Official Journal of the European Communities

ISSN 0378-6986

C 173

Volume 39

17 June 1996

English edition

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Price: ECU 19,50

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(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

WRITTEN QUESTION E-2449/94
by Alfred Lomas (PSE)
to the Commission
(30 November 1994)
(96/C 173/01)

Subject: Immigration controls

Hoverspeed Ltd based in the UK are advising black British citizens not to travel to France with a Visitor's Passport, saying that they will not be allowed into France by French Immigration Control Authorities unless they have in their possession a full British passport. Will the Commission take immediate steps to prevent the French Immigration Control Authorities from using racial discrimination as grounds for refusing entry to France and also advise Hoverspeed Ltd to stop deterring black British citizens from travelling to France?

Supplementary answer given by Mr Monti on behalf of the Commission
(6 March 1996)

Following the Commission answer of 14 December 1994 ([1]) and the information since provided by the French authorities, it appears that the conditions, under which the British visitors' passport is accepted by certain Member States as a valid travel document for stays of less than three months, derive not from Community law but from bilateral agreements between the United Kingdom and those Member States.

At present, France and the United Kingdom have mutually agreed to discontinue, as from 1 January 1995, their bilateral agreement of 14 February 1961 on the basis of which the British visitors' passport was accepted as a valid travel document.

([1]) OJ No C 36, 13. 2. 1995.

WRITTEN QUESTION E-338/95
by Alexandros Alavanos (GUE/NGL)
to the Commission
(13 February 1995)
(96/C 173/02)

Subject: Environmental pollution caused by airborne ash from mines belonging to the Greek Electricity Corporation (DEI)

The ash produced by the burning of lignite in the regions of Kozani, Ptolemaïda and Megalopolis is carried away by the wind during the transport and storage stages, creating significant atmospheric pollution in the neighbouring towns. Moreover, one of the storage areas is located very close to the town of Megalopolis and there are plans to locate another in a thickly wooded area nearby. Will the Commission say:

1. Are the conditions under which the ash is transported to, and stored in, DEI installations in line with Community legislation? Have environmental impact studies been drawn up as part of consultation procedures, as provided for by Directive 85/337/EEC?

2. Has the Community provided any financial aid for the transport and storage of ash by the DEI, and, if so, how much? What measures have been provided to ensure the implementation of the Community's environmental legislation?

Supplementary answer given by Mrs Bjerregaard on behalf of the Commission

(15 February 1996)

Further to its answer of 30 May 1995 [1], the Commission can, after investigation, now provide the Honourable Member with the following information.

1. The project mentioned by the Honourable Member falls under Annex II of Directive 85/337/EEC on assessment of the effects of certain public and private projects on the environment [2] and in particular under point 11(c) (installations for the disposal of industrial and domestic waste).

   According to Article 4(2) of the Directive, projects of the classes listed in Annex II shall be made subject to an assessment in accordance with the procedure provided by the Directive (Articles 5 to 10 inclusive), where Member States consider that their characteristics so require. This is the case particularly when a project by virtue of its nature, size or location is likely to have significant effects on the environment (Article 2(1)).

   The Greek legislation transposing Directive 85/337/EEC in the national legal order considers that all projects of Annex II should be made subject to an environmental assessment.

   The Commission does not possess any information proving that the provisions of Directive 85/337/EEC have not been respected in this case.

2. Since Greek accession in 1981, the European Investment Bank (EIB) has provided a total of ECU 902 million in long-term loans to the Greek Public power corporation (PPC), for extending and reinforcing power production, transmission and distribution in Greece as well as for related environmental protection measures. Of this, ECU 832 million was from the EIB's own resources and ECU 70 million from New Community Instrument (NIC) resources, managed by the EIB under mandate from the Community. For improving the environment in Ptolemais and Megalopolis the EIB provided the following loan finance to PPC:

   (a) For the installation of high-performance fly ash electrostatic filters in three 300 megawatt (MW) lignite fired units of the PPC Kardia and Ptolemais thermal power plants, the EIB lent in 1992 and in 1993 a total of ECU 20 million. No other flue gas treatment is so far required for these units, as SOx and NOx emissions remain under the current Community and Greek legal thresholds, due to the composition of the local lignite (low sulphur and high calcium content) and the applied combustion process. The investment will reduce the total environmental impact of atmospheric emissions from all power plants in the area by nearly 60 %, benefiting in particular the towns of Ptolemais and Kozani. The investment is included in the Community support framework for Greece, as it promotes the Community environmental policy for combating atmospheric pollution. Fly ash collected directly from closed containers connected to the filters is transported in closed vehicles and used for cement production. The EIB was informed that measures are undertaken to ensure proper transport of ash produced by the non-EIB financed PPC units in the region, including roofing, the conveyor belts used for its transport and that ash is disposed in exhausted open mines in layers. Each layer is covered with earth, and once the mine is filled up its top is planted.

   (b) For the PPC Megalopolis plant, the EIB made in 1989 a loan of ECU 83 million for the extension of the existing production facilities of the open cast lignite mine, the construction of an associated 300 MW power generator (unit IV) and environmental protection investment consisting mainly of the construction of a flue-gas desulphurization plant (FGD) for unit IV. The construction of such a plant was recommended by the EIB, and PPC undertook contractually the obligation to do so, even though total SOx emissions from major existing combustion plants in the region, including the additional 300 MW unit, are below the upper limit fixed for Greece by Directive 88/609/EEC [3]. PPC informed the EIB that construction of the FGD was scheduled to start by the end of 1995. It is the EIB's understanding that for the completion of the FGD plant, PPC may request further loan finance. EIB will then review again the environmental parameters, including the ash treatment, transport and use.

   Projects financed by the EIB are required to comply with Community Directives as well as national legislation on protection of the environment, and to take into account recommendations set internationally.

[1] OJ No C 175, 10. 7. 1995.
[2] OJ No L 175, 5. 7. 1985.
[3] OJ No L 336, 7. 12. 1988.

WRITTEN QUESTION E-3018/95
by Carlos Robles Piquer (PPE)
to the Commission
(13 November 1995)
(96/C 173/03)

Subject: Comparative assessment of the European contribution to brain research

As the American Decade of the Brain reaches its halfway stage, is the Commission assessing the results obtained in this extremely important area in Europe, either in Community programmes, in programmes organized by the Member States or through international cooperation? For comparative purposes the data from the Human Frontier Science Programme could be particularly important.

Answer given by Mrs Cresson
on behalf of the Commission
(8 February 1996)

Brain research and neurology are an important part of the Community's biomedical and health research programme (Biomed).

45 brain-research and neurology projects were launched under Biomed 1 (1990—1994), involving 532 teams and a budget of ECU 10,8 million. The final reports will be presented in 1996 and 1997.

41 projects will be getting under way following the first call in the new Biomed 2 programme (1994—1998).

The Commission is represented in the Human Frontier Science Programme, based in Strasbourg, which backs research into brain functions and molecular approaches to biology. The programme is currently being evaluated.

It is still too early, though, to make an overall evaluation of the results of recent developments in this field. Meanwhile, the Commission is following research in this area with great interest.

WRITTEN QUESTION E-3088/95
by Giles Chichester (PPE)
to the Commission
(20 November 1995)
(96/C 173/04)

Subject: Veterinary medicines

What are the different levels of charges for licensing veterinary medicines and vaccines in each Member State and, by way of comparison, what are the levels of charges for licensing veterinary medicines and vaccines in the United States of America, with particular regard to medicines and vaccines used in the poultry industry?

Supplementary answer given by Mr Bangemann
on behalf of the Commission
(6 March 1996)

Further to its answer of 22 December 1995 [1], the Commission can now provide the following information:

The national authorities charged the following fees for evaluating a full dossier (for one pharmaceutical form) in applications for authorization to market medicinal products for veterinary use.

(in ECU)

Belgium	± 1 630 to 3 010
Denmark	± 4 730
Germany	±57 400
Greece	± 2 080
Spain	± 1 890
France	± 2 270
Ireland	± 5 250
Italy	± 533 to 1 330
Luxembourg	± 2 420
Netherlands	± 2 640 to 8 245
Austria	± 1 130
Portugal	± 750
Finland	± 8 650
Sweden	± 8 605
United Kingdom	±17 210

Pursuant to Council Regulation (EC) No 297/95 of 10 February 1995 [2], an application for a Community authorization is subject to fees ranging from ECU 70 000 (basic fee) to ECU 100 000 (where the dossier includes several pharmaceutical forms of the same medicinal product).

In the United States it costs $ US 162 000 (ECU 127 640) to evaluate a full dossier.

For vaccine-type medicinal products for veterinary use (whatever the target species) the Community fee for examining a full dossier is reduced to ECU 40 000, with an additional ECU 5 000 for each additional strength and/or pharmaceutical form.

Some Member States (Belgium, Italy, Netherlands) also vary fees according to the type of medicinal product involved.

In the United States the Food and Drug Administration may grant fee dispensations or reductions. The Commission is unaware of any specific provisions of this sort regarding poultry vaccines.

(1) OJ No C 48, 19. 2. 1996, p. 24.
(2) OJ No L 35, 15. 2. 1995.

WRITTEN QUESTION E-3228/95

by Robin Teverson (ELDR)

to the Commission

(1 December 1995)

(96/C 173/05)

Subject: Burning of fossil fuels

Schoolchildren in my constituency are worried about the environment and have raised the following question surrounding the burning of fossil fuels:

Although it is acknowledged by industrial societies that the burning of fossil fuels in coal-fired power stations is essential for industrial progress, this is one of the main causes of the increased greenhouse effect, resulting in global warming. Will the Commission propose that incentives be offered to Member States, and possibly to those other countries aiming to accede to the European Union, which will enable them to invest in renewable energy sources whilst shutting down some of their coal-fired power stations?

Answer given by Mr Papoutsis on behalf of the Commission

(5 February 1996)

Commission forecasts and world energy trends suggest the use of solid fuels in power plants should not increase over the next 25 years.

Moreover, with average yield from coal-fired plants constantly rising, the amount of CO_2 they emit should fall significantly.

The Commission has long been aware of the importance of renewable energy sources and has established a number of incentives to encourage their use. The current Joule research and development programme, which covers research on non-nuclear energy, is heavily weighted in favour of renewables, while a significant proportion of the budget of the Thermie programme is devoted to demonstrating, at or near industrial scale, the technical and economic viability of those forms of energy and to encouraging their adoption. In addition, in cooperation with Thermie, the Altener programme is concerned with strategies for the introduction of renewable energies into the market. Community programmes therefore cover the full range of activities from research and development to demonstration and exploitation of the technologies developed.

These programmes have so far been largely confined to activities carried out within the Community, but a range of other activities has been undertaken to improve the general energy situation in central and eastern Europe.

The Commission is sending documentary information for the pupils concerned directly to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION E-3249/95

by Angela Billingham (PSE)

to the Commission

(1 December 1995)

(96/C 173/06)

Subject: Closure of DSR (TV Sat 2)

Is the Commission aware that the closure of the German TV Programme DSR (previously TV Sat 2) has left citizens with redundant receiving equipment?

Is the Commission further aware that, despite the fact that it was known that transmission would cease on 1 January 1995, equipment was still allegedly on sale until 31 December 1994.

I understand that the German Government has offered compensation to its own citizens but refused to compensate others. Does not the Commission feel that this is discriminating between citizens of the European Union?

Finally, can the Commission tell me how many similar complaints have been made by Members on behalf of their constituents?

Answer given by Mr Oreja
on behalf of the Commission
(21 February 1996)

The digital satellite radio service known as DSR and consisting of a multiplex of 16 German terrestrial radio programmes in stereo was transmitted, in principle, from the Kopernicus 1 FM3 satellite (23,5°E, 12,625 GHz) and distributed by cable networks. Given an unused television channel on the TV-SAT 2 satellite, DSR was sent from that satellite additionally. DSR was removed from TV-SAT 2 when that ceased to carry German television programmes, as stated, but remains available throughout much of Europe from the Kopernicus satellite. Various other German radio programmes can be received from analogue satellite transmissions on subcarriers accompanying television programmes. The indoor receiving equipment used for the transmissions from TV-SAT 2 should also be suitable for transmissions from Kopernicus, provided that the associated outdoor equipment can be used for frequencies just above the direct broad cast satellite band of 11,7—12,5 GHz formerly used by TV-SAT.

Although the Commission has no information about the marketing practice of satellite receiving equipment suppliers, it has long been the rule that people intending to purchase equipment bear the responsibility for ensuring that it is suitable for their requirements, which they alone can determine. In the context of the liberalization of the telecommunications market in order to stimulate technological progress and to eliminate commercially uneconomic activities, many people choose to purchase such equipment from low-price warehouses rather than from specialist dealers who can provide appropriate advice, and inevitably some may acquire equipment that ultimately turns out to be insuitable for further use.

The Commission understands that Deutsche Telekom, acting privately, voluntarily offered compensation only to users within Germany of the former DSR transmissions on TV-SAT 2, on the grounds that these transmissions were intended only for reception there.

This is the second occasion on which a member of the Parliament has raised this matter with the Commission (the first was Mr K. Coates, in November 1994).

WRITTEN QUESTION E-3320/95
by Shaun Spiers (PSE)
to the Commission
(13 December 1995)
(96/C 173/07)

Subject: Sixth VAT Directive

What measures have been taken to ensure that all Member States implement Article 13 of the Sixth VAT Directive 77/388/EEC [1] which provides for an exemption from VAT for 'certain services closely linked to sport and physical education supplied by non-profit making organizations to persons taking part in sport or physical education'?

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[1] OJ No L 145, 13. 6. 1977, p. 1.

Answer given by Mr Monti
on behalf of the Commission
(16 January 1996)

The application of Article 13A.1.(m) of the Sixth Directive 77/388/EEC is mandatory in all Member States, following the abolition of the derogation in Annex E, item 4, by Directive 89/465/EEC [1], of 18 July 1989. In fact all Member States now apply it. Nevertheless, in mentioning 'certain services', the legal text permits some discretion to national authorities which is in line with the principle of subsidiarity but consequently does not guarantee that the scope of the exemption is the same in all Member States.

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[1] OJ No L 226, 3. 8. 1989.

WRITTEN QUESTION E-3469/95
by Martina Gredler (ELDR)
to the Commission
(18 December 1995)
(96/C 173/08)

Subject: Ozone-layer measurements in the EU Member States — support for developing countries converting to alternatives

Measurements in the stratosphere over Austria have revealed that on average in the months from January to October 1995 the density of the ozone layer — compared with the long-term average — has fallen by about 10 %.

Is the Commission aware of comparable data from other Member States, and if so do they confirm the Austrian measurements? Can any trend as to the development of ozone-layer depletion across Europe be derived from a comparison of the data?

What measures is the Commission adopting to facilitate the transition to alternatives for developing countries that have been granted longer deadlines for withdrawing from the production of substances harmful to the ozone layer, so that some successes in the campaign against ozone-layer depletion can be recorded all the earlier?

Answer given by Mrs Bjerregaard on behalf of the Commission

(15 February 1996)

There are no long-term ground-based total-column ozone measurements in Austria and consequently it is difficult to understand to which period the mentioned 10 % decrease refers. The Commission is aware of the decreasing trend in stratospheric ozone over Europe based on long-term data from other European countries and on the major European stratospheric ozone experiments organized during recent years. Analysis of global data through earely 1994 shows substantial decrease of ozone in all seasons at mid-latitudes (30°—60°) of both hemispheres. In the Northern hemisphere, downward trends of about 6 % per decade over 1979—1994 were observed in winter and spring and about 3 % per decade were observed in summer and autumn. The second European stratospheric ozone experiment (Sesame) 1994—1995 observed persistent and widespread ozone loss (up to 30 % below normal values) inside the polar vortex in the Arctic during January, February and March 1995. Outside the polar vortex and over populated mid-latitudes ozone decrease was consistent with the abovementioned long-term ozone trend of 6 % per decade.

The Montreal Protocol has established a financial mechanism to help developing countries make the transition to alternative products and processes from ozone depleting substances. The Member States of the Community have contributed to the Protocol fund. The United Kingdom and Denmark currently represent the Community in the executive committee of the Montreal Protocol Fund.

WRITTEN QUESTION E-3484/95

by Hiltrud Breyer (V)

to the Commission

(3 January 1996)

(96/C 173/09)

Subject: CO_2 emissions by private and government undertakings in the Czech Republic and Slovakia

1. How high are the annual CO_2 emission levels in the Czech Republic and Slovakia?

2. For what proportions of this pollution are government and private undertakings responsible?

3. Who are the worst government and private polluters? Where are these undertakings located?

Answer given by Mrs Bjerregaard on behalf of the Commission

(4 March 1996)

The only data concerning annual CO_2 emissions in the Commission's possession were produced by the European Environmental Agency (EEA) as part of the 1990 Corinair exercise. A summary of the inventories drawn up for the Czech and Slovak Republics is set out below.

So far the information received by the EEA does not enable the Commission to deliver an opinion on items 2 and 3 of the Honourable Member's question concerning the intensity, proportion and location of the pollutant emissions generated by (a) governments and (b) public or private businesses.

(in kilotonnes)

CO_2 emission inventories/year	Czech Republic	Slovakia
1. Public power, co-generation and district heating	64 963	15 863
2. Commercial, institutional and residential combustion	51 085	10 470
3. Industrial combustion	27 127	14 619
4. Production processes	747	3 147
5. Extraction and distribution of fossil fuels	0	1 196
6. Solvent use	0	AZ(1)
7. Road transport	7 667	4 501
8. Other mobile sources and machinery	3 121	519
9. Waste treatment and disposal	757	320
10. Agriculture	0	AZ(1)
11. Nature	2 060	4
Total	157 527	50 639

(1) AZ (azote, i.e. nitrogen) assumed to be zero.

WRITTEN QUESTION E-3498/95

by Nel van Dijk (V)

to the Commission

(3 January 1996)

(96/C 173/10)

Subject: Smart speed governors for cars

Smart (externally operated) speed governors can be used in a flexible way to control the speed of vehicles.

Speed governors for private cars can only be introduced if installation of the device becomes a requirement. As requirements for vehicles can only be set at European level, agreement in Europe would be needed before such speed governors could be introduced.

Does the Commission think that smart speed governors for cars could help to reduce CO_2 emissions as well as to improve traffic safety?

Is the Commission prepared to set up a pilot project to test speed governors?

Answer given by Mr Bangemann on behalf of the Commission

(22 February 1996)

In December 1995 the Commission adopted a communication to the Council and Parliament outlining the options for improving fuel efficiency in passenger cars with a view to reducing CO_2 emissions, and recommending a strategy for Community action [1]. The key elements in this strategy are an agreement with the car industry on fuel consumption targets, the use of fiscal instruments to promote fuel efficiency (including increased fuel excise charges), continued emphasis on the Community's research effort to develop alternative energy sources for motor vehicles and intelligent traffic management, and an effective environmental labelling scheme to provide information to consumers. In the Commission's view, this strategy will provide the necessary framework to allow the Community to meet its targets for limiting CO_2 emissions by 2005. Through this communication, the Commission is launching a debate on the possible instruments which may be used to reduce CO_2 , including the use of road telematics.

In order to help improve the technologies involved and to complete its assessments the Commission is supporting research projects on devices such as intelligent speed limiters as part of its Drive and Telematics Applications programmes. The impact of those devices on safety and the reduction of CO_2 emissions must be assessed very carefully.

A project is currently being funded within the Telematics applications programme to develop and validate an integrated system in which the longitudinal control of vehicles is linked to external speed recommendations taking into account safety aspects and traffic management policies. Such a project, involving four car manufacturers and the city of Turin will contribute to assessing the effect of such systems on both traffic safety and efficiency, and pollution reduction.

After the first call for proposals by the transport research programme under the fourth framework programme, several research proposals have been submitted in the area of speed control.

Computerized telecommunications could also help to reduce CO_2 emissions by making traffic more fluid and reducing pointless journeys, for example empty running by goods vehicles or the search for parking spaces.

[1] COM(95) 689.

WRITTEN QUESTION E-3519/95
by Cristiana Muscardini (NI)
to the Commission
(3 January 1996)
(96/C 173/11)

Subject: The A/26 'tunnel' motorway

As is well known, the so-called A/26 'tunnel' motorway was designed to link the Ligurian ports (especially Voltri European Transport) with northern Europe via Switzerland. The last 32 kilometres were opened in July last year but the Swiss border and therefore the link with the European motorway system have not yet been reached. Going north from Genoa-Voltri, the A/26 only reaches Gravellona Toce, before Domodossola and well before the Simplon Pass.

1. Is the Commission aware of the 'tunnel' project?

2. If so, what opinion has it expressed within the framework of the transport plan linking northern and southern Europe?

3. If not, does it not consider that a fast motorway link with the Swiss and German high-speed rail system could facilitate the transport of goods from a Mediterranean port to northern Europe, in terms of both time and cost?

4. In view of the project's advantages, does it intend to include it amongst its medium-term programmes for the development of north-south road transport links currently blocked by the two bottlenecks of Chiasso and Brennero?

Answer given by Mr Kinnock on behalf of the Commission

(12 February 1996)

The Commission has fully recognised the importance of the role played by the A26 in providing access from the Ligurian ports to the north of Italy and Switzerland, through the

Simplon pass. It has, therefore, included this link in its proposal for a Parliament and Council Decision on Community guidelines for the development of the trans-European transport network [1], which is currently being examined by the Parliament and the Council in the co-decision procedure. The Council has discussed the proposal and reached political agreement on its common position. The Parliament has just concluded its second reading and voted on its amendments. Both have endorsed the inclusion of the link in question.

Regarding the development of transport between the north and south of Europe, the Commission believes that this generic problem can be resolved only in a multimodal context, that is by achieving an appropriate balance between the different transport modes, so as to safeguard the freedom of choice of users and to ensure, at the same time, favourable environmental impact of transport infrastructure.

To place the further planning of infrastructure projects on a solid economic basis, the Commission has recently launched a traffic forecast study. This will concern Alpine crossing links for all land transport modes, and will take into consideration, throughout the whole of Europe, the regions which are affected by these links. The outcome of this study, expected to be available in the second half of 1996, should help to solve in an efficient way the problems of traffic crossing the Alps and in so doing meet demand as well as possible.

Regarding access to Switzerland through Simplon in particular, there is no doubt that it is currently problematic during winter time and unfortunately, no new tunnel construction is foreseen in the near future. The existing railway tunnel is adapted to piggy-back transport. Trucks in general did not use it and only a rather limited number of passenger cars. Due to this low demand, the Italian and Swiss railways have decided to stop providing the service in the medium term.

[1] COM(94) 106 final.

WRITTEN QUESTION E-3529/95
by Roberto Mezzaroma (UPE)
to the Commission
(3 January 1996)
(96/C 173/12)

Subject: The effects on society of 'mixed' families

There is a growing number of 'mixed', non-traditional family set-ups based on sex, in particular families made up of lesbians or homosexuals, and families of men and women of different religions, hailing from different cultures.

Can the Commission conduct a study into the effects on society of such families, including:

1. the medium- and long-term results of the union of individuals who are not naturally compatible, and their relationship with society;

2. the mental and social characteristics of any children who are adopted by or the result of such unions;

3. the effects on families which are based on natural and religious relationships;

4. the social costs borne by institutions;

5. how such couples are viewed by their acquintances?

Can the Commission give its views on the abovementioned points?

Answer given by Mr Flynn
on behalf of the Commission
(8 February 1996)

The Commission has not so far conducted such a broad study on mixed families whether they have differences in sexual orientation, religion or culture. One study which has been co-financed by the Commission and widely disseminated may be of interest to the Honourable Member [1].

[1] e.g.: Kees Waaldijk and Andrew Clapham, Homosexuality: A European Community Issue Essays on Lesbian and Gay Rights in European Law and Policy — Published in 1993.

WRITTEN QUESTION E-3548/95
by Robin Teverson (ELDR)
to the Commission
(3 January 1996)
(96/C 173/13)

Subject: EU statistics on levels of ozone, nitrogen dioxide and sulphur dioxide

What are the latest statistics in the European Union on the levels of ozone, nitrogen dioxide and sulphur dioxide?

Answer given by Mrs Bjerregaard on behalf of the Commission

(20 February 1996)

The information requested is contained in the following three documents:

— 'Commission report on the state of implementation of the ambient air quality Directives' [1]. This report, which has already been sent to Parliament, provides a summary of the information gathered by the Commission on sulphur dioxide and nitrogen levels;

— 'Air pollution by ozone during the summer 1995', 29 September 1995; and

— 'Exceedance of ozone limit values in the European Community in 1994' (summary based on information received pursuant to Council Directive 92/72/EEC on air pollution by ozone), 29 September 1995.

The last two documents are Commission memoranda presented during the Environment Council meeting on 6 October 1995 and are being sent direct to the Honourable Member and the Secretariat-General of Parliament.

[1] COM(95) 372 final.

WRITTEN QUESTION E-3549/95

by Nel van Dijk (V)

to the Commission

(5 January 1996)

(96/C 173/14)

Subject: Consequences of failure to comply with the natural habitats Directive

A number of species of mammal occurring in Europe — including the Pyrenean desman, the wolf, Capaccini's bat, the lake bat (Myotis dasycneme) and the European little brown bat — are threatened with extinction, partly because Member States are failing to comply with Directive 92/43/EEC [1] which sets up the Nature 2000 network of conservation areas.

Does the Commission believe that the survival prospects of the six species of mammal mentioned above are seriously reduced by Member States' failure to comply, or failure to comply promptly, with the Directive?

Can the Commission provide any information on current progress with compliance with Directive 92/43/EEC?

Can the Commission give a precise indication of which Member States have still failed to comply and what action the Commission intends taking to induce the Member States in question to comply with this Directive?

[1] OJ No L 206, 22. 7. 1992, p. 7.

Answer given by Mrs Bjerregaard on behalf of the Commission

(28 February 1996)

The Commission would have concerns about the failure to protect any species intended to be protected by Directive 92/43/EEC.

Compliance with Directive 92/43/EEC has several aspects. National legislation must fully and correctly transpose the protection regime of the Directive. A national list of candidate protection areas must be prepared. The provisions of the Directive must be respected in practice.

As of 10 January 1995, five Member States have failed to communicate national legislation to transpose the Directive (Germany, Greece, Spain, Italy, Portugal). The Commission has started legal proceedings for this failure. Ten Member States have not sent a complete national list of candidate protection areas (Belgium, Germany, Greece, Spain, France, Ireland, Luxembourg, Netherlands, Portugal, Finland). The Commission is also pursuing this failure. The Commission is in addition looking into the conformity of the national legislation which has been sent.

WRITTEN QUESTION E-3579/95

by Josu Imaz San Miguel (PPE)

to the Commission

(10 January 1996)

(96/C 173/15)

Subject: Teaching of Aragonese

Given that the Spanish Government signed and ratified the European Charter for Minority Languages, and that Article 7 of the Autonomous Statute of the community of Aragón acknowledges that 'the various forms of speech used in Aragón shall be protected', does the Commission believe that the teaching of Aragonese in schools on a voluntary basis comes under the European Charter?

Does the Commission believe that refusal to allow it to be taught in schools, on a voluntary basis, could constitute an infringement of the European Charter of Minority Languages?

Answer given by Mrs Cresson
on behalf of the Commission
(1 February 1996)

The European Charter for Regional or Minority Languages, to which the Honourable Member is referring, is an initiative of the Council of Europe. The Commission therefore has no influence over its application.

