislation?

(1) OJ No L 183, 29. 6. 1989, p. 1.

Answer given by Mr Van Miert on behalf of the Commission

(14 May 1992)

The Commission's services have participated, as observers, in the Joint Aviation Authority (JAA) Study Group on Flight Time Limitation since January 1990. The recommendations of this study group are now under consideration by the Operations Committee of the JAA.

In parallel with this work, the Commission is also seeking the opinion of the social partners in the Joint Committee for Civil Aviation on the JAA Study Group proposal.

On the basis of the JAA's requirements and the opinion of the Joint Committee for Civil Aviation, the Commission expects to present proposals for a Community-wide scheme for the regulation of flight and duty time limitations and rest requirements for air crews.

Prior to presenting these proposals, the Commission will take note of existing Community provisions on occupational health and safety.

WRITTEN QUESTION No 3263/91
by Mr Kenneth Collins (S)
to the Commission of the European Communities
(29 January 1992)
(92/C 209/81)

Subject: Furniture fire safety

The Commission has delayed the submission of its proposal relating to furniture fire safety until after research has been conducted.

Will the Commission say what timescale is foreseen for the completion of this research, what form the research will take, and the date on which it is now envisaged that the proposal will be submitted?

Answer given by Mr Bangemann on behalf of the Commission

(1 April 1992)

In addition to the standardization activities in progress on the 'ignitability' of upholstered furniture and matresses on private, public and high-risk premises pre-standardization work subsidized by the Commission, on the classification of representative combinations of upholstering products and covering products will be completed by the end of 1994.

The pre-normative programme received a broad consensus at a consultation meeting held on 29 January 1992 as regards the examination of behaviour following ignition. It should be possible to draw up the implementation timetable in September.

The study being conducted by a consultant of any toxicity and ecotoxicity problems should be completed in late 1992 as regards normal uses and the effect of discarding on the environment, whereas part of the study on gas toxicity in the event of fire is linked with the activities mentioned under 2.

It is not possible to draw up a precise timetable for the sending of a Directive to the Council at this stage. In view of the state of progress reached by the various activities mentioned the Commission hopes to be able to draw up a more detailed timetable by next autumn which should also take account of the normal procedural deadlines for the effective entry into force of that Directive in the Member States.

WRITTEN QUESTION No 3272/91
by Mr Yves Verwaerde (LDR)
to the Commission of the European Communities
(29 January 1992)
(92/C 209/82)

Subject: Fight against drugs

Regarding the European programme to combat drug abuse, could the Commission say whether the 'European Drug Observatory' that was to have been set up in collaboration with the European Committee concerned with prevention of drug abuse has in fact commenced operations?

Answer given by Mr Delors on behalf of the Commission

(10 April 1992)

On a proposal from the European Committee to Combat Drugs (Celad), the European Council in Rome on 14/15 December 1990 adopted a European plan for combating drugs which looked favourably on the creation of a 'European Drugs Monitoring Centre'. The Commission, which had been entrusted by Celad with the task of carrying out a feasibility study for the Centre, presented the study, produced in close liaison with the Member States, on 17 May 1991. On this basis, the

Luxembourg European Council (28/29 June 1991) approved the creation of the European Drugs Monitoring Centre. In the light of Celad's subsequent position (27 September 1991) in favour of an institutional option enabling the future Centre to become a 'Community legal entity', on 27 November 1991 the Commission adopted a 'proposal for a Council Regulation on the establishment of a European Drugs Monitoring Centre and a European Information Network on Drugs and Drug Addiction (1).

This proposal is now being examined by the Council, Parliament and the Economic and Social Committee. The Maastricht European Council (9/10 December 1991) urged the Council to adopt this proposal by 30 June 1992.

Although the European Drugs Monitoring Centre has not yet become operational, the feasibility study and preparatory work carried out by the Commission have already served to define its objectives, tasks and potential functions.

(1) COM(91) 463 final.

WRITTEN QUESTION No 3274/91
by Mr Francesco Speroni (ARC)
to the Commission of the European Communities
(29 January 1992)
(92/C 209/83)

Subject: Aviation: medical check-ups in Italy

Contrary to the situation in other Member States, in Italy holders of pilot's licences or certificates cannot be examined by appropriately qualified doctors when undergoing the regular medical check-ups required for their licences to be renewed. Instead, they have to apply to military bodies, resulting in a degree of inconvenience, for, notwithstanding the rules laid down in Presidential Decree No 566 of 18 November 1988, there are very few such services, their duty hours are limited, and staffing levels are low.

Similar inconvenience is suffered by holders of licences and certificates issued by the aviation authorities of other Member States who, by force of circumstances, have to be examined in Italy at the time when their licences are about to expire.

Will the Commission take steps with a view to ensuring that pilots in Italy may also be examined by non-military personnel?

Answer given by Mr Van Miert
on behalf of the Commission
(13 May 1992)

International rules (ICAO) dictate that pilots of aircraft must be in possession of a valid licence.

