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# Information and Notices

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# I

*(Information)*

# EUROPEAN PARLIAMENT

## WRITTEN QUESTIONS WITH ANSWER

(97/C 60/01)

### WRITTEN QUESTION P-2982/95

**by Jan Wiebenga (ELDR) to the Council**

*(26 October 1995)*

*Subject:* Council proposals in the areas covered by Title VI of the Treaty on European Union, relating in particular to immigration, justice and home affairs in 1995

What legislative proposals in the field of immigration, justice and home affairs were tabled and adopted by the Member States within the Council in 1995, and what are the criteria governing such an excessively wide spread of legislative texts?

### Answer

*(4 December 1996)*

In the area of Title VI — JHA, and related areas, the Council adopted the following texts in 1995:

A. — Council Resolution on minimum guarantees for asylum procedures (OJ C 274, 19.9.1996, p.13)

— Council Recommendation on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements (OJ C 274, 19.9.1996, p.25)

— Council Resolution (95/C 262/01) on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis

— Resolution (95/C 327/04) on the protection of witnesses in the framework of the fight against international organized crime

— Recommendation on concerted action and cooperation in carrying out expulsion measures

— Council Decision on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis

— Council Recommendation concerning consular cooperation regarding visas

— Council Resolution on the status of third-country nationals residing legally in the territory of the Member States of the European Union for a long period

— Council Recommendation (96/C 5/01) on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control

— Council Resolution on the international requirements for the lawful interception of telecommunications, adopted on 17 January 1995 by the written procedure

— Council Recommendation (96/C 5/02) on concerted action and cooperation in carrying out expulsion measures, adotped on 22 December 1995 and published in OJ C 5 of 10.1.1996, p.3

— Council Decision (96/C 11/01) on monitoring the implementation of instruments already adopted concerning admission of third-country nationals, adopted on 22 December 1995 and published in OJ C 11 of 16.1.1996.

B. — Joint action of 10 March 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the Europol Drugs Union (published in OJ L 62 of 20.3.1995)

— Act drawing up the Convention on simplified extradition procedure between the Member States of the European Union (the Convention was signed by the fifteen Member States in Brussels on 10 March 1995, at the time of the JHA Council and published in OJ C 78 of 30.3.1995).

— Council Act drawing up the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention); this Convention was adopted by the written procedure and signed by the Representatives of the Member States on 26 July 1995 — published in OJ C 316 of 27.11.1995

— Council Act drawing up the Convention on the protection of the European Communities' financial interests; this Convention was adopted by the written procedure and signed by the Representatives of the Member States on 26 July 1995 — published in OJ C 316 of 27.11.1995

— Council Act drawing up the Convention on the use of information technology for customs purposes; this Convention was adopted by the written procedure and signed by the Representatives of the Member States on 26 July 1995 — published in OJ C 316 of 27.11.1995

— Financing of Title VI

— Joint Action adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on measures implementing Article K.1 of the Treaty (95/401/J11)

— Council Decision concerning the implementation of the Joint Action on measures implementing Article K.1 of the Treaty on European Union (95/402/JA1)

adopted on 25 September 1995 and published in OJ L 238 of 6.10.1995.

C. — Council Regulation (EC) No 1683/95 laying down a uniform format for visas, adopted on 29 May 1995 and published in OJ L 164 of 14.7.1995

— Agreement on provisional application between certain Member States of the European Union of the Convention drawn up on the basis of Article K.3 of the Treaty on European Union on the use of information technology for customs purposes, published in OJ C 316 of 27.11.1995

— Council Regulation (EC) No 2317/95 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States, adopted on 15 September 1995 and published in OJ L 234 of 3.10.1995.

The Council does not regard this as an excessively wide spread; the necessary progress in this area can only be made step by step.

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(97/C 60/02)

**WRITTEN QUESTION P-0162/96**

**by Freddy Blak (PSE) to the Council**

*(24 January 1996)*

*Subject:* Europol

There is some confusion concerning the extent to which it will be possible, pursuant to the Europol Convention, to collect highly personal data on EU citizens, including information on their sexual orientation.

It is hard to see how such information can help 'improve the effectiveness and cooperation of the competent authorities in the Member States in preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime'.

Although the Italian Presidency is taking a firmer line than the Spanish Presidency did on the recording and protection of data, it is not at all clear what sort of information is to be recorded.

Will the Council explain the scope of the data to be recorded pursuant to the Convention and say for definite whether information on the sexual orientation of European citizens will be collected?

**Answer**

*(29 November 1996)*

The Europol Convention does authorize the collection, processing and utilization of sensitive personal data, for example information on a person's sex life, as referred to in the question, but only under strict conditions.

In accordance with Article 10 of the Europol Convention, the collection, storage and processing of the data listed in the first sentence of Article 6 of the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data is not permitted unless strictly necessary for the purposes of the file concerned and unless such date supplement other personal data already entered in that file. It is further more prohibited to select a particular group of persons solely on the basis of such data in breach of the aforementioned rules with regard to purpose. This Article is fully compatible with the principles of the Council of Europe Convention of 28 January 1981 and Recommendation No R(87) 15 of the Committee of Ministers of the Council of Europe of 17 September 1987.

The Europol Convention does not however rule out the possibility that, for the purposes of preventing and combating certain serious forms of international crime, such as organized forms of trafficking in human beings, it may be necessary in particular cases to collect certain sensitive data concerning, for example, the sex life of certain persons. But this can only apply if such data are supplementary to other personal data and are strictly necessary for the purpose of creating a specific file.

To enable Europol to start up, when the Convention is ratified, the Council is currently examining the text of the implementing measures which it will have to adopt.

A draft of the implementing rules to be adopted by the Council on analytical files is under examination. The Irish Presidency plans to conclude the work in the last quarter of 1996.

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(97/C 60/03)

**WRITTEN QUESTION E-1536/96**

**by Nikitas Kaklamanis (UPE) to the Council**

*(25 June 1996)*

*Subject:* Interpretation into all EU languages

It has been reported that, in certain Council working parties, interpretation is not provided into all official languages of the European Union but only into some of them.

Is this in fact the case and is such a measure intended to cut costs? If so, can the Council give reasons for this one-sided discrimination at the expense of European linguistic diversity at a time when ECU 50 million are being earmarked for a publicity campaign?

**Answer**

*(29 November 1996)*

In principle, all meetings have interpretation into all the official languages.

In practice, while endeavouring to provide interpretation into all official languages for all meetings (1), the Council finds it difficult to call on a sufficient number of interpreters to provide interpretation from and into all languages at all meetings.

The resources of the Joint Interpreting and Conference Service, which is responsible for providing interpreters for the Council and the Commission, are such that it can provide the Council with no more than thirteen teams a day — not all of them full teams. Interpretation into and from all languages at all meetings is thus not always feasible.

The Council is endeavouring to achieve a situation in which, as is right, the teams needed to provided interpretation both to and from the 11 official languages can be set up.

(1) For COREPER meetings, in accordance with long-standing practice, simultaneous interpretation is in three languages only.

(97/C 60/04)

**WRITTEN QUESTION E-1592/96**

**by Hugh McMahon (PSE) to the Commission**

*(24 June 1996)*

*Subject:* EU action on behalf of older people

Can the Commission outline its plans for a follow-up to the European Social Forum? What arrangements are being made to include non-governmental organizations in the formulation of EU social policy?

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

*(9 September 1996)*

The Commission is considering the most appropriate measures for realising the aims set out in Declaration No 23 on cooperation with charitable associations, annexed to the EC Treaty.