WRITTEN QUESTION E-3601/95
by Gerardo Fernández-Albor (PPE)
to the Commission
(12 January 1996)
(96/C 173/16)

Subject: Boosting the shipbuilding industry in Spain

For decades, Spanish shipbuilding was one of the world's leading shipbuilding industries, with spectacular profits and some outstanding technological achievements. Unfortunately, this is no longer the case, and Spanish shipbuilding has been sidelined compared with the countries which now enjoy a prominent position in the shipbuilding industry.

There are many reasons for this loss of position, including strong competition from the new Asian companies involved in this sector. However, it should not be forgotten that Spanish shipbuilding has not been helped by the lack of any genuine policy to boost the industry over the last decade.

Does the Commission believe that it should promote a specific policy for improving the Spanish shipbuilding industry through the adoption of formulas and programmes putting it on a level with world leaders in this sector and overcoming the lack of imagination and initiative which have had adverse repercussions on this once-thriving Spanish industry?

Answer given by Mr Van Miert
on behalf of the Commission
(2 February 1996)

The Commission fully recognises the importance of an efficient and competitive shipbuilding industry in the Community, including Spain. This is reflected in successive Council Directives on aid to shipbuilding. The aims of the policy enshrined in the Directives, adopted against a background of difficult market conditions, have been to provide an appropriate defensive instrument against unfair competition through practices such as injurious pricing, thereby maintaining Community capacity in those market segments where Community yards remain more competitive, while at the same time encouraging Community yards to continue the necessary process of restructuring, as well as ensuring fair and uniform conditions for intra-Community competition.

Accordingly, the Commission supports restructuring efforts aimed at enabling Community yards to operate more competitively. The precise form that such restructuring measures take is essentially a matter for the Member States concerned, provided that these are in accordance with the rules of the shipbuilding aid Directive and compatible with the Organization for Economic Cooperation and Development (OECD) agreement respecting normal competitive conditions in commercial shipbuilding and shiprepair.

During the negotiation of the OECD agreement, which is now scheduled to enter into force by 15 July 1996, the Commission supported Spain's request for a special derogation from the agreement (which provides for the elimination of all shipbuilding subsidies with certain limited exceptions) to enable it to support a further restructuring of its shipbuilding industry. The agreement allows Spain to pay up until the end of 1998 restructuring aids amounting to up to Ptas 180 000 million.

The restructuring plan was notified to the Commission in November 1995. At its meeting on 20 December 1995 the Commission decided to approve one element of the aid package (relating to outstanding previously approved but unpaid aid in the form of loss compensation) and to open the procedure provided in Article 93.2 of the EC Treaty in order to investigate the compatibility with the common market of proposed tax credits. The remaining elements of the plan are still being studied.

WRITTEN QUESTION E-3602/95
by Philippe Monfils (ELDR)
to the Commission
(12 January 1996)
(96/C 173/17)

Subject: Association agreements and audiovisual policy

The European Union has concluded a number of association agreements with the countries of central and eastern Europe (the former Eastern Bloc countries).

These association agreements contain a clause on the participation of the countries in question in the common audiovisual policy, providing inter alia for the coordination of legislative and regulatory provisions in the sphere of broadcasting.

Moreover, the White Paper on the integration of these countries into the single market specifies that they shall incorporate the Community patrimony (acquis communautaire) into their laws.

The relevant countries of central and eastern Europe are also undertaking negotiations to join the OECD.

Some sources report that the OECD is making membership of those countries conditional upon them renouncing definitively and unilaterally the conditions laid down in Article 4 of the Directive on 'television without frontiers' (the implementation of quotas aimed at promoting programmes with a European content on television networks), on the grounds that the code of invisible transactions does not authorize discriminatory measures.

It should be pointed out that the European Union and its Member States did not make any commitment under the GATT agreements which would call into question the 'acquis communautaire' in this respect.

It may therefore be asked whether the OECD is misinterpreting the agremeents, or at least ruling on a matter which lies outside its sphere of competence, and impeding the application of a general principle of Community activity, namely, the upholding of the 'acquis communautaire', thereby creating a dangerous precedent.

Can the Commission confirm these reports and, if so, how does it interpret them?

Answer given by Mr Van den Broek on behalf of the Commission

(18 March 1996)

The Organization for Economic Cooperation and Development (OECD) is at present considering the accession to the OECD of Hungary, Poland and Slovakia. The Czech Republic completed its accession to the OECD at the end of 1995.

When the Czech Republic completed its statement of acceptance of the obligations of membership, this included a commitment to extend to all OECD member countries any liberalization measures falling within the purview of the codes on capital movements and invisible transactions it may take under its Europe agreement with the Community. With regard to the audiovisual sector in particular, the Czech Republic made a statement to the effect that it does not grant preferential treatment to non-Czech European production in television braodcasting.

This commitment does not involve renunciation of any aspect of the 'acquis communautaire', which any country joining the Community is expected to accept and put in place. It does, however, affect measures taken under the Europe agreements, which provide for progressive harmonization of laws with a view to eventual accession to the Community. The Czech commitment in the OECD may make this process of harmonization more difficult.

The Commission has made clear to the governments of both Hungary and Poland that such a commitment is an unnecessary step in the context of the OECD accession involving as it does the renunciation of an accepted right under the OECD codes (to participate in an integration arrangement). The Commission notes that Mexico made no such commitment on its accession, and nor was there any call for it to do so.

In the framework of their negotiations for accession to the OECD both Poland and Hungary made statements reserving their rights under the OECD codes. The statements are satisfactory to the Community as they imply that both these countries may invoke the exceptions clause in the codes on the same basis as other OECD members.

Separately, the Czech Republic and Hungary have put in place domestic broadcasting legislation which is not consistent with Community law. In the case of Hungary, the legislation discriminates against non-domestic production, including that from other European countries. This is inconsistent with Article 6 of the 'television without frontiers' Directive, which extends the benefit of the definition of what constitutes a 'European work' to European third countries under certain conditions. These conditions do not, at present, include reciprocity arrangements. The Commission will examine this situation with a view to safeguarding the interests in this sector of the Community and its Member States.

WRITTEN QUESTION E-3619/95
by Amedeo Amadeo (NI)
to the Commission
(12 January 1996)
(96/C 173/18)

Subject: Cocoa butter

Under Community rules the use of more than 5 % cocoa butter substitute in the production of chocolate is prohibited but this could change if various current proposals were to be adopted.

Will the Commission ban the use in chocolate production of vegetable fats other than cocoa butter?

Answer given by Mr Bangemann on behalf of the Commission

(7 March 1996)

The Commission has not yet reached a decision on whether or not to amend Directive 73/241/EEC [1] relating to cocoa

and chocolate products. Once it has, the Honourable Member will be informed immediately.

(1) OJ No L 228, 16. 8. 1973.

WRITTEN QUESTION E-3622/95

by Elly Plooij-van Gorsel (ELDR)

to the Commission

(12 January 1996)

(96/C 173/19)

Subject: European legislation on the transmission of Creutzfeldt-Jacob disease by blood transfusion

Since 1 October 1994 EU producers of long-life plasma products have been obliged not to use, as blood donors, persons who have been treated with drugs based on human hypophysis material or in whose family Creutzfeldt-Jacob disease (CJD) has occurred.

1. Is it true that the reason for rejecting certain donors is that in theory it is not impossible for CJD to be transmitted by a blood product?

2. Is the Commission aware of any cases indicating that CJD is transmitted by blood or blood products?

3. Does the Commission believe that rules should be based on established facts or, at the very least, probabilities?

4. Does the Commission agree that despite research into this subject there is absolutely no evidence that this disease can be transmitted by transfusion of blood or blood products?

5. Is it true that experts were only asked for an opinion on whether this disease could be transmitted after a political decision had been taken to take action against the transmissibility of CJD?

Answer given by Mr Bangemann on behalf of the Commission

(14 March 1996)

1. Article 3 of Council Directive 89/381/EEC(1) states that the measures which Member States take to prevent the transmission of infectious diseases shall include those recommended by the Council of Europe. The Council of Europe's 1995 guide to the preparation, use and quality assurance of blood components recommends that all those who have in the past been treated with extracts derived from human pituitary glands or who have a family history of Creutzfeldt-Jacob disease (CJD) are debarred from donation. This is because in theory the transmission of CJD via blood cannot be excluded. Only a small number of potential donors are debarred to guard against this risk.

2. The Commission is not aware of any link between CJD and blood or blood products.

3. The Commission considers that legislation should be based on facts where possible. However, when there is a possible risk to public health the Commission cannot ignore this.

4. No epidemiological evidence is available about the possible transmission of CJD via plasma-derived medicinal products and no experimental data support the existence of such a risk. However, it is recognised that there are insufficient data to rule out the risk completely.

5. CJD is a disease which can, from the moment of infection, take many years (and sometimes a lifetime) to develop and cannot be detected before clinical symptoms are manifested. The transmission of such diseases has always been of concern.

(1) OJ No L 181, 28. 6. 1989.

WRITTEN QUESTION E-3643/95

by Maartje van Putten (PSE)

to the Commission

(12 January 1996)

(96/C 173/20)

Subject: Plight of the Batwa people in Rwanda

In its resolution ACP-EU 1429/95/fin(1). on the results of the mission to Burundi, Zaire and Rwanda and on the situation in the region, the ACP-EU Joint Assembly expressed its concern at the plight of the Batwa people in Rwanda and in refugee settlements. The Joint Assembly also called for an inquiry into the plight of the Batwa people.

1. Is the Commission aware whether and, if so, in what way the regime in Rwanda is taking steps to protect the human rights of the Batwa people?

2. Is the Commission aware of any information on the human rights of the Batwa in Rwanda and in neighbouring countries (in particular Zaire) where they have sought refuge in recent years?

3. What is the Commission's assessment of the human rights of the Batwa in Rwanda and of Batwa refugees in surrounding countries?

4. In its cooperation with aid organizations in Rwanda does the Commission devote any specific attention to this indigenous people and, if so, in what way?

(1) Adopted by the ECP-EU Joint Assembly on 2 February 1995 in Dakar, Senegal.

Answer given by Mr Pinheiro on behalf of the Commission

(6 March 1996)

1. To the Commission's knowledge the current Rwandan Government has no specific policy on the Batwa people.

2. There were an estimated 30 000 Batwas before April 1994. At present there are some 10 000 Batwas in Rwanda. Some 10 000 were killed as a result of events in April 1994. About 10 000 Batwas are in refugee camps.

3. Circumstances are extremely difficult for all Rwandan population groups both inside and outside the country and the situation of the Batwas is no better.

In May 1995 the Batwas of Rwanda set up the Caurwa (Community of indigenous peoples of Rwanda). This is an organization formed from several associations designed to defend the Batwas' interests.

4. Commission cooperation in Rwanda does not include any operations specifically targeted at the Batwa people. They benefit from operations to assist all population groups both in Rwanda and the refugee camps.

Observers from the UN Commission on Human Rights, in which the Community participates, are, however, aware of the specific position of the Batwas in the complexities of Rwandan society and follow them closely.

WRITTEN QUESTION E-3648/95

by Roberta Angelilli (NI)

to the Commission

(12 January 1996)

(96/C 173/21)

Subject: Irregularities in the running of training course co-financed by the European Union

In 1991 the Lazio regional authorities awarded contracts to Enfap UIL and Consorzio alto Lazio (two vocational training agencies) for a number of retraining courses for workers laid off by the Montalto di Castro power plant. The courses were in fact subject to serious irregularities, to the extent that the matter is currently being investigated by the Civitavecchia public prosecutor.

Is the Commission aware of this and, given that the two agencies received advance payments of 35 % and 70 % respectively of the scheduled funding of around Lit 2 billion (co-financed by the EU), does it not feel that the European Union should require that, at least as far as its share is concerned, the payments be suspended or possibly that the sums paid out be recovered?

Answer given by Mr Flynn on behalf of the Commission

(6 March 1996)

The Commission has not as yet received any information under the rules which require Member States to notify it of any irregularities in the field of structural policies.

The Commission is looking into the facts referred to by the Honourable Member and will be sure to inform her of the outcome.

WRITTEN QUESTION E-3650/95

by Klaus Rehder (PSE)

to the Commission

(12 January 1996)

(96/C 173/22)

Subject: Obligation to notify under Article 93(1) of the EEC Treaty

It is stated in Article 93(1) of the Treaty establishing the EEC that 'any aid granted in any form whatsoever which distorts

competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.' In order to supervise this ban, the Commission 'shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid.'

1. Is there a minimum limit for such aid?

2. Does the obligation to notify also apply to one-off grants to medium-sized companies?

3. Must the Commission be notified beforehand of the intention of a local authority to give reasonable financial terms to a craft firm, which by its nature will do no business with another Member State, in order for it to buy new business premises?

Answer given by Mr Van Miert on behalf of the Commission

(4 March 1996)

1. The Commission has introduced, under the *de minimis* rule which it laid down in 1992 (Point 3.2 of the Community guidelines on State aid for small and medium-sized enterprises (SMEs))[1] and explained in greater depth in 1993 (Guidance note on use of the *de minimis* facility provided for in the SME aid guidelines (letter to the Member States dated 23 March 1993), reproduced in Competition law in the European Communities — Volume IIA: Rules applicable to State aids (Published by the Commission of the European Communities, Brussels — Luxembourg, 1995)), a lower limit for notifiable aid payments. The *de minimis* rule is based on the assumption that, up to a certain level, aid does not appreciably affect trade between Member States and hence is generally not caught by Article 92(1) of the EC Treaty. On 24 January 1996 the Commission decided to amend the *de minimis* rule. *De minimis* aid is aid up to the equivalent of ECU 100 000 over a three-year period per undertaking irrespective of size. Such aid need not be notified in advance under Article 93(3) of the EC Treaty and may be combined with aid under approved schemes.

2. The obligation to notify State aid under Article 93(3) of the Treaty relates to any aid which satisfies the tests of Article 92(1). One-off grants to medium-sized companies, other than those made under approved schemes, are therefore notifiable.

3. The granting by a local authority to a craft firm of favourable financial terms for the purchase of business premises is deemed to be notifiable aid in the following circumstances. First, the assisted firm produces goods or provides services cross-border trade in which cannot be ruled out. Second, it cannot be ruled out that the premises are being bought for less than their market value. And third, it cannot be ruled out that the difference between the purchase price and the market value exceeds the *de minimis* limit or that the assisted firm has already received the maximum amount of aid allowed under the *de minimis* facility.

[1] OJ No C 213, 19. 8. 1992.

WRITTEN QUESTION E-8/96
by Phillip Whitehead (PSE)
to the Commission
(25 January 1996)
(96/C 173/23)

Subject: Human rights violation in third countries

What further plans does the Commission have to investigate violations of human rights in third countries when considering the level and nature of their imports into the EC, bearing in mind the means of production employed and the use of forced labour?

Answer given by Mr Van den Broek on behalf of the Commission

(11 March 1996)

In the Community's relations with third countries that are based on agreements, each agreement is the expression of an overall approach to their political, social and economic development. The aim of systematically incorporating in the agreements a clause defining human rights as an essential component and an article relating to non-implementation is to create a framework for improved cooperation and further consolidation of the rule of law, the judicial system, freedom of expression and the protection of vulnerable groups. The intention is also to ensure access to a sufficiently broad range of restrictive measures to enable a graduated response to be made by the parties involvevd according to the gravity of the case in question.

The Commission is attentive to the human rights situation throughout the world and, in particular, in countries where there is a notable occurrence of economic exploitation of the young population.

In December 1994 the Council adopted the new scheme of generalized preferences for the period 1995—1998. Article 9 of the Regulation provides for temporary withdrawal, in whole or in part, of the scheme of generalized preferences in circumstances involving the practice of any form of forced labour or the export of goods made by prison labour.

WRITTEN QUESTION E-14/96
by Martina Gredler (ELDR)
to the Commission
(25 January 1996)
(96/C 173/24)

Subject: Labelling of genetically modified foodstuffs

At a meeting of the Consumer Affairs Intergroup on Novel Food on 13 December 1995 in Strasbourg, food industry representatives expressed the view that the labelling of foodstuffs containing genetically modified organisms (GMOs) is simply not possible in some areas. Sugar was cited as an example, since when sugar beet was processed in a central factory it was no longer possible to distinguish which sugar beet came from which harvest. For a non-expert, it is difficult to imagine that the separate storage and processing of genetically modified sugar beet and natural sugar beet would indeed be so complex and expensive that consumers cannot be informed whether the sugar purchased by them has been genetically modified or not.

Is the Commission aware of any studies indicating the additional costs which would arise for the sugar beet processing industry if strictly separate production and clear labelling of genetically modified sugar were to be introduced in the interests of consumer choice?

Answer given by Mr Bangemann
on behalf of the Commission
(13 March 1996)

Sugar beet is currently genetically modified in order to make it resistant to rhizomania, or viral bearded root, a disease of sugar beet which is spreading throughout Europe. Around 200 000 hectares are infected in the most seriously affected Member States (Germany, France, Italy and Austria) and the yield loss has exceeded 50 % in places. Neither crop rotation, chemical treatments nor the use of traditional methods of cultivation aimed at achieving resistance to rhizomania have as yet had any effect on the spread of the virus. As the extent of rhizomania can vary considerably even within a relatively limited area, depending on the conditions in the fields, a farmer may use both genetically engineered and normal seed tubers. Factories are usually supplied by 3 000—6 000 farmers.

As the keeping quality of sugar beet is very low, it is usually processed very rapidly, in a continuous production process. Only the interim product, thick juice, can be stored until the final processing stage. Storing and processing normal and rhizomania-resistant sugar beet separately, therefore, would be impractical and only possible at a high additional cost, out of proportion to the production cost and selling price of sugar.

Sugar beet is genetically modified for agronomic reasons, to prevent attacks of rhizomania and concomitant yield loss. The genetic modification of the beet has no effect on the sugar produced, however, which is no different to that produced from normal beet.

The law requires that the labelling of novel foods must be comprehensive and informative, but must also be appropriate and practical. Producing separate labels for sugar, cakes and confectionery produced from genetically modified sugar beet would run counter to these requirements and would not be enforceable in practice. Such a system would not only be unreasonably expensive, but would also effectively mislead consumers into thinking that the separate labelling indicated a difference in the product, which is not the case. The situation is completely different for genetic modifications which change the nutritional properties of foods (such as a different fatty acid composition, a higher vitamin content, the absence of an allergen protein). In these cases, detailed labelling should provide information on both the altered product characteristic and the process used to bring about the alteration.

WRITTEN QUESTION P-19/96
by Karsten Hoppenstedt (PPE)
to the Commission
(17 January 1996)
(96/C 173/25)

Subject: Media remit

In a number of Member States, the national media supervisory authorities have received applications for the licensing of specialized teleshopping channels. Some of the broadcasters concerned have already invested heavily in innovative projects. However, the processing of applications is being held up owing to uncertainty as regards the compatibility with Community law of any licences which might be granted.

Article 18(3) of the Television without Frontiers Directive as it now stands limits teleshopping to one hour. The proposed amendment to the Directive removes that restriction.

The licensing of specialized teleshopping channels must not be delayed any longer, and legal uncertainty must not be

allowed to hold up investment in a new market whose prospects are good.

Can the Commission therefore confirm:

that the restriction contained in Article 18(3) of the current version of the Directive relates only to teleshopping broadcasts carried by general-interest channels and does not, if interpreted properly, imply a blanket ban on specialized teleshopping channels,

or at least that, with a view to the proposed amendment, which clearly states that there is no time limit in the case of specialized teleshopping channels, it will not institute infringement proceedings, even before the amendment takes effect, against Member States that have licensed such channels?

Answer given by Mr Oreja on behalf of the Commission

(22 March 1996)

The Commission refers the Honourable Member to its reply to Written Question P-2067/95 of Mr De Coene([1]) regarding the legal situation of teleshopping within Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities([2]). As the Honourable Member will know, in his role as co-rapporteur on the Commission's proposal for a Directive amending the 1989 Directive, the situation is also described in the introductory statement to the Commission's proposal([3]).

([1]) OJ No C 311, 22. 11. 1995.
([2]) OJ No L 298, 17. 10. 1989.
([3]) COM(95) 86 final.

WRITTEN QUESTION E-20/96
by Florus Wijsenbeek (ELDR)
to the Commission
(25 January 1996)
(96/C 173/26)

Subject: Checks by Finnish traffic police on EU transit traffic

Is the Commission aware that the Finnish traffic police systematically check EU carriers in transit through Finland and impose fines on articulated trains longer than 18m 35 but shorter than 18m 75 — as agreed by the Council on 8 December 1995 — and only permit transit with motor vehicles and attached trailers, whereas Finnish carriers are allowed through even with a vehicle length of 20 m, and Norwegian carriers are allowed these dimensions on freight vehicles in transit through Finland?

Does the Commission regard this behaviour as fair and in the spirit of the new legislation and equality of competition?

If not, what action is the Commission considering?

Otherwise, will the Commission urge the Finnish authorities to be more flexible?

Answer given by Mr Kinnock on behalf of the Commission

(7 March 1996)

Directive 85/3/EEC([1]) currently provides for the free circulation of road trains in the Community up to a total length of 18,35 m.

A road train can be a motor vehicle with a full trailer or a motor vehicle with a centre-axle trailer.

A full trailer is defined in Community legislation as a towed vehicle with at least two axles and equipped with a towing device which can move vertically (in relation to the trailer) and controls the direction of the front axle (or axles) but which transmits no static load to the towing vehicle.

A centre-axle trailer is a towed vehicle equipped with a towing device which cannot move vertically (in relation to the trailer) and in which the axle (or axles) is positioned close to the centre of gravity of the vehicle (when uniformly loaded) so that only a small static vertical load is transmitted to the towing vehicle.

In Finland only combinations which are composed of a motor vehicle with a full trailer are allowed to be longer than 18,35 m (up to 22 m). The Commission is informed that such a combination from any of the Member States is allowed to circulate in Finland with a maximum total length of 22 m.

However, the combinations that were prevented from entering Finland, to which the Honourable Member refers, were road trains with centre-axle trailers and such combinations are only allowed in Finland up to a maximum total length of 18,35 m, in accordance with the current European legislation.

In 1995 the Council reached a common position on an increase of the length of road trains to 18,75 m to be applied for all national and international transport. However, the current maximum load length of 15,65 m will remain unchanged.

This means that, even when the new legislation is implemented only combinations that fulfil these conditions

will be guaranteed free circulation without hindrance in the Community.

Consequently even under Article 4(4) of the forthcoming Directive (the so-called modular concept) a Member State may forbid various configurations, or all road trains, over 18,75 m in length provided — of course — this applies equally to national transport.

(1) OJ No L 2, 3. 1. 1985.

WRITTEN QUESTION E-23/96
by Glenys Kinnock (PSE)
to the Commission
(25 January 1996)
(96/C 173/27)

Subject: Green Paper on the information society and the developing world

Does the Commission plan to include the developing world in the proposed Green Paper on the information society?

In view of the need to include the South in these developments it would seem appropriate to make substantial reference to how this can be achieved?

Answer given by Mr Bangemann
on behalf of the Commission
(18 March 1996)

As the Honourable Member has stressed, special attention should be paid to the role of developing countries in the information society. It is important for these countries to have strong ties with the new 'information age' and to be able to benefit wholly from any opportunities that arise from it. Links between developing countries and European ventures relating to the information society will be discussed in the Green Paper concerning relations between the latter and other Community policies. Furthermore, the Commission must ensure that cooperation instigated by the Community with developing countries takes into account the new dimensions of the information society.

This is in accordance with the guidelines laid down at the G7 conference in Brussels in February 1995 where the following conclusion was reached:

> 'Our action must contribute to the integration of all countries into a global effort. Countries in transition and developing countries must be provided with the chance to fully participate in this process as it will open opportunities for them to leapfrog stages of technology development and to stimulate social and economic development'.

The Commission is actively participating in the preparations for the conference on the information society for developing countries, due to take place in South Africa from 13 to 15 May 1996. This ministerial event will bring together the G7 countries, and, amongst others, 23 developing countries from every corner of the globe as well as related international organizations and various representatives of industry and the services sector. The agenda will comprise general questions such as the potential for the information society to cater for the needs of developing countries, lines of dialogue that need to be established and collaboration to this end, as well as more concrete aims concerning infrastructures, the regulatory framework, financing or the principal applications in areas of medicine, education, industry and commerce, and public administration.

The information society was also discussed with the context of new relations between the Community and Mediterranean third countries at the ministerial conference held in Barcelona on 27 and 28 November 1995. Furthermore, the Italian presidency, with the support of the Commission, is organizing a conference on 'the Euro-Mediterranean information, communication, education and training and research society' to be held in Rome on 30 and 31 May 1996. These talks, which will be held at a ministerial level, are being prepared by three workshops covering research, regulation, industry and education.

Finally, the Commission is planning to prepare a working document aimed at analysing in greater detail the role of the information society in the developing world and ways of better coordinating instruments of Community cooperation to this end.

WRITTEN QUESTION P-29/96
by Honório Novo (GUE/NGL)
to the Commission
(18 January 1996)
(96/C 173/28)

Subject: Association agreement between the EU and the Kingdom of Morocco

The new association agreement between the EU and the Kingdom of Morocco can only come into force following ratification by all the parliaments of the Member States and the Moroccan Parliament and the assent of the European Parliament.

It has been reported that 'certain Community milieux' are considering the possibility of adopting measures for the early implementation of some of the provisions of this agreement, using, to this end, procedures which do not require ratification by the national parliaments.

Can the Commission state whether it intends to take initiatives implying early implementation of the association agreement between the EU and Morocco without waiting for completion of the ratification process, and, should this be the case, precisely what measures it intends to take and which provisions would be implemented early?

Answer given by Mr Marín on behalf of the Commission
(1 February 1996)

It is indeed the case that the association agreement initialled by the Community and Morocco on 15 November can only come into force after the Member States' and Moroccan Parliaments have ratified it and after Parliament has given its assent.

However, on 22 December, the Council, acting on a Commission proposal, adopted a Regulation under which certain concessions in the agreement could come into force early ([1]). These concern Moroccan farm exports which have had to comply with the entry price system since the Uruguay Round, and cut flowers and tinned sardines, negotiations on which ensured that the relevant provisions would be enacted early.

As a result of these concessions, Moroccan farm produce will benefit from standard entry prices lower than those offered by the Community under the Uruguay Round. This will enable Morocco to maintain its exports to the Community of produce such as tomatoes and citrus fruits at traditional levels.

([1]) OJ No L 326, 30. 12. 1995.

WRITTEN QUESTION E-33/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/29)

Subject: Display screen equipment

On what legal base is the UK seeking to re-examine Directive 90/270/EEC ([1])?

([1]) OJ No L 156, 21. 6. 1990, p. 14.

WRITTEN QUESTION E-34/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/30)

Subject: Display screen equipment

Has the Commission agreed to review Council Directive 90/270/EEC and if so, on what basis?

WRITTEN QUESTION E-35/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/31)

Subject: Display screen equipment

What evidence has the UK produced to show that Directive 90/270/EEC puts an 'unreasonable burden' on employers?

WRITTEN QUESTION E-36/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/32)

Subject: Display screen equipment

What evidence has the UK submitted to demonstrate the benefits of Directive 90/270/EEC?

WRITTEN QUESTION E-40/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/33)

Subject: Display screen equipment

What Articles in Directive 90/270/EEC does the UK seek to re-examine?

WRITTEN QUESTION E-53/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/34)

Subject: Display screen equipment

How much will a 're-examination' of Directive 90/270/EEC cost each Member State respectively, and the Commission?

WRITTEN QUESTION E-54/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/35)

Subject: Display screen equipment

What work currently done by the Commission will be delayed if a 're-examination' of Directive 90/270/EEC is carried out in 1996?