To ensure that the holder of such a licence is fit to fly, the licence is conditional on the passing of regular medical examinations. The frequency of these examinations is a function of the type of licence and the age of the holder.

In most Member States these examinations are carried out by doctors authorized for such activity by the national aviation administration.

It is generally considered that these authorized doctors should have experience of the aviation aspects of medicine.

However, the approval of suitable qualified medical staff to carry out examinations for the issue of pilots licences is the responsibility of the national administrations. If insufficient approved staff is available in any one Member State then that administration is free to approve additional staff.

WRITTEN QUESTION No 3281/91
by Mrs Cristiana Muscardini (NI)
to the Commission of the European Communities
(29 January 1992)
(92/C 209/84)

Subject: Road safety devices

Does the Commission not believe that it should issue a regulation to improve road safety by introducing:

1. a third brake light, fitted in a conspicuous place (this system has already been in use in the United States for some years).
2. an electro-mechanical system to switch on all four directional indicators (or hazard-warning lights) as soon as a driver applies fierce pressure to the brake pedal? (His attention would thus not be distracted from driving as he attempted to find the switch, and he would be able to concentrate fully on dealing with the emergency situation).

Answer given by Mr Bangemann
on behalf of the Commission
(14 April 1992)

Vehicle lighting is covered by Council Directive 76/756/EEC (1). This Directive was last amended by Directive 91/663/EEC (2).

During the preparation of this last amending Directive the question of the third brake light was considered. There was not a qualifying majority among the Member States in favour of requiring, nor in favour of permitting the third brake light. Consequently the Directive does not permit the fitting of the third brake light. When the Directive becomes mandatory for the Single Market, no Member State will be permitted to allow the registration of vehicles unless they conform to the Directive, so the third brake light will cease to be allowed to be fitted to new vehicles sold in the Community.

The Commission could not defend the use of the hazard warning signal (all direction indicators) to indicate hard braking. Whenever a driver, driving at speed, applied full braking, the hazard warning signal would be activited. This could be particularly confusing when a driver braked before turning off to the right or to the left because no direction signal could be given while the hazard warning signal was flashing.

(1) OJ No L 262, 27. 9. 1976.
(2) OJ No L 366, 31. 12. 1991.

WRITTEN QUESTION No 1/92

by Mr Leen van der Waal (NI)

to the Commission of the European Communities

(4 February 1992)

(92/C 209/85)

Subject: Excise duty exemption for diesel fuel used by inland waterway vessels

In its proposal for a Council directive on harmonization of the structures of excise duties on mineral oils (COM(90) 434 final) the Commission proposes that fuel for inland waterway vessels be exempt from excise duty. This follows on from Article 1 of the 1952 Agreement relating to duties and taxes on fuel used by inland waterway vessels on the Rhine and is intended to strengthen the competitive position of inland waterways as a relatively environmentally-acceptable form of transport. In addition, the European Parliament has approved this exemption.

According to press reports the German Government is attempting to abolish this excise duty exemption.

1. Can the Commission confirm this?

2. Can it say whether this matter has been discussed in Council and whether it has received any support there?

3. Will it continue to advocate excise duty exemption for inland waterway vessels?

Answer given by Mrs Scrivener on behalf of the Commission

(27 April 1992)

The Commission proposal referred to by the Honourable Member is currently under discussion in the Council and it is hoped that agreement will be reached in the near future.

In so far as fuels for inland waterway vessels are concerned, the position of the Commission remains as set out in its proposal and as approved by the Parliament that is in favour of an exemption for this means of transport.

WRITTEN QUESTION No 9/92

by Mr Ernest Glinne (S)

to the Commission of the European Communities

(4 February 1992)

(92/C 209/86)

Subject: The Yanomami Indians and the Equatorial forests

The destruction of the Equatorial forests and the environment of the Indians who inhabit this area is a global problem. The example of the Yanomami indians is particularly poignant. Their territory has been invaded by thousands of gold prospectors who kill, ill-treat and terrorize them, steal their food and destroy their food crops.

The gold prospectors also destroy the forest, pollute the rivers and their local fauna and spread diseases against which the Indians have no defences. Since 1989, malaria has reached epidemic proportions, in many cases afflicting entire villages and making the natives unable to hunt or cultivate crops. As a result, the numerous diseases have been complicated by malnutrition. Between 1987 and 1990, almost 13 % of the Yanomami population was wiped out as a result of this encroachment by the goldminers. The destruction of one of the largest and most culturally intact ethnic groups of the Amazon area was therefore accelerated despite the protection promised by the President, Mr Collor.

Any attempt to protect the forest and its inhabitants must involve recognition of the rights and interests of the indigenous peoples and, in particular, their territorial rights.

According to an anthropologist of the University of Chicago, Mr Terry Turner (In These Times (1), May 1991 1991, No 21), the ideal would be to find a political solution to enable the indigenous peoples themselves to protect and control all exploitable resources of the forest.