The medium-term social action programme approved by the Commission in April 1995 [1] already stated that, without prejudice to the role played by the social partners, a forum on social policy would be organised periodically with the participation of as many interested parties as possible, especially voluntary organisations.

Following this, and given the interest aroused by the forum organised in March 1996, a second forum could be held after the end of the current intergovernmental conference.

[1] COM(95) 134 final.

(97/C 60/05)

**WRITTEN QUESTION E-1639/96**

**by Richard Howitt (PSE) to the Commission**

*(24 June 1996)*

*Subject:* Industrial hemp

In the light of the Commission's proactive approach to sustainable development as outlined in the 1992 action programme 'Towards sustainability', has the Commission carried out or funded any studies into the potential use of industrial hemp in the car industry for parts currently manufactured with plastics, oils, etc.?

Given that the Commission has stressed the necessity of further developing eligibility and selection criteria for Structural fund projects which reflect environmental sustainability in areas such as waste minimization and energy saving would it in principle fund projects exploring the potential of industrial hemp?

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

*(17 September 1996)*

Three activities, including a study into the potential of industrial hemp, have recently been financed under the Community's framework programme for research and technological development (RTD).

As part of the 'Air' programme (1990-1994), a demonstration project (No Air 92-367) entitled 'Demonstration of new harvesting and breakdown processes for flax and hemp short fibres' included activities to improve harvesting techniques and develop processes for extracting short fibres by steam explosion and enzyme treatment.

The 'Fair' programme (1994-1998) financed a research project (No 95-396) entitled 'Hemp for Europe — manufacturing and producing systems', the main aims of which are to stimulate hemp-growing in the Community through agronomic improvements (e.g. plant-health and the development of cultivars containing almost no psychoactive compounds).

The same programme included another research project (No 95-195) entitled 'Annulation fibre reinforced polypropylene composite for industrial applications: development of a quality controlled fibre production chain', which aims to stimulate the industrial use of annual fibre crops which can be grown in the Member States, especially indigenous crops like flax and hemp, to develop and improve (pre)treatment and processing methods for annual fibres to adapt them to function as reinforcers in composites with the synthetic thermoplastic polypropylene and to develop a composite material composed of polypropylene, isotropically reinforced by randomly oriented annual fibres for use in industrial applications particularly automotive components. These aims will be pursued by an integrated approach covering the complete production chain, including fibre production, fibre opening, fibre treatment, matrix treatment, compounding process and production of prototype parts from composite materials.

Criteria of major importance, apart from the material properties, will be the environmental impact and costs of the individual process steps as well as the integrated processing chain. The target material can be processed by extrusion and injection moulding which are the most important techniques in the plastic industry. Currently, there are no commercial thermoplastic polymer composites which are actually reinforced by lignocellulosic sources but can also be processed by such techniques.

The Commission has given no structural fund or research programme financing into the possibilities of using hemp in car making. It will, however, give careful consideration to any projects put forward by either the car parts or hemp industries for Community support. Any related study should include not only purely technical aspects (amount of hemp produced, existence of industrial processes, suitability for use, environmental advantages) but also a market study highlighting the economic value of outlets (acceptability of relative costs, impact on the industrial sector, attractiveness for customers). Any study would therefore have to include the views of users (manufacturers of parts, vehicles and bodywork).

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(97/C 60/06)

## WRITTEN QUESTION P-1643/96

**by Konstantinos Hatzidakis (PPE) to the Council**

*(11 June 1996)*

*Subject:* Doubts expressed by Turkey about the Greek character of Gavdos

At a meeting of NATO's military committee in Naples, Turkey went so far as to cast doubt officially on the Greek character of Gavdos, a small island with 300 inhabitants which lies off the south-western coast of Crete and is the most southerly point of the European Union. Given that Turkish aggressiveness towards Greece, a Member State of the Union, is constantly escalating and assuming ever more improbable dimensions, will the Council say how it views this particular matter, and what measures it intends to take to prevail upon Turkey finally to cease constantly and systematically disrupting the political climate in this sensitive part of the Mediterranean?

### Answer

*(29 November 1996)*

The Foreign Minister of Turkey stated on 7 June that the Turkish objection was made on the grounds that the inclusion of Gavdos in the NATO-AFSOUTH exercise had been made at the last minute and explained that the objection was of a technical military nature, without any political connotation. To date Turkey has not withdrawn this objection.

Concerned about Greek-Turkish relations, the Council would point out that the basis for the process of rapprochement of Turkey to the European Union is observance of the rule of law, of fundamental freedoms and human rights, of international law and international treaties as well as of the sovereignty and territorial integrity of the Member States and of Turkey. As stated in the declaration adopted by the General Affairs Council (in Brussels on 15 July 1996) on the matter raised by Turkey, any problems arising from territorial claims must be submitted to the International Court of Justice in The Hague.

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(97/C 60/07)

**WRITTEN QUESTION E-1734/96**

**by Mihail Papayannakis (GUE/NGL) to the Council**

*(5 July 1996)*

*Subject:* Colonization of the island of Imbros

In its answer to my Oral Question No. H-0464/95 (1), the Council states that '...the human rights situation in Turkey, including the question of communities' rights, remains an issue of concern to the European Union, which spares no efforts to emphasize this to the Turkish authorities in all the possible contexts. The Union encourages the resolving of problems of ethnic groups, including that of Imbros, on the basis of the principles of the rule of law and the international commitments of the parties concerned.'

In the context of its vigorous efforts to resolve the problems of ethnic groups, is the Council responding, on the basis of the principles of the rule of law and the international commitments of the parties concerned, to the new Turkish policy of colonizing the island of Imbros which includes confiscating the property of the people of Imbros, abolishing their right of inheritance and other measures which are certainly not consistent with civil law or with Article 14 of the Treaty of Lausanne, which provides for the self-administration and protection of the indigenous Greek community and its property?

(1) Debates of the European Parliament No. 4-466 (July 1995).

(97/C 60/08)

**WRITTEN QUESTION E-2179/96**

**by Josu Imaz San Miguel (PPE) to the Council**

*(13 August 1996)*

*Subject:* Human rights in Kurdistan

The Turkish state is continuing to violate the rights of the Kurdish people. The most recent series of measures by the Turks against any expression of Kurdish identity has been the systematic campaign against MED-TV.

MED-TV was an instrument for the dissemination and maintenance of Kurdish language and culture and the Turkish Government reacted by closing down the television station after using police repression against viewers and banning broadcasts in public places.

The closure of MED-TV is a further illustration of the Turkish Government's unwillingness to respect human rights, as is the continuing imprisonment of many members of the HADEP Party, the Kurdish People's Democracy Party.

In the light of these possible violations of basic human rights and the fact that respect for human rights is an implicit condition for the development of the customs union with Turkey, what measures is the Council taking to ensure monitoring of compliance with human rights in Turkey, particularly the rights of the Kurdish people?

Will the Council suspend further development of the customs union with Turkey as a precautionary measure if monitoring of respect for human rights confirms that these violations have occurred?

(97/C 60/09)

**WRITTEN QUESTION P-2331/96**

**by Alexandros Alavanos (GUE/NGL) to the Council**

*(27 August 1996)*

*Subject:* Conditions of detention of political prisoners in Turkey and deportations from that country

International humanitarian organizations have repeatedly condemned the inhuman conditions of detention of political prisoners in Turkish prisons. The 220 prisoners on hunger strike in 37 Turkish prisons are demanding improvements in their conditions of detention, and an end to the regime of terror — especially in the prisons of Erzurum and Diyarbakir and to the secret extra-judicial executions, the pressurizing of relatives, the transfers of prisoners under inhuman conditions etc. Three hunger strikers have already died and the others are close to death, but the Turkish state remains unmoved.