WRITTEN QUESTION E-58/96
by Stephen Hughes (PSE)
to the Commission
(25 January 1996)
(96/C 173/36)

Subject: Display screen equipment

Is the Commission agreeing to a re-examination of Directive 90/270/EEC on the basis of seeking UK support for the Fourth Action Programme in the run-up to the IGC in 1996?

Joint answer to Written Questions E-33/96 to E-36/96, E-40/96, E-53/96, E-54/96 and E-58/96
given by Mr Flynn
on behalf of the Commission
(7 March 1996)

The Commission has no knowledge of any official request from the United Kingdom for re-examination of Directive 90/270/EEC. In any case, the Commission has no intention of re-examining the said Directive.

Nonetheless, the Commission will ensure that Directive 90/270/EEC remains in step with technical progress by proposing any amendments which may prove useful or necessary from the point of view of scientific progress or technological developments.

WRITTEN QUESTION E-60/96
by Maren Günther (PPE)
to the Commission
(26 January 1996)
(96/C 173/37)

Subject: Conflict between the objective of rationalizing public finance through structural adjustment programmes in developing countries and public funding of education in such countries

One of the main objectives of structural adjustment programmes imposed on developing countries by the international donor community is to put their national budgets on a sound footing. In order to cut public expenditure, many governments of developing countries make cuts in the education budgets. The Commission, however, has declared the promotion of education in developing countries to be one of the priorities of development cooperation.

What specific measures is the Commission taking to prevent structural adjustment programmes from resulting in cuts in the funding of education?

Answer given by Mr Pinheiro
on behalf of the Commission
(22 February 1996)

Since the matter raised by the question is the joint competence of Vice-President Marín and Commissioner Pinheiro, the following answer is given by the two members on behalf of the Commission.

Specific efforts are being made by the Community in order to reconcile structural adjustment with social development.

More than 30 % of the counterpart funds generated by Community support to the African, Caribbean and Pacific countries implementing structural adjustment programmes has been targeted to the education sector. By the end of 1995, total Community financing of structural adjustment was around ECU 1 400 million. The equivalent in local currencies of approximately ECU 500 million has gone to the education sector. To this figure one should add the amounts spent in the sector in the context of programmable resources, clearly reflecting the Community's stated policy of dealing with the social consequences of adjustment.

Education and training are top priorities in our cooperation with Latin America. A Community-financed university programme by the name of ALFA has been running since 1994 and has been a source of substantial support for higher education establishments in Latin America. A good many education projects have also been mounted in the context of wider operations, notably those concerning rural development and democratization. The Community is aware of the importance of education and training as a factor of sustainable economic and social development and intends to take initiatives in Latin America concerning: basic education, vocational training, technical education, schooling for the poorest sections of the population and training of instructors.

On top of that, the Community has tried to influence not only the level but also the quality of expenditure in the social sectors, while helping developing countries to formulate their sectoral policies with a view to supporting long term development. In this field the growing involvement of the Community in the process of public expenditure reviews undertaken by Sub-Saharan Africa countries can be cited as the most clear example.

WRITTEN QUESTION E-68/96

by Yannos Kranidiotis (PSE)

to the Commission

(26 January 1996)

(96/C 173/38)

Subject: Timetable for proposals on Greek textiles industry

Under the new terms of international competition created by the GATT accord and the Agreement of 6 March 1995 on the Customs Union with Turkey, the Council and Commission undertook to present proposals in 1995 on the position of the textiles and clothing industry in Greece.

In response to my several questions to the Council and the Commission on this subject, each has claimed that the other is responsible for the delay in submitting proposals.

Despite the promises, we have finally reached the end of the year with the Commission still to submit proposals for the industry which attests to a lack of consistency and responsibility.

Will the Commission honour its commitment concerning the textile and clothing industry in Greece and when will it present its proposals?

Answer given by Mr Bangemann on behalf of the Commission

(13 March 1996)

With a view to fulfilling the commitment made on 6 March 1995 on a joint declaration with the Council, the Commission has set up a series of meetings with all interested parties in Greece to draw up its communication on the situation of the textile and clothing industry in the country.

The Commission was ready to approve this communication to the Council before the date indicated, i.e. the end of 1995. However, following a request from the Greek Government, who considered it useful to pursue bilateral contacts on this matter, and given the importance of the dossier for this Member State, the Commission agreed to carry forward the date on which this communication was to be adopted to the end of January 1996.

The communication was actually approved on 31 January 1996, within the period decided upon by the Council, and will be passed on to it in the next few days.

WRITTEN QUESTION E-71/96

by Amedeo Amadeo (NI)

to the Commission

(26 January 1996)

(96/C 173/39)

Subject: Energy

The Commission has, most opportunely, highlighted three prime objectives for inclusion in full in the energy policy to be inserted in the EU Treaty at the forthcoming IGC in 1996:

— the need to take account of long-term trends,

— the exact definition of the responsibilities of the Member States,

— recognition of the principles of subsidiarity, proportionality and reciprocity.

Does the Commission not consider it advisable to add to the three objectives already defined increased employment and recognition of the concept of public service as an essential means of achieving these objectives?

Answer given by Mr Papoutsis on behalf of the Commission

(8 March 1996)

The Commission has not taken a decision on the question of the introduction into the EC Treaty of an energy chapter. It

is examining the question and will state its position in the report that it will submit to the Council in accordance with Declaration No 1 annexed to the Treaty on European Union.

The main objectives of a Community energy policy are competitiveness, security of supply and protection of the environment, as outlined in the Commission's white paper on energy policy for the European Union of 13 December 1995 [1]. It is clear that energy policy must contribute to the achievement of the general aims of the Community's economic policy, which includes the improvement of the employment situation and the satisfactory provision of public services. However, these important social and economic objectives cannot be considered as instruments for the implementation of Community energy policy.

[1] COM(95) 682 final.

WRITTEN QUESTION E-85/96
by Armelle Guinebertière (UPE)
to the Commission
(26 January 1996)
(96/C 173/40)

Subject: Marketing of Chinese truffles in France

The black truffle of Périgord, Tuber melanosporum, was until recently a luxury item for which France was renowned. However, the arrival on the French market six months ago, by means of import/export companies, of 'Périgord' truffles produced in China and marketed at a highly competitive price is likely to destabilize and corrupt a market which is both restricted and high-quality.

How does the Commission intend to protect European truffle production and combat the phenomenon described above, given that between 300 and 500 kg of Chinese truffles may reach France every week and even usurp the Périgord name?

Answer given by Mr Fischler
on behalf of the Commission
(16 February 1996)

The Commission is currently carrying out a thorough investigation of the problem raised by the Honourable Member. Once this investigation is complete, it will take whatever measures are necessary to protect the Community market, in strict compliance with the Community's international obligations.

WRITTEN QUESTION E-99/96
by Joaquín Sisó Cruellas (PPE)
to the Commission
(26 January 1996)
(96/C 173/41)

Subject: Directive on TV sans frontière

The European Federation of Cinematographic Companies (EFCA) is asking the European Union not to include the new multimedia services in the 'TV sans frontière' Directive, since it believes that it could threaten their development. The federation believes that the sector's job creation potential will not be fulfilled if a restrictive legal framework were to be imposed on the new services. The EFCA stresses that the new 'on-line' computer and à la carte video services do not constitute television broadcasting since they function with memory and data-recovery systems, are interactive and personalized, and consumers select and pay only for data and programmes which they request.

What is the Commission's attitude to the EFCA's request?

Answer given by Mr Oreja
on behalf of the Commission
(13 March 1996)

The Commission is currently studying the most appropriate legal framework for the new interactive services. The main aim is to create an environment in which these innovatory activities, whose potential impact on our society is universally acknowledged, can develop unhindered in the single market. Parliament itself is holding a very lively political debate on the legal framework necessary to safeguard the general interest of these services.

The Commission has decided not to amend the present definition of television broadcasting in the 'Television without Frontiers' Directive 89/552/EEC which is under review [1], and thus to leave the scope of that Community instrument as it stands. Accordingly, this Directive continues to apply to every television programme broadcast in a point-to-multipoint mode of communication (communication activated by the broadcaster and accessible at many reception points), including pay-per-view and Nvod (near-video on demand). It does not apply to point-to-point services (communication activated by individual request of the receiver of the service) and thus does not cover on-line multimedia services (in particular à la carte video services) mentioned in the Honourable Member's question and referred to in EFCA's request.

[1] COM(95) 86 final.

WRITTEN QUESTION E-101/96

by Joaquín Sisó Cruellas (PPE)

to the Commission

(26 January 1996)

(96/C 173/42)

Subject: Plan to encourage safety at work

In a report which seeks to develop an innovative model for providing economic incentives for improving the working environment, the European Foundation for Improving Working and Living Conditions recommends obligatory insurance for accidents at work, with rebates for companies which improve working conditions. The basic idea is to assign a gross premium to each company, with the possibility of lower premiums or rebates for those which apply stricter criteria. The rebates could be general, specific or individual. Companies would receive a general rebate when they improved health and safety conditions; specific rebates would be granted for resolving recognized health and safety problems and individual rebates would be granted to companies with particular problems which develop innovative solutions to those problems. The report also proposes granting incentives in the form of investment aid to companies interested in financially supporting improved health and safety measures and which give proof of their wish to give real substance to such initiatives.

Is the Commission aware of the Foundation's proposal, and if so, how does it view it? Does it think that it would be useful to implement this or a similar initiative to help improve working conditions?

Answer given by Mr Flynn
on behalf of the Commission

(16 February 1996)

The Commission, which is a member of the Administrative Board of the European Foundation for the Improvement of Living and Working Conditions, has received the document referred to by the Honourable Member.

The Commission is at present considering to what extent the Foundation's proposals could be pursued, and in what way.

WRITTEN QUESTION E-102/96

by Joaquín Sisó Cruellas (PPE)

to the Commission

(26 January 1996)

(96/C 173/43)

Subject: Unusually gifted children in the European Union

The Spanish Association for Hyper-gifted Children has pointed out that according to statistics published in books on the subject of highly gifted children, 2 % of Europe's current 69 million school pupils between the ages of 4 and 16 come into the category of intellectually hyper-gifted children, i.e. the intellectual endowment of 1 380 000 Union schoolchildren means that they should be classified as pupils with special educational needs. Available information indicates that there is no consensus at government level in the various educational systems of the Member States with regard to specific recognition of these children, criteria for identifying and assessing them, and educational action programmes; as a result, it appears that there are no educational policies providing priority assistance for these children. This situation means that these children constitute educational and social high-risk cases, with a high rate of failure at school, problems with regard to integration in centres of learning, social difficulties, legal vacuum, etc.

Since there is a need to put an end to this situation of clear-cut discrimination, does the Commission explicitly recognize highly gifted schoolchildren as having special educational needs on the same conceptual terms as children handicapped or disadvantaged by socio-economic and cultural constraints?

Answer given by Mrs Cresson
on behalf of the Commission

(12 March 1996)

The Community is supporting measures in the field of education under the Community's Socrates programme in order to develop the European dimension in education, in keeping with and as a complement to Community programmes or measures which promote the integration of disabled people (for example, Helios II or Horizon) in the context of the Structural Funds relating to the various categories of disability as defined internationally by the World Health Organization.

However, under Socrates, provision has been made for giving particular consideration to projects encouraging participation in all programme measures by children with specific educational needs. Thus, although gifted children are not specifically mentioned, they may be taken into

consideration if reference is made in any projects meeting the priority objectives of Socrates submitted for Community funding.

WRITTEN QUESTION E-104/96
by Jorge Hernandez Mollar (PPE)
to the Commission
(26 January 1996)
(96/C 173/44)

Subject: Code of conduct with regard to equal pay for men and women

Can the Commission tell us when it will adopt the Code of conduct on equal pay for men and women with a view to providing guidelines for eliminating any discrimination when work assessment and classification systems constitute the basis of the salary structure?

Answer given by Mr Flynn
on behalf of the Commission
(22 March 1996)

As announced in the Commission's 1994 memorandum on equal pay for work of equal value [1], in the social action programme 1995—1997 [2] and in the Commission's proposal for a fourth Community action programme on equal opportunities for women and men (1996—2000) [3] the Commission is currently drafting a code of conduct on the implementation of equal pay for work of equal value for women and men.

This code should be adopted shortly. However, experience shows that such codes work better if they correspond to the needs of users as a result of preparation in close liaison with them. Accordingly there has been a slight delay to ensure that the social partners were consulted on the draft code before adoption by the Commission.

[1] COM(94) 6.
[2] COM(95) 134.
[3] COM(95) 381.

WRITTEN QUESTION E-105/96
by Mathias Reichhold (NI)
to the Commission
(26 January 1996)
(96/C 173/45)

Subject: Differentiation of farm subsidy payments in Austria

As part of its policy proposals, the Austrian Social Democratic Party is calling for the payment of farm subsidies to be differentiated on the basis of size. This would mean that farms over a certain size would no longer receive their full entitlement to farm subsidies. The proposal makes no provision however for the resources released in this way to be re-distributed to small farms.

1. Does this type of differentiation accord with the relevant EU Directives and Regulations?

2. Is the Union also contemplating measures along these lines which would make the payment of the full entitlement to farm subsidies dependent on the size of farms and would impose a ceiling on payments?

3. What is the position with regard to the distortion of competition which would result from this type of differentiaton?

Answer given by Mr Fischler
on behalf of the Commission
(4 March 1996)

Since the reform of the common agricultural policy in 1992, more agricultural support is conveyed to farmers through direct payments and less through price support. These payments are based on cultivated hectares for the main crops and on animal numbers for the beef and sheep sectors. The fact that bigger farms receive more public subsidies than smaller farms is consequently more visible. Nevertheless, even if it does not go as far as proposed by the Commission in 1991, the Council introduced several significant modulation elements according to the farm size:

— crop farmers with small areas have no set-aside obligation;

— small scale beef farmers have no particular requirement for forage areas;

— the biggest sheep farmers only receive a half payment per ewe beyond a certain flock size.

In addition, within the measures designed to improve farming efficiency, under Regulation (EEC) No 2328/91 [1], there are size limitations for the granting of investment subsidies.

Regarding future policy, the Commission has expressed its views in the agricultural strategy paper [2], which it adopted on 29 November 1995, and then presented to the European Council of Madrid. The Commission takes the view that, while the competitiveness of the Community farming sector should be enhanced, further links between direct income payments and social considerations (as well as environmental and rural development considerations)

should be envisaged. That leads the Commission to the concept of an integrated rural policy, where these different aspects can fully be taken into account.

(1) OJ No L 218, 6. 8. 1991.
(2) CSE(95) 607 final.

WRITTEN QUESTION E-108/96

by James Provan (PPE)

to the Commission

(26 January 1996)

(96/C 173/46)

Subject: Electromagnetic compatibility

In Question E-2578/95 (1) I asked if the Commission was prepared to grant a derogation for small quantity of electronic equipment for use by amateur radio users.

Within the amateur radio fraternity there are those who make a few kits for both radio and computer enthusiasts. Some of this equipment can be used as an attachment between the radio-receiver and a computer, to enable the computer to read data transmissions and weather maps transmitted by stations all over the world. These enthusiasts, who have a transmitting licence, may also be enabled to transmit data and pictures on the amateur radio bands.

The point is this. The kits, of which I have given an example, are worth somewhere between £4 and £15, and the numbers produced do not amount to many in a year — perhaps 10, 20 or 50. So it is quite impossible for the cost of approval to be added to the selling price.

Will the Commission, therefore:

1. spell out clearly, for the benefit of amateur radio enthusiasts, the meaning of definition No 53 of Article 1 of the Radio Regulation forming part of the ITC;

2. give a clear indication whether amateur radio enthusiasts are covered by Directive 89/336/EEC (2);

3. state whether it believes it is necessary for radio enthusiasts to comply with new equipment certification procedures;

4. comment on the problem of radio and electronic magazines publishing new designs regularly every month, when they have not received approval? These magazines do not have manufacturing or assembly facilities, but provide the design for home construction. Would this be prohibited under the Directive?

(1) OJ No C 51, 21. 2. 1996, p. 23.
(2) OJ No L 139, 23. 5. 1989, p. 19.

Answer given by Mr Bangemann on behalf of the Commission

(26 February 1996)

The aim of Directive 89/336/EEC on electromagnetic compatibility is to ensure the free movement and placing in service of items of equipment that are likely to generate electro-magnetic interference or to be affected by such interference.

The Directive states clearly that all items of equipment placed on the market or in service must comply with the Directive, regardless of price or the number of units produced or marketed.

However, Article 23 of the Directive states that amateur radio equipment which is not sold through the trade, or in other words which has been designed and produced by amateurs themselves for their own use, is not covered by the Directive. Conversely, if such equipment is offered for sale, it must comply with the Directive.

WRITTEN QUESTION E-118/96

by Michael Spindelegger (PPE)

to the Commission

(26 January 1996)

(96/C 173/47)

Subject: Opening the Socrates, Leonardo and Youth for Europe programmes to the central and eastern European countries and the Baltic States

In the context of the structured dialogue on the fringe of the Education Council in October 1995 the Education Ministers informed the central and eastern European and Baltic States of the substantive, financial and structural conditions for participation by these countries in the Socrates, Leonardo and Youth for Europe programmes. In the light of the resulting funding needs and the infrastructure requirements in the central and eastern European countries, the following questions arise:

1. In planning the opening up of the above programmes, how will a consistent and coordinated procedure be developed with the Member States with a view to ensuring that existing bilateral measures between individual Member States and central and eastern European countries can be incorporated in a rational and useful way into the planning process and, where appropriate, support measures built upon them?

2. What concrete support measures should be implemented with a view to facilitating entry into the above programmes by the central and eastern European countries, and how are they to be financed? To what

extent will the experience of the National Agencies in the Member States (Socrates, Leonardo and Youth for Europe) be used, and will the latter be involved in the planning and preparation process?

3. How can the structures already successfully developed in the central and eastern European countries in the context of the Tempus programme be used in preparing for the opening up of the programmes and the development of participation in them?

Answer given by Mrs Cresson on behalf of the Commission

(11 March 1996)

1. The gradual involvement of the central and eastern European countries (CECs) in the programmes will take place in the framework of the same rules and procedures applicable to the Member States as set out in the decisions establishing the three programmes.

The Commission is aware that present bilateral relations between the CECs and the Member States provide a solid cornerstone upon which to build multilateral links that will help the CECs to reach effective integration in the programmes. A survey commissioned by the Commission on this specific issue is being sent directly to the Honourable Member and to the Parliament's Secretariat.

Furthermore, the Commission believes that, as a part of the structured dialogue which concerns both Member States' bilateral activities as well as Community activities, these bilateral relations would be a valuable element to ease the integration of these countries in the programmes. This point was underscored in the information note of the Commission [1] distributed to the joint meeting of ministers of education of the Community and of the associated countries of central Europe and the Baltic States of 23 October 1995 in Luxembourg. A copy of this information note is also being sent directly to the Honourable Member and to the Parliament's Secretariat.

The above reflections have been presented to the Council groups, as well as to the programme committees.

2. The 1995 budget provided a specific budget line (B7-633) to finance preparatory measures to facilitate the integration of the CECs in the programmes. These preparatory measures were jointly defined by the Commission and each CEC in 1995. They will be carried out until the second semester of 1996. These countries should, therefore, be in a position to start their effective participation in the programmes as of 1 January 1997, once the detailed conditions for participation have been adopted by the respective association councils.

The preparatory measures include help and assistance to set up the national agencies in the CECs, different activities to train their personnel, and activities to make the objectives and procedures of the programmes known to the relevant circles in the CECs. The Commission counts on the close cooperation of the national agencies in the Member States to assist the CECs in this phase, in order to benefit from their experience and know how to set up the national agencies and training of their staff.

These measures have been presented to the national agencies, and a mentor or twinning system (one CEC agency with three agencies from the Member States) is envisaged.

3. Where other arrangements are not already available, the possibility has been discussed of setting up an umbrella structure (e.g. a foundation) gathering within it the different national agencies, to avoid an unnecessary proliferation of organizational bodies.

In that case, it has also been made clear that the necessary organizational, managerial and financial precautions should be taken in order to guarantee the perfect implementation of the programmes according to their specific objectives and avoiding all possibilities of confusion.

Nevertheless, it must be noted that the final decision on this matter is the sole responsibility of the relevant authorities in each CEC.

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[1] SEC(95) 1707.

WRITTEN QUESTION E-125/96

by Viviane Reding (PPE)

to the Commission

(1 February 1996)

(96/C 173/48)

Subject: Transposition of the 'local voting rights' Directive

Directive 94/80/EC [1] on the right of EU citizens to vote in local elections requires the Member States to transpose its

provisions into national law by 31 December 1995 at the latest. Luxembourg complied with this by means of the law adopted by the Chamber of Deputies on 7 December 1995.

What is the position in the other Member States? What measures does the Commission intend to take vis-à-vis Member States which have not yet complied with the Directive?

(1) OJ No L 368, 31. 12. 1994, p. 38.

Answer given by Mr Monti on behalf of the Commission

(11 March 1996)

At present three Member States have notified the Commission of their laws, regulations and administrative provisions necessary to comply with Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

The Commission is continuing to monitor the progress of parliamentary work towards implementation in all the Member States and will not hesitate to open proceedings under Article 169 of the EC Treaty, where appropriate.

WRITTEN QUESTION E-132/96
by Frank Vanhecke (NI)
to the Commission
(1 February 1996)
(96/C 173/49)

Subject: Discrimination against the Dutch language by European Commission departments

As part of the Opium project (Operational Project for Integrated Urban Management) the city of Ghent received from the European Commission a letter and specimen contract relating to European subsidizing of a traffic control project.

The specimen contract (UR-95-SC136) and the accompanying letter were sent by the Commission departments to the city of Ghent in English.

Is it correct that these documents are not available in Dutch? Even the related correspondence — emanating from the office of the Dutch-speaking Commission Member Mr Van Miert — was exclusively in English.

Does the Commission consider this procedure to be compatible with the compulsory equal treatment of all official languages in accordance with the provisions of the European Treaties?

Answer given by Mr Kinnock on behalf of the Commission

(14 March 1996)

The city of Ghent is one of 16 participants (nine contractors and seven associated contractors) in the Opium project which is funded by the Commission as part of the specific research programme for transport.

This project is coordinated by a British company and English has been agreed by all the participants, which include other European cities (e.g. Utrecht, Nantes, Patras, Heidelberg) as the working language of the project. All papers submitted to the Commission by the participants, including the initial proposal, were drawn up in English. The Commission has consequently corresponded in that language.

Similarly the research contract, signed by all the partners at the end of December 1995, was drawn up in English. The contract is a standard contract which exists in all official languages. Contractors who wish to obtain another linguistic version may always do so. If the city of Ghent was to request it, a Dutch language version of the contract would be made available.

The Honourable Member is misinformed with regard to 'related correspondence'. The office of Mr Van Miert has not been involved in the Opium project.

WRITTEN QUESTION E-133/96
by Honório Novo (GUE/NGL)
to the Commission
(1 February 1996)
(96/C 173/50)

Subject: Construction of access roads to the Freixo Bridge (Porto) — measures to minimize environmental impact

The section of the 'Itenário Principal 1 (IP1)' between the new Freixo Bridge and Vila dos Carvalhos forms part of the southern access route to this crossing of the river Douro, and has been open since mid-September 1995.

The final report by the Assessment Committee which analyzed the measures for minimizing the environmental impact of the building of the access roads to the Freixo Bridge (of which the section of the IP1 in question, it should

be stressed, forms part), concluded with a recommendation that various operations be carried out, involving spatial planning, atmospheric noise, air quality and landscaping, this work was to be done during the building work so that it would be completed at the same time.

The information available to me indicates that these operations have not been carried out on the section of the IP1, despite the fact that it was opened some months ago.

Can the Commission confirm whether my information is entirely accurate? And, if so, is the Commission prepared to contact the present government with a view to ensuring that all the operations envisaged in the final report of the aforementioned Assessment Committee are carried out in the near future?

Answer given by Mrs Bjerregaard on behalf of the Commission

(7 March 1996)

At the moment the Commission does not have in its possession any information enabling it to assess the implementation of the measures to minimize the environmental impacts provided for in the Commission report assessing the environmental impact study concerning the 'Acessos à Ponte do Freixo' project.

The Commission has contacted the Portuguese authorities in order to obtain the necessary information.

WRITTEN QUESTION P-145/96
by Caroline Jackson (PPE)
to the Commission
(25 January 1996)
(96/C 173/51)

Subject: Reports on implementation of Directives on the environment

Directive 91/692/EEC([1]) is intended to harmonize and improve the reporting requirements included in some previous Directives relating to the environment. It divided the subject of the Directives into three groups:

1. water: first report to cover 1993—1995 due to be published by the Commission before June 1997.
2. air: first report to cover 1994—1996 due to be published by the Commission before June 1998.
3. waste: first report to cover 1995—1997 due to be published by the Commission before June 1999.

The Directive sets dates by which the Commission was to have issued questionnaires on the basis of which Member States are to supply the Commission with information. Questionnaires relating to water and waste have been published, but some time after the due dates. A questionnaire relating to air has not yet been published, despite being due in June 1993.

Why has the Commission failed to meet the deadlines for questionnaires set in the Directive? When will the Commission publish the questionnaire relating to air?

([1]) OJ No L 377, 31. 12. 1991, p. 48.

Answer given by Mrs Bjerregaard on behalf of the Commission

(8 March 1996)

The situation with regard to the drafting of questionnaires pursuant to Directive 91/692/EEC standardizing and rationalizing reports on the implementation of certain Directives relating to the environment is as follows:

'Water' Directives: For the period 1993—1995, the questionnaires on water were adopted in 1992 (Commission Decision 92/446/EEC of 27 July 1992)([1]) with a slight administrative delay. For the period 1996—1998, the questionnaires have been amended and were recently adopted (Commission Decision 95/337/EEC of 25 July 1995)([2]), i.e. six months before the beginning of the reporting period as stipulated in Article 2 of Directive 91/692/EEC. Article 2 of Directive 91/692/EEC requires Member States to submit their data for the reporting period 1993—1995 no later than 30 September 1996. The Commission then has nine months to prepare a consolidated report and to publish it by 30 June 1997.

'Air' Directives: There have been several delays to the adoption of the questionnaires on air, major text changes to some of them and delays in translation preventing them from being adopted in 1994. The accession of new Member States has meant that all the questionnaires had to be translated into the new official languages. Publication is expected by the end of April 1996.

'Waste' Directives: In accordance with Article 5 of and Annex VI to Directive 91/692/EEC, seven questionnaires relating to seven Directives on waste should have been adopted since months before the beginning of the reporting period. The first reporting period is 1995—1997. The Commission has adopted three questionnaires on Directives 75/439/EEC (waste oils), 75/442/EEC (framework Directive on waste) and 86/278/EEC (sewage sludge) (Commission Decision 94/741/EEC of 24 October 1994)([3]).

The situation with regard to the other four Directives is as follows:

— Directive 84/631/EEC has been replaced by Regulation (EEC) No 259/93 (shipments of waste) of 6 May 1994 [4] which contains specific provisions on reports (Article 41). The preparation of a questionnaire is therefore no longer necessary.

— Directive 76/403/EEC [5] (PCBs/PCTs) is currently being amended and will be adopted by the Council later in the year. The present common position of the Council does not contain any reporting requirement within the meaning of Directive 91/692/EEC. No questionnaire is therefore being prepared.

— Directive 78/319/EEC has been replaced by Directive 91/689/EEC (hazardous waste) of 27 June 1995 [6]. Article 8 of the Directive contains a reporting requirement similar to that in Article 16 of Directive 75/442 for which there is already a questionnaire. This questionnaire therefore still has to be prepared.