What is the Commission's view on the policy to be followed, and what steps have already been taken in this direction?

(1) In These Times: American revue: 1912 Debs. Av., Mt. Morris, IL 61054.

Answer given by Mr Matutes on behalf of the Commission

(14 April 1992)

Since the European Council held in Dublin in June 1991 recommended increasing the Community contribution to tropical forest conservation and, in particular, stepping up Community cooperation with the countries concerned, the Commission has initiated various schemes.

Under a specific budget heading entered at Parliament's request (budget heading B7-5040, ex Article 946, Environment in the developing countries), the Community has started cooperation projects in tropical forest conservation particularly intended for the Indians.

Thus, in 1990, Ecu 620 000 was allocated to projects aimed directly at forest conservation in Asia and Latin America, with Ecu 340 000 of this going directly to schemes involving Indians.

In 1991, Ecu 1 825 000 went directly to tropical forest conservation in Latin America and Asia, including Ecu 600 000 to schemes involving indigenous peoples.

The Commission considers tropical forest conservation a complex, multi-disciplinary matter in which a combination of responses (political, social, economic, research, training and new technologies) is the only way of checking the phenomenon of deforestation and making forest conservation compatible with the need for an adequate income. One such response is to recognize the proven ability of the indigenous peoples to manage their forest ecosystems — as they have been doing for thousands of years — and to support alternatives that will enable those concerned (i.e. the indigenous Indians, colonists and rubber tappers) to participate (each as is appropriate to their way of life) in the sustainable conservation of the forest.

Where the indigenous peoples are concerned, one possible method would be for the governments (of Brazil, Colombia and Bolivia) to make over clearly defined territories to the tribes in question and to organize collaboration between the Indian populations, government departments and specialist NGOs with a view to achieving autonomous management of the territories by the indigenous communities.

Against this background the Community decided to support a project in Colombia (project 89/32 under former Article 946) which dovetails with the Colombian 'resguardos' project (communal ownership of land) in which the aim is to give 18 million ha back to the indigenous peoples.

In Brazil the Community is supporting the expansion of the NCI, an indigenous peoples research centre (project 91/019, under budget heading B7-5040). The aim is to promote awareness and development of Indian forest conservation practice. Collaboration is also underway with the IEA, an institute for Amazonian studies, with particular emphasis on seeking ways of protecting forests.

A further example of cooperation between the Community and Brazil under heading B7-5040 concerns the efforts to combat mercury pollution. This programme has made it possible to measure the level of contamination in the Tapajos valley and to put forward proposals for less contaminating methods of extracting gold.

In partnership with the World Bank and the Brazilian Government, the Commission is also helping to draw up a pilot project for forest conservation in Brazil. This will involve the indigenous peoples and provides for active participation by NGOs. The Community has decided to contribute just under Ecu 12 million towards financing project preliminaries.

Under the new guidelines for cooperation with developing Asian and Latin American countries, 10% of all appropriations are set aside for cooperation in matters relating to the environment and tropical forests, which means that it will be possible this year to start up significantly dimensioned cooperation projects in support of the developing countries' own efforts.

WRITTEN QUESTION No 12/92
by Mr Roberto Speciale (GUE)
to the Commission of the European Communities

(4 February 1992)

(92/C 209/87)

Subject: 1992 ceiling for aid to shipyards

It will soon be necessary to set the 1992 ceiling for aid to shipyards in accordance with the relevant Directive in 1991, the method of determining the ceiling was the target of criticism, for example the fact that the reference to more competitive performance should not be applied to one shipyard only but rather to a number of the best shipyards and, more generally, concerning inadequate analysis of internal and international statistics. In reply to my Written Question No 400/91 (1), the Commissioner responsible replied that the Commission was 'prepared to consider constructive suggestions for improvement in the methodological approach'. Since the ceiling has already

been reduced to 13 % and any further reduction would be likely to create serious difficulties for the European shipbuilding sector as a whole, will the Commission, in setting the 1992 ceiling, modify certain aspects of the old method of calculation, taking account of the above observations? Does the Commission share current concern at the possible difficulties arising from a further reduction in the ceiling?

(1) OJ No C 227, 31. 8. 1991, p. 21.

Answer given by Sir Leon Brittan on behalf of the Commission

(15 April 1992)

The Commission would like to point out to the Honourable Member that at its meeting on 18 December 1991 it decided to set the ceiling for 1992 at 9 %. For small ships costing less than Ecu 10 million and ship conversion, the ceiling was fixed at 4,5 %.

As required under Article 4(2) of the Seventh Council Directive on aid to shipbuilding, the Commission was obliged to set the revised ceiling with reference to the prevailing difference between the cost structures of the *most competitive* Community yards and the prices charged by their main international competitors, with particular regard to the market segments in which the Community yards remain relatively most competitive. As in previous years, a basic element of the Commission's assessment of the prevailing cost/price differential was an objective market study conducted on its behalf by an independent consultant, plus other relevant market information.