In connection with these events, a team of foreign observers, including Heidi Lippmann-Kastell, a Member of Parliament for Hanover, who attempted to enter into contact with the hunger strikers in the prison of Bayram Pasha in Istanbul, were arrested on 1 July 1996, maltreated by the anti-terrorist service and deported from Turkey on absurd charges.

What does the Council intend to do to put an end to the inhuman conditions of detention of political prisoners in Turkey so as to prevent any more deaths among the hunger strikers? What does it intend to do to stop the unacceptable practice of deporting members of humanitarian organizations visiting Turkey?

(97/C 60/10)

**WRITTEN QUESTION E-2341/96**

**by Joaquim Miranda (GUE/NGL), Sérgio Ribeiro (GUE/NGL) and Honório Novo (GUE/NGL) to the Council**

*(27 August 1996)*

*Subject:* Human rights in Turkey

In view of reports in the last few days of the tragic death of political prisoners in Turkey following their hunger strike to protest against prison conditions, the acts of torture inflicted on prisoners and the persecution of their families; given that there are some 300 prisoners in this situation and that further deaths are to be expected;

in view of the recent Customs Union Agreement between the European Union and Turkey;

in view of previous resolutions, which clearly set out the conditions to be met by the Turkish Government with respect to human rights;

how does the Council intend to react to this blatant failure to respect the conditions laid down and the violation of human rights and basic democratic freedoms, in accordance with the positions it has adopted?

(97/C 60/11)

**WRITTEN QUESTION E-2353/96**

**by Graham Watson (ELDR) to the Council**

*(27 August 1996)*

*Subject:* Human rights in Turkey

In the light of the Guclukonak massacre and other extrajudicial killings, what actions does the Council propose to take to ensure access by international agencies such as the International Committee of the Red Cross to South East Turkey in order to monitor the human rights situation and to ensure compliance with both common Article 3 of the Geneva Conventions, and the OSCE's Code of Conduct on Politico-Military Aspects of Security?

**Joint answer**
**to Written Questions E-1734/96, E-2179/96, P-2331/96, E-2341/96 and E-2353/96**

*(29 November 1996)*

The Council has more than once made it clear to the Turkish authorities, and will continue to do so, that observance of the rule of law and of fundamental freedoms is the basis for closer relations between Turkey and the EU. The Council attaches the greatest importance to respect for human rights and democracy in Turkey and does not hesitate to condemn violations of them in its contacts with the Turkish authorities. The Council gives it support to visits by members of humanitarian organisations to Turkey.

With a view to long-term measures, the Council has duly noted that, having given its assent, the European Parliament adopted a resolution on the human rights situation in Turkey, which, inter alia, calls on the Commission and the Council to monitor permanently human rights and democratic development in Turkey and requested the Commission to present a report on the situation to the EP at least once a year. The Council is continuing to monitor carefully the human rights situation and democratic development in Turkey, including the situation of political prisoners.

(97/C 60/12)

## WRITTEN QUESTION E-1742/96

**by Ana Miranda de Lage (PSE) to the Council**

*(5 July 1996)*

*Subject:* Opposition to the application of the Helms-Burton law

On 24 May 1996 Parliament adopted a resolution (B4-0658/96) condemning the Helms-Burton law and calling for a Community regulation instituting legislation against the boycott ('blocking statute').

Parliament called on the Commission to submit a proposal to the Council.

Since then, the US Administration has taken the first steps in application of the law. A major Italian company has received a letter informing it that its senior members are banned from entering US territory. It has been announced hat other companies will receive similar letters in the next few days.

As a question of principle is at stake, it appears obvious that the adoption of a Community instrument should be preceded by a political debate.

Does the Council intend to include this subject on its agenda?

### Answer

*(29 November 1996)*

At its session of 15 July 1996, the Council approved conclusions concerning the Helms-Burton Act. In these conclusions the Council identified a range of measures which could be deployed by the EU in response to the damage to the interests of EU companies resulting from the implementation of the Act. Among these are the following:

— a move to a WTO dispute settlement panel;

— changes in the procedures governing entry by representatives of US companies to EU Member States;

— the use/introduction of legislation within the EU to neutralise the extraterritorial effects of the US legislation;

— the establishment of a watch list of US companies filing Title III actions.

The competent bodies of the Community and its Member States, are currently examining these measures.

The 1 October General Affairs Council reviewed the preparations for urgent Community and coordinated national action in respect of the range of measures identified at its July meeting. It decided to take rapidly all the necessary measures to counter the extraterritorial effects of this law.

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(97/C 60/13)

## WRITTEN QUESTION E-1761/96

**by Eva Kjer Hansen (ELDR) to the Commission**

*(3 July 1996)*

*Subject:* Commission's failure to apply Article 171(2) in regard to environmental matters

When will the Commission make use, for the first time, of the right to impose fines (pursuant to Article 171(2)) on Member States which the Court of Justice has found to be in breach of Community law but which have not complied with the Court's judgment?

When will the Commission impose fines on the following countries which have all been adjudged, pursuant to Article 171, as failing to implement Community law?

— The Netherlands, judgment of 17 September 1987 concerning protection of ground water,

— Belgium, judgment of 14 January 1988 concerning protection of ground water,

— Belgium, judgment of 4 June 1987 concerning biological control,

- Germany, judgment of 3 July 1990 concerning protection of wild birds,
- Belgium, judgment of 5 July 1990 concerning protection of drinking water,
- Germany, judgment of 30 June 1991 concerning air quality,
- Italy, judgment of 13 December 1990 concerning surplus zinc ore,
- Belgium, judgment of 13 June 1990 concerning destruction of waste,
- Luxembourg, judgment of 25 July 1991 concerning packaging of foodstuffs,
- Belgium, judgment of 11 June 1991 concerning drinking water,
- Italy, judgment of 13 December 1991 concerning toxic and hazardous waste,
- Spain, judgment of 10 December 1991 concerning packaging of foodstuffs,
- Greece, judgment of 7 April 1991 concerning toxic and hazardous waste,
- Belgium, judgment of 5 May 1993 concerning ground water,
- Germany, judgment of 10 May 1995 concerning toxic and hazardous waste,
- Germany, judgment of 11 August 1995 concerning environmental impact assessment,
- Belgium, judgment of 2 May 1996 concerning environmental impact assessment.

**Supplementary answer given by Mrs Bjerregaard on behalf of the Commission**

*(7 October 1996)*

Further to its reply of 17 July 1996, the Commission, after investigation, can now provide the Honourable Member with the following information.

At present, a number of cases in the field of the environment are in principle ripe for a decision to bring them before the Court of Justice pursuant to Article 171(2) of the EC Treaty.

However, as these cases are among the first in which this provision will be applied and therefore are of great general importance for the practice of the Commission in future cases, extensive consultations within the Commission are necessary in order to ensure a coherent approach on the criteria and methods for calculating the amount of the lump sum or penalty payment in such cases. For this reason, no decision could yet been taken in these cases. However, there are good prospects that a solution will be found before the end of 1996.

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(97/C 60/14)

**WRITTEN QUESTION E-1770/96**

**by Robin Teverson (ELDR) to the Commission**

*(3 July 1996)*

*Subject:* Single net rule

Following my previous Oral Question to the Commission (H-0485/95) ([1]), is the Commission aware of the increasing concern within the fishing industry, that nets found on Community vessels cannot be declared illegal by fisheries inspectors unless they are in the process of being used to catch species for which the nets are inadmissible? In the interests of effective and clearly defined enforcement rules, will the Commission reconsider the introduction of a single net rule?

([1]) EP Debates No 4-466 (July 1995).