— Directive 85/339/EEC (containers of liquids for human consumption) will be replaced by Directive 94/62/EC [7] (packaging and packaging waste) on the final date for its transposition, which is 30 June 1996. Article 17 of Directive 94/62/EC contains a reporting requirement within the meaning of Directive 91/692/EEC. This questionnaire still has to be prepared.

[1] OJ No L 247, 27. 8. 1992.
[2] OJ No L 200, 24. 8. 1995.
[3] OJ No L 296, 17. 11. 1994.
[4] OJ No L 30, 6. 2. 1993.
[5] OJ No L 108, 26. 4. 1976.
[6] OJ No L 377, 31. 12. 1991.
[7] OJ No L 365, 31. 12. 1994.

WRITTEN QUESTION E-149/96

by Iñigo Méndez de Vigo (PPE)

to the Commission

(1 February 1996)

(96/C 173/52)

Subject: Cohesion Fund — Spain

Could the Commission provide detailed information concerning the transfers made to Spain during 1995 under the Cohesion Fund, and of the projects for which this aid was granted?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(4 March 1996)

In 1995 all Cohesion Fund resources for Spain were committed, 51,5 % of it for transport infrastructure projects and 48,5 % for environmental projects.

ECU 610 million were allocated for 14 projects in the transport sector and ECU 574 million for 46 environmental projects; the 'vessel traffic system' project cuts across the two sectors and receives funding under both.

Detailed information of these projects can be found in the table that is being sent directly to the Honourable Member and the General Secretariat.

WRITTEN QUESTION E-152/96

by Eolo Parodi (UPE), Guido Viceconte (UPE) and Roberto Mezzaroma (UPE)

to the Commission

(1 February 1996)

(96/C 173/53)

Subject: Resolving infant feeding controversies

For the last 20 years the international community has witnessed a confrontation between consumer groups and the infant food industry on infant feeding issues. The 1991 Community Directive on infant formulae and follow-on formulae (91/321/EEC) [1] refers to the adoption of the International Code of Marketing of Breast-milk Substitutes and its implementation in the European Member States, while the Council resolution of 18 June 1992 [2] makes a certain number of Community provisions for these products applicable to exports to third countries.

Up to now, relatively few governments in third countries have introduced specific legislation or regulations to implement the provisions of the International Code. As a result, the task of interpreting and monitoring the Code has been undertaken, on the one hand, by infant food manufacturers, and, on the other, by non-governmental organizations. Differences of opinion on the way in which key provisions of the Code should be interpreted — especially its scope — have been, according to a recent WHO report, a long-standing contentious issue. The Council resolution on exports to third countries called on the Commission to examine such cases and report to the European Parliament and the Council every two years, but no such report has yet been submitted.

Has the Commission established a procedure for the consideration of such cases? If not, is the Commission prepared to promote the creation of an International Expert Advisory Committee, representing the main parties concerned, whose role would be to encourage and assist governments in their efforts to fulfil their responsibilities under the International Code?

(1) OJ No L 175, 4. 7. 1991, p. 35
(2) OJ No C 172, 8. 7. 1992, p. 1.

Answer given by Mr Bangemann on behalf of the Commission

(6 March 1996)

Directive 91/321/EEC on infant formulae and follow-on formulae lays down a number of provisions concerning the marketing of breast-milk substitutes which are inspired by the relevant international code. Member States are responsible for the application of those provisions in the Community. The Commission has no information which would lead it to believe that there are problems.

With the Council resolution of 18 June 1992, the Community aimed to contribute to the application of appropriate marketing practices for breast-milk substitutes in third countries, offering support to the authorities of those countries in their efforts to apply the international code in their territory.

In 1993 the authorities of third countries were informed of the Council resolution and of the fact that the Commission's delegations were ready to receive from these authorities any complaints regarding marketing practices of manufacturers based in the Community. To date no such complaint has been received by the Commission. Therefore there is no experience in examining such cases.

The Commission remains willing to provide practical support and assistance, upon request, to the authorities of third countries for the implementation of the international code.

The Commission continues to monitor developments on the application of the international code in cooperation with the international agencies with primary responsibility for this matter, notably with the World Health Organization.

The Commission has not received any request for support for the establishment of an international export advisory committee. Support could only be considered if the Commission were satisfied that such a body would enjoy internationally the necessary authority and impartiality for offering advice and making judgements in this sensitive area.

WRITTEN QUESTION E-168/96
by Giovanni Burtone (PPE)
to the Commission
(1 February 1996)
(96/C 173/54)

Subject: Temporary opening of a reduced entry price quota for oranges intended for processing

On 11 January 1996 the Commission adopted a tariff quota for imported oranges on the grounds that a sufficient supply of oranges was needed for processing into fresh orange juice by British industry. The Commission itself admits that this was a derogation to GATT rules. Given that Community orange producers, particularly those in Sicily, are currently facing a serious crisis:

1. Did the Commission first ascertain whether or not the Community market was capable of supplying the same quantity of oranges?

2. Does it not believe that such a rule may lead to abuses and instances of fraud entailing the use of products imported, by way of derogation, onto the fresh fruit market rather than the processed fruit market, and does it intend to take any specific measures to avoid this situation?

3. Is it prepared to introduce special support measures for Sicilian producers to enable them to cope with the problems arising from the GATT agreements and the agreements with the Mediterranean countries?

Answer given by Mr Fischler on behalf of the Commission

(5 March 1996)

1. On 11 January 1996 the Commission made a temporary derogation to enable a limited quantity of oranges for processing to be imported at a reduced entry price.

This arrangement, which was essential to provide the Community industry producing freshly squeezed, unpasteurized orange juice with immediate supplies, expires on 31 March 1996.

The Commission is seeking to determine the suitability of Community-produced oranges for this type of orange juice over the period covered by the Regulation (1 December to 31 March). A key consideration is their limonin content.

2. The Commission has taken all the action necessary to prevent abuse and fraud, including the diversion of the

oranges imported under this quota to the fresh fruit market. This action consists of requiring a security to be provided (it is released on production of proof that the goods have been processed) and of the use of customs procedures relating to end-use.

3. The Commission has no plans for specific measures to assist citrus production in Sicily. However, as part of the reform of the market organization for fruit and vegetables, it has proposed the use (over and above the usual structural policy instruments) of steps to improve quality, marketing and promotion of Community fruit and vegetables in general and citrus fruit in particular.

WRITTEN QUESTION E-171/96
by Anita Pollack (PSE)
to the Commission
(1 February 1996)
(96/C 173/55)

Subject: Packaging Directive

When will the Commission bring forward its proposal for a uniform recycling symbol?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(1 March 1996)

The Commission is at the monent finalizing a proposal for a Directive on marking of packaging, to meet the obligations of Article 8, paragraph 1 of the Directive 94/62/EC on packaging and packaging waste([1]). It is the intention to submit the proposal to the Parliament and the Council this spring.

([1]) OJ No L 365, 31. 12. 1994.

WRITTEN QUESTION E-172/96
by Kenneth Coates (PSE)
to the Commission
(1 February 1996)
(96/C 173/56)

Subject: The prevalence of asthma

What conclusion has the Commission reached on possible links between the incidence of asthma amongst children and other age groups and problems of air pollution?

Would the Commission consider supporting an air pollution survey in my own constituency to investigate perceived links between local sources of pollution and concentrations of asthma cases?

Answer given by Mr Flynn
on behalf of the Commission
(19 March 1996)

In general there are no comprehensive data on the prevalence of asthma and the way in which it may be changing. However, recent surveys in several Member States indicate that the prevalence of asthma is steadily increasing. The cause of asthma as a condition is unknown. Genetic predisposition and sensitization to allergens are important determinants of the clinical disease. Several air pollutants have been shown to aggravate symptoms. The epidemiological evidence for a causative link between prevalence in children and exposure to air pollution is still inconclusive.

The Community is currently funding research on chronic diseases, including asthma, as part of its Biomed II programme. One project 'European network for understanding the mechanisms of severe asthma' was initiated in January 1996. The project leader is professor S. T. Holgate of Southampton general hospital. Details of the project are being sent direct to the Honourable Member and the Secretariat-General of the Parliament. The next call for proposals for Biomed II — area 4 — 'chronic diseases' will be from 17 September to 17 December 1996.

Apart from Biomed II, there are currently no Community funds available for the kind of survey suggested by the Honourable Member. However, it might be possible to support actions of this kind under the future action programme on pollution-related diseases, for which a proposal is currently being prepared by the Commission. The intention is for the proposal for a Parliament and Council Decision pursuant to Article 129 of the EC Treaty to be presented in the second half of 1996. Actions under the programme, once it has been adopted, will have, however, to show that there is added value from the involvement of the Community, which, in practice, means that purely local projects are unlikely to receive support.

WRITTEN QUESTION E-174/96

by Kenneth Coates (PSE)

to the Commission

(1 February 1996)

(96/C 173/57)

Subject: Environmental protection — The polluter should pay

Can the Commission offer a succinct guide to the European legislation concerning the responsibility for pollution? How far, and under what circumstances, is it possible to enforce the principle that the polluter must pay?

Answer given by Mrs Bjerregaard on behalf of the Commission

(28 March 1996)

The Commission opened a Community-wide discussion on environmental liability with the publication, in March 1993, of its green paper on remedying environmental damage [1]. As a follow-up, a public hearing was organized by the Parliament and the Commission on 3 and 4 November 1993. Over one hundred written comments on the green paper were sent to the Commission from many quarters.

In April 1994 the Parliament adopted a resolution under Article 138b(2) of the EC Treaty, requesting the Commission to submit a proposal for a Directive on civil liability for (future) environmental damage.

In response, the Commission carried out informal consultations with experts from the Member States and representatives from interested parties such as the insurance sector, the financial sector, industry and environmental organizations. The main issues discussed were the scope of an environmental liability regime, restoration of environmental damage, access to justice with respect to environmental damage and financial security for coverage of liability.

In the course of 1994 the Commission launched studies to investigate how liability systems dealing with environmental damage operate in the Member States, and on the economic implications of different liability systems. The final results of these studies are expected in the near future and will be carefully assessed. Consultations with interested parties will be held about the outcome of the studies.

On the basis of all this information, the Commission will have a discussion to decide how to go forward.

[1] COM(93) 47.

WRITTEN QUESTION E-179/96

by Kenneth Coates (PSE)

to the Commission

(1 February 1996)

(96/C 173/58)

Subject: Environmental protection — Burning solvent-derived fuels

Further to Mrs Bjerregaard's answer of 25 September 1995 on behalf of the Commission, what progress has the Commission made in its investigations of the burning of solvent-derived fuels (so-called 'secondary fuels') in cement and lime kilns?

Is it the Commission's view that a 'mass balance' test should be conducted during trial incinerations of solvent-derived fuel, in order to determine the proportions and amounts of toxic elements which exit the stack as vapour and/or fume?

Answer given by Mrs Bjerregaard on behalf of the Commission

(27 March 1996)

The Commission's investigations continue in order to obtain a more coherent overview of the situation within the Community. This issue was brought to the attention of Member States at a recent meeting of the committee for the adaptation to scientific and technical progress of Community legislation on waste, but no conclusions were reached.

Where secondary liquid fuels are considered as a hazardous waste and co-incinerated, Article 3 of Council Directive 94/67/EC on incineration of hazardous waste [1] will apply after 1 January 1997. The permit which has to be granted by the authorities will explicitly list the types and quantities of hazardous wastes which may be co-incinerated in the plant. Moreover a period of six months after the start of the operation is given to the operator to conduct the necessary measurements to show that specific emission limit values for a range of toxic substances are met. Appropriate emission limit and guide values for the relevant pollutants emitted in the exhaust gas of the plant will be determined in accordance with Annex II of the Directive.

[1] OJ No L 365, 31. 12. 1994.

WRITTEN QUESTION E-189/96

by Gerhard Schmid (PSE)

to the Commission

(5 February 1996)

(96/C 173/59)

Subject: The Fair research programme

1. Who has so far, during the period up to 1994, received funding under the FAIR programme, which was announced as part of the ACTS research programme? What projects was the funding intended for and what were the sums involved?

2. Which experts did the Commission consult when deciding on the funding to be provided under the Fair programme?

Answer given by Mr Bangemann on behalf of the Commission

(2 April 1996)

1. The FAIR project is a 'horizontal action' under the ACTS programme. The Honourable Member refers in his question to a FAIR research programme. No programme of that name has received funding within ACTS. However, there is a FAIR programme (agriculture and fisheries) outside ACTS.

The FAIR project research group consists of six members from France, Germany, Italy, the Netherlands and the United Kingdom, and the project has a budget of some ECU 2,6 million. The title of the FAIR project is Forecast and Assessment of Socio-Economic Impact of Advanced Communications and Recommendations, and a short description of the project will be sent to the Honourable Member and Parliament's Secretariat.

2. The decision concerning the FAIR project was taken as part of the technical evaluation of the ACTS programme during the period 25 March—2 April 1995. The decisions concerning the 330 ACTS proposals submitted were taken by 100 independent external experts. Further information about the decision-making process will be sent direct to the Honourable Member and Parliament's Secretariat.

WRITTEN QUESTION E-195/96

by Jens-Peter Bonde (EDN)

to the Commission

(5 February 1996)

(96/C 173/60)

Subject: End of shooting season

Will the Commission determine the end of the shooting season on the basis of biological conditions rather than the calendar? At present the season for shooting migratory birds closes at the end of January, but the Danish Hunting League and Game Management Council for instance recommend that the shooting of eider-duck should continue in February.

Answer given by Mrs Bjerregaard on behalf of the Commission

(15 March 1996)

In accordance with Article 7.4 of Directive 79/409/EEC on the conservation of wild birds [1], it is the Member States who ensure that the practice of hunting complies with the principles of wise use and ecologically balanced control of the species of birds concerned. They ensure, in particular, that the migratory species covered by the hunting laws are not hunted during their period of reproduction or during their return to their rearing grounds.

According to the data available in the Ornis data base concerning eider hunting, the season for this should end in Denmark by 31 January at the latest.

On 1 March 1994 [2] the Commission put forward criteria which the Member States may use in order to determine the end of the hunting seasons on migratory species.

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[1] OJ No L 103, 25. 4. 1979.
[2] OJ No C 100, 9. 4. 1994.

WRITTEN QUESTION E-203/96

by Roy Perry (PPE)

to the Commission

(5 February 1996)

(96/C 173/61)

Subject: Health and safety at work

Are there any recognized criteria to diagnose myalgic encephalomyelitis (ME) and could this medical condition be considered an occupational disease of working environments which entail a high level of both physical and mental stress, e.g. medical care?

Answer given by Mr Flynn on behalf of the Commission

(19 March 1996)

Myalgic encephalomyelitis (ME) is a disorder that affects the central, peripheral, and autonomic nervous systems and the muscles. The exact cause is unknown.

The available scientific knowledge is not sufficient to permit the conclusion that ME could be considered an occupational disease.

At this moment there are no recognized criteria for diagnosis, mainly because of the similarity of symptoms of ME with other disorders, such as multiple sclerosis or chronic Epstein-Barr virus infection.

WRITTEN QUESTION E-207/96

by Iñigo Méndez de Vigo (PPE)

to the Commission

(5 February 1996)

(96/C 173/62)

Subject: The Commission's FAIR Programme

The Commission recently adopted the FAIR Programme (for research in the farming and fisheries sectors).

Can the Commission specify which schemes have been selected for funding under this programme, the deadlines for their implementation, and the criteria followed in selecting them?

Answer given by Mrs Cresson on behalf of the Commission

(18 March 1996)

The programme Fair, agriculture and fisheries (including agro-industry, food-technologies, forestery, aquaculture and rural development) (1994—1998) is one of the specific Community research programmes implementing the fourth framework programme. Upon proposal of the Commission and following consultation of the Parliament, the Fair programme was adopted by Council Decision of 23 November 1994 [1].

The first call for proposals under the Fair programme closed on 15 March 1995. A total of 114 research projects were selected for funding by the Commission, and these commenced between December 1995 and March 1996. A list of all selected projects with the titles and duration is sent directly to the Honourable Member and to the Secretariat-General of the Parliament.

The selection of proposals involves first checking that they are eligible, that is within the scope and objectives of the Fair programme and including transnational collaboration. Subsequent selection criteria are the scientific and technical excellence and novelty, pre-competitive character, technical and economical benefits, relevance to Community policies, quality of management and potential exploitability of results.

[1] OJ No L 334, 22. 12. 1994.

WRITTEN QUESTION E-209/96

by Philippe Monfils (ELDR)

to the Commission

(5 February 1996)

(96/C 173/63)

Subject: Funding of pilot projects

Would the Commission provide information regarding the possibilities of funding it offers for pilot projects aimed at developing the dissemination of professional information via the new computer networks?

Answer given by Mr Bangemann on behalf of the Commission

(14 March 1996)

The programme of telematic applications, which forms part of the fourth technological research and development programme-framework (1994—1998), provides the possibility of financing pilot projects aimed at developing the dissemination of professional information via new computer networks.

Several invitations to tender have already been put out and projects in sectors such as health, training, transport, urban and rural areas, administration and pensioners and the handicapped have already been launched. More invitations to tender will be put out in the years to come. The budget allocated to the entire programme, based on the revised specific programme, is estimated at ECU 898 million, to take account of the enlargement of the Community.

Finance for research, technological development and demonstration projects (RTD&D) is based on shared costs, i.e. the Commission finances up to 50 % of the costs of a project. Community finance for the demonstration stage of a project will not normally exceed 33 %.

Information concerning the programme of telematic applications and future invitations to tender can be obtained on the World Wide Web: http://www.terena.nl or by fax on (+32 2) 295 23 54.

The Commission has called for proposals [1] pursuant to Article 10 of the ERDF Regulation and Article 6 of the ESF Regulation (for which the expiry date is 28 February 1996), in order to prepare and launch multi-regional pilot

applications to promote greater use of the information society at a regional level. These pilot projects may include interregional telematic networks in order to disseminate information to aid regional development.

Practical information concerning the selection criteria as well as application forms can be obtained from the Europa server on http://WWW.CEC.LU/EN/COMM/DG16 HOME.HTML or by fax on (+32 2) 295 01 38 (39 or 40), quoting reference 'DG XVI, Article 10, ERDF'.

(1) OJ No C 253, 29. 9. 1995.

WRITTEN QUESTION E-210/96
by Cristiana Muscardini (NI)
to the Commission
(5 February 1996)
(96/C 173/64)

Subject: Acquisitions by the Olivetti Group of telecommunications media

In 1994 the Olivetti Group began an operation to acquire ownership and exclusive rights or a duopoly in Italy over many telecommunications media and services, including GSM mobile telephony (as the second Italian licensee), digital telecommunications via satellite (proposed agreement between Olivetti and Eutelsat) and services providing connections to the Internet (Italia on-line).

1. Has the Commission evaluated these acquisition and licensing operations to determine whether they amount to concentrations (Regulation (EEC) No 4064/89 (1) and Regulation (EC) No 3384/94 (2))?

2. Has the Commission ascertained, pursuant to the EC Treaty (Articles 85 and 86) and Regulation (EEC) No 17 (3), whether the prices set for the GSM mobile telephony service are fair and whether or not there have been agreements between Omnitel and Telecom Italia Mobile?

3. Are the operations conducted by the Olivetti Group in line with Directive 90/388/EEC (4) on liberalizing the markets for telecommunications services by 1998? Do they not give Mr De Benedetti's group and Telecom Italia a dominant market position?

(1) OJ No L 395, 30. 12. 1989, p. 1.
(2) OJ No L 377, 31. 12. 1994, p. 1.
(3) OJ No 13, 21. 2. 1962, p. 204.
(4) OJ No L 192, 24. 7. 1990, p. 10.

Answer given by Mr Van Miert
on behalf of the Commission
(20 March 1996)

The Commission has carefully monitored the opening up of the GSM (global system for mobile communications) market in Italy.

As far as the Omnitel-Pronto Italia (OPI) consortium led by the Olivetti group is concerned, the Commission took the view that the consortium did not involve a concentration within the meaning of Merger Regulation, since it was cooperative in nature. It therefore assessed the consortium under Regulation No 17/62.

The Commission decided to authorize the consortium under Article 85(3) of the EC Treaty after an amendment to the initial agreement had been notified to it and individual undertakings given by certain shareholders such as to:

— prevent OPI shareholders who are already GSM operators in other Member States from having any influence on OPI's decisions on the sale of subscriptions to customers residing outside Italy, on the conclusion of 'roaming' agreements and on the setting-up of subsidiaries or joint ventures acting as GSP service providers outside Italy;

— prevent shareholders who are already GSM operators in Europe from obtaining or exchanging information on these matters;

— allow competition between shareholders and the joint venture, in Italy, as regards the distribution of subscriptions.

Olivetti's agreements with Eutelsat and Italia on-line have not been notified to the Commission, nor have they been the subject of complaints. Nor has the Commission received any complaints on the prices set for the GSM service or on any concerted practices between OPI and Telecom Italia Mobile in this respect.

As regards the application of Directive 90/388/EEC, whose scope was recently extended to include mobile and personal communications, the Italian Government has informed the Commission that it intends shortly to terminate the current duopoly by designating a third mobile operator on the DCS-1800 frequency band and has undertaken not to authorize the two current operators to operate on that frequency band before the third operator has been able to establish itself effectively on the Italian market.

WRITTEN QUESTION E-219/96
by Klaus Rehder (PSE)
to the Commission
(9 February 1996)
(96/C 173/65)

Subject: Reduction in Member States' contributions to the EU budget by the amounts which they receive back via the EAGGF

During the debate on simplification and greater subsidiarity in relation to the common agricultural policy, there have been calls from various quarters for Member States' contributions to the EU budget to be cut by the amounts which they get back in the form of EAGGF support.

1. Are such calls compatible with current EU legislation?

2. Is it conceivable that EU legislation will be amended along such lines as part of the planned CAP reform, and would such changes make sense?

Answer given by Mr Fischler
on behalf of the Commission
(6 March 1996)

1. Since the introduction of financing by own resources the Community budget is no longer financed by contributions from the Member States, but wholly by the Community's own resources. The system of own resources is at present based on Council Decision 94/728/EC, Euratom of 31 October 1994 [1]. Since the European Agricultural Guidance and Guarantee Fund (EAGGF) is an integral part of the Community budget, financing by own resources extends also to the common agricultural policy, which is consequently underpinned by the principle of financial solidarity between Member States. For these reasons, the request made by the Honourable Member is not compatible with current Community legislation.

2. Until 1999, the budget guidelines have to be laid down in accordance with the abovementioned Decision, which is based on the agreement reached at the Edinburgh European Council held on 11 and 12 December 1992. This too is a matter in which the Commission does not consider it possible to deviate from a principle enshrined in the Treaties. With a view to the enlargement of the Community to include the associated central and eastern European countries, the Commission presented a strategic paper to the Madrid European Council and in this it urged that the approach successfully launched with the 1992 reform be continued. This approach involves maintaining the principle of financial solidarity between the Member States in the common agricultural policy. Without wishing to anticipate the review of financing by own resources for the period following 1999, the Commission sees no reason to introduce the reform advocated by the Honourable Member to the present principles governing the financing of the common agricultural policy.

[1] OJ No L 293, 12. 11. 1994.

WRITTEN QUESTION E-224/96
by Laura González Álvarez (GUE/NGL)
and María Sornosa Martínez (GUE/NGL)
to the Commission
(9 February 1996)
(96/C 173/66)

Subject: Environmental problem in the municipalities of Leoia and Erandio (province of Vizcaya/Biskaia, Spain)

For some time now, a numerous group of residents of the Travesía Iparaguirre quarter of Leoia and the Mezo de Astrabudua quarter of Erandio have been complaining to their respective municipal councils about the unpleasant odours emanating from the putrefying waters of the river Udindo-Erreka, which, with its valley, forms the border between the municipalities of Leoia and Erandio.

This valley is a dumping-ground (especially for liquid waste) for enterprises of various types (chemicals, food-processing, services), and has thus become a breeding-ground for rodents and mosquitos in large numbers.

The valley is of considerable ecological value, but this is in fast decline owing to the deteriorating conditions. A study carried out by the biologist and ecosystem specialist Iñigo Zuberogoitia has identified 104 different bird species permanently or sporadically present in the valley.

What action can the Commission take vis-à-vis the relevant authorities with a view to dealing with the insalubrious conditions in the two quarters?

Is the Commission aware of any plans for this valley on the part of the regional government of the Basque Country or any other authority?

If so, can it state whether the necessary environmental impact assessment has been made?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(18 March 1996)

The Commission shares the Honourable Members' concern regarding the facts that they have just brought to its attention.

The Commission would like to assure the Honourable Members that an investigation will be carried out in order to check whether there has been an infringement of Community law concerning potential pollution of the waters of the Udondo-Erreka under Directive 76/464/EEC [1] on pollution from industrial sources.

However, the Commission is up to date as regards the ecological value attributed to the region mentioned. The area concerned has not been designated by the Spanish authorities as a special bird sanctuary under Article 4(4) of Directive 79/409/EEC on the conservation of wild birds [2].

[1] OJ No L 129, 18. 5. 1976.
[2] OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION E-232/96

by Bernie Malone (PSE)

to the Commission

(9 February 1996)

(96/C 173/67)

Subject: Preservation of bog-lands in Counties Offaly and Westmeath, Ireland

Given the intensive harvesting of turf from the natural bog-lands of Counties Offaly and Westmeath in Ireland, could the Commission outline what programmes or initiatives it has in place to ensure that natural bog-lands are not destroyed through over-harvesting? Could the Commission outline what plans if any it has to carry out studies as to the effects of the intensive harvesting of bog-lands, particularly in the Irish counties mentioned above?

Answer given by Mrs Bjerregaard on behalf of the Commission

(15 March 1996)

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora [1] recognises blanket bogs (active only), active raised bogs and degraded raised bogs (still capable of natural regeneration), for all of which Ireland has particular importance in the Community, as natural habitats of Community importance which should be designated as special areas of conservation. Ireland is required to propose a list of sites hosting these habitats, for inclusion in the Natura 2000 network of protected areas being created under the Directive.

To assist Ireland in this work the Community is supporting, under Life and other funds, a number of programmes and initiatives undertaken by the Irish authorities for the conservation of these important habitats. These measures include a re-survey of all areas of scientific interest in Ireland (including many bog-land sites in the midlands and elsewhere), purchase of key sites for priority blanket bogs and raised bogs, restoration of the hydrology of two major active raised bogs, and preparation of management plans for key peatland sites hosting active raised bogs and active blanket bogs. The above activities involve peatlands in Offaly and Westmeath, including Raheenmore and Clara bogs.

In accordance with Article 11 of the Directive Ireland is required since 5 June 1994 to undertake surveillance of the conservation status of peatland habitats listed in the Directive, with particular reference to the priority types. In 1995, the Commission sought information from the Irish authorities on the results of this surveillance in respect of Ireland's raised bogs (including those in Counties Offaly and Westmeath). A response is still awaited.

As regards the harvesting of peat, Directive 85/337/EEC on the conservation of the effects of certain public and private projects on the environment [2] requires the prior environmental impact assessment of environmentally significant peat extraction projects. The Commission is in continuing contact with the Irish authorities concerning the way in which the relevant Irish implementing legislation provides for the assessment of such projects.

[1] OJ No L 206, 22. 7. 1992.
[2] OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION E-234/96

by Concepció Ferrer (PPE)

to the Commission

(9 February 1996)

(96/C 173/68)

Subject: Free movement of Spanish chemical and pharmaceutical products

The full 'communitarization' of patent law is essential for the completion of the single market on the basis of the principle of the free movement of goods.