The market study this year was carried out during the second half of 1991. In close collaboration with the Community's shipbuilding industry and was more representative than ever before, covering a bigger range of ship types in the cost/price comparison (12 ship types were included compared with eight last year, a 50 % increase) and a significantly increased sample of participating yards (21 yards, almost double the size of the previous year when 11 yards were involved).

The most competitive costs for each one of a wide range of vessel types were therefore established on the basis of information from a number of different yards. Since the yard quoting the lowest costs varied according to ship type(s), the consultants' conclusions were not based on the costs of any single yard alone, but a diversity of yards, each of which were the most competitive in their particular market segment(s).

The findings of the study clearly showed an improvement in the competitive position of EC yards and identified a significant narrowing in the cost/price gap compared with previous years. In the light of these findings, and having also taken into account other factors such as the somewhat fragile nature of the market recovery and the volatile and aggressive pricing behaviour of certain international competitors, the Commission decided to set the ceiling at 9 %.

WRITTEN QUESTION No 14/92
by Mr Detlev Samland (S)
to the Commission of the European Communities
(4 February 1992)
(92/C 209/88)

Subject: Proposal for a Council Regulation on the retroactive application as of 1 October 1990 of a weighting adjustment to remuneration and pensions of EC officials employed in the Federal Republic of Germany.

The above Commission proposal for a Regulation entails a retroactive increase of about 12,5 % in the remuneration and pensions of EC officials employed in the Federal Republic of Germany covering the period from 1 October 1990 to 31 December 1991. The cost of this measure is about Ecu 3,2 million.

Does the Commission consider this measure to be justified by German unification and the transfer of the capital from Bonn to Berlin, despite the fact that neither parliament nor the ministries have been transferred to Berlin?

Does the Commision consider it justifiable that significant benefits have accrued almost exclusively to former EC officials as a result of increased pensions (approximately 12,5 %), despite the fact that their personal circumstances have not changed, since most of them are resident in neither Bonn nor Berlin?

How many EC officials are currently employed in Berlin, for whom such a weighting adjustment might be justified, assuming that it is justified at all?

Does the Commission intend to amend the Staff Regulations to ensure that the weighting applies only to officials of the European Communities in the EC Member State concerned and not to former Community employees, whose pensions should be based on their previous place of work, Brussels?

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

(31 March 1992)

The Commission can only comment that Article 2 of the German Unification Treaty declares Berlin to be the capital of Germany.

This was reflected in its proposal, which was based on the Staff Regulations and associated rules upheld on several occasions by ruling of the Court of Justice and on the long-standing principle applied by the Council.

The Commission would add that the weighting applicable in the Netherlands is based on the cost of living in Amsterdam and not in The Hague, the seat of government.

Officials and other servants posted to Berlin already have a special weighting.

The principle of equal treatment in respect of remuneration, which is laid down in the Staff Regulations, guarantees purchasing power equivalence. This is achieved by weightings reflecting the cost of living in the Member State of residence. This principle also applies to former officials.

The Commission does not plan to propose that the Staff Regulations be amended along the lines suggested by the Honourable Member.

WRITTEN QUESTION No 33/92

by Mrs Carole Tongue (S)

to the Commission of the European Communities

(4 February 1992)

(92/C 209/89)

Subject: Sewage sludge incineration

Existing Environmental Assessment operates within the framework of planning legislation — i.e. each application dealt with on its merits. Does the Commission consider this is acceptable and if not does it intend to introduce measures which will enable the cumulative impact of development proposals (in this case there are six incinerator/combustion processes proposed all within a very small area) to be rigorously assessed?

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

(1 April 1992)

According to Directive 85/337/EEC (1), information to be supplied in an environmental impact assessment should include a description of the likely significant effects of the proposed project on the environment.

This description should cover the direct effects and any indirect, secondary, *cumulative,* short, medium and long-term, permanent and temporary, positive and negative effects of the project.

This means that other existing or proposed projects, which might lead to cumulative impacts with the impacts of the assessed project, must be taken into account in the environmental impact assessment of the proposed project, where Member States considers this relevant and reasonable.

However, the Commission is aware of the fact that often cumulative and synergistic impacts of several related projects cannot be adequately assessed and taken into account within authorization procedures for individual projects, and is examining possible approaches to this problem.

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

WRITTEN QUESTION No 34/92

by Mrs Carole Tongue (S)

to the Commission of the European Communities

(4 February 1992)

(92/C 209/90)

Subject: Sewage sludge incineration

1. In view of the dramatic increase in the number of incinerator proposals in the UK and elsewhere throughout Europe — and I am particularly concerned about sewage sludge incineration (proposed by a number of water authorities as an alternative to sea disposal which must be phased out by 1999 as a result of the signing of the North Sea Conference Declaration at the Third Ministerial Conference held at The Hague) — can the Commission inform me of the latest and most stringent European standards relating to acceptable operational emissions against which such proposals should be assessed?