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

*(6 September 1996)*

The Commission is fully aware of the situation as regards controls on nets described by the Honourable Member. In the interests of effective and clearly defined enforcement rules the Commission would very much like to see a one-net rule introduced (more precisely to be called a one mesh-size rule). Over the past few years, however, it has become clear to the Commission that, for a number of reasons, the Council will not be in a position to adopt such a rule.

In lieu of what it considers would be the best solution, the Commission has now introduced into its new proposal on technical conservation measures a two-net-rule (more precisely to be called a two mesh-size rule) [1]. According to this rule it will only be allowed to carry on board or to use towed nets of two different minimum mesh sizes, if the composition of the catch retained on board is in accordance with a number of more stringent requirements that would apply when only one mesh size would be kept on board. The new proposal has yet to be discussed by the Council and Parliament.

[1] Article 9 of proposal for a Council Regulation (EC) laying down certain technical measures for the conservation of fishery resources; COM(96) 296 final.

(97/C 60/15)

## WRITTEN QUESTION E-1821/96

**by Nel van Dijk (V) to the Commission**

*(5 July 1996)*

*Subject:* A51 motorway and infringement of Birds Directive

In the region where the French government has arranged for the construction of the motorway connection from Grenoble to Sisteron, a large number of protected bird species are known to have their habitat. Council Directive 79/409/EEC [1] lays down the highest level of protection (Annex I) for the following birds, all of which are to be found in the region concerned: the Eagle owl (Bubo bubo), the Red-backed shrike (Lanius collurio), the Kite (Milvus milvus), the Short-toed eagle (Circaerus gallicus), the Ortolan bunting (Emberiza hortulana), the Honey buzzard (Pernis apivorus), the Black kite (Milvus migrans), the Montagu's harrier (Circus pygargus), the Corncrake (Crex crex), the Nightjar (Caprimulgus europaeus), the Black woodpecker (Dryocopus martius), the Woodlark (Lullula arborea) and the Peregrine (Falco peregrinus). It has been definitively established that the first two of the above bird species are present on the route already mapped out for the A51. The same is assumed to apply to more protected species. It is therefore all the more unacceptable that the environmental impact assessment makes no reference to these.

1. Does the Commission agree that construction of the A51 motorway infringes Council Directive 79/409/EEC since the abovementioned bird species are to be found in the area concerned and at least two of those species have their habitat on the proposed route of the motorway itself?

2. What action will the Commission take to guarantee compliance with the Birds Directive?

[1] OJ L 103, 25 April 1979, p. 1.

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

*(1 October 1996)*

According to the Commission's information the planned route of the A51 will not affect any special protection areas designated under Directive 79/409/EEC or any areas identified by scientists as being of Community importance for birds.

The Commission therefore feels it has no grounds for intervening in this project under Directive 79/409/EEC.

However, if the Honourable Member has information suggesting otherwise, the Commission would like to be informed.

(97/C 60/16)

**WRITTEN QUESTION E-1826/96**

**by Ana Miranda de Lage (PSE) to the Council**

*(8 July 1996)*

*Subject:* Absurdity of earmarking EDF resources for ACP countries

Owing to the difficulties preventing swift ratification of the Financial Protocol 1995-2000 of the Lomé IV Convention, compensation for the export of specific products originating in ACP countries in the 1995 budgetary year is going to be paid by means of an advance on funds earmarked for Sudan in previous export years.

This odd situation highlights the absurdity of earmarking EDF resources for ACP countries in respect of which cooperation has been suspended de iure or de facto.

How long are EDF rules going to permit absurd situations such as the one described above to continue, and what repercussions do they have for the effective utilization of funds earmarked for cooperation with ACP countries under the Lomé Convention?

**Answer**

*(29 November 1996)*

On 28 June 1996 the ACP-EC Council of Ministers adopted the Decision concerning the financing of STABEX transfers for the 1995 year of application from the funds earmarked for Sudan in previous years of application. This constitutes an advance from the funds of the 8th EDF, which will only become available when the Agreement amending the Fourth ACP-EEC Convention and therefore the Second Financial Protocol have been ratified.

It should be noted that these funds are being temporarily deducted from funds unused under the arrangements in the First Financial Protocol to the Fourth Convention.

Article 1(3) of the aforementioned Decision states that 'upon ratification of the Second Financial Protocol, transfers thus deducted will be again made available to the ACP States by payment to the STABEX account referred to in Article 192 of the Lomé Convention'.

The Honourable Member should moreover note that in the revised Fourth Convention a new paragraph 4 has been added to Article 193 stating that 'amounts accruing from the application of the first subparagraph of Article 366a(3)' (suspension clause) will constitute one of the elements making up the resources available for each year of application of STABEX.

As for the question of the effective utilization of appropriations earmarked for cooperation with the ACP countries, it should be noted that the revised Fourth Lomé Convention introduces a number of significant innovations to programming procedures and in particular Articles 254(3) 281 and 282.

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(97/C 60/17)

**WRITTEN QUESTION E-1846/96**

**by Joan Colom i Naval (PSE) to the Council**

*(8 July 1996)*

*Subject:* Joint consular services

In the context of the development of the Treaty on European Union, has the Council studied the possibility of setting up joint consular services in third countries, given that this could lead to considerable savings for the Member States?

**Answer**

*(4 December 1996)*

The regrouping of diplomatic missions, including consular services, has been the subject of a common position dated 6.10.95, based on article j.2 of the Treaty on the European Union, within the framework of the CFSP.

A general memorandum concerning joint diplomatic and consular missions was signed on 21/02/96.

The issue is a regular topic of conversation within the framework of the CFSP (see annex).

*ANNEX*

**Co-location projects**

| Country | City | Missions participating in project | Interest in project | Status of project |
|---|---|---|---|---|
| Angola | Luanda | | Cion., E, I, NL, B, D | |
| Armenia | Yerewan | | UK | |
| Azerbaijan | Baku | | F | |
| Belarus | Minsk | I, UK | | operational since 1995 |
| Bosnia-Hercegovina | Sarajevo | | I, Cion. | |
| Bulgaria | Sofia | | (*) | |
| China | Shanghai | | A, FIN | |
| China | Canton | | NL | |
| Ecuador | Quito | | D, UK | |
| Erithrea | Asmara | | (*) | |
| Georgia | Tiblissi | | UK, Cion. | |
| Germany | Berlin | | B, NL | |
| Iceland | Reykjavik | D, UK | | operational |
| Kazakhstan | Almaty | D, F, UK | | operational since 1993 |
| Kazakhstan | Akmola | | | under evaluation, depending on the transfer of government from Almaty to Akmola. Some associated countries have declared their interest in participation. |
| Lebanon | Beirut | | A, D | |
| Libya | Ras Lanouf | | | under evaluation, depending on the transfer of the Libyan MFA from Tripoli |
| Nigeria | Abuja | A, B, DK, D, GR, E, F, FIN, I, IRL, NL, P, S, Cion. | | planned (scheme design in preparation) Memorandum of understanding signed by Foreign Ministers on 18.04.1994 (cf. doc. 5525/94 PESC 67); adhesion of A, FIN, S with supplementary protocol (doc. 12792 PESC 351 COADM 9) signed 21.02.1996 |
| Russia | St. Petersburg | | (*) | |
| Slovakia | Bratislava | | B, E, NL, S, Cion. | |
| Somalia | Magadishu | | (*) | |
| Switzerland | Geneva | | Cion | |
| Tanzania | Dar-Es-Salam | | D, NL, UK, Cion. | |
| Ukraine | Kiev | | (*) | |
| Vietnam | Hanoi | | A, E, Cion. | |
| Zaire | Kinshasa | NL, UK | | |

(*) identified as being of potential interest

(97/C 60/18)

**WRITTEN QUESTION E-1848/96**

**by Sebastiano Musumeci (NI) to the Commission**

*(5 July 1996)*

*Subject:* Measures to safeguard Sicilian popular theatre and puppet theatre

Sicilian puppet theatre, an original form of art of great cultural value, has for some time been faced with a serious crisis, and its very survival is threatened. In the post-war period at least 25 puppet theatres operated in Palermo alone; now there are only three. The puppet theatre at Trapani practically disappeared some 15 years ago. At Caltanissetta there has been no trace of any such artistic activity since the 60s, and at Caltagirone and Sortino the dissolution of the company owned by the two celebrated puppeteers Gesulado Pepe and Ignazio Puglisi following their death has wiped out any memory of this type of popular theatre.