In view of Articles 30 and 36 of the EC Treaty and the Court of Justice case-law on the matter, it is necessary to prevent arbitrary discrimination and restrictions on trade between Member States arising from the abusive invocation of patent rights.

Spain has taken steps to harmonize its patent law and fulfil its commitments under Protocol No 8 to the Act of Accession.

Article 47 of the Act of Accession, however, is ambiguously worded insofar as it states that the free movement of Spanish chemical and pharmaceutical products will apply only from 'the end of the third year after Spain has made these products patentable'. Spain, in fact, did so as of 7 October 1992.

France, Germany, the UK, Belgium and Denmark have now requested authorization to apply safeguard measures to block imports of Spanish medicines.

Does the Commission not consider this request to be in contravention of the above provisions?

What position does the Commission intend to adopt on the matter?

Answer given by Mr Monti on behalf of the Commission

(5 March 1996)

By Decision of 20 December 1995, the Commission rejected the requests put forward by Belgium, Denmark, Germany, Ireland, Austria and the United Kingdom on the basis of Article 379 of the Act of Accession of Spain and Portugal [1].

The Member States concerned had requested authorization to take protective measures against parallel imports of Spanish pharmaceutical products which are still covered by a patent in those Member States, but not in Spain. The pharmaceutical products involved are those manufactured in Spain by patent holders themselves or with their consent.

In its Decision, the Commission took the view that Article 379, derogating from a fundamental principle, i.e. that of the free movement of goods, should be interpreted strictly and therefore could not apply. It also considered that the conditions for applying Article 379 were not met, since the economic data provided by the Member States concerned did not show that the pharmaceutical products industry in those Member States was undergoing serious, long-term economic difficulties.

Furthermore, on 4 August 1995 the Court of Justice was asked for a preliminary ruling [2] on the date of expiry of the transitional periods stipulated in Articles 47 (Spain) and 209 (Portugal) of the Act of Accession and on the applicability of the Court's case-law as set out in the Marck/Stephar Case [3], after the expiry of the transitional periods.

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[1] OJ No L 302, 15. 11. 1985.
[2] Joined Cases C-267/95 and C-268/95.
[3] Case C-187/80.

WRITTEN QUESTION E-243/96
by Peter Skinner (PSE)
to the Commission
(9 February 1996)
(96/C 173/69)

Subject: Bullying in the workplace and violence at work

When will the Commission bring forward legislation on violence and bullying in the workplace and resulting stress-related illnesses? In Sweden, there already exists similar legislation called 'The Unreasonable Behaviour at Work Act'. Could the Commission please obtain translations in its working languages so that its services may study the possibility of proposing legislation on such an issue? Could the Commission also provide me with an English copy of this legislation so that I may consider its content for inclusion in my report on the Fourth Health and Safety Action Programme?

Answer given by Mr Flynn on behalf of the Commission

(6 March 1996)

The Commission, in its programme of work for 1996, has indicated that its proposed actions will include risk assessment for particular health and safety issues, including violence and stress at the workplace. After full evaluation of this assessment the Commission will decide whether legislation is the most appropriate action.

The Commission will obtain all information necessary to enable it to carry out its programme, and has already obtained the text of the relevant Swedish legislation, Ordnance AFS 1993:2 'violence and menaces in the working environment'. This is available in English from the Swedish national board of occupational safety and health. The Commission is sending this document direct to the Honourable Member and to the Parliament's Secretariat.

WRITTEN QUESTION P-249/96
by Danilo Poggiolini (PPE)
to the Commission
(5 February 1996)
(96/C 173/70)

Subject: Means of obtaining funds in connection with Alzheimer's disease

What measures has the Commission taken or planned to enable the many voluntary organizations throughout Europe that help millions of families affected by the tragedy of Alzheimer's disease to avail themselves of the ECU 5 million obtained by the European Parliament for the 1996 budget?

Answer given by Mr Flynn
on behalf of the Commission
(20 March 1996)

The Parliament has added ECU 5 million to budget line B3-4300 in the 1996 budget for Alzheimer's disease. According to the budgetary comment the aim of these measures is 'to support transnational activities geared to improving the quality of life of persons suffering from Alzheimer's disease and of their (informal) carers, for which ECU 5 million is earmarked'.

The Commission is fully aware of the importance of this disease and the distress it causes, not only to the individuals concerned but also to those who have to care for them. The Commission is already in contact with the national Alzheimer associations as well as with Alzheimer Europe and Alzheimer Disease International.

The Commission intends to publish shortly a call for proposals. This call will contain the basic information required for applying for a Community subsidy. In this context, the Commission places particular attention on the need to ensure that there is a Community added value and that projects are transnational.

WRITTEN QUESTION E-252/96
by Undine-Uta Bloch von Blottnitz (V)
to the Commission
(9 February 1996)
(96/C 173/71)

Subject: Transuranium institute in Karlsruhe and plutonium

The EU has a research establishment in Karlsruhe: the transuranium institute. One of its tasks is to conduct research into the origin of radioactive substances.

1. What agreements and/or contracts exist between the transuranium institute and the Federal Republic of Germany?

2. What agreements and/or contracts exist between the institute and the BND (the German foreign secret service) or Professor Lothar Koch who works for the institute?

3. How many combined trips has Professor Koch made with the BND?

4. What was the purpose of these trips?

5. What precisely are the quantities of plutonium stored at the transuranium institute?

Answer given by Mrs Cresson
on behalf of the Commission
(21 March 1996)

1. and 2. No direct agreements or contracts exist between the Transuranium Institute and Germany on research into the origin of radioactive materials. Collaboration between the Commission and Germany on the specific protection of the population against nuclear risks is based on an exchange of letters which took place between the Commission and Germany in July 1992.

3. At the request of the German departments responsible and with the Commission's agreement, Dr Koch has taken part in a mission abroad in the capacity of a technical expert in a German delegation headed by the Minister of State to the Federal Chancellor.

4. The Commission has no knowledge of any other purpose these trips might have had.

5. The Commission asks the Honourable Member to take into consideration the fact that for reasons of physical protection it has to treat data on the nuclear materials inventory confidentially.

WRITTEN QUESTION E-253/96
by Undine-Uta Bloch von Blottnitz (V)
to the Commission
(9 February 1996)
(96/C 173/72)

Subject: EU research funding for ultimate nuclear waste disposal sites

The European Community funds research into the storage of nuclear waste, including experiments on the temperature-dependence of the compaction process in waste disposal sites.

1. Where is the research carried out, by whom, and under what programme?

2. What form does Community participation take?

3. Has this research produced any results so far? If so, what results?

Answer given by Mrs Cresson on behalf of the Commission

(20 March 1996)

1. With reference to the ultimate direct storage of irradiated fuel elements from nuclear power stations, research work involving the thermal simulation of storage in mine tunnels (TSS experiment) is currently under way in Germany in the Asse salt mine at a depth of 800 metres. The TSS demonstration experiment is intended to form part of the study of the effects on the filling material (salt chippings) and on the salty rock in two experimental tunnels, each equipped with three electrically heated containers. Preparations for the conduct of the test began in 1985, and work then went ahead on the excavation and installation of the experimental areas and their fitting-out with instruments. In September 1990 the heaters in the six experimental containers were actuated (power output: approximately 6,4 kilowatts).

The TSS experiment is being conducted by the GSF (National Centre for Radiological and Environmental Research PLC), the BGR (Federal Institute for Geosciences and Natural Resources), the DBE (German Company for the Construction and Operation of Ultimate Waste Disposal Sites PLC), the FZK (Karlsruhe Research Centre). It is being subsidized by the BMBF (Federal Ministry of Education and Science, Research and Technology) and by the Commission.

2. Under the research and development programme on the Management and Storage of Radioactive Waste (1990 to 1994), the Commission subsidized the TSS experiment from August 1994 to April 1995 in the form of a shared-cost research contract entered into with the GSF. Additional research on the geotechnical behaviour of filling materials (salt chippings) and salty rocks, as well as gas permeability measurements to be taken in the course of the TSS experiment, are being subsidized by the Commission from January 1996 to December 1998 under the contract entitled 'Backfill behaviour in emplacement drifts and boreholes in a salt repository' entered into with the FZK and with partners in Germany (BGR, GRS), the Netherlands (ECN), France (G3S) and Spain (Enresa, Universidad politecnia de Cataluña) as part of the specific programme in the field of nuclear fission safety (1994 to 1998).

3. The results of the research and development work subsidized by the Commission between August 1994 and April 1995 are set out in the 1996 report entitled 'The TSS project: Research on compaction of and gas release in saliferous backfill used in drift emplacement of spent fuel' [1]. Copies of the publications in question are being sent directly to the Honourable Member and to the General Secretariat of Parliament.

[1] EUR 16730 EN.

WRITTEN QUESTION E-254/96

by Undine-Uta Bloch von Blottnitz (V)

to the Commission

(9 February 1996)

(96/C 173/73)

Subject: Treaty on the monitoring of ultimate nuclear waste disposal facilities

Some time ago the IAEA and Euratom signed a Treaty on the joint monitoring of nuclear plant. The criteria which ultimate disposal facilities for nuclear waste have to satisfy are one area covered by the Treaty.

1. When exactly was this Treaty signed?

2. What criteria for the storage of nuclear waste are recognized by the Treaty?

3. Can the Commission indicate where the Treaty can be inspected?

Answer given by Mr Papoutsis on behalf of the Commission

(18 March 1996)

There is no contract between the International Atomic Energy Agency (IAEA) and Euratom containing specific provisions for joint safeguards activities in geologic repositories or criteria to be satisfied by a repository, as stated in the Honourable Member's question.

To implement the Treaty on the non-proliferation of nuclear weapons (NPT) in the Community, agreements were concluded between the European Atomic Energy Community, its Member States and the IAEA. These agreements are:

1. The agreement between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the European Atomic Energy Community and the International Atomic Energy Agency in implementation of Article III (1) and (4) of the Treaty on the non-proliferation of nuclear weapons.

   This agreement is commonly known as Infcirc/193 and entered into force on 21 February 1977. The non-nuclear weapon States that joined the Community after the entry into force of this agreement have joined this agreement or are in the process of doing so.

2. The agreement between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the International Atomic Energy Agency for the application of safeguards in the

United Kingdom of Great Britain and Northern Ireland in connection with Treaty on the non-proliferation of nuclear weapons (with protocol).

This agreement is commonly known as Infcirc/263 and entered into force on 14 August 1978.

3. The agreement between France, the European Atomic Energy Community and the International Atomic Energy Agency for the application of safeguards in France.

This agreement is commonly known as Infcirc/290 and entered into force on 12 September 1981.

Specific arrangements for each installation are provided in so-called facility attachments. As the installations to which the Honourable Member refers do not exist yet, these documents are not available for the time being. Safeguards measures for future geological repositories are being discussed internationally at present.

WRITTEN QUESTION E-259/96

by Luigi Moretti (ELDR)

to the Commission

(9 February 1996)

(96/C 173/74)

Subject: Commission programme to promote sport

On 23 November 1995 the Commission replied to my Written Question E-2718/95 [1] on publishing the projects selected under the Eurathlon programme. Commissioner Oreja confirmed *inter alia* that the lists of selected projects were made available on 27 June 1995.

Can the Commission explain why, despite repeated requests, the relevant Directorate-General has so far been unable to send me the list of selected projects?

What must an MEP do to obtain such documents within a reasonable space of time?

Can the Commission explain why, contrary to the statements contained in the reply to my previous question, those associations and sports groups which were not pre-selected have not been informed of the decisions taken?

Why has no adequate publicity been provided?

[1] OJ No C 66, 4. 3. 1996, p. 25.

Answer given by Mr Oreja on behalf of the Commission

(19 March 1996)

The Commission deeply regrets any delay that may have occurred in providing the Honourable Member with the information he requested. The Commission took steps to send the list of selected projects to the Honourable Member immediately after receipt of his Written Question E-2718/95. That the Honourable Member did not receive the list is a matter for regret. A copy of the list has now been sent to the Honourable Member.

In its reply to Written Question E-2718/95, the Commission informed the Honourable Member that the final selection for Eurathlon 1995 had been approved in May 1995, and had been announced in press release No IP(95)661. The lists of those projects selected were available as from 27 June 1995, and it is therefore a matter of deep regret that the Honourable Member was not in receipt of the information he had requested.

As to the Honourable Member's question concerning those projects not selected, the Commission would like to point out that its services sent out so-called 'negative' letters indicating that projects were not selected to all organizers throughout the Community and even the third countries from which some project proposals emanated.

At the Fifth European Sports Forum, organized by the Commission in November 1995, the Commission announced that a first global report on the pilot-action Eurathlon 1995 would be available by the end of March 1996.

Once again, the Commission deeply regrets any delay that may have occurred in communcating information to the Honourable Member and is at his disposal should he require any further information.

WRITTEN QUESTION E-260/96

by Doeke Eisma (ELDR)

to the Commission

(9 February 1996)

(96/C 173/75)

Subject: Environmental testing bodies in the Member States

The Commission has repeatedly indicated the need to designate environmental testing bodies and make them operational. Some Member States have not yet identified such a body.

Can the Commission indicate which Member States have not yet designated a body which is responsible for certain tasks including those provided for in Regulation (EEC) No 880/92 [1] (environmental testing)?

[1] OJ No L 99, 11. 4. 1992, p. 1.

Answer given by Mrs Bjerregaard on behalf of the Commission

(4 March 1996)

Belgium is the only Member State which has not yet established a competent body as required by Article 9 of Council Regulation (EEC) No 880/92.

WRITTEN QUESTION E-262/96

by Doeke Eisma (ELDR)

to the Commission

(9 February 1996)

(96/C 173/76)

Subject: CO_2 emissions from cars

In 1991 the Commission was instructed by the Council to submit proposals to tackle CO_2 emissions from cars.

Is it correct that the Commission has still made no proposals to deal with CO_2 emissions from cars? What is the reasons for this and when can proposals be expected?

Answer given by Mrs Bjerregaard on behalf of the Commission

(18 March 1996)

On 20 December 1995 the Commission adopted a communication to the Council and the Parliament on a Community strategy to reduce CO_2 emissions from passenger cars and improve fuel economy([1]). This communication lays out a strategy based on four elements: an agreement with the auto industry on the reduction in CO_2 emissions from new vehicles; the promotion of fuel efficiency through fiscal instruments; a system of fuel-economy labelling; and further research and technological development. The Commission has invited the Council and Parliament to consider and confirm the general strategy proposed, and to collaborate with the Commission in its implementation.

([1]) COM(95) 689 final.

WRITTEN QUESTION P-264/96

by Ritva Laurila (PPE)

to the Commission

(5 February 1996)

(96/C 173/77)

Subject: Sewage treatment in major European cities

The sewage treatment processes used in the large cities of the European Union are often inadequate and in some cities they are non-existent. In such cities sewage from domestic housing and offices places an undue burden on both surface and ground water. If this situation continues it will become a serious environmental problem for the whole of Europe.

What measures does the Commission intend to take to ensure that the Member States of the European Union improve the existing situation and adopt binding minimum standards for the treatment of sewage in the European Union?

Answer given by Mrs Bjerregaard on behalf of the Commission

(26 February 1996)

Sewage collection and treatment in all cities of the Community is covered by the urban waste water treatment Directive 91/271/EEC([1]).

This 1991 Directive requires urban areas above 2 000 population equivalents (p.e. — a widely used measurement unit for the pollution of urban waste water, equal to the pollution load of one inhabitant per day) to provide waste water collecting systems and to provide waste water treatment plants.

The Directive lays down the following specifications for the necessary waste water treatment:

— as a general rule, secondary treatment (biological treatment);

— in so-called sensitive areas (basically water bodies in danger of eutrophication or elevated levels of nitrates) advanced treatment (involving nitrogen or phosphorus removal);

— as an exception, in so-called less sensitive areas (certain maritime waters) primary treatment only.

Furthermore, the Directive provides for deadlines to reach these objectives. These deadlines range — depending on the size of the urban area and the water body involved — from 31 December 1998 to 31 December 2005. The most stringent deadlines (31 December 1998) apply to urban areas above 10 000 p.e. with waste water discharges to sensitive areas. The majority of urban areas (15 000 or more p.e. under standard conditions, i.e. neither sensitive nor less sensitive areas) will have to meet the objectives of the Directive by end 2000.

(1) OJ No L 135, 30. 5. 1991.

WRITTEN QUESTION E-268/96
by Wolfgang Nußbaumer (NI)
to the Commission
(9 February 1996)
(96/C 173/78)

Subject: Distribution policy

A textiles undertaking with its seat in Austria decided in favour of a large German combine as its supplier of cleaning materials. The combine concerned, which has its seat in Germany, has now made the contract subject to the condition that the Austrian textiles undertaking must order its supplies (cleaning materials) from the German combine's Vienna branch. The option of ordering supplies from the German combine's Düsseldorf branch, which would be at a much lower cost to the Austrian undertaking owing to lower prices in Germany, is asserted to be unavailable.

1. To what extent in the Commission's view can the above distribution policy operated by the German undertaking be described as conforming to EU provisions on competition?

2. What options are available, in the Commission's view, to the Austrian undertaking for ensuring that it can place its orders with the lower-priced source of supplies in the above case?

Answer given by Mr Van Miert
on behalf of the Commission
(28 March 1996)

Article 85(1) of the EC Treaty bans 'all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object the prevention, restriction or distortion of competition within the common market'.

Directions given inside a group are not caught by this prohibition because in such cases there is no agreement between economically independent undertakings. The Court of first instance has held that 'Where ... the subsidiary, although having a separate legal personality, does not freely determine its conduct on the market but carries out the instructions given to it directly or indirectly by the parent company ... Article 85(1) does not apply to the relationship between the subsidiary and the parent company with which it forms an economic unit.'(1). No action can be taken under Article 85 against a course of conduct decided unilaterally by such an economic unit, even where that conduct consists of an instruction to subsidiaries not to supply customers in Member States other than their own.

Accordingly, the distribution policy of the company mentioned by the Honourable Member, which prevents its subsidiaries from selling cleaning materials to customers in other Member States, falls outside the scope of Article 85.

(1) Case T-102/92 Viho v. Commission [1995] ECR II-19.

WRITTEN QUESTION P-295/96
by Undine-Uta Bloch von Blottnitz (V)
to the Commission
(7 February 1996)
(96/C 173/79)

Subject: Filters for radioactive strontium and caesium in liquids

A new method has been developed for filtering radioactive caesium and strontium out of liquids. A pilot project has been financed by the IAEO in a milk-processing plant in Ovruch near Kiev. The filter is manufactured by Selentec, an American firm.

1. Is the Commission aware of the filter method developed by Selentec?

2. Does the Commission know of any studies of the effectiveness of this method? If so, what studies and what were the results?

3. Is there any possibility of the Community financing this type of filter in the areas of the Ukraine with very high radioactive contamination? If so, how, and what programmes does the Commission feel would be most appropriate?

Answer given by Mrs Bjerregaard on behalf of the Commission

(6 March 1996)

1. The 'filter method' is based on magnetic separation.

2. The efficiency of the method for separation of caesium and strontium has been proved by testing at the United States' Argonne National Laboratory. At the dairy farm at Ovruch a full-scale installation is being prepared. This is mainly financed through funding from American organizations. The demonstration will show if the treatment modifies the product unduly. The participation of the International Atomic Energy Authority (IAEA) in the measurement and testing will help to ensure a scientifically sound procedure. Results are expected to be available around the end of 1996.

3. The Commission continues to assess strategies for managing consequences of contamination of agricultural land. The magnetic separation method will be integrated in these assessments as soon as the results of the demonstration are available.

WRITTEN QUESTION P-298/96

by Joan Colom i Naval (PSE)

to the Commission

(7 February 1996)

(96/C 173/80)

Subject: Redeployment of bank staff after the introduction of the euro

One of the advantages of introducing the single currency or euro is, by definition, the elimination of the need for currency exchange. This advantage will, however, mean that large numbers — probably thousands — of jobs in financial institutions (especially banks, savings banks and specialized exchange bureaux) will become superfluous. As one cannot expect all of those likely to be made redundant to be reabsorbed automatically by any economic recovery ensuing on monetary union, and in view of the slowness of the Commission's earlier response to a similar problem (job losses among customs and transit workers following the introduction of the single market of 1992), does the Commission have any plans for the redeployment of the workers concerned?

Answer given by Mr Flynn on behalf of the Commission

(25 March 1996)

The Honourable Member refers in his question to the impact the introduction of the euro will have on emplyoment in the banking sector. We need to view this in context. Economic and Monetary Union will certainly speed up certain adjustment processes, but it will also present many new opportunities for the banking world in the widest sense.

This is particularly true of all international financing activities, which are likely to be given a great boost by the scale and attractiveness of the euro zone for borrowers as well as investors. More and more banks are, in any case, coming to the conclusion that the introduction of the euro will have a positive impact on their activities.

The current wave of job-shedding in many financial institutions has nothing to do with the introduction of the single currency. This is something which is affecting all of the Member States and which predates the introduction of the Euro. The origins of this phenomenon are familiar: modern, fully computerized management techniques, new competition from banks offering phone-banking services and, in some cases, too sharp an increase in operating costs over the past few years. A similar phenomenon has been observed in a large number of service industries.

Finally, the savings made by companies and households on transaction costs will release money for investment or consumption, which will in turn, whether directly or indirectly, create new jobs.

WRITTEN QUESTION P-302/96

by Umberto Bossi (ELDR)

to the Commission

(7 February 1996)

(96/C 173/81)

Subject: Failure by the French aviation authorities to comply with the rule on using English for tests validating civil aviation qualifications

Despite the fact that the Annex to Directive 91/670/EEC [1] of 16 December 1991 stipulates that aptitude tests for the purposes of acceptance of licences authorizing the holder to exercise functions in the sector of civil aviation may be conducted in English, at the applicant's choice, rather than in the national language of the validating State, the French aviation authorities are insisting that such tests may only be conducted in French. What steps does the Commission intend to take to ensure compliance with the relevant rule?

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[1] OJ No L 373, 31. 12. 1991, p. 21.

Answer given by Mr Kinnock
on behalf of the Commission
(1 March 1996)

The Honourable Member is quite correct that Directive 91/670/EEC on mutual acceptance of personnel licences for the exercise of functions in civil aviation provides that the aptitude tests required to implement the requirements of Article 4 paragraph 5 (special validation procedures) and specified in the Annex to the Directive can be taken 'in the national language of the validating state or in English, at the applicant's choice'.

To date the Commission has not received a complaint concerning this provision but will follow up any alleged infringements if the Honourable Member will furnish particulars.

WRITTEN QUESTION E-304/96
by Hans-Gert Poettering (PPE)
to the Commission
(15 February 1996)
(96/C 173/82)

Subject: Cross-border use of emergency vehicles

There is virtually no other area in which the harmonization of the internal market faces such closely drafted national legal provisions as health care, in particular as regards the cross-border use of emergency vehicles.

1. Does the Commission have proposals which will speed up the harmonization of national health provisions?

2. Is it already possible, without any change in current legislation, for emergency services in border regions to be used on request for cross-border calls and for the costs arising to be met by the authorities from whom the request has come?

3. How does the Commission intend to deal with national restrictions on cross-border emergency services?

Answer given by Mr Flynn
on behalf of the Commission
(19 March 1996)

1. There are no proposals from the Commission to harmonize national health regulations concerning cross-border ambulance services.

2. Community law does not prevent cross-border operations of ambulance services, or the coverage of costs by health insurance schemes. Any individual problems of practical nature that might arise in this connection, however, should be resolved between the national and regional authorities, as already is the case in certain border areas, e.g. between Germany and the Netherlands.

3. The Commission has no plans to launch activities in this area. It would, however, examine any evidence brought to its attention which purports to show a breach of Community law, and it would take appropriate action if necessary.

WRITTEN QUESTION E-310/96
by Wilmya Zimmermann (PSE)
to the Commission
(15 February 1996)
(96/C 173/83)

Subject: Financial framework of the Phare/Tacis programme on the construction of fundamental democratic structures and participation in the democratic decision-making process at local level and allocation of appropriations

What is the financial framework of the Phare programme and what is its breakdown on an annual basis?

Which organizations in the European Union and in Germany in particular have been provided with funding from the programme in recent years?

What amounts of money have been allocated to German organizations in the past?

Who takes the decision on the granting of appropriations from this programme? If a body is involved, who are the members?

Answer given by Mr Van den Broek
on behalf of the Commission
(28 March 1996)

Concerning the Phare and Tacis democracy programme, ECU 5 million were allocated from the Phare budget to the programme in 1992. Under the 1993 budget, ECU 10 million were earmarked for Phare and ECU 4 million for Tacis. In 1994 and 1995 Phare and Tacis were allocated ECU 10 million each. As regards 1996, the budget allocations are ECU 11 million for both Phare and Tacis.

Approximately 250 lead organizations have received contracts for projects funded under the programme. Many more organizations throughout western and eastern Europe

have also received funds as partners to these projects. Amongst the lead organizations 35 are German, not counting the most recent list of projects which has not yet been announced. A complete list of all projects in operation, which includes details of the amount of funds awarded to each project, is sent directly to the Honourable Member and to Parliament's Secretariat. Decisions on the award of funds under this programme are made by the Commission. The Commission receives advice from a group which includes Commission officials, representatives from the Council of Europe, and from the Parliament (two officials and one Member of the Parliament.

WRITTEN QUESTION E-313/96

by Marie-Paule Kestelijn-Sierens (ELDR)

to the Commission

(15 February 1996)

(96/C 173/84)

Subject: Consequences of transit fraud for transit operators

1. What information does the Commission have on the number of customs claims made with regard to unprocessed T documents under the provisions of Community transit traffic? How many claims have been made by the customs authorities of each Member State since 1992, how many have already been settled and how many are still pending? How many claims for T documents from the period 1992—1995 have not yet been settled and will still be claimed by the customs services?

2. Would it not consider it appropriate, given the importance of maintaining Community transit traffic for European trade and the possibility of technical bankruptcy for companies which provide services in good faith in the customs sector, to suspend customs claims until a provision is drawn up to make transit traffic less susceptible to fraud and to safeguard the European Union's financial resources?

3. How does is view the possibility that the Member States of the European Community should each draw up a separate national solution for the large number of T documents for which there has been no settlement since 1992?

Answer given by Mr Monti
on behalf of the Commission

(3 April 1996)

The information requested by the Honourable Member concerning customs claims made in respect of undischarged Community transit operations is presently being sought from the Member States, which are responsible for recovery and are therefore in possession of the relevant data. In this respect, the Honourable Member's attention is drawn to the fact that the same information has also been requested by Parliament's Temporary Committee of Inquiry on Community Transit. The Commission will send the information to the Honourable Member and to the Temporary Committee as soon as it is received from the Member States.

If the question concerning the suspension of recovery claims is to be interpreted as suggesting the declaration of a general moratorium for such claims, then it should be noted that such a measure is not countenanced under Community law. The only possibilities afforded by customs rules of postponing payment of duties are, subject to the lodging of a guarantee, the 30-day deferral of payment, which is granted as of right, or the extension of credit facilities, which is at the discretion of the customs authorities and for which interest is charged. Although the party concerned may exercise its right to appeal against the recovery decision, a stay of execution is only granted when a number of conditions are met.

All these possibilities relate purely to customs debt and do not apply to the terms and conditions for the payment of tax debt that might apply at national level.

Lastly, on the question of national solutions that Member States may consider to address the problem of the significant number of T documents which have remained undischarged since 1992, it should be remembered that verification of the discharge of transit papers and recovery of the duties and other charges that might be due when the procedure is not discharged must be carried out in accordance with the relevant Community provisions, without prejudice to the situations, referred to above, in which payment may be deferred.