2. Can the Commission indicate the timescale for a review and up-date of these standards?

3. How will these standards compare to the TA Luft 1990 limits?

4. Has the EC been consulted by the UK on the preparation of the UK HMIP standards relating to emissions for incinerators currently under production?

5. Does the Commission think it acceptable that an important criteria to be used when considering operational procedures for potentially hazardous industrial processes is that of 'excessive cost' (re. Batneec regs.)?

6. Can the Commission clarify whether or not the Declaration referred to above rules out the possibility of deep-sea sludge disposal (beyond the Continental shelf)

as it has been argued that sea disposal is the best environmental option?

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

(24 April 1992)

1. Emissions into air resulting from the incineration of sewage sludge are regulated in the Framework Directive on the combating of air pollution from industrial plants 84/360/EEC where it is stated that the authorization required prior to the operation of such plants may be issued only when the competent authority is satisfied that:

— all appropriate preventive measures against air pollution have been taken, including the application of the best available technology, provided that the application of such measures does not entail excessive costs;

— the use of plant will not cause significant air pollution, particularly from the emission of substances referred to in Annex II;

— none of the emission limit values applicable will be exceeded;

— all the air quality limit values applicable will be taken into account.

For plants specifically used for the incineration of sewage sludge, no specific Community legislation exists. Only if sewage sludge is incinerated additionally in municipal waste incineration plants the Directives on the prevention/reduction of air pollution from new/existing municipal waste incineration plants (89/369/EEC [1] and 89/429/EEC [2]) apply.

The Commission has recently adopted the Directive proposal on the incineration of hazardous wastes setting very stringent emission limit values. This proposal applies also to sewage sludge which may be considered as hazardous waste, if it contains certain hazardous substances.

2. The Commission is going to elaborate proposals to adapt the Directives on municipal waste incineration plants to the progress in abatement techniques by the end of 1992/early 1993, which will result in more stringent emission limit values. Plants used specifically for the incineration of sewage sludge will be taken into consideration by these Directive proposals as well.

3. The emission limit values based on Best Available Techniques will be more stringent compared to the TA Luft 86. The German regulation on the incineration of wastes (17. BImsch VO) will be considered as a guideline as well as the more progressive Dutch Richtlijn Verbranden 89.

4. The Commission has not been informed about work undertaken by HMIP on standards for incineration.

5. Further Community legislation will be based on Best Available Techniques following a definition which puts less weight on the current notion of 'Not Entailing Excessive Costs'.

According to Directive 85/337/EEC [3], all waste-disposal installations for the incineration of toxic and dangerous wastes shall be subject to an environmental impact assessment. This ensures that, besides for instance economical information, all relevant environmental information will be taken into consideration in the development consent procedure.

6. The possibility of deep-sea sludge disposal had not been considered in the Declaration of the 3rd North Sea Ministerial Conference. The participants of this conference noted that all North Sea states have stopped the dumping of sewage sludge, and the United Kingdom has given a firm undertaking to stop the dumping of sewage sludge as soon as possible. It has also undertaken to draw up programmes by the end of 1990 to phase out this practice completely by the end of 1998, in accordance with Article 14, Paragraph 3, of Council Directive 91/271/EEC [4] concerning urban waste-water treatment.

(1) OJ No L 163, 14. 6. 1989.
(2) OJ No L 203, 15. 7. 1989.
(3) OJ No L 175, 5. 7. 1985.
(4) OJ No L 135, 30. 5. 1991.

WRITTEN QUESTION No 50/92
by Mr Llewellyn Smith (S)
to the Commission of the European Communities
(4 February 1992)
(92/C 209/91)

Subject: Quality instruments in the food industry

Will the Commission make available to MEPs a study produced for DG III on the 'Elaboration of strategies for Food Control'?

Answer given by Mr Bangemann on behalf of the Commission

(2 April 1992)

The study referred to by the Honourable Member was prepared in 1986 for the immediate internal use of the Commission's departments.

It was a list of data on the frequency of food toxi-infections in Europe, on their etiological agents and on the groups of foodstuffs at risk.

Since, six years later, these data are obviously out of date the Commission does not intend to publish them.

WRITTEN QUESTION No 53/92
by Mrs Anita Pollack (S)
to the Commission of the European Communities
(6 February 1992)
(92/C 209/92)

Subject: The future of the IRIS network

Bearing in mind the Commission's commitment to continuing specific actions in favour of women's training, and recognizing the important work undertaken by the IRIS network, will the Commission confirm that it intends to continue the IRIS network after 1992 when the first phase of its work comes to an end, (i.e. until at least the end of the Third Action Programme for Equality)?