1. Will the Commission take steps to guarantee the revival and survival of puppet theatre as a symbol of the culture and history of Sicily and thus of Europe?
2. Will the Commission draw up rules to support and protect not only puppet theatre, but Sicilian dialect theatre as a whole?
3. Will the Commission propose a Community programme that involves schools and tourist boards in the safeguarding of dialect theatre and puppet theatre?

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

*(16 September 1996)*

The Community supports the theatre through the Kaleidoscope programme adopted on 29 March 1996. (1)

Certain conditions have to be met in order to receive Community support. These conditions are given in the calls for proposals published in the Official Journal; they include the European dimension (co-organization and participation of operators from three Member States at least), quality and the exemplary nature of the project.

The Commission, which has not so far been notified of a project relating to the Pupi theatre, recalls that the aim of its support, as part of its cultural action under Article 128 of the EC Treaty, is to encourage cooperation between Member States and, where necessary, to support and supplement their measures. On that basis, it cannot provide specific support for the Sicilian popular theatre.

(1) Parliament and Council Decision No 719/96/EC, OJ L 99, 20.4.1996.

(97/C 60/19)

**WRITTEN QUESTION E-1854/96**

**by Cristiana Muscardini (NI) to the Commission**

*(5 July 1996)*

*Subject:* Elections in Albania

Reports of election-rigging that allegedly invalidated the elections in Albania prompted the Albanian authorities to repeat the voting operations under the control of a committee of international observers.

The final report by the international observers seemingly confirms that the elections were properly conducted and that the electoral committees carried out their tasks correctly.

Is the Commission aware of irregularities during the elections in Albania?

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

*(5 September 1996)*

The final report published on 12 June by the Organization for Security and Cooperation in Europe (OSCE) confirms a number of irregularities, especially during the first round of Albania's parliamentary elections

on 26 May, which can be considered to have had a decisive effect on the outcome of these elections. The Commission knows of no irregularities during the rerun in 17 of the country's constituencies on 16 June, which was boycotted by the major opposition parties. The Commission nevertheless regrets that the informal approaches made by the Union and the United States to the Albanian government concerning the postponement of this partial rerun went unheeded. The partial rerun meant that no account could be taken of the conclusions or recommendations of the OSCE report; it also meant that official OSCE observer mission could be organized.

In the light of what it knows of the Albanian elections, the Commission feels that the partial rerun of the elections on 16 June was undoubtedly a step in the right direction. It was, however, carried out with excessive haste and is not in itself enough to restore confidence in the country's democratic process.

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(97/C 60/20)

**WRITTEN QUESTION E-1873/96**

**by Glenys Kinnock (PSE) to the Council**

*(12 July 1996)*

*Subject:* Implementation of European arms export control criteria 1991/1992

What progress has the Council working group on conventional arms (COARM) made in reviewing the implementation in each Member State of the eight European criteria on arms exports? Would the Council indicate when a full report and debate will be held on the findings of COARM in the Council of Ministers? What measures will the Council take if the findings of COARM reveal that the eight arms export control criteria are being implemented in a contradictory manner by Member States?

**Answer**

*(29 November 1996)*

The Working Group on Conventional Arms exports is still examining the questions related to the interpretation and the implementation of the eight criteria which have been defined by the European Council and which national export policies should comply with The Working Group will report to the Political Committee which will advise on any further step.

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(97/C 60/21)

**WRITTEN QUESTION E-1888/96**

**by Luigi Florio (UPE) to the Council**

*(12 July 1996)*

*Subject:* Buildings used by the Council of Ministers of the EU

Can the Council say:

1. How many buildings it occupies at present with its various offices in the various Member States of the EU?
2. How many buildings it occupies at present in countries outside the EU?
3. Where these buildings are (the addresses) and how big the offices referred to under points 1 and 2 are?
4. For what purpose each office is used?
5. Whether the Council owns or rents the buildings?
6. How much it had to pay in 1994 and 1995 for the buildings it does not own?
7. How many people work in each building?

8. How much the telephone charges were for each building in 1994 and 1995?

9. How much it paid for electricity for each building in 1994 and 1995?

**Answer**

*(29 November 1996)*

As can be seen from the attached table, the Council occupies six buildings in all: three in Belgium, one in Luxembourg, one in Geneva and one in New York. The addresses and sizes of these buildings are shown in the table, together with the use to which they are put and the basis on which they are occupied by the Council.

With regard to occupation costs, telephone and electricity charges and the number of people working in the buildings, the Council does not have a breakdown of figures by building, but only an overall figure for all the buildings together, broken down by the type of information requested (see table). (1)

*ANNEX*

| Buildings occupied | | Gross off-ground surface area in m² | Use | Owned/Rented |
|---|---|---|---|---|
| **MEMBER STATES** | | | | |
| B-1048 Bruxelles | 175, rue de la Loi | 140 000 | Offices and meetings | owned |
| B-1000 Bruxelles | 10, Square Frère Orban | 11 100 | Offices | rented |
| B-3090 Overijse | 321, Chaussée de Bruxelles | 3 700 | Warehousing | rented |
| L-1499 Luxembourg | Centre Européen, Kirchberg | 7 100 | Offices and meetings | rented |
| **THIRD COUNTRIES** | | | | |
| CH-1211 Genéve | Chemin Louis Dunant, 2 | 1 900 | Offices and meetings | rented |
| USA-10017 New York | 346 East 46th Street, 6th Floor | 1 200 | Offices and meetings | rented |

| Inseparable elements Total all buildings together in ecus | | |
|---|---|---|
| | 1994 | 1995 |
| Rents | 15 699 600 | 10 847 000 |
| Number of officials | 2 304 | 2 379 |
| Telecom | 1 995 000 | 2 940 000 |
| Electricity | 802 300 | 1 083 000 |

(1) The difference between telephone costs in 1994 and 1995 is connected with the move to the new Council building at 175 rue de la Loi (connection charges).

(97/C 60/22)

**WRITTEN QUESTION E-1901/96**

**by Wolfgang Kreissl-Dörfler (V) to the Commission**

*(11 July 1996)*

*Subject:* Environmental damage caused by the destruction of surplus fruit and vegetables

According to a report by the Court of Auditors, environmental damage is being caused by the destruction of surplus fruit and vegetables in the Community, principally in Spain, Italy, Greece and France.

In which regions, districts and municipalities of each country has the destruction of produce caused environmental damage? What kind of damage has occurred?

Has any impact of the destruction of surplus produce on surface water and ground water been observed and investigated? If so, in which precise regions, municipalities and countries? What exactly was investigated, and how should the results be assessed?

In which municipalities, regions and countries are efforts being made to remedy the environmental damage which has been caused?