WRITTEN QUESTION E-315/96

by Eryl McNally (PSE)

to the Commission

(15 February 1996)

(96/C 173/85)

Subject: Occupational asthma — classification of glutaraldehyde

Will the Commission accept the proposal that glutaraldehyde be classified as a respiratory sensitizer and included under the Risk phrase (R42) list as a chemical irritant that causes occupational asthma when submitting its proposals for the 22nd Adaptation to Technical Progress (under the Dangerous Substances Directive)?

Answer given by Mrs Bjerregaard on behalf of the Commission

(14 March 1996)

The Commission is aware of the concerns expressed by the Honourable Member with regard to glutaraldehyde.

A proposal for a Commission Directive including the classification of this chemical substance as a respiratory sensitizer will be submitted for opinion to the relevant regulatory committee.

WRITTEN QUESTION E-327/96

by Elmar Brok (PPE)

to the Commission

(15 February 1996)

(96/C 173/86)

Subject: Bird protection

Is the Commission aware of reports that at least 400 000 lapwings are to be caught in northern France in the near future, and if so, what steps does the Commission intend taking to bring hunting of these birds into line with Directive 79/409/EEC([1]) on the conservation of wild birtds?

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

Answer given by Mrs Bjerregaard on behalf of the Commission

(22 March 1996)

The Commission is sending the report on the exemptions recorded by France for 1994 direct to the Honourable Member and to the Secretariat-General of Parliament. Those exemptions derived from Article 9 of Directive 79/409/EEC on the protection of wild birds. It has still not received any information and the capture of crested lapwings in 1995 and 1996.

WRITTEN QUESTION E-328/96

by Richard Howitt (PSE)

to the Commission

(15 February 1996)

(96/C 173/87)

Subject: Human rights abuses in Turkey

In view of Parliament's grave reservations about permitting a customs union with Turkey as a result of concern over its poor human rights record, what steps is the Commission taking to ensure that progress is made in this area?

In the light of the Clinton administration's admission that US weapons, including ballistic missiles with an expected 'dud' rate of 5 % which litter the ground with small landmines are being used to commit human rights abuses in Turkey, can the Commissioner assure us that he will collaborate with his colleagues to pressure the Clinton administration to link arms transfers to improvements in Turkey's human rights record?

Answer given by Mr Van den Broek on behalf of the Commission

(27 March 1996)

As soon as a new government is formed in Turkey the Commission will once again be in a position to discuss with the Turkish authorities matters connected with the democratization process and the human rights situation.

The Commission will continue to monitor closely all aspects of the human rights situation and where necessary will raise these issues, including the specific point referred to by the Honourable Member, in the appropriate forums.

WRITTEN QUESTION E-339/96

by Willi Rothley (PSE)

to the Commission

(22 February 1996)

(96/C 173/88)

Subject: Municipal voting rights for EU citizens. In this case: transposition

According to Article 14 first sentence of Directive 94/80/EC([1]) of 19 December 1994 on the detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, Member States were to bring into force the laws, regulations and administrative procedures necessary to comply with this directive before 1 January 1996.

1. In which Member States has the Directive not been transposed within the period stipulated other than in the Federal Republic of Germany — the municipality of Bremen in the free Hanseatic city of Bremen?

2. Does a rule, under which Union citizens in Bremen can only vote in local advisory council elections and not in City Council elections (such a rule is being seriously discussed in Bremen) comply with European law?

3. Does the Commission find the excessive derogations in the law of the Grand Duchy of Luxembourg consistent with the spirit and the letter of Article 8b(1) of the Treaties establishing the European Communities?

(1) OJ No L 368, 31. 12. 1994, p. 38.

Answer given by Mr Monti on behalf of the Commission

(25 March 1996)

At present three Member States, Denmark, Ireland and Finland have notified the Commission of the adoption of laws and regulations necessary to comply with Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals.

The Annex to the Directive indicates the Stadegemeinde Bremen as the appropriate basic local government unit, within the meaning of Article 2 of the Directive, where non-nationals should participate in municipal elections in the free Hanseatic city of Bremen.

At this stage the Commission has not received any formal notification from Luxembourg on the implementation of the Directive on its territory and cannot therefore comment on the specific text the Honourable Member mentions.

WRITTEN QUESTION E-345/96

by Thomas Megahy (PSE)

to the Commission

(22 February 1996)

(96/C 173/89)

Subject: Money spent for entertainment

What amount of money was spent for entertainment by the Commission in the years 1993, 1994 and 1995?

Answer given by Mr Liikanen on behalf of the Commission

(26 March 1996)

The Commission's expenditure on entertainment and official functions, charged to Chapter 170 of the Budget, was:

(in ECU)

	Actual expenditure	Budget appropriations
1993	721 547	950 000
1994	795 995	807 000
1995	789 584	1 064 000
1996		1 064 000

WRITTEN QUESTION E-348/96

by Glyn Ford (PSE)

to the Commission

(22 February 1996)

(96/C 173/90)

Subject: Unfair sale of fuel

Does the Commission not think it unfair that certain oil companies can sell their fuel at their own garages cheaper than they will at independent garages?

Answer given by Mr Van Miert on behalf of the Commission

(13 March 1996)

Under Community rules a company which does not have a dominant position is free to set its prices at whatever level it considers appropriate. It may differentiate its prices, for example according to the distribution channels it uses.

It may very well be that a company can sell its product cheaper at its own outlets than at independent outlets.

At the same time, an independent retailer in principle is free to calculate his costs and retail margin, which may result in a retail price different from that practised by a vertically integrated seller.

WRITTEN QUESTION E-352/96

by Ernesto Caccavale (UPE) and Riccardo Garosci (UPE)

to the Commission

(22 February 1996)

(96/C 173/91)

Subject: Crisis in the hazelnut sector

Delegations from some EU Member States, including Italy, have been calling for some time for the safeguard clause to be implemented in response to the serious crisis in the hazelnut sector resulting from massive Turkish exports. The price of Turkish hazelnuts on the Community market is $2,45 per kg compared to the price of Italian hazelnuts which ranges from $2,81 to $4,9 per kg according to quality.

Turkey also benefits from a preferential scheme which zero-rates an import quota of some 36 000 tonnes of Turkish hazelnuts.

It should also be remembered that the Turkish Government gave the European Union an undertaking to withdraw approximately 35 000 tonnes of hazelnuts but that, so far, only 7 000 tonnes have been the subject of intervention measures.

What steps does the Commission intend to take to alleviate this major crisis?

Does the Commission also intend to implement direct measures to pay out approximately ECU 1 000 per ha for quality products in order to compensate for the very high production costs in Europe and guarantee producers an adequate income?

Answer given by Mr Fischler
on behalf of the Commission

(14 March 1996)

The conditions under which safeguard measures may be taken towards members of the World Trade Organization are set out in Council Regulation (EC) No 3285/94 on the common rules for imports and repealing Regulation (EC) No 518/94 [1]. Under Article 16(1) and (2) of that Regulation two conditions must be met simultaneously: an increase in imports and a fall in prices, before safeguard measures may be triggered if necessary.

When safeguard measures were requested by Italy in December 1995 only the condition regarding falling prices was fulfilled. The quantity of imports was lower than at the same time in 1994. In those circumstances it was not possible for the Commission to accept the request for safeguard measures.

In the Commission's opinion, however, the situation on the hazelnut market — although not warranting safeguard measures — is still not satisfactory. Market stability, without extreme price falls, is needed to keep this activity going. Now, stability can be achieved only with the close, continuous and structured collaboration of Turkey, which is the Community's leading, and almost its sole, supplier. A team was sent to Turkey at the beginning of January to work out the basis for that collaboration.

A draft cooperation agreement on hazelnuts, applicable immediately, was signed at that time; it will be included in due course in the chapter on agriculture (now under discussion) of the association agreement with Turkey. Under the cooperation agreement consultation takes place before the marketing year begins and involves the trade organizations concerned; it is aimed at taking stock of market prospects and of the scope for matching supply to demand. Further consultation would follow with a view to stabilizing the market, should disturbance be likely to occur.

The Commission is further of the opinion that the special rules for nuts [specific measures for nuts and carobs (Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables) [2]] provide a sufficiently sound framework for supporting and improving the competitiveness of the Community hazelnut sector.

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[1] OJ No L 349, 31. 12. 1994.
[2] OJ No L 118, 20. 5. 1972.

WRITTEN QUESTION E-363/96

by James Provan (PPE)

to the Commission

(22 February 1996)

(96/C 173/92)

Subject: Pedigree breeding stock and studbooks

What is the legal position regarding the transfer of a fully pedigreed animal from one Member State to another and its entry into the studbook of that Member State?

Which Studbook Society is recognized as the senior or mother society?

Which Studbook Society has the right to lay down rules regarding type and acceptability of any breed?

Can rules be enforced across national frontiers by the mother society?

Can individual Member States insist on their own society rules or do the mother society's apply?

Is it necessary for an animal, fully registered by the mother society, to be inspected for entry into another Member State Studbook?

Is it necessary for a bull, stallion or ram to be registered in an individual Member State Studbook prior to his use in that country?

Is it necessary for a bull, stallion or ram to have a further inspection in the Member State to which it is sold or leased?

What is the legal position regarding a bull, stallion or ram that is loaned to another person in a different Member State?

Answer given by Mr Fischler on behalf of the Commission

(15 March 1996)

As a rule, in Community legislation on zootechnical matters, the concept of stud-book, in English, refers only to equidae. However, in certain sections of the question, the Honourable Member is also referring to bulls and rams.

The principles relating to intra-Community trade in equidae are laid down in the Council Directive 90/427/EEC([1]) of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae. Recognition of stud-books is covered by Commission Decision 92/353/EEC([2]) of 11 June 1992 which lays down the criteria for the approval or recognition of organizations and associations which maintain or establish stud-books for registered equidae. The national authorities are responsible for recognizing the different stud-books. The Commission is kept informed of such recognition.

Additional requirements are laid down for the approval of an association or organization which maintains the stud-book of the origin of the breed (Annex to Decision 92/353/EEC, point 3b). Relations between the organization or the association which maintains the stud-book of the origin of the breed and the other associations which maintain stud-books or sections of stud-books of the same breed are governed by Commission Decision 92/354/EEC([2]) of 11 June 1992 which lays down certain rules to ensure coordination between organizations or associations which maintain or establish stud-books for registered equidae. Where a problem arises between a 'parent' association, in other words the stud-book of the origin, and another association, the procedures laid down in the aforementioned decision apply. To date, the Commission has not had to intervene in this procedure.

According to the Commission, as a rule, equidae entered in the 'parent' stud-book should be able to be entered directly in another Member State's stud-book for the same breed. The criteria for entry and registration of equidae in stud-books for breeding purposes are laid down in Commission Decision 96/78/EC([3]). In particular, the equidae must be descended from parents entered in the main section of a stud-book of the same breed and have a pedigree established in accordance with the rules of that stud-book. No additional conditions, beyond those relating to this Decision, are stipulated.

For other animal species, the genealogical and zootechnical principles which apply to intra-Community trade are laid down in Council Directive 77/504/EEC([4]) on breeding animals of the bovine species, Council Directive 88/661/EEC([5]) on animals of the porcine species, Directive 89/361/EEC([6]) on sheep and goats and Directive 91/174/EEC([7]) on other animal species. The Commission has adopted implementing decisions on the basis of these Directives. This legislation, contrary to the legislation relating to equidae, does not differentiate between stud-books of the origin and other books.

([1]) OJ No L 224, 18. 8. 1990.
([2]) OJ No L 192, 11. 7. 1992.
([3]) OJ No L 19, 25. 1. 1996.
([4]) OJ No L 206, 12. 8. 1977.
([5]) OJ No L 382, 31. 12. 1988.
([6]) OJ No L 153, 6. 6. 1989.
([7]) OJ No L 85, 5. 4. 1991.

WRITTEN QUESTION E-367/96

by Carlos Robles Piquer (PPE)

to the Commission

(22 February 1996)

(96/C 173/93)

Subject: Alternative fishing grounds for the Andalusian fleet operating in Morocco

The warning given by the Commissioner responsible for fisheries, that the fisheries agreement recently concluded with Morocco may be the last, has forced the Andalusian fisheries authorities to seek alternative fishing grounds for the Andalusian fleet now operating in Morocco.

With the aim of achieving the desired diversification of fishing grounds for the Andalusian fishing fleet, the abovementioned authorities have entered into talks with the governments of Angola and other African coastal States. However, it is clear that only certain vessels would be able to operate in such fishing grounds since most vessels in the Andalusian fleet lack the necessary range and tonnage for the long journey to the African States concerned.

Can the Commission say whether the new types of agreements could be accompanied by a Community initiative to restructure the fishing fleets of countries and regions requiring it to enable them to gain access to more distant and productive fishing grounds?

Answer given by Mrs Bonino
on behalf of the Commission
(21 March 1996)

The Commission considers that fishing opportunities should be maintained or improved, including in waters outside the Community's jurisdiction, but reductions in fishing opportunities under some fishing agreements are a fact the Community will simply have to face. The reductions affecting the fleet fishing in Moroccan waters will be phased in over the duration of the current EC-Morocco fishing agreement to give the fleet time to adjust. The restructuring of the fleet will attract the assistance from the Structural Funds, including the Financial Instrument for Fisheries Guidance (FIFG), as part of the sectoral programme.

A working party has been set up to prepare as quickly as possible a programme to help the Spanish and Portuguese fishing fleets adjust to the new conditions governing fishing in Moroccan waters.

WRITTEN QUESTION P-371/96
by Milan Linzer (PPE)
to the Commission
(9 February 1996)
(96/C 173/94)

Subject: Further Commission action following the Bosman ruling

Under the ruling in the Bosman case, transfer payments between sports clubs in relation to intra-Community sales of players are now deemed contrary to Community law. Without these transfer payments, however, the small amateur sports clubs, which are particularly active in training young players, are faced with a partial loss of income threatening their very existence.

What are the Commission's plans to compensate the small amateur sports clubs for their loss of income?

By what means might it be permissible under Community law to allow the payment of a form of 'training compensation payment' in the case of a transfer to another Member State, particularly since the payment of transfer fees is still permissible within a Member State?

Has the Commission considered the possibility of invoking the derogation provided for the movement of goods under Article 85(3) of the EC Treaty and applying it to the free movement of persons?

Answer given by Mr Van Miert
on behalf of the Commission
(8 March 1996)

The Commission is aware that the system of international transfers of players, declared incompatible with Article 48 of the Treaty by the Court of Justice, possibly offered certain financial advantages to small clubs. However, the football club associations have not so far given any figures which would make it possible to gauge the actual level of these possible advantages in the Community as a whole. In any event, the Court of Justice has deemed that these advantages may be obtained by less restrictive means.

The Commission has stated from the outset that it is ready to take into account the real needs of small clubs in assessing any solidarity schemes among clubs which the football club associations communicate to it pursuant to Article 85 of the EC Treaty. A derogation under Article 85(3) — which, however, concerns restrictions of competition and not obstacles to the free movements of persons, goods, services or capital — is possible provided that the conditions laid down by this provision are met. The Honourable Member's attention is drawn to the fact that in order to meet these conditions any solidarity scheme must first of all be compatible with Article 48 — which in any case rules out the possibility of linking its financing to international transfers of players — and, secondly, must be commensurate with its objective, i.e. *inter alia* the properly established and justified needs of small clubs.

Finally, the Commission would remind the Honourable Member that it considers that transfers between clubs within a Member State of the European Economic Area may also constitute a restriction of competition under Article 85 of the EC Treaty, as long as they are liable to affect trade between Member States. The Commission therefore reserves the right to take action vis-à-vis national sports federations where necessary in order to ensure compliance with Community competition law.

WRITTEN QUESTION P-376/96
by Jörn Svensson (GUE/NGL)
to the Commission
(13 February 1996)
(96/C 173/95)

Subject: The situation of homosexuals

In February 1994 the European Parliament adopted a resolution calling for the removal of discrimination against homosexuals in society (A3-28/94 [1]).

The resolution concluded with a list of minimum requirements which the Commission was urged to persuade Member States to adopt.

What has the Commission done since then to combat discrimination against homosexuals in society?

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[1] OJ No C 61, 28. 2. 1994, p. 40.

Answer given by Mr Flynn
on behalf of the Commission
(2 April 1996)

At the time when the Parliament adopted its resolution on equal rights for homosexuals and lesbians, the Commission had already ordered a study entitled 'Homosexuality — a European Community issue: essays on lesbian and gay rights in European law and policy', which was published in 1993.

In December 1995, the Commission, in its communication on racism, xenophobia and anti-semitism, indicated it would propose, where appropriate, non-discrimination clauses in Community instruments, to be decided on a case by case basis [1]. Pursuant to this communication, the proposal for a Council Directive on the framework agreement on parental leave adopted on 31 January 1996 [2] provides 'when the Member State adopt the provisions . . . these should prohibit any discriminations based on race, sex, sexual orientation, colour, religion or nationality'.

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[1] COM(95) 653 final.
[2] COM(96) 26 final.

WRITTEN QUESTION E-379/96
by Winifred Ewing (ARE)
to the Commission
(22 February 1996)
(96/C 173/96)

Subject: French nuclear testing

In view of the admission by President Chirac that leakage has followed the nuclear tests in the Pacific, resulting in a radioactive sea, does the Commission now admit its error in claiming there was no proof that such tests were clearly 'dangerous' to the environment?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(27 March 1996)

Considerable publicity was given by the media in January 1996 to what was claimed to be previously undisclosed leakage of radioactive materials from the French nuclear tests in the Pacific.

The leakage in question has in fact been previously recognized, both in official documentation and in independent reports. Reference can be made, for example, to pages 120—121 of Volume 2 of the report series 'Les atolls de Mururoa et de Fangataufa' and to page 43 of the 1988 Cousteau report, which documents were supplied to Parliament in November 1995.

As recently confirmed by the French authorities, no such leakage has in fact taken place during the 1995/96 series of tests. There have been previous occasions when separate drilling carried out after a test for the purposes of evaluating the results has allowed a small quantity of radioactive material to escape to the environment. This material has been of no radiological significance and the evaluation shaft has been sealed after the required samples were obtained.

The latter information was already taken into account by the Commission in reaching its conclusions of 23 October 1995, and has not been called into question by the recent 'revelations'.

WRITTEN QUESTION E-383/96
by Nikitas Kaklamanis (UPE)
to the Commission
(22 February 1996)
(96/C 173/97)

Subject: Recruitment of staff for the European Environment Agency (EEA)

Since I have not received a satisfactory reply to my previous question (E-2898/95 [1]) on the same subject, I am obliged to

table another question. I should like to take this opportunity to recall that my political group is in favour of the principles of meritocracy and transparency and I hope that I shall not need to table an oral question at a plenary sitting of the European Parliament in Strasbourg. Will the Commission state clearly:

1. Who has been appointed to post EEA/A/2G, when did this appointment take place and what are the qualifications of the successful candidate?

2. Whether there are any Greek scientists among the 45-member staff of the EEA?

(1) OJ No C 91, 27. 3. 1996, p. 18.

Answer given by Mrs Bjerregaard on behalf of the Commission

(28 March 1996)

The Commission can only repeat what it said in reply to the Honourable Member's previous question, namely that the European Environment Agency was granted legal autonomy by the Council Regulation (EEC) No 1210/90 which established it. This means that the Commission does not have a responsibility for the Agency's recruitment procedures.

As promised in the Commission's previous reply, the Honourable Member's question was forwarded to the Agency. The Commission understands that the executive director of the Agency wrote to the Honourable Member on 13 December 1995.

WRITTEN QUESTION E-384/96
by Antonio Tajani (UPE)
to the Commission
(22 February 1996)
(96/C 173/98)

Subject: Restructuring plans for the multinational company Alcatel

The French mulitinational company Alcatel — which in 1991 acquired the Italian company Telettra, specializing in telecommunications and energy control systems — has decided to implement a drastic restructuring plan which will mean that 400 employees at the Cittaducale (Rieti) factory will be temporarily laid off by the end of January and 680 workers will be made redundant.

In its work programme for 1996, which President Santer outlined to the European Parliament, the Commission starts off by stating its determination to implement all initiatives aimed at improving the employment situation and to make the mechanisms of Community solidarity work for the benefit of all the EU Member States.

The Commission intends that many of its efforts should be directed at the sphere of telecommunications in particular since, as the programme states, this is the sector which will provide the best chances of achieving a new dynamism, creativity and economic growth for Europe.

Does the Commission not consider that it should take steps to ensure that Alcatel seeks to implement a more balanced restructuring process in Europe without excessively penalizing the Cittaducale factory which, at this rate, appears doomed to closure in the fairly near future?

Answer given by Mr Van Miert on behalf of the Commission

(19 March 1996)

Collective redundancies are always a personal tragedy for the workers concerned, particularly when they have reached a certain age and find it difficult to master new skills. While the adoption of measures to promote employment is mainly the responsibility of the Member States, Community bodies such as the European Social Fund and certain specific projects in the field of training can nevertheless help in the redeployment of workers whose traditional activity has been affected by technological advances.

The Commission is very much counting on the development of mobile communications and the liberalization of voice telephony and of underlying networks — which will make it possible to construct new telecommunications infrastructures — to boost demand and employment, particularly in the telecommunications equipment sector. On 13 March 1996 the Commission adopted the Directive establishing the general framework for this liberalization. It is now up to the Member States to take the necessary measures to implement it as soon as possible in order to make way for this investment.

WRITTEN QUESTION E-388/96
by Carmen Fraga Estévez (PPE)
to the Commission
(22 February 1996)
(96/C 173/99)

Subject: Refunds for the export of fruit and vegetables

In reply to Written Question E-2892/95 (1) on refunds for the export of fruit and vegetables, the Commission provided some of the data requested and added that 'it would serve no useful purpose to give a quantitative breakdown by Member

State . . .'. On the contrary, given the current market situation, a breakdown by Member State would be of great interest since even though, as the Commission argues, requests can be made in any Member State, it can be assumed that operators will apply to the nearest administration. A breakdown by Member State of the licences issued would therefore show which operators, by country, are making the best use of the system.

Can the Commission therefore provide a breakdown by Member State and product of the number of export licences issued in the fruit and vegetable sector since the system came into force?

(1) OJ No C 56, 26. 2. 1996, p. 50.

WRITTEN QUESTION E-389/96
by Carmen Fraga Estévez (PPE)
to the Commission
(22 February 1996)
(96/C 173/100)

Subject: Export licences for fruit and vegetables

Since the new system of refunds for the export of fruit and vegetables came into force producers have encountered a number of difficulties, including the speed with which the first licences issued were used up and even the complete blockage of the system. The Commission has already provided details of the licences issued for each product during July and August 1995, but additional information is needed to make a precise assessment of the system's operation.

Can the Commission state the number of licences issued in the periods September/October and November/December 1995, expressed in tonnes per product and broken down by Member State?

Joint answer to Written Questions E-388/96 and E-389/96
given by Mr Fischler
on behalf of the Commission
(20 March 1996)

The Honourable Member will find in the table below a breakdown, by product and type of licence, of fruit and vegetable export licences issued in the periods September/October 1995 and November/December 1995.

Quantities of licences issued from September to December 1995

(in tonnes)

Product	September/October 1995			November/December 1995		
	With advance fixing of the refund	Without advance fixing of the refund	Total	With advance fixing of the refund	Without advance fixing of the refund	Total
Tomatoes	3 757	0	3 757	3 876	0	3 876
Shelled almonds	304	122	426	336	245	581
Hazelnuts in shell	205	250	455	87	96	183
Shelled hazelnuts	908	182	1 090	892	204	1 096
Walnuts in shell	84	69	153	241	235	476
Oranges	633	1 730	2 362	76 313	163 628	239 941
Lemons	2 076	5 969	8 045	10 183	27 990	38 173
Table grapes	42 362	13 460	55 822	1 097	0	1 097
Apples	7 259	28 813	36 072	14 614	0	14 614
Peaches and nectarines	2 609	0	2 609	0	0	0
Total	60 197	50 594	110 791	107 639	192 399	300 038

The Commission reminds the Honourable Member that the choice of place of application for and the place of use of these licences is left to the applicant, so that a breakdown of these quantities by Member State of issue appears to serve no purpose. And since, in the single market, the exportation of a product from a Member State is not necessarily carried out by an operator from that Member State, on the one hand, and, on the other, export licences are transferable, a breakdown of this kind might give a biased picture of the areas in which the fruit and vegetables concerned are produced and even of the areas from which they are exported.

Under present GATT rules there is a limit on the quantities of agricultural products eligible for export subsidy. In the fruit and vegetables sector the implementing rules for export refunds laid down by Regulation (EC) No 1488/95 [1] provide that in order to comply with its international commitments the Commission may suspend the issue of export licences. Exports are not held up, however, because export licences are valid for a period of two months.

[1] OJ No L 145, 29. 6. 1995.

WRITTEN QUESTION E-390/96

by Jorge Hernandez Mollar (PPE)

to the Commission

(22 February 1996)

(96/C 173/101)

Subject: European Social Fund (ESF) projects in Andalusia

Can the Commission say what amounts have been earmarked for Andalusia under the European Social Fund (ESF) and indicate which projects, broken down by province, were approved by the Commission in 1995?

Answer given by Mr Flynn
on behalf of the Commission

(19 March 1996)

In accordance with the Community Support Framework for the Spanish Objective 1 regions, approved in June 1994 for the period 1994—1999, the indicative total contribution for Andalusia (European Social Fund) is ECU 1 328,9 million (1994 prices), of which ECU 325,47 million is managed directly by the regional government (Junta de Andalucia). Since the 1988 reform of the Structural Funds, operational assistance from the European Social Fund has been provided on the basis of multiannual programming. Under these programming arrangements, decisions on the specific projects to be co-financed are the responsibility of the national or regional authorities.

WRITTEN QUESTION E-392/96

by Miguel Arias Cañete (PPE)

to the Commission

(22 February 1996)

(96/C 173/102)

Subject: Sugar quotas for Spain

In recent years the EU has adopted measures in the sugar sector which have been of great benefit for certain countries in relation to quotas, e.g. the sugar production quota granted to eastern Germany, the production quotas for inulin syrup granted to the Netherlands, France and Belgium, the allocation of sufficient production quotas to the three new Member States, the introduction of sugar-refining quotas for the United Kingdom, France, Portugal and Finland and the forthcoming increase in the sugar production quota for Portugal.

Spain, however, which is probably the country with the largest number of objective grounds for increasing its production quota, has not benefited from any of these measures, making it the largest net importer of European sugar of all EU countries.

Will the Commission rectify this discriminatory situation by granting Spain an independent quota or through measures under the supply arrangements for the Canary Islands, which are due to be adjusted in the coming months?

Answer given by Mr Fischler
on behalf of the Commission

(6 March 1996)

The levels of the production quotas applicable to sugar and isoglucose in Spain were established during the course of the negotiations leading up to the signing of the Act of Accession of Spain and Portugal in 1985.

Integrated since that time within the quota arrangements as a whole laid down under Title III of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector [1], the production quotas for Spain have undergone regular reviews alongside the production quotas applicable in the other producing regions of the Community.

These reviews have been characterized by a cautious approach with regard to all matters relating to production quotas in the Community's sugar sector. This has meant that the sugar and isoglucose production quotas of the 10 Member States which originally adopted the current basic Council Regulation have remained unchanged at the level applicable in 1981. The production quotas allocated since

1981 have similarly been frozen namely those allocated to Spain and Portugal from 1986 onwards, those allocated to the territory of the new German Länder from 1990 onwards, those allocated for the production of the new basic product inulin syrup from 1994 onwards and those allocated to Austria, Finland and Sweden from 1995 onwards.