Answer given by Mrs Papandreou
on behalf of the Commission
(8 April 1992)

The 3rd Action Programme on Equal Opportunities for Women and Men (1991—1995) proposes clearly to continue developing specific actions to help the integration of women in the labour market. This will be done amongst other measures by means of promoting exchanges of information and experience on measures to improve the integration of women in the labour market and promote best practice in women's training.

Consequently, the Commission is intending to pursue the action of IRIS Network after 1992, recognizing the important role played by the Network in disseminating information on women's issues as well as in promoting innovative training schemes and in giving projects a transnational dimension.

An evaluation of the overall operation of the Network is currently in progress in order to define clearly the activities to be carried out in the future. The final report of this evaluation is expected to be available in April 1992. On the basis of the results of the evaluation, the Network activities will be reorganized to pursue its main role: promoting initial and continuing training of women to respond to the needs of the labour market.

WRITTEN QUESTION No 58/92
by Mr Jean-Pierre Raffarin (LDR)
to the Commission of the European Communities
(6 February 1992)
(92/C 209/93)

Subject: Tax disc for vehicles above 16 horse-power

In a decision of 17 September 1977 the Court of Justice of the European Communities ruled that the French 'vignette' (tax disc) system was discriminatory. In particular it criticized the French Government practice of applying rules for calculating tax liability that discriminated against vehicles of above 16 h.p. imported from other Member States.

Although the French authorities implemented new rules for making this calculation with effect from 10 February 1988 for vehicles of above 16 h.p. these only apply to a limited number of models and many vehicles, including those owned by collectors, do not benefit from the new scheme. Their owners are required to pay for the tax disc at a discriminatory rate.

Can the Commission apply pressure to the French administration to ensure that new rules for making these calculations are applicable to all vehicles of more than 16 h.p. and that their owners receive a full refund of the excess paid on their tax discs since 1988?

Answer given by Mrs Scrivener
on behalf of the Commission
(24 March 1992)

In a circular dated 12 January 1988, the French administration changed the procedure for determining the engine rating for tax purposes so as to bring it into line with Article 95 of the EEC Treaty and the 'Feldain' decision of the Court of Justice of 17 September 1987. The new procedure applies to all vehicles type-approved as from 1988.

In the case of vehicles type-approved between 1978 and 1988, the French administration, in a circular dated 20 September 1991 and in instructions issued on 3 October 1991 and 23 January 1992, have introduced a procedure whereby the owners of certain vehicles in this category are granted a reduction in engine rating that is entered on the registration certificate, thereby enabling them to apply for a refund of taxes wrongly charged in breach of Community law.

As regards the limits which the French administration has deemed necessary to place on the right to a refund, it should be borne in mind that, in the absence of Community harmonization in this matter, the right to a refund of taxes wrongly charged in breach of Community

law is exercised pursuant to national provisions, subject to compliance with the general principles established by the Court of Justice.

WRITTEN QUESTION No 59/92
by Mr Jean-Pierre Raffarin (LDR)
to the Commission of the European Communities
(6 February 1992)
(92/C 209/94)

Subject: Market in porcelain products

Manufacturers of porcelain products are experiencing severe difficulties in marketing their products both in France and for export.

They find it unacceptable that the legislation in force, which imposes considerable constraints on them, is not being adhered to by their competitors:

As regards quotas, customs statistics show that imports originating from Asia increased by 81% in volume and 13% in value between 1989 and 1990.

More seriously, in that it poses a risk to consumers, national and European standards, in particular those concerning lead or cadmium content are far from being complied with.

Another cause for concern is counterfeiting, with more and more designs and patterns being imitated by foreign firms.

Can the Commission act to ensure compliance with the relevant legislation that will ensure that porcelain producers prepared to comply with the rules can operate in conditions of fair competition?

Answer given by Mr Andriessen on behalf of the Commission
(8 April 1992)

The Community's commercial policy has two Regulations designed to protect the Community from unfair or illegal trade practices. These are:

— Regulation (EEC) No 2423/88 [1] on protection against dumped or subsidized imports from countries not members of the European Economic Community;

— Regulation (EEC) No 2641/84 [2] on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices.

In both cases the Commission, if duly requested by representatives of the Community industry in question who consider that they are suffering injury as a result of such practices, and after consulting the Member States, may open an enquiry which can lead to the adoption of protective trade measures against the imports in question.

The maximum permissible levels of lead and cadmium migration are established in Directive 84/500/EEC [3]. An enquiry carried out in 1989/90 indicated that imported products appeared to respect these limits.

As regards counterfeiting, the Commission is considering introducing measures to protect designs and models at Community level.

To this end, in June 1991 it published a green paper on the legal protection of industrial designs and models (document III/F/5131/91), which details the contents of a possible Community law.

After consulting the parties concerned, the Commission will decide whether or not there is a case for Community legislation, and — if there is — will submit its proposals for such a law towards the end of 1992.

(1) OJ No L 209, 2. 8. 1988.
(2) OJ No L 252, 20. 9. 1984.
(3) OJ No L 277, 20. 10. 1984.