(97/C 60/23)

**WRITTEN QUESTION E-1902/96**

**by Wolfgang Kreissl-Dörfler (V) to the Commission**

*(11 July 1996)*

*Subject:* Destruction of surplus fruit and vegetables in the Community

A surplus of fruit and vegetables is produced in the Community. According to a report by the Court of Auditors, 60% of the produce which is withdrawn from sale is destroyed, principally in Italy, Greece, Spain and France.

In which regions, districts and municipalities of these countries have fruit and vegetables been destroyed?

What methods of destruction are used in each region, district and municipality?

How is the produce prepared for destruction?

(97/C 60/24)

**WRITTEN QUESTION E-1903/96**

**by Wolfgang Kreissl-Dörfler (V) to the Commission**

*(11 July 1996)*

*Subject:* Cost of remedying environmental damage caused by the destruction of fruit and vegetables in the Community

Environmental damage is caused when surplus fruit and vegetables are destroyed in Italy, Greece, Spain and France. Remedying this damage is expensive.

What costs are incurred in restoring the environment?

Which municipalities, regions and countries have introduced environmental taxes for the destruction of fruit and vegetables? Who has to pay the taxes, and who levies them?

Are funds made available from the Community budget for remedying environmental damage caused by the destruction of fruit and vegetables? If so, since when and how much?

**Joint answer**
**to Written Questions E-1901/96, E-1902/96 and E-1903/96**
**given by Mr Fischler on behalf of the Commission**

*(1 October 1996)*

The Commission would preface its remarks by reminding the Honourable Member of the circumstances in which fruit and vegetables may be destroyed in accordance with the rules governing the common organization of the market in that sector. Fresh fruit and vegetables are highly perishable produce and crops are strongly affected by the weather, so that short-term gluts on occasion are inevitable. In framing a management policy for this sector, therefore, the Community ensured that the relevant regulation provided for the regulation of supply as a means of controlling price fluctuations and thereby stabilizing both growers' incomes and consumer prices.

Where market stability is threatened by surpluses, therefore, producer organizations are allowed to restore the balance of supply and demand by withdrawing goods from the market. The facility applies to just fourteen types of fruit and vegetables, but its abolition would mean growers facing considerable losses, with adverse consequences for rural development, in particular making it less attractive to cultivate land which may have no alternative economic use. It could even result in damage to the environment, in that there would be no control over the disposal of surpluses.

Only a small percentage of the total Community crop is withdrawn from the market, though as the Commission admitted in its Communication to the Council and Parliament [1] on the future of Community policy in this sector, where production costs are particularly low it appears that withdrawal may itself have become a 'market'. In the sector's own interests, such vicious circles must be broken. The reform of the common organization of the market in fruit and vegetables recently approved by the Council is intended to put a stop to such abuses.

Under the legislation in force to date (Regulation (EEC) No 1035/72) [2] products withdrawn from the market had to be distributed free of charge to charities, schools, hospital or prisons, used as animal feed or for non-food industrial purposes, or in certain circumstances processed or distilled to produce alcohol. The

reformed common organization of the market retains these requirements and further stipulates that producer organizations must develop environmentally-friendly techniques for withdrawal. Only where the produce cannot be disposed of in one of the ways listed above (and this is bound to happen sometimes because of the unpredictability of withdrawal and the perishable nature of the goods) may it be destroyed. Destruction is supervised by the authorities of the Member States, who are responsible inter alia for ensuring compliance with Community environmental legislation.

Bearing in mind the above considerations, the Commission's answers to the Honourable Member's questions are as follows:

- As the withdrawal of produce is organized by producer organizations themselves under the supervision of the Member States, the Commission is unaware of the places where it may be destroyed. However, it is sending the Honourable Member and Parliament's Secretariat direct the report on withdrawals during the 1992/93 marketing year, which gives figures for withdrawals broken down by producer organization.
- The Commission has not been informed by Member States of any environmental damage attributable to withdrawal.
- It has no knowledge of any eco-tax levied on the destruction of fruit and vegetables.
- No appropriations are earmarked in the Community budget for repairing environmental damage caused by the destruction of fruit and vegetables.

(1) COM(94) 360 final.
(2) OJ L 118, 20 May 1972.

(97/C 60/25)

## WRITTEN QUESTION E-1915/96

**by Reimer Böge (PPE) to the Commission**

*(16 July 1996)*

*Subject:* Concentration of demand in food retailing

The concentration of demand in food retailing is enabling ever greater pressure to be exerted by large-scale trading chains on food producers, the processing industry and small traders.

In Germany the ten biggest trading concerns share 78% of the food retailing market. In France 82.2% of money spent on food finds its way into the cash registers of the ten leading undertakings.

In France a bill that will help to safeguard the interests of farmers and food processors against this trend (bill on fairness and balance in trading relations) now awaits second reading in the National Assembly. It provides in particular for stiffer penalties for breaking the law that prohibits selling below wholesale price.

How does the Commission assess the above bill in terms of its compatibility with EU law in force, and thus also of the option for other Member States to resort to comparable measures?

### Answer given by Mr Monti on behalf of the Commission

*(28 October 1996)*

The draft rules referred to by the Honourable Member do not affect the free movement of goods. The Commission would point out that, according to the case-law of the Court of Justice, (1) a prohibition on resale at a loss constitutes a condition of the sale. Such prohibition is not caught by Article 30 of the EC Treaty provided that it applies to all affected traders operating within the national territory and that it affects in the same manner, in law and in fact, the marketing of domestic products and those from other Member States.

At the moment, the Commission is not aware of any other aspects of Community law that might be affected by the above rules.

(1) Judgment of 24 November 1993 in Cases C-267 and C-268/91 *Keek and Mithouard.*

(97/C 60/26)

## WRITTEN QUESTION E-1916/96

**by Brigitte Langenhagen (PPE) to the Commission**

*(16 July 1996)*

*Subject:* Progress made with new recording equipment in road transport within the meaning of Directive (EEC) No 3821/85

At its sitting of 13 July 1995, the European Parliament approved the Commission proposal (COM(94)0323 – OJ C 243, 31 August 1994, p. 8) for a Regulation on the introduction of new recording equipment in road transport within the meaning of Directive (EEC) No 3821/85 (OJ L 370, 31 December 1985, p. 8), subject to a number of amendments. These require the introduction at the same time alongside the system proposed by the Commission (Annex IA) of additional equipment enabling the record sheet to be replaced by an on-board electronic storage system, the requirements for which are to be set out in a new Annex IB. Parliament assumed in that connection that this amendment would entail no delay, or at most a negligible delay, in introducing the new recording equipment.

The Commission meanwhile took this requirement, together with other of Parliament's amendments, into account in its amended proposal of 22 November 1995.

A number of questions evidently remain open concerning the equipment required under Annex IB, which, contrary to the original expectation, seem likely to entail a significant delay in introducing the new recording equipment. In particular, the availability of a record indisputable as a recognized basis of proof and the transfer of data from the vehicle memory with no possibility of manipulation appear to be among the questions that remain open. Similar considerations apply to the specifications for the infrastructure necessary for EU-wide harmonization of checks carried out on the road and in the undertaking. Clarification of these questions is, furthermore, a prerequisite for the adaptation of the Regulation itself to the specifications of a device as required by Annex IB.

This being so, and given the urgent need expressed on all sides to improve monitoring options, does the Commission continue to take the view that the simultaneous introduction of recording equipment in accordance with Annexes IA and IB is appropriate and the associated delay acceptable?

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

*(18 September 1996)*

The Commission proposal [1], as amended after the first reading of the Parliament [2], provides for the introduction of a new generation of tachographs, including the introduction of drivers' smart cards on which the essential data for the enforcement of Regulation 3820/85 [3] on driving hours will be stored.