The latest review has been no exception and resulted in a number of decisions, adopted in Council Regulation (EC) No 1101/95 of 24 April 1995 [2], including one to roll over without change the levels of the production quotas in force on 30 June 1995 for a further six marketing years covering the period 1 July 1995 to 30 June 2001. The Regulation further stipulates that the subsequent production quota arrangements will be adopted before January 2001.

These decisions were reached with the agreement of all Member States except Portugal, for which a particular production quota problem was identified as requiring further consideration. A Commission proposal [3] is currently before the Council and Parliament with a view to finding a solution to this outstanding question.

With regard to the deficit nature of the sugar market in Spain, it should be borne in mind that all the deficit regions of the Community (currently Spain, Ireland, Italy, Portugal and United Kingdom) are served by a special measure under which higher derived intervention prices apply in those regions for the purpose of facilitating trade-flows of sugar from the surplus regions.

The Canary Islands, where no sugar production takes place, are furthermore covered by the Poseican programme of measures which are specifically targeted at ensuring that supply needs of all agricultural products, including sugar, are met.

In these circumstances, the Commission believes that it would be more appropriate to wait until much closer to the prescribed date of 1 January 2001 before embarking upon the next review of the production quota arrangements in the sugar sector.

[1] OJ No L 177, 1. 7. 1981.
[2] OJ No L 110, 17. 5. 1995.
[3] COM(95) 561 final.

WRITTEN QUESTION E-393/96

by Miguel Arias Cañete (PPE)

to the Commission

(22 February 1996)

(96/C 173/103)

Subject: Study of market trends for fresh tomatoes

As part of the decisions on farm prices for 1995/96, the Council called on the Commission to draw up a study on market trends for fresh tomatoes, which was to have been submitted by 31 December, together with appropriate proposals.

Given that the deadline has passed, when will the Commission submit this report to the Council?

Answer given by Mr Fischler on behalf of the Commission

(15 March 1996)

The Commission is currently drafting a report on the situation of tomatoes on the Community market which will be presented to the Council in due course.

WRITTEN QUESTION E-395/96

by Jesús Cabezón Alonso (PSE) and Juan Colino Salamanca (PSE)

to the Commission

(22 February 1996)

(96/C 173/104)

Subject: Milk quotas

In analysing the trends in milk production, consumption and marketing in the European Union, does the Commission intend to initiate a revision or updating of milk quotas in each of the Member States?

Answer given by Mr Fischler on behalf of the Commission

(11 March 1996)

The arrangements for an additional levy on milk production were codified and simplified in 1992. In the wake of this reform, adjustments were made (in the case of certain Member States) to the overall quantities, which had originally been determined on the basis of traditional output. This was to take account of errors made in calculating the original quantities or to take account of market conditions.

The current rules will be in force until 31 March 2000. It will fall to the Council to adopt rules to apply after the date.

The Commission is continously analysing the market situation. Appropriate proposals will be made if the need arises, but the information which has been available so far has not resulted in any plans to alter the overall quantities for the Member States.

WRITTEN QUESTION E-399/96
by Werner Langen (PPE)
to the Commission
(22 February 1996)
(96/C 173/105)

Subject: Identity checks at the Belgian border

Even after the conclusion of the Schengen Agreement, border checks still take place at the German-Belgian border, where the drivers of German tourist coaches leaving Belgium are checked for what is known as a journey form.

If a driver is unable to produce the original of the journey form, then a fine of Bfrs 10 000 is levied as a warning.

1. Is the Commission aware of such a practice?

2. If so, then how does the Commission explain such an excessive fine?

3. In the Commission's opinion, how are such border controls compatible with the Schengen Agreement and the idea of a 'United Europe'?

Answer given by Mr Kinnock
on behalf of the Commission
(26 March 1996)

Article 15 of Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus [1] provides that the control document for occasional services shall be carried on the vehicle and shall be presented at the request of any authorized inspecting officer. Consequently, the Belgian authorities will be able to check if the drivers of German tourist coaches are in possession of a journey form.

However, pursuant to the provisions introduced in Regulation (EEC) No 4060/89 [2], these controls may no longer be performed at the frontiers of Member States.

As regards any penalties imposed, these must be effective, proportionate and dissuasive. It is the responsibility of the Member States to take the necessary measures.

[1] OJ No L 74, 20. 3. 1992.
[2] OJ No L 390, 30. 12. 1989.

WRITTEN QUESTION E-402/96
by Philippe Monfils (ELDR)
to the Commission
(22 February 1996)
(96/C 173/106)

Subject: State aid for football

Article 92 of the Treaty states that

> 'any aid granted . . . through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings . . . shall . . . be incompatible with the common market.'

Football clubs are clearly considered to be undertakings (see the Bosman ruling as well as the conclusions of the Advocate-General, Mr Carl Otto Lenz, on this case).

In view of the fact that certain Member States, such as France for example, grant official aid to football clubs:

1. Does not the Commission consider that such aid from public authorities 'distorts' or 'threatens to distort' competition between clubs?

2. Does the Commission intend to adopt the necessary measures to enforce the terms of the Treaty?

Answer given by Mr Van Miert
on behalf of the Commission
(27 March 1996)

As far as the Commission is concerned, professional football clubs are to be regarded as undertakings within the meaning of Article 92 of the EC Treaty. The Court established as far back as 1974 that professional football was an economic activity [1]. Aid granted to football clubs by public authorities can distort competition and, therefore, falls under the Treaty provisions on State aid in so far as it affects trade between Member States.

In the French case referred to by the Honourable Member, the draft decree authorizing local authorities to grant financial assistance to professional sports clubs was notified to the Commission by the French Government in 1995 in accordance with Article 93(3) of the Treaty. The French authorities, therefore, fulfilled their obligations under the Treaty. The system introduced, which expires on 31 December 1999, limits the assistance which can be granted, sets it on a sliding scale and increases its transparency.

[1] See the judgment of 12 December 1974 in Case 36-74, Walrave, reports p. 1405.

WRITTEN QUESTION E-413/96
by Gerhard Schmid (PSE)
to the Commission
(29 February 1996)
(96/C 173/107)

Subject: European Commission complaint procedure P/94/4521 against the Federal Republic of Germany

On the basis of the abovementioned complaint procedure, the Federal Ministry for Economic Affairs has written to all the Bundesländer requesting that, in future, the public contracts of local authorities and associations of communes contain a clause opening up the tender, even if the invitations to tender are not subject to Community Directives for EU-wide competition because of the contract value.

1. Does the clause opening up the tender mean that, in future, local authorities must open all public contracts also to manufacturers from other EU countries or simply that, in future, local authorities may not ask for the products of a specific German manufacturer?

2. In future, may the observance of German Industrial Standards (DIN) no longer be required for public invitations to tender?

Answer given by Mr Monti
on behalf of the Commission
(20 March 1996)

The clause opening up the tender which the Commission required to be included in calls for tender by local authorities and public-law entities is intended to eliminate the infringements which had been evident in administrative practice as regards the free movement of goods (Articles 30 to 36 of the EC Treaty).

The inclusion of such a clause in calls for tender should ensure that, when reference is made to national standards (for example, the DIN standards), a practice which will be allowed as previously, the products of other Member States are not excluded because of technical specifications. Consequently, the clause opening up the tender ensures that there is free movement of goods within the internal market under public procurement procedures and takes account of the requirements laid down by the Court of Justice in the Order made by its President on 13 March 1987 [1].

The Order states, as regards the particular case before the Court:

> 'Although it would seem normal that in a public works contract such as that at issue the materials to be used may be required to comply with a certain technical standard, even a national standard, in order to ensure that they are appropriate and safe, such a technical standard cannot, without creating *prima facie* a barrier to trade which is contrary to Article 30 of the EEC Treaty, have the effect of excluding, without so much as an examination, any tender based on another technical standard recognized in another Member State as providing equivalent guarantees of safety, performance and reliability' (paragraph 21).

[1] Case 45/87 R Commission v. Ireland.

WRITTEN QUESTION E-425/96
by Anita Pollack (PSE)
to the Commission
(29 February 1996)
(96/C 173/108)

Subject: Disabled parking cards

When will the Commission bring forward a proposal for holders of disabled parking cards to be able to use them in every EU country?

Answer given by Mr Flynn
on behalf of the Commission
(19 March 1996)

On 15 December 1995 the Commission forwarded to the Parliament and Council a proposal for a Council recommendation [1] on the reciprocal recognition of parking cards for disabled people.

The aim of the proposal is to standardize the format of parking cards for people with disabilities and to have them recognized on a reciprocal basis, thereby facilitating the free movement of disabled people by private car throughout the Community.

[1] COM(95) 696.

WRITTEN QUESTION E-429/96
by Bernie Malone (PSE)
to the Commission
(29 February 1996)
(96/C 173/109)

Subject: ECHO's action programme for disaster preparedness

In the light of Commissioner Bonino's presentation at the IFAD conference on Hunger and Poverty, could the

Commission indicate the financial scope of ECHO's Action Programme for Disaster Preparedness? To what extent do the other actions financed by ECHO take account of the need to focus on the potential for preparedness, capacity-building and the preparation for rehabilitation?

Answer given by Mrs Bonino on behalf of the Commission

(9 April 1996)

The financial scope of the two first Echo action programmes for disaster preparedness was ECU 3.2 million in 1994 covering 15 projects (all completed) and ECU 4.2 million in 1995 covering 28 projects (completed or still in progress). This is already quite a substantial number of actions for less than two years of operation. For 1996, the Commission plans to increase its involvement in disaster preparedness with financing of up to ECU 6 million.

Projects are concentrated in three areas, namely training of staff qualified in disaster prevention, strengthening of prevention structures (in other terms, capacity building) and support for local, low technology projects involving the local community.

In connection with off-site risks attached to nuclear power plants in 14 countries of central and eastern Europe, a recent study of areas where assistance is needed to bring off-site preparedness for nuclear accidents to an adequate level should help in the preparation of a coherent programme of action.

The Commission seeks to ensure that its services and external organizations take disaster preparedness into account within their development policies. An inter-service group on disaster preparedness chaired by Echo meets every 2—3 months and facilitates the promotion of such a policy.

The Commission is also reflecting on disaster preparedness in the context of the discussion on the continuing process of relief, rehabilitation and development which the Commission holds with Member State and other experts.

WRITTEN QUESTION E-430/96

by Bernie Malone (PSE)

to the Commission

(29 February 1996)

(96/C 173/110)

Subject: State aid to Iberia

Could the Commission clarify how the 'commercial restrictions' principle was applied in the recent decision to allow the injection of State aid into Iberia?

Answer given by Mr Kinnock on behalf of the Commission

(18 March 1996)

In its decision of 31 January 1996, the Commission agreed that the Spanish State holding company Teneo could make an injection of Ptas 87 000 million in Iberia. The Commission concluded, after thorough professional analysis and applying the market economy investor principle, that State aid elements were not involved.

This decision is therefore fundamentally different from those taken in the Aer Lingus, TAP, Olympic Airways and Air France cases. On those occasions the Commission firstly considered there were State aids involved, and secondly approved the respective schemes subject to conditions designed mainly to ensure that competition is not distorted to an extent that would be unacceptable under the terms of the Treaty.

Since in the Iberia case the capital injection is a normal commercial transaction by an investor with a strategic interest and there is no State aid, the Commission has no power to impose commercial restrictions or conditions which would limit the commercial freedom of the airline.

However, in assessing the transaction under the market economy investor principle, and in deciding there were no State aid elements, the Commission noted the commitment made by the Spanish Government that the money received by Iberia will be used only to finance redundancies of around Ptas 37 billion and to reduce indebtedness. Under no circumstances, therefore, can the funds be used to limit Iberia's cost-reduction programme, or to make any significant changes in its global strategy on tariffs and fleet capacity. The Commission's full decision will be published shortly in the *Official Journal of the European Communities.*

WRITTEN QUESTION E-436/96
by Amedeo Amadeo (NI)
to the Commission
(29 February 1996)
(96/C 173/111)

Subject: SMU and craft industries

The results of the Community's policy to assist small and medium-sized undertakings have been confusing for many employees who are urging the Commission and the Member States to adopt firm measures to improve the competitiveness of SMU and craft industries in the European Union.

Does the Commission not think that measures should be taken such as:

1. reducing salary costs;

2. removing administrative and bureaucratic obstacles;

3. improving vocational training, research and access by SMU to financial instruments;

4. providing assistance in third country markets, etc.

as part of a multiannual action programme (1997—2000) in preference to the simple integrated programme currently in force?

Answer given by Mr Papoutsis
on behalf of the Commission
(15 April 1996)

The Commission devotes a good deal of attention to improving the competitiveness of small and medium-sized enterprises (SMEs) and craft industries. It would like to point out, however, that certain elements of competitiveness such as salary costs are the responsibility of the social partners in the Member States.

On the other hand, the other areas mentioned in the question — removing administrative obstacles, improving vocational training, and access to research, financial instruments and advice on non-EU markets — have been dealt with in the context of the Commission's most recent work on the competitiveness of SMEs and craft industries, notably in the report presented to the Madrid European Council on the role of SMEs as a dynamic source of employment, growth and competitiveness [1], the Green Paper on innovation [2] and the communication on craft industries and small enterprises, the keys to growth and employment in Europe [3].

The Commission also aims to pursue the objectives mentioned by the Honourable Member in implementing the multiannual programme for enterprises for 1997 to 2000 [4]. The new programme will include the main recommendations of recent Commission reports and, after the Parliament has given its opinion, will be the subject of a Council Decision.

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[1] CSE(95) 2087.
[2] COM(95) 688.
[3] COM(95) 502.
[4] COM(96) 98.

WRITTEN QUESTION E-444/96
by Martina Gredler (ELDR)
to the Commission
(29 February 1996)
(96/C 173/112)

Subject: Marking of examination papers — Austrian candidates for career-bracket A8-7 posts in the first competition in 1995

How was the selection of markers determined by the Commission? What criteria had to be met in order to qualify as a marker? Were markers' qualifications checked by the Commission? What percentage of markers were Foreign Ministry officials?

Were only experienced officials eligible to act as markers, or did they include young officials with under five years of professional experience? Did it happen that officials were sent their own examination papers for marking? If so, how many times? Can the Commission say with certainty that this was always reported in good time?

Did Commission officials invigilate the examination from beginning to end, as stipulated, or were the officials not present at the place of examination or of marking? If the above is the case, where were the officials concerned?

What percentage of the successful candidates at this competition originates directly from the Foreign Ministry's reserve of officials? How often did it happen that senior officials marked the examination papers of immediate subordinates from their own divisions, thus violating anonymity owing to handwriting recognition? Does this correspond to the usual experience of competitions in other countries? What requirements must be met to justify annulling a competition and requiring a resit to be held? Is the evidence of irregularities in Austria sufficient to justify annulling the above competition or ordering a resit?

Answer given by Mr Liikanen on behalf of the Commission

(25 March 1996)

The Commission would refer the Honourable Member to its answers to the parliamentary questions put by Mr Tindemans (E-1189/95)([1]), by Mr Bertinotti (E-1257/95)([1]), by Mrs Riess-Passer (P-3466/95)([2]) and by the Honourable Member herself (E-3550/95)([3]).

The Commission can confirm that no irregularities occurred in the competitions held on the accession of Austria, Finland and Sweden. It would add that the recruitment of Austrian assistant administrators and administrators is now well under way.

([1]) OJ No C 222, 28. 8. 1995.
([2]) OJ No C 109, 14. 4. 1996.
([3]) OJ No C 137, 8. 5. 1996, p. 22.

WRITTEN QUESTION E-446/96
by Elly Plooij-van Gorsel (ELDR)
to the Commission
(29 February 1996)
(96/C 173/113)

Subject: Testing costs for vehicles imported in parallel by private individuals

On 1 January the Community certificate of conformity became compulsory for new cars, thus simplifying the registration of cars purchased by individuals in another Member State.

In the Netherlands, however, a regulation on the parallel import of vehicles purchased abroad also came into effect on 1 January 1996, and imposes more stringent requirements for the issuing of a registration certificate. A new unregistered vehicle of a type for which no valid (new model) type approval was issued in the Netherlands before 1 January 1995 and which is imported by a private individual must meet strict requirements, which may involve a cost of tens of thousands of guilders.

Imported motorcycles also have to meet Netherlands testing requirements, which may cost from 1 100 to 2 700 guilders.

1. Are Member State authorities entitled to demand a technical test for new cars imported from another Member State?

2. Is the imposition of stringent testing requirements on cars newly imported by private individuals from other Member State in contravention of Community law?

3. If so, what does the Commission propose to do about it?

Answer given by Mr Bangemann on behalf of the Commission

(26 March 1996)

The documentation provided in support of the Honourable Member's question, concerning the registration of new vehicles purchased by individuals in another Member State, indicates that the Dutch Authorities require technical inspection of these vehicles will all the attendant costs.

As regards Community law, the Commission wishes to emphasize that EC-type-approval of private cars, which had been optional since 1 January 1993, became compulsory for new models on 1 January 1996 and will be compulsory for all cars from 1 January 1998. A distinction should be made between vehicles granted national type approval and vehicles already benefiting from an EC type-approval.

As far as EC type-approval is concerned, Directive 70/156/EEC([1]) in particular provides that Member States are obliged to register, permit the sale and entry into service or use of any new vehicle accompanied by a valid certificate of conformity, with no other additional formalities concerning the construction of the vehicle.

As for national type approval of new vehicles, the authority concerned must also recognize any approval granted by another Member State, except where the authority is able to prove that the vehicle may jeopardize road safety, in accordance with Articles 30 and 36 of the EC Treaty and the Commission's interpretative notice of 4 November 1988, concerning the procedures for the approval and registration of vehicles previously registered in another Member State, as amended by the Commission on 20 December 1995.

In view of these considerations, the Commission wishes to investigate the matter further and may, if necessary, initiate infringement proceedings against the Netherlands.

([1]) OJ No L 42, 23. 2. 1970.

WRITTEN QUESTION P-450/96

by José Escudero (PPE)

to the Commission

(16 February 1996)

(96/C 173/114)

Subject: Community aid for libraries

As part of its support for books and reading, has the Commission provided for any form of aid for promoting or setting up multilingual libraries or libraries specializing in transnational issues?

Is there any financial instrument for promoting the establishment of computer networks between libraries?

Answer given by Mr Bangemann on behalf of the Commission

(11 March 1996)

Under the libraries sector of the Telematics applications programme (1994—1998), funding is available for cooperative research and development projects in support of networked access to libraries and related services.

The current work plan complements initiatives in the area of libraries which were launched under the Telematics systems programme of the third framework programme. In particular, two projects launched as a result of the 1993 call for proposals address specifically the development of multilingual tools and techniques to support multilingual access to library catalogues and documents. These are Canal/Ls and Translib.

In a more general context, many of the 72 projects and concerted actions launched under the third and fourth framework programmes address the need for cross-border access to library collections and networked resources, bringing together project partnerships involving libraries, research institutes and small and medium sized enterprises from different Member States.

WRITTEN QUESTION E-462/96

by Nikitas Kaklamanis (UPE)

to the Commission

(29 February 1996)

(96/C 173/115)

Subject: Confiscation of inheritances

The Turkish Supreme Court has taken a political decision in future depriving Greek citizens of the right to inherit property in Turkey.

This means that the 1964 decree-law, abolished in 1988 in Davos by agreement between Greece and Turkey is in effect being revived. Despite the fact that, in 1990, Greece abolished all discrimination against Greek Muslims in Thrace, Turkey is once more revealing itself to be inconsistent and aggressive.

1. Is the Commission aware of this?

2. What action will it take, given that, aside from any other considerations, this constitutes a blatant violation of human rights?

Answer given by Mr Van den Broek on behalf of the Commission

(28 March 1996)

The Commission has asked the Turkish authorities for information on the matter raised by the Honourable Member.

As soon as the information reaches the Commission it would, if necessary, be able to consider appropriate steps.

WRITTEN QUESTION E-477/96

by Elly Plooij-van Gorsel (ELDR) and Jessica Larive (ELDR)

to the Commission

(1 March 1996)

(96/C 173/116)

Subject: Selection of projects for funding under the NOW programme

1. Can the Commission explain how projects eligible for funding under the NOW programme were selected?

2. Is it true that the list of Italian projects to which funding was granted was altered after its approval in the absence of the Commission official who was responsible and had participated in the selection procedure?

3. Is it true that some of the approved projects do not comply with the selection criteria?

4. If so, will the Commission verify the state of affairs?

5. What measures will the Commission take to correct irregularities in the procedure?

Answer given by Mr Flynn on behalf of the Commission

(17 April 1996)

Projects are selected in Italy at two levels: by the regions, which express their preferences about regional projects, and by a committee of experts appointed to identify projects of relevance to more than one region. The projects so identified are then assessed to establish that they satisfy the criteria relating to transnationality, eligibility and priority specified by the Ministry of Labour. Finally, a report on the selection procedure is submitted to the Monitoring Committee for approval. The Ministry of Labour draws up the final list of chosen projects.

The Commission is therefore not involved at all in the project selection process. It is possible that the list of projects undergoes some changes following the Ministry's final verification of the criteria. The transnationality criterion is one which determines eligibility, and certain projects which had been approved earlier at national level may subsequently have lost transnational partners and, as a result, their eligibility.

In the context of the work of the Committee of the European Social Fund (ESF) for considering Community initiatives, the Commission has set up a working party, with the participation of the Member States, to study the procedures followed in this first call for projects in order to simplify and improve the procedures in the second phase.

WRITTEN QUESTION P-491/96

by Karla Peijs (PPE)

to the Commission

(22 February 1996)

(96/C 173/117)

Subject: Shortcomings in the security system applied to external Community transit operations

1. Is the Commissioner familiar with Commission Decision 95/521/EC[1] pursuant to which the use of the comprehensive guarantee for external Community transit operations involving cigarettes was temporarily forbidden?

2. Is the Commissioner familiar with Commission Decision 96/37/EC[2] pursuant to which the use of the comprehensive guarantee for external Community transit operations involving *inter alia* alcoholic drinks, certain meat products, dairy products, wheat, sugar and bananas was temporarily forbidden?

3. In adopting these measures to combat fraud has a reasonable compromise been found with the interests of bona fide business operators?

4. Does the Commissioner realize that these measures make additional Community exports by European undertakings of the goods concerned virtually impossible?

5. Does the Commissioner realize that continued application of these measures will result in very heavy losses to European exporters which in turn will have an adverse impact on European job opportunities and the balance of payments?

6. Does the Commissioner realize that the ability to continue operating in certain areas of business activity is seriously called into question by the introduction of these security measures?

7. Does the Commissioner realize that there are reports of discrimination between Member States on account of differences in excise duties and VAT?

8. Does the Commissioner realize that non-EU countries will take advantage of these measures by filling the gaps caused by the absence of European exports?

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(1) OJ No L 299, 12. 12. 1995, p. 24.
(2) OJ No L 10, 13. 1. 1996, p. 44.

Answer given by Mr Monti on behalf of the Commission

(15 March 1996)

The Commission Decisions to which the Honourable Member refers were adopted in accordance with the relevant Community legislation in response to requests from two Member States for temporary prohibition of use of the comprehensive guarantee for various types of non-Community goods which are highly sensitive, in terms of the amount of duty and tax suspended, when carried under the external Community transit procedure.

Adoption of the Decisions followed a lengthy appraisal process during which the requesting Member States had to provide proof of the occurrence of fraud in transit operations involving these products. The risk was found sufficiently serious to require for the time being that a full individual guarantee be provided for each consignment of sensitive goods moving under the external Community transit procedure.

Regarding the impact on legitimate activities of such a ban, it should be borne in mind in the first place that honest traders will ultimately benefit from measures to curb fraud

in certain sectors; they too are victims of the fraud, which could jeopardize the customs and tax facilities available under the transit procedure. Secondly, a number of related steps have been taken to counteract the inconvenience of the ban, including measures to speed up the return of the copy of the transit form used to discharge the procedure and release the guarantee.

In any case, the ban does not at this stage affect exports of Community goods, which as a rule are either unaffected by transit formalities or move under the 'T2' common EC-EFTA transit procedure to which the current ban on use of the comprehensive guarantee does not apply.

Exports of (mainly agricultural) goods which attract Community support and therefore do have to move under the external Community transit procedure will not be affected by the German ban, due to come into effect on 1 April.

Any distortion of competition between Community and non-Community exporters should therefore be negligible.

Differences between Member States in rates of VAT and excise duties are not directly relevant in the transit context because the whole point of the procedure is to suspend these taxes until such time as the goods are released for consumption, at which point local taxes become payable.

The Commission is, however, aware the differences in VAT and excise duties between the Member States may influence the amount to be provided by traders as a guarantee.

WRITTEN QUESTION E-505/96

by Richard Howitt (PSE)

to the Commission

(1 March 1996)

(96/C 173/118)

Subject: Slaughter of pilot whales by Faroe Island fishermen

Is the Commission aware of the plight of the pilot whale, which is being persistently slaughtered by Faroe Island fishermen, despite this being illegal under the Bern Convention to which Denmark is a signatory?

What action does the Commission propose to take in response to this serious breach?

Answer given by Mrs Bjerregaard on behalf of the Commission

(27 March 1996)

The Commission would draw the attention of the Honourable Member to the fact that the Faroe Islands do not belong to the territory to which Community legislation on the protection of wild fauna and flora applies, and that the membership of Denmark to the Bern Convention does not cover the Faroe Islands.

WRITTEN QUESTION E-510/96

by Glyn Ford (PSE)

to the Commission

(11 March 1996)

(96/C 173/119)

Subject: Electromagnetic fields and the effect on public health

Is the Commission proposing to take any action to investigate the findings of recent studies concerning the detrimental effect on health of people living close to high-voltage electricity power cables?

Answer given by Mr Flynn on behalf of the Commission

(29 March 1996)

The Commission has granted financial assistance to projects on possible effects from high voltage lines under the European cooperation in the field of scientific and technical research (COST) and Europe against cancer programmes.

A comprehensive report prepared for the Commission, entitled 'Non-ionizing radiation: sources, exposure and health effects' is forwarded to the Honourable Member and to Parliament's Secretariat.

The Honourable Member is invited to refer to the Commission's answers to Written Questions E-2156/94 by Mr Hughes [1], E-2606/94 by Mrs Kinnock [2] and E-1456/95 by Mrs André-Leonhard [3].

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[1] OJ No C 88, 10. 4. 1995.
[2] OJ No C 103, 24. 4. 1995.
[3] OJ No C 222, 28. 8. 1995.

WRITTEN QUESTION E-513/96
by Glyn Ford (PSE)
to the Commission
(11 March 1996)
(96/C 173/120)

Subject: Court of Auditors

Does the Commission not feel that, in order to ensure public confidence, the Court of Auditors should be in the same place as the Commission?

Answer given by Mr Liikanen
on behalf of the Commission
(27 March 1996)

A large proportion of Community expenditure is managed by national authorities, and the Court of auditors' staff therefore carry out much of their work in the Member States. The Commission would imagine that a central location and good communications are important to the Court, since public confidence in Community finances is not constrained by geographical considerations.

WRITTEN QUESTION E-521/96
by Richard Howitt (PSE)
to the Commission
(11 March 1996)
(96/C 173/121)

Subject: Helios programme

What number and proportion of organizations selected as local model activities in the Helios programme are organizations of disabled people, i.e. with management committees comprising at least 51 per cent disabled people themselves?

What action does the Commission propose to ensure that the majority of such activities selected in any successor to the Helios programme will indeed be organizations of disabled people?