WRITTEN QUESTION No 80/92
by Mr Madron Seligman (ED)
to the Commission of the European Communities
(6 February 1992)
(92/C 209/95)

Subject: Welfare of poultry

In his answer to my question No 1020/91 [1], Commissioner Mac Sharry had to confirm that no EC legislation existed to protect birds reared for their meat. The matter was being addressed (but without any urgency apparently) and, if the Council were to come up with a recommendation, 'the fullest consideration' would be given 'to the circumstances prevailing in all Member States'. I would hope that that does not imply that if battery farming had become widespread, it would be allowed to continue.

Now that some six months have elapsed, will the Commissioner please report upon any progress?

Furthermore, whereas my initial question related primarily to chickens, would the Commissioner agree that any new law to advance the welfare of poultry, should also include turkeys, guineafowl, quail and even ostriches?

(The Commission will, of course, be aware that ostriches are being bred at least in the UK for their good-quality, low-fat meat.)

(1) OJ No C 286, 4. 11. 1991, p. 23.

Answer given by Mr Mac Sharry on behalf of the Commission

(2 April 1992)

The work in the Council of Europe Standing Committee of the European Convention on the Protection of animals kept for Farming Purposes has continued during the past six months. A draft text for a recommendation on poultry, including poultry reared for meat, is being circulated to the members of the Committee with a view to discussion at their meeting in June of this year.

Species other than the domestic fowl are intended to be included in the recommendation. However, the Standing Committee is obliged by the Convention to make its recommendations having regard to the physiological and ethological needs of the animals concerned, in accordance with established experience and scientific knowledge.

Some species, such as ostriches, have been farmed for a comparatively short time in the Community and little scientific knowledge is available about them. The Committee will, therefore, concentrate its attention on the more familiar species and will add recommendations for the more exotic ones as the relevant information becomes available.

The Commission continues to participate fully in the work of the Committee. They are also preparing draft Community legislation with a view to implementing the European Convention and providing a legal basis for implementing the recommendations made under the Convention.

WRITTEN QUESTION No 82/92
by Mr Madron Seligman (ED)
to the Commission of the European Communities
(6 February 1992)
(92/C 209/96)

Subject: Promotion of energy efficiency and conservation

The Commission lends its support to energy conservation and the efficient use of different forms of energy through the SAVE Programme.

What support does the Commission give to European-wide, industrially oriented associations, whose function is to advance these objectives, such as EuroACE (The European Association for the Conservation of Energy)?

Will the Commission consider expanding its support for such associations in line with Parliament's expressed views upon the need for greater energy conservation and improved energy efficiency?

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

(24 April 1992)

The European Commission has for many years supported the efforts of independant organizations promoting energy efficiency. An example of the policy has been the continued support afforded to the European Energy Managers Association (EFEM).

There are, however, many other organizations which are conceived as dual purpose organs supporting energy efficiency but at the same time promoting the interests of their member companies.

While it is the Commission's policy to cooperate actively with all those promoting energy efficiency the Commission deems the financial support of organizations having the dual purpose of promoting their funding members products at the same time as energy efficiency as inappropriate.

WRITTEN QUESTION No 87/92
by Mr Frédéric Rosmini (S)
to the Commission of the European Communities
(6 February 1992)
(92/C 209/97)

Subject: Role of regions in the construction of Europe

The regions now have a recognized role in the construction of Europe. Nevertheless, the present institutional set-up of the Communities does not allow the regions to fulfil this role to the utmost: they are merely associated with the Community through the Consultative Council of Regional and Local Authorities set up in 1988.

The membership of the Council and its limited powers (it may only deliberate when asked for its opinion by the Commission) do not allow it to play a real role, as was emphasized in the report on the Community's relations with the regions drawn up for the Committee on Institutional Affairs by Mrs Concepcìo Ferrer.

As the draft treaty on European Union comes into being, will the Commission consider associating the regions more closely with the European Community, and by what method does it intend to institutionalize the regions' participation in the Community's decision-making?

Answer given by Mr Millan
on behalf of the Commission
(8 April 1992)

In its opinion of 21 October 1990 on political union, the Commission expressed the view that the Intergovernmental Conference should take account of the demand for the creation of a body to represent the Community's regions. As the Commission pointed out, 'This is an important parameter of subsidiarity.' This is why the Commission submitted to the Intergovernmental Conference on 14 June 1991 a contribution on the setting-up of a committee of regions and local authorities.

The incorporation into the EEC Treaty of a Committee of the Regions at the Maastricht summit is a major step towards closer participation by regional and local authorities in the construction of Europe and consolidates their place in the institutional structure.

The Commission will ensure that the new Committee of the Regions is consulted properly and due account is taken of its opinions.