It will be possible to choose between the traditional tachograph disc (1A) or a digital storage medium (1B) for the recording of details of the driving characteristics over longer periods for use during systematic on-premises controls. The Commission thinks that industry should be in a position to develop both systems, 1A and 1B, so that better control, both on the roadside and at company premises, will be possible. Introduction of new equipment, either 1A or 1B, can only be allowed by the authorities when the basic requirements in the regulations are met, thus guaranteeing compatibility and reliability.

The Commission agrees with the Honourable Member that improvement of the equipment is urgently needed and therefore looks forward to the discussion of its proposal in the Council.

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[1] COM(94) 323 – OJ C 243, 31.8.1994.
[2] COM(95) 550 – OJ C 25, 31.1.1996.
[3] OJ L 370, 31.12.1985.

(97/C 60/27)

**WRITTEN QUESTION E-1926/96**

**by Ana Miranda de Lage (PSE) to the Council**

*(17 July 1996)*

*Subject:* Delays in initiating projects funded under the EDF

The European Union has made major efforts to step up and improve the effectiveness of development cooperation in Latin America. This has substantially improved its public image in the region.

The US's budgetary problems, historical prejudice and the attitude adopted in some cases by the US administration have caused some Latin American countries to be wary of the United States.

Would the Council state what steps it intends to take with a view to ensuring that the transatlantic dialogue between the US and the EU, which is of vital importance, does not have an adverse effect on countries which have suffered more directly than others from measures such as extra-territorial laws, withdrawal of certification, and so on?

**Answer**

*(29 November 1996)*

The Council sees no connection between the Honourable Member's question and what she calls 'delays in initiating projects funded under the EDF'.

The Council is convinced that it is perfectly possible to maintain close cooperation with the United States of America at the same time as developing links between the European Union and Latin America. As the New Transatlantic Agenda notes, the challenges of today's world can be met and opportunities fully realized only by the whole international community working together. In the context of the New Transatlantic Agenda, the European Union and the United States have agreed to 'coordinate, cooperate and act jointly in development and humanitarian assistance activities.'

The European Union's very firm opposition to the United States' recent extraterritorial legislation is a well known fact.

There is an implication in the Honourable Member's question that the development of the EU's relations with the US on the one hand and the effectiveness of its development cooperation in Latin America on the other are mutually exclusive. This is not the case.

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(97/C 60/28)

**WRITTEN QUESTION E-1934/96**

**by Enrico Ferri (PPE) and Pier Casini (PPE) to the Council**

*(17 July 1996)*

*Subject:* Revision of the system and establishment of a European bank for milk quotas

Under the current milk quota allocation arrangements, which are outdated and do not reflect changing productivity patterns, Italy is severely penalized when compared with other EU Member States. Given the importance of milk production, not just for the agricultural sector itself but for the economy as a whole at both national and international levels, the relevant Community legislation should be thoroughly overhauled.

Furthermore, producers should once again be able to rely on their rights being respected, which will require the publication of the reference amounts prior to the start of each new period and a guarantee that they will not be reduced during the marketing year, which would interfere with the contractual arrangements made with the buyers.

With a view to the above, would the Council ensure that:

1. the Community institutions adopt legislation establishing a programme to restructure and re-allocate the overall amount at Community level, with a view to revising the milk quotas for Italy in accordance with the subsidiarity principle;

2. provision is made at Community level for the introduction of a self-certification system for dairy products to take the place of inspections, which will not give rise to uncertainty or speculation;

3. a European bank responsible for the milk quotas allocated to the various EU producers is established and serves as the sole point of reference with a view to the provision of genuine compensation at Community level.

**Answer**

*(4 December 1996)*

The milk quota system, which has made it possible to control production in a sector once marked by sizeable surpluses, is in place until the year 2000. Several Member States have already reported difficulties as a result of the production limits imposed on them under the system and of some of its implementing arrangements.

The Commission has already stated that it intends to have consideration given to the system to be followed in the milk sector in future as regards production, with a view to submitting a formal proposal to the Council in due course. The Commission will embark upon its work bearing in mind the various constraints to be faced by the Community, in particular the need for transparency vis-à-vis producers, forecast production and consumption in the Member States, the Community's international obligations and the budgetary guideline.

It is on the basis of the Commission's consideration of the matter and proposals that future Community policy in this area will have to be framed, with suitable instruments to ensure that the system is run in the best possible way.

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(97/C 60/29)

**WRITTEN QUESTION E-1940/96**

**by Joan Colom i Naval (PSE) to the Council**

*(17 July 1996)*

*Subject:* Integration of ECSC activities in the Community budget

The ECSC Treaty is due to expire in the year 2002. In view of this deadline, several decisions have already been taken by the High Authority, notably as regards a reduction in levies and lending and borrowing activities, and conversion aid.

However, substantial budgetary reserves should nevertheless be envisaged.

How does the Council intend to use these reserves?

What form of structure does the Council envisage for the management of these reserves within the framework of the budgetary procedure?

What is the position of the Member States in these two areas?

There are also likely to remain certain activities which the Union cannot abandon: research, social aid, market controls and the monitoring of competition.

What is the position of the Member States vis-à-vis the iron and steel and coal sectors?

Do they envisage extending the scope of sectoral measures hitherto provided for under the ECSC to cover these areas?

If so, can the Council provide the other arm of the budgetary authority with information concerning:

- the inclusion of phasing-in in the Union's budget?
- the utilization of existing instruments: the Structural Funds, Community initiatives and research and development framework programmes?
- the means it intends to use to monitor post-ECSC activities as part of joint actions?
- the increase in the financial resources of the Union due to phasing-in?

**Answer**

*(4 December 1996)*

1. With due regard for the institutional powers laid down in the ECSC Treaty, at its meeting on 22 April 1994 the Council arrived at conclusions on the future of ECSC financial activities and of the ECSC Treaty.

At the end of those conclusions the Council

- called on the Commission to reduce the levy as far as possible in order to achieve a rapid phasing out;
- took into consideration the fact that new financial facilities had recently been made available through other financial institutions, particularly the EIB;
- approved the practical measures proposed by the Commission under which new loans decided as from 1 July 1994 could not extend beyond the year 2002.

2. The Council is, however, unable at this stage to adopt a position on the various points raised by the Honourable Member until the Commission has itself completed its deliberations on the matter, particularly in the context of the 1996 Intergovernmental Conference (IGC). This applies both to the matter of any ECSC funds which might exist after expiry of the Treaty and to the new provisions to be introduced relating to research, social aid, market controls and monitoring of competition.

The Council can, however, assure the Honourable Member that it intends to continue looking into the problems in question.

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(97/C 60/30)

**WRITTEN QUESTION E-1945/96**

**by Hiltrud Breyer (V) to the Council**

*(17 July 1996)*

*Subject:* BSE and breast milk

1. Is the Council aware that studies have shown that a pregnant woman infected with Creutzfeldt-Jakob disease by the BSE pathogen was also found to have the pathogen in her breast milk?

2. How does the Council rate the danger of the transmission of the BSE pathogen by breast milk?

3. What view does the Council take of the fact that the tissue of the uterus also contained pathogens although the incubation period in the uterus is normally longer?

4. Can the Council rule out the possibility of the BSE pathogen being transmitted by breast milk?

5. Can the Council guarantee that vertical infection is impossible?

6. What studies and research findings are available to the Council?

**Answer**

*(29 November 1996)*

The Council is well aware of the seriousness of the problems related to transmissible spongiform encephalopathies (TSEs) and of the possibility of their transmission to humans. In this connection it clearly stated at its meeting on 14 May 1996 that the protection of human health must be a top priority.

As for the specific questions put by the Honourable Member on the state of scientific knowledge, the Council specifically welcomed the Commission initiative establishing the Weissmann Group and setting up a multidisciplinary scientific committee. The tasks of these two bodies include continuing research into a possible link between TSEs and some variants of Creutzfeldt-Jakob disease and providing the Commission with scientific advice in this area.

It should be pointed out that the Commission has not to date submitted a proposal nor passed on any information to the Council on the matter. However, the Honourable Member's attention is drawn to the reply given by the Commission on 15 October 1996 to the same question put by her.

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(97/C 60/31)

**WRITTEN QUESTION E-1951/96**

**by Hiltrud Breyer (V) to the Council**

*(17 July 1996)*

*Subject:* Impact of patenting seeds

What is the impact on downstream markets, such as the foodstuffs market, of patenting seeds?

(97/C 60/32)

**WRITTEN QUESTION E-1953/96**

**by Hiltrud Breyer (V) to the Council**

*(17 July 1996)*

*Subject:* Impact of patenting animals

What is the impact on the downstream market, such as the drugs market, of patenting animals?

**Joint answer**
**to Written Questions E-1951/96 and E-1953/96**

*(4 December 1996)*

The Council would remind the Honourable Member that no Community legislation on this subject exists as yet. Moreover, it is not for the Council to interpret the laws of the Member States or any international instruments which may be applicable.

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(97/C 60/33)

**WRITTEN QUESTION E-1952/96**

**by Hiltrud Breyer (V) to the Commission**

*(16 July 1996)*

*Subject:* Impact of patenting seeds

What is the impact on downstream markets, such as the foodstuffs market, of patenting seeds?

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

*(22 October 1996)*

The Commission believes that patenting seeds should, as a result of its beneficial impact on research and development, make it possible to extend the choice of food products on the market and, in some cases, enhance the nutritional value of those products. The main direct effect of patenting certain plant materials is indeed to encourage research and development in this field. The properties of such plant materials could, for example, include greater resistance to climatic change or a longer storage life after harvesting. In view of these specific characteristics, therefore, there could be an increase in the availability of food products or an improvement in processing and distribution conditions. The Commission would, of course, emphasize that the granting of a patent for seeds in no way exempts the holder from the need to comply with all marketing authorizations.

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(97/C 60/34)

**WRITTEN QUESTION E-1955/96**

**by Hiltrud Breyer (V) to the Council**

*(17 July 1996)*

*Subject:* Certification of genetically engineered seed varieties

1. Is the Council aware that transgenic plants are showing no evidence of stability?

2. Is it aware, for instance, that in the case of the herbicide-resistant maize produced by the Agrevo company, more than half the test plants show no evidence of stability within a year and the herbicide-resistant property is lost?

3. Does a certified variety yet exist which has been shown to be stable?

4. If so, which?

5. In which Member State is this variety certified?

**Answer**

*(4 December 1996)*

On 26 November 1993, the Commission referred to the Council a proposal for a Directive (COM(93) 598) amending inter alia Directives 70/457/EEC on the common catalogue of varieties of agricultural plant species, and 70/458/EEC on the marketing of vegetable seed, with a view to regulating the authorization of genetically modified varieties.

The Council has consulted the European Parliament on this subject.

The Council is awaiting the Parliament's Opinion in order to conclude its proceedings.

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(97/C 60/35)

**WRITTEN QUESTION E-1958/96**

**by Hiltrud Breyer (V) to the Commission**

*(16 July 1996)*

*Subject:* Plutonium smuggling

1. Can the Commission clarify a dispute in the case of plutonium smuggled to Munich in 1994?

2. Euratom claims to have been informed by the German Government on 10 August 1994. But the German Government claims already to have notified Euratom on 27 July 1994. Who was lying? The German Government or Euratom?

3. How does the Commission account for the fact that plutonium smuggling has occurred in only 12 Member States, and most flagrantly in Germany?

4. Can the Commission rule out the possibility that in Germany plutonium smuggling has deliberately been staged by the Federal Intelligence Agency?

(97/C 60/36)

**WRITTEN QUESTION P-2182/96**

**by Martin Schulz (PSE) to the Commission**

*(26 July 1996)*

*Subject:* Report by the Commission on the plutonium smuggling incident of 10 August 1994 in Munich, as called for by Parliament at its July I part-session

At its July I part-session, Parliament asked the Commission for a report on the plutonium smuggling incident on 10 August 1994 in Munich.

The Commission is to examine in particular to what extent the statements by Euratom and the Government of the Federal Republic of Germany disagreed as to the date when Euratom was informed about the incident by the Federal Republic.

It should also examine to what extent the Government of the Federal Republic of Germany, and possibly Euratom, had infringed European law.

When does the Commission expect to submit this report to Parliament?

**Joint answer**
**to Written Questions E-1958/96 and P-2182/96**
**given by Mr Papoutsis on behalf of the Commission**

*(14 October 1996)*

The Commission draws the attention of the Honourable Members to its statements to the Parliament on this subject, and the interventions on 16 May 1995 and on 20 June 1996, both in plenary in Strasbourg. It would also refer the Honourable Members to the answer it gave to Oral Question H-828/95 by Mr Schulz during question time at Parliament's November 1995 part-session (1).

The Commission confirms that it was informed by the German authorities on 10 August 1994 of a possible seizure of nuclear material. The Commission also confirms that in July 1994 there had been a number of communications with the German authorities. These communications concerned various aspects of illicit trafficking such as the exchange of information on cases so far, logistical arrangements and also warnings of potential seizures in order to trigger the agreed stand-by procedures, most of which turned out to be false alarms. The Commission would emphasize, however, that none of these many warnings could be identified as being related to the later seizure of nuclear material in Munich.

In conclusion, the Commission cannot identify any contradiction in the information given. It takes the view that this question relates essentially to matters of national competence since two parliamentary committees in Germany are currently investigating this affair. The Commission believes that follow up has been performed and that there is no need for a further report.

(1) Debates of the Parliament No 4-470 (November 1995).

(97/C 60/37)

**WRITTEN QUESTION E-1980/96**

**by Hiltrud Breyer (V) to the Commission**

*(17 July 1996)*

*Subject:* Transmission of BSE

1. Can BSE be transmitted via milk? If not, why not? What is the scientific basis for the reply?

2. What happens to animals slaughtered on suspicion of BSE infection in the UK, Germany and other EU States? Are facilities used that are separate from ordinary slaughtering facilities?

3. How is it ensured that no infection takes place via the slaughtering equipment?

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

*(16 September 1996)*

1. Transmission studies have shown that milk is not likely to transmit bovine spongiform encephalopathies (BSE). Experts reviewing the relevant data at a consultation meeting convened by the World Health Organisation on 2-3 April 1996 concluded that:

> 'Milk and milk products, even in countries with a high incidence of BSE, are considered safe. There is evidence from other animal and human spongiform encephalopathies to suggest that milk does not transmit these diseases'.

The scientific studies supporting this statement are based on feeding milk to, and the intracerebral injection of milk into, mice which are especially sensitive to the agent. No infectivity has been detected.

2. Commission Decision 94/474/EC concerning certain protection measures relating to BSE states in Article 2:

'All bovine animals which, at the clinical examination prior to slaughter show clinical suspicion of BSE shall be retained and slaughtered separately, and the brain shall be examined histologically for evidence of BSE. If BSE is confirmed their carcasses and offal shall be destroyed.'

3. In order to prevent any contamination from carcasses which could be infected with BSE the United Kingdom has a specified bovine material ban. In bovines with natural BSE, the only tissues which