Answer given by Mr Flynn
on behalf of the Commission
(29 March 1996)

Within the framework of the Helios II programme the responsibility for nominating organizations to participate in the exchange and information activities lies with each Member State.

The Commission does not have any information concerning the management committees of the nominated organizations. However the numbers and proportions of organizations of disabled people that have participated in the exchange and information activities in 1995 can be estimated as follows:

functional rehabilitation	25—14 %
education	36—20 %
economic integration	164—68 %
social integration	108—60 %.

The other participants were from public services, municipal services, psychiatric hospitals, etc.

It is not possible to comment on actions concerning any successor to the Helios programme at this time, given that a decision has not yet been reached.

WRITTEN QUESTION E-534/96
by Richard Howitt (PSE)
to the Commission
(11 March 1996)
(96/C 173/122)

Subject: European Social Funding

What is the Commission's response to the cessation of European Social Fund payments to the South East Media Workshop training project for disabled people, based in Basildon?

Given the fact that the reason appears to be a redistribution of ESF payments between different Training and Enterprise Councils (TECs) in Britain's Eastern Region, rather than the merits of the particular project, does the Commission agree that the project has been treated unfairly?

Answer given by Mr Flynn
on behalf of the Commission
(29 March 1996)

It is the responsibility of the Objective 3 monitoring committee to ensure that the procedures for project selection operated by the sector managers result in approval of the highest quality projects.

The Commission cannot comment on the particular case of the South East media workshop training project in Basildon. The Honourable Member could obtain details of the assessment of the project from the European Social Fund unit of the United Kingdom's Department for Education and Employment.

WRITTEN QUESTION P-540/96
by Niels Sindal (PSE)
to the Commission
(29 February 1996)
(96/C 173/123)

Subject: Implementation of the Directive on working time

The Danish Union of Commercial and office Staff (HK) is having problems in having the working time Directive implemented under their collective agreement. The employers' association is insisting that the exemption in Article 1 of the Directive is sectoral, applying to the whole transport industry, which includes non-mobile staff (belonging to the HK). The Commission has confirmed this, but admitted that inadequate vigilance was exercised, and states that a proposal for a Directive to remedy the mistake will shortly be submitted.

What actual steps does the Commission intend to take to reverse this error, so that non-mobile staff are covered by the working time Directive? When could a new Directive come into force?

What will happen if a new proposal for a Directive cannot be adopted before the general Directive has to be implemented in collective agreements? And finally, why was the transport sector exempted from the general Directive at all?

Answer given by Mr Flynn
on behalf of the Commission
(29 March 1996)

Council Directive 93/104/EC concerning certain aspects of the organization of working time [1] applies to all sectors of activity, both public and private, with the exception of air, rail, road, sea, inland waterway and lake transport, seafishing, other work at sea and the activities of doctors in training. This exception makes no distinction between 'mobile' and 'non-mobile' staff.

The Commission has consistently said that it will seek to ensure the application of the principles of the Directive to all employees. In its work programme for 1996 it has announced its intention of preparing a white paper to address the many issues raised by these exclusions. This will include the issue of 'non-mobile' staff in the transport sector.

The Directive has to be implemented by the Member States at the latest by 23 November 1996. It is not likely that any proposal for a new Directive could come into operation before that date. However, there is nothing in the Directive which prevents implementing laws or collective agreements from applying to workers in the transport sector, including, in particular, 'non-mobile' staff. The Commission would welcome such a solution to the problem outlined by the Honourable Member.

With regard to the final question, the Commission had originally proposed that all employment should be covered, but, in the Directive, as adopted by the Council, these sectors were excluded, because of the specific nature of the work concerned.

[1] OJ No L 307, 13. 12. 1993.

WRITTEN QUESTION P-549/96
by Edouard des Places (EDN)
to the Commission
(29 February 1996)
(96/C 173/124)

Subject: Fraudulent imports onto the Community market of provisionally preserved mushrooms originating in China

The cultivated mushrooms sector is facing very serious difficulties chiefly as a result of the significant increase in fraud in Chinese products.

1. Chinese imports exceeded their authorized quota of 8 000 tonnes net drained weight in 1993 and 6 000 tonnes net drained weight in 1994 (Eurostat). Can the Commission provide any explanations given that this situation occurred again in 1995?

2. Mushrooms which are provisionally preserved come under two customs headings, one of which (07119040) has a rate of duty of 12 % and the other (20031020) a rate of duty of 23 %. The majority of products imported from China come under heading 07119040 which covers products preserved for no more than four weeks. However, it is well known that the transport takes about two months.

   Can the Commission provide any explanations?

3. Finally, in order to penetrate the Community market outside the tariff quota, a few drops of vinegar are added to mushrooms preserved in brine so that they can be declared under customs heading 20019050 (mushrooms preserved by vinegar) instead of heading 07119040.

   DG XXI believes that this fraud concerns very large quantities (some 3 000 tonnes net drained weight in the first half of 1995).

   What measures does the Commission intend to take?

Answer given by Mr Fischler on behalf of the Commission

(15 March 1996)

1. In both 1993 and 1994, imports of preserved mushrooms referred to in Council Regulation (EEC) No 1796/81 [1] remained below the overall quantities which are free from any additional amount, laid down in Article 3 of the same Regulation. The same applies to 1995, the figures currently available seem to indicate that the imports will be below the overall quota.

Nevertheless, the Commission has noted that for products originating in China, the quantity of import licences free of the additional amount issued in accordance with the Commission's implementing Regulations (EEC) No 1707/90 [2] and (EEC) No 3107/94 [3] does not correspond with the statistical data provided by Comext for the years 1993 and 1994.

The Commission informed the Member States of this at the meeting of the Management Committee for Products Processed from Fruit and Vegetables held on 22 September 1994, and drew up a mutual assistance communication on the basis of Regulation (EEC) No 1468/81 [4]. To date the Commission has not received any replies but it is continuing its inquiries, in particular through customs and the statistical services.

2. Some — but not the majority — of the imports from China are classed under heading 0711 90 40 which covers mushrooms that have simply been 'blanched' and not 'completely cooked'; the latter are classified under heading 2003. In this connection, the Commission has received communications from several Member States on cases of fraud or irregularities involving China, some of which date back to before 1993 (on the basis of Regulations (EEC, Euratom) No 1552/89 [5] and (EC) No 1468/81). The difficulty is a technical one and involves establishing a method for differentiating between the two methods of preserving. The Commission is continuing its discussions with professionals and experts on this subject.

3. Following the recent rise in imports declared under heading 2001 90 50, the Commission has published two Explanatory Notes to the Combined Nomenclature [6, 7] which stipulate that if vinegar of acetic acid is added to a brine this does not prevent the provisionally preserved mushrooms from being classified under heading 0711 90 40.

[1] OJ No L 183, 4. 7. 1981.
[2] OJ No L 158, 23. 6. 1990.
[3] OJ No L 328, 20. 12. 1994.
[4] OJ No L 144, 2. 6. 1981.
[5] OJ No L 155, 7. 6. 1989.
[6] OJ No C 36, 9. 2. 1996.
[7] OJ No C 50, 21. 2. 1996.

WRITTEN QUESTION P-559/96
by Riccardo Garosci (UPE)
to the Commission
(29 February 1996)
(96/C 173/125)

Subject: 1996 IGC (Turin, starting 29 March) — Intergovernmental Conference on revising the Maastricht Treaty

Can the Commission inform Parliament in good time (i.e. before 20 March 1996) what plans it has for Members of the European Parliament, in particular those from the constituency of the city hosting the Conference, to attend the IGC in Turin?

Answer given by Mr Oreja on behalf of the Commission

(27 March 1996)

It was the President of the Council who convened the meeting of the European Council to be held in Turin on 29 March. It is not up to the Commission to ensure that the Members of the European Parliament for the region in question attend.

Parliament is aware of the Commission's opinion, expressed on numerous occasions, on the need for transparency in the proceedings of the Conference and of its support for Parliament's involvement as requested in its resolutions.

WRITTEN QUESTION E-563/96
by Iñigo Méndez de Vigo (PPE)
to the Commission
(11 March 1996)
(96/C 173/126)

Subject: Dumping imports from Turkey

In its reply to a question by this Member on imports of cotton textiles from Turkey at dumping prices (E-3022/95) [1], the Commission stated that 'due to technical difficulties' it had 'not yet been able to conclude whether the conditions for the introduction of any type of measure' were met.

Can the Commission say whether these 'technical difficulties' have now been overcome and if it has been able to determine whether any kind of anti-dumping measure should be adopted?

[1] OJ No C 51, 21. 2. 1996, p. 66.

Answer given by Sir Leon Brittan on behalf of the Commission

(28 March 1996)

The complainant Community producers formally withdrew the complaint which led to the anti-dumping proceeding concerning imports of cotton fabric originating in China, India, Indonesia, Pakistan and Turkey. Subsequently the Commission decided to terminate the proceeding [1].

On 8 January 1996 the Commission received a new complaint by the Committee of the cotton and allied textile industries of the European Union (Eurocotton) alleging that imports of flat unbleached cotton fabrics originating in China, Egypt, India, Indonesia, Pakistan and Turkey were being dumped and were thereby causing material injury to the Community industry. The Commission examined the accuracy and adequacy of the evidence provided in the complaint and initiated an anti-dumping proceeding on 21 February 1996 [2]. In accordance with the provisions in force the Commission has commenced its investigation into the alleged dumping and injury, and should come to preliminary findings not later than nine months from the opening of the proceeding.

[1] OJ No L 42, 20. 2. 1996.
[2] OJ No C 50, 21. 2. 1996.

WRITTEN QUESTION P-572/96
by Christian Jacob (UPE)
to the Commission
(1 March 1996)
(96/C 173/127)

Subject: Trade relations between the EU and New Zealand

The GATT agreements of 15 April 1994 enabled New Zealand to increase its sheepmeat tariff quota from 205 600 to 226 700 tonnes.

Apart from this increase, which constitutes a real economic threat to the European sheep market, New Zealand also enjoys inexplicable trade advantages which do nothing to allay the worries of European producers.

Under the old agreements there were presentation sub-quotas for meat whereby, for example, New Zealand was only permitted to export a quota of 13 500 tonnes of chilled meat (meat processed in a controlled atmosphere, similar to fresh meat, which can be kept for several months). These sub-quotas no longer exist. New Zealand meat is thus able to invade sectors of the market which had hitherto still been profitable for European meat.

New Zealand also retains the unique privilege of administering its export certificates, which prevents the Commission from exercising the least control over trade flows.

If the total volume of the New Zealand quota is not renegotiable, the European Union could ask for sub-quotas to be imposed and for certificates to be administered by the Commission.

When does the Commission propose to renegotiate these clauses, thus making it possible for EU-New Zealand trade relations to be placed on a more balanced footing?

Answer given by Mr Fischler on behalf of the Commission

(14 March 1996)

The arrangments for export of New Zealand sheepmeat to the Community form part of the agreements reached in the Uruguay Round multilateral negotiations, which were adopted by the Council after the normal procedures of consultation [1] and which, viewed in their entirety, are satisfactory for the Community.

The Community tariff rate quota for New Zealand sheepmeat was increased from 225 000 tonnes to 226 700 tonnes as a consequence of the agreement between the Community and New Zealand under GATT Article XXIV § 6 (Council Decision 95/592/EC of 22 December 1995) [2].

The full implementation of the Uruguay Round with respect to agricultural products takes place over the period 1995—2000 and there are currently no plans to re-open negotiations on these products.

Furthermore, the Commission considers that the arrangements for the administration of import certificates for New Zealand sheepmeat allow for a reasonable distribution of this product on the Community market, particularly in the light of the significant seasonal variations in the domestic markets of certain Member States.

[1] OJ No L 336, 23. 12. 1994.
[2] OJ No L 334, 30. 12. 1995.

WRITTEN QUESTION P-573/96
by David Hallam (PSE)
to the Commission
(1 March 1996)
(96/C 173/128)

Subject: European monitoring centre on racism and xenophobia

Who sits on the Consultative Commission set up by the Council for the European monitoring centre on racism and xenophobia?

Answer given by Mr Flynn
on behalf of the Commission
(22 March 1996)

The European Council meeting in Corfu decided to set up a Consultative Commission on Racism and Xenophobia. The General Affairs Council established its terms of reference, composition and rules of procedure.

The Member States and the European Commission each appointed one person to sit on this Consultative Commission. The European Commission appointed Mrs Kamlesh Bahl, President of the UK Equal Opportunities Commission.

For the names of the other members, the Honourable Member is requested to contact the Secretariat-General of the Council, which acts as the secretariat to the Consultative Commission.

WRITTEN QUESTION P-575/96
by Peter Skinner (PSE)
to the Commission
(1 March 1996)
(96/C 173/129)

Subject: Kimberley Clark/Scott merger and subsequent redundancies

On 21 February 1996, Kimberley Clark announced 300 redundancies at its Larkfield site in Kent.

At the time of the Commission Decision on the merger, I believe that the Commission indicated that there would be minimal or no redundancies as a result of this merger.

Did the Commission know about these 300 redundancies? If the Commission did not know at the time of its Decision, would this have affected the outcome?

Answer given by Mr Van Miert
on behalf of the Commission
(26 March 1996)

At the time when it made its Decision in relation to the Kimberly-Clark/Scott Paper merger the Commission was aware of the general proposals of the parties in relation to their United Kingdom plants following the merger. Decisions on redundancies are made by the parties to a merger and cannot be reviewed by the Commission under the Merger Regulation (Council Regulation (EEC) No 4064/89)([1]). Although the Commission can take employment and other factors into account in its appraisal of a merger, the Regulation requires the Commission to reach its conclusion according to competition criteria.

([1]) OJ No L 395, 30. 12. 1989.

WRITTEN QUESTION P-576/96
by Johanna Boogerd-Quaak (ELDR)
to the Commission
(1 March 1996)
(96/C 173/130)

Subject: Storage of highly radioactive nuclear waste at Borssele

1. Does the purchase of fuel elements in the USA by the agency at Petten (the Institute for Advanced Materials) fall under Article 64 of the Euratom Treaty? If so, can the Commission — having regard to Articles 73, 74 and 75 of the Euratom Treaty — say whether it has been informed that the USA is no longer taking the radioactive waste back from the Institute as originally envisaged? Can the Commission comment on the firmness of the pledges by US Minister O'Leary concerning the willingness of the USA to take back the nuclear waste after all?

2. What is the Commission's view of the fact that possibilities are being sought of storing the highly radioactive waste from Petten temporarily at the repository in Borssele, which is really intended for radioactive waste with a lower radiation level? If, as claimed, the transport containers which currently contain the waste are safe enough, why should the waste not be stored at Petten? In the Commission's opinion, if the waste is stored at Borssele, will all the safeguard provisions of Chapter VII of the Euratom Treaty be complied with?

3. In the Commission's opinion, did the carrying-out of the Environmental Impact Assessment (required for the extension of the permit for the Borssele repository because of the increase in the quantity of waste *inter alia* from Petten) comply with European provisions on Environmental Impact Assessments? Was the EIA carried out competently and independently?

4. Does the Commission believe that the information provided to the public for the purpose of the participation procedure was adequate? Does the Commission agree with the criticisms by various observers that the information provided was completely incomprehensible to a layman? How does the Commission view the relationship between this category of information and Directive 89/618/Euratom([1])?

([1]) OJ No L 357, 7. 12. 1989, p. 31.

Answer given by Mrs Bjerregaard on behalf of the Commission

(25 March 1996)

1. The Commission would refer the Honourable Member to its answer to Written Question E-2122/95 [1] by Mrs Bloch von Blottnitz where it dealt with the matter of the return of spent fuel from Community research reactors to the initial supplier of enriched fuel located in the United States. This answer applies also to spent fuel of the Petten HFR (high flux reactor).

2. Spent reactor fuel may stay temporarily in safe storage at Petten. Storage at Borssele would be possible only after an extension of the current licence for operating the Borssele facility. The Commission confirms that a licence has been requested for a new storage building which would allow storage of high-level waste from reprocessing and storage of spent research reactor fuel. The licensing procedure is laid down by the national safety authorities and takes account of the provisions of the Euratom basic safety standards in radiation protection. Storage of enriched spent fuel would of course be subject to safeguards under Chapter VII of the Euratom Treaty.

3. The present environmental impact assessment Directive, which has been duly implemented in national law, does not require such an assessment in case of modification or extension of an existing nuclear installation. Nevertheless, the operator of the installation has provided, as part of the licensing procedure, an environmental assessment report which is open for consultation by the public.

4. The licensing procedure for a nuclear installation is a matter of national competence, provided that the provisions of the relevant Directives are implemented in national law. The Commission expects reporting as required under Article 37 Euratom Treaty and will, in the event of storage of fissile material, apply safeguards measures as defined in Chapter VII of the Euratom Treaty.

[1] OJ No C 40, 12. 2. 1996.

WRITTEN QUESTION E-586/96
by Mihail Papayannakis (GUE/NGL)
to the Commission
(11 March 1996)
(96/C 173/131)

Subject: Violent raid on Greek gypsy settlements

On 20 February 1996 special police units using unprecedented violence raided Greek gypsy settlements (scenes shown live on many TV channels) in an operation which was intended as a collective punishment in retaliation for the wounding of a police officer who had been involved in tracking down and arresting criminals. This raid was totally out of proportion with the original cause and many prominent personalities in social and political life, as well as representatives of the gypsy community have condemned the conduct of the police in this matter and drawn attention to the social exclusion to which Greek gypsies are subject.

Can the Commission say:

1. How many programmes for combating poverty and social exclusion targeting particularly the gypsy community, it has funded in Greece, and what programmes these are?

2. Whether the relevant funds have been used for the purpose for which they were originally intended or whether they were subsequently reallocated?

3. Whether it considers that these programmes have so far proved effective?

Answer given by Mr Flynn on behalf of the Commission

(1 April 1996)

The Commission has been addressing the problem of socio-economic exclusion through a number of interventions such as the poverty programmes and the new Objective 3 of the Structural Fund interventions (1994—1999), the aims of which include facilitating the integration of those threatened with exclusion from the labour market.

In particular with respect to Greece and the Greek gypsies there have been activities under the second and third poverty programmes 1984—1994, and the new Community support frameworks (CSF) for Greece 1994—1999.

Under the second poverty programme, a project was implemented to provide training to teachers at schools in the Menidi area (Region of Attica), where there is a large concentration of gypsy settlements, so that they could better respond to the educational needs of the gypsy community. The trained teachers have remained in their posts since then.

In the case of the project implemented under the third poverty programme, in favour of Thessaloniki area (communities of Evosmo, Eleftherio/Kordelio, Menemeni), special educational curricula for children and adults were prepared. These were later adopted by the ministry of education at national level. Moreover, this project gave the impetus to the creation of gypsy associations in different parts of the country.

Apart from the lasting effects of these projects, especially of the second project with the adoption of the relevant educational curricula on a nationwide basis, both made a considerable contribution to raising public awareness of the problems and needs of gypsies.

Moreover, in the 1994—1999 CSF for Greece, under the operational programme (OP) 'combating exclusion from the labour market' (subprogramme 3 'other excluded groups'), a specific measure is provided for the socio-economic integration of religious and cultural minorities namely, gypsies and Pomaki. The budget for this measure is ECU 8 million and it will allow comprehensive packages of actions to assist the socio-economic inclusion of gypsies. Such actions could include counselling, care for dependents, literacy, vocational orientation, pre-training, training, employment promotion, and creation of support services in municipalities with gypsies.

There have been however considerable delays in implementation during the 1994/95 transitional period of the OP due mainly to the need to establish systems and procedures that would ensure quality in OP implementation and due to the difficulties associated with the OP's innovative approach. Therefore, projects that were submitted in 1995 to the ministry of Labour for financial assistance have not been launched yet, and the Commission is not in a position to inform the Honourable Member on their content or on their effectiveness.

WRITTEN QUESTION P-624/96
by Joaquim Miranda (GUE/NGL)
to the Commission
(6 March 1996)
(96/C 173/132)

Subject: East Timor and the Euro-Asian Summit in Bangkok

The positions adopted, on the eve of the Euro-Asian Summit in Bangkok, by the Commission — through its President and Vice-President Marín — on the subject of East Timor and its occupation by Indonesia, with a view to 'guaranteeing a trade agreement' involving that country, are deeply alarming and cannot fail to arouse indignation.

By giving economic interests precedence over the rights of a people and ignoring the acts of violence perpetrated against that people, the Commission is flying in the face of its much-vaunted respect for human rights and international law and is calling into question decisions and declarations of principle which have consistently been made by itself and other Community institutions.

Will the Commission therefore state clearly, unequivocally and fully what guiding principles should, in its view, be adhered to and what the European Union's policy should be with regard to trade and other agreements involving intolerable situations such as that of East Timor?

Answer given by Mr Marín
on behalf of the Commission
(21 March 1996)

The Commission did not seek to diminish or otherwise set aside questions of human rights at the Asia-Europe meeting (ASEM) meeting in Bangkok.

As stated in answer to oral question H-52 of Mr Barros Moura during question time at Parliament's February 1996 part session, the basic objective of the Asia-Europe meeting (ASEM) was to establish a new dialogue and partnership between Europe and Asia. The high level and relatively short duration of the meeting did not permit detailed discussion of a range of specific issues. Nonetheless, the Commission and the Member States maintained their support for fundamental human rights and freedoms.

Moreover, the Commission and the Member States have repeatedly brought to the attention of the government of Indonesia their condemnation of unjustifiable actions by the Indonesian security forces, such as the incident at Dili in November 1991. They have supported fair trials and humane treatment for those arrested, proper access by international organizations, and a just, comprehensive and internationally acceptable settlement of the East Timor issue, respecting the principles on the United Nations charter, and taking into account the need to defend human rights and fundamental freedoms, as well as full respect for the legitimate interests and aspirations of the population of East Timor.

On 18 July 1994, the Union again reaffirmed the need for the respect for human rights, particularly as regards the freedom of worship and free access to East Timor for international organizations. The question of respect for human rights in general was also stressed at the Union/Association of South-east asian nations ministerial meeting in Karlsruhe in September 1994.

Further incidents, particularly on the occasion of demonstrations and arrests in East Timor in October 1995, and the entry into the Dutch and Russian embassies on 7 December 1995 of groups from East Timor, indicate that tension remains in East Timor.

The Commission supports the bilateral discussions between Portugal and Indonesia in the United Nations context, and the principles of the agreement made between Portugal and

Indonesia in Geneva on 9 January 1995, and in London in January 1996, as well as the precepts of the meeting at Burg Schlaining, Austria, on 3—5 June 1995. It is sincerely hoped that these on-going discussions, supported by the Union, will result in a just, comprehensive and internationally acceptable settlement of the East Timor issue.

No Member State has suspended aid to Indonesia. To do this would only diminish what influence the Community could have with the Indonesian Government. The bulk of Community assistance is attributed to conservation and sustainable management of the tropical forest, which targets the poorer rural populations and is of global concern.

The question of a visit to East Timor by a delegation of the Parliament was raised at a meeting of the Parliament development and cooperation committee on 23 November 1995, attended by the head of the Indonesian mission to the Community and the governor of East Timor. The Commission strongly support this initiative, and wishes it every success.

The Commission, together with the Member State, has therefore repeatedly condemned unjustifiable actions, asked for fair treatment for and access to those arrested, and supports the on-going dialogue, including East Timorese representatives.

In this respect, the Commission and the Member States continue to put pressure on the Government of Indonesia to improve its overall human rights record. For example, representations were made by the Presidency to the Indonesian Government in December 1995 concerning the imprisonment of two journalists.

The Commission, in liaison with the Member States as represented by the Presidency, will continue to use its good offices in this sense, with a view to finding a just and internationally acceptable solution, fully respecting the just and legitimate interests of the population of East Timor.

WRITTEN QUESTION P-626/96
by Christian Jacob (UPE)
to the Commission
(8 March 1996)
(96/C 173/133)

Subject: Trade relations between the EU and third countries

The GATT agreements of 15 April 1994 have enabled third countries to increase their sheepmeat tariff quota from 277 000 to 309 000 tonnes, i.e. by over 30 000 tonnes.

The EU's deficit in sheepmeat production is estimated to be 240 000 tonnes per annum. The new agreements therefore mean that a fragile equilibrium on the EU market may be replaced by an actual surplus.

This may lead to a collapse in sheepmeat prices in all the Member States, thus threatening the budget for the compensation regime for the COM in sheepmeat and goatmeat.

How will the Commission deal with the situation should third countries decide to take maximum advantage of their tariff quotas? Can the Commission give EU producers guarantees that the COM budget and, therefore, the COM itself, will continue?

Answer given by Mr Fischler
on behalf of the Commission
(21 March 1996)

The Commission confirms that the Community agreed at the end of the Uruguay Round negotiations to increase the opportunities for importing sheepmeat from signatory non-member countries by about 30 000 tonnes.

As the Honourable Member points out, the Community's deficit in sheepmeat production is of the order of 240—250 000 tonnes a year. The Commission does not, however, expect the increase in quotas to lead to arise in imports that would destabilize the market. It should be borne in mind that some non-member countries are unable to take maximum advantage of the export opportunities offered them by GATT quotas; in some cases these opportunities are offered bilaterally, meaning that unused quotas cannot be taken over by other non-member countries that have reached their own limits.

The Commission would remind the Honourable Member that the import opportunities offered under voluntary restraint agreements in the past always exceeded actual imports (which were remarkably stable in the period 1986—95). For a long time (throughout the 1980s) these opportunities actually exceeded those currently available under the GATT.

WRITTEN QUESTION P-656/96
by Salvatore Tatarella (NI)
to the Commission
(8 March 1996)
(96/C 173/134)

Subject: Consultancy for the Commission's new premises in Luxembourg

I have learned that the Commission is seeking new offices in Luxembourg and that there are two possibilities which differ considerably, particularly with regard to their impact on the Community budget. The Commission has expressed interest in the Joseph Bech building which would require a very high financial outlay. The building is still under construction and the Commission has launched a competition [1] to award the overseeing of the construction work to a consultancy.

Will the Commission say:

1. whether it is true that the negotiations with the firm constructing the building have not been suspended?
2. Whether the consultancy overseeing the construction work has met all the technical requirements in carrying out this task?
3. Whether the construction work has been under way for more than a year and whether the structural, engineering and architectural options are being assessed?
4. Whether it is true that the contract with the consultancy has been cancelled without explanation and, if so, why this decision was taken?
5. Whether the Commissioner, Mr Liikanen, stands by his answer to Written Question E-2442/95 [2] in which he stated the need to employ outside consultants for assignments which 'because of their technical nature' cannot be carried out by internal officials?
6. What its plans are for resuming its activities, which are currently suspended and on which budget resources have already been spent, in connection with the negotiations on the possible purchase of the Bech building?

[1] OJ No S 249, 22. 12. 1993, p. 86.
[2] OJ No C 9, 15. 1. 1996, p. 43.

Answer given by Mr Liikanen
on behalf of the Commission
(27 March 1996)

The Commission is still interested in the Joseph Bech building, on which work commenced in March 1994, and is still negotiating with the builders.

The Commission would refer the Honourable Member to its answer to Written Question E-2442/95 by Mr Crampton, where it states that consultants can be employed by it in an advisory capacity for specialized, temporary assignments which, because of their technical nature, cannot be carried out by officials.

The temporary nature of the assignment was stated at the launch of the invitation to tender, specified in the contract and freely accepted by the consultants.

Most of the technical checks will be completed by May 1996 and the Commission has decided to act in accordance with the standard procedures for any building file.

The Commission feels that the consultants' performance should be evaluated at the end of the assignment although, to date, the firm has worked entirely to its satisfaction.