WRITTEN QUESTION No 120/92
by Mr Edward Newman (S)
to the Commission of the European Communities
(7 February 1992)
(92/C 209/98)

Subject: Positive contribution of immigrants to the European economy

According to a study carried out by the 'Rheinisch-Westfälische Institut für Wirtschaftsforschung', whose results have been quoted in the December 1991 issue of the 'Migration Newsheet', the Federal Republic of Germany can for the year 1992 expect a net gain of DM 41 billion resulting from the input immigrants make to the German economy. Moreover, the study confirms the conclusions of other demographic research projects that with its ageing population Germany would, at the turn of the century, face enormous labour shortages and virtual 'bankruptcy' of the social security system in the absence of immigration.

In view of the increasing proliferation of false and denigrating arguments that immigrants are simply milking the social security system, does the Commission not consider it appropriate and urgent to carry out a similar study to assess the present and future net gain to the economies of the European Community countries of immigrants to the Community, and to have the results published as widely as possible? This would help to counteract the dangerous myths which at present are used to promote racial hatred.

Answer given by Mr Christophersen
on behalf of the Commission
(18 March 1992)

The Commission welcomes the findings of the Rheinisch-Westfälisches Institut für Wirtschaftsforschung that seems to confirm what the European Parliament, the Council, the repesentatives of the Member States and the Commission, stated in their Declaration against racism and xenophobia, 'mindful of the positive contribution which workers who have their origins in other Member States or in third countries have made, and can continue to make, to the development of the Member State in which they legally reside and of the resulting benefits for the Community as a whole.' (1)

In general terms, the interrelationship between immigration and economic and social developments is dealt with on a regular basis in reports by the Commission concerning employment (e.g. Employment in Europe), social developments (e.g. Social Europe) and macroeconomic implications (e.g. Annual Economic Report).

A number of special studies have been devoted to immigration issues, partly through contributions by external experts.

The Commission will continue to incorporate these issues in its analyses; however, the Commission does not intend, at present, to carry out a special study on the net gain that the economies of the Member States draw from immigrants, due to the relevant differences existing among Member States in terms of policy, of number, of origin, of more or less recent movements of migrants and of available statistical data, as common reliable indicators would be the necessary basis for quantifying on a comparative manner the contribution of immigrants to the economy of the European Community.

(1) OJ No C 158, 25. 6. 1986.

WRITTEN QUESTION No 1209/92
by Mr Joaquim Miranda da Silva (CG)
to the Council of the European Communities
(21 May 1992)
(92/C 209/99)

Subject: Effects of the internal market on customs workers

The completion of the internal market and the consequent abolition of frontiers will jeopardize the

future of customs workers. As the date of implementation of the internal market draws nearer, the workers in this sector are becoming increasingly concerned, given the absence of Community or national action to safeguard their rights and interests.

The workers have, therefore, in many Member States, adopted various forms of action aimed, quite justifiably, at drawing attention to their situation.

Can the Council state what action it intends to take with a view to safeguarding the future of the customs workers (some 85 000 in all) who are likely to be affected by the entry into force of the rules governing the internal market?

Answer

(16 July 1992)

The abolition of internal borders from 1 January 1993 is bound to have consequences not only for customs officials but also for other people currently working at the Community's internal borders; however, the future of customs workers will not be jeopardized.

The abolition of internal borders will involve a substantial reorganization of customs services and some officials will doubtless be required to move to other postings, but the duties of customs officials are becoming increasingly diversified and specialized. The disappearance of internal borders will be accompanied by increased vigilance and activity at the Community's external frontiers, which means that checks at those frontiers will be carried out with maximum thoroughness in all the Member States. The Matthaeus programme recently adopted by the Council concerning an exchange of customs officials between Member States is designed to make customs officials aware of this necessity. New regulations recently introduced or being prepared within the Council — in particular to prevent the misuse of chemical products for the illicit manufacture of drugs and the future system of authorization for exporting works of art — will create new tasks which will surely entail adjustments to the way the customs services are organized.

Responsibility for reorganizing the customs services lies primarily with the Member States. Independently of specific measures taken at national level, the Representatives of the Governments of the Member States, meeting in the Council, expressed their views on the matter on 8 October 1990. Their declaration on the continuing role of customs services after 1992, which was published in the *Official Journal of the European Communities,* lays stress indeed on the following key matters the importance of which will be reinforced by the completion of the internal market and the concrete expression of which are the abovementioned measures. These are:

— with regard to combating drugs and other scourges, the introduction of controls which will be 'unobtrusive, selective and highly targeted on traffic of greatest risk', and hence specialized work requiring appropriate training and an appropriate intelligence system;

— providing at external frontiers effective control proportionate to the risk and of a uniformly high technical standard, and

— stepping up cooperation between customs services and with other authorities or law enforcement agencies.

In conclusion, the Council recognizes that the completion of the internal market will entail changes for customs services but it stresses that these changes will not result in the disappearance of these services which, as in the past, will continue to play an important role. The Council will examine with all due attention any measures which the Commission might wish to propose in this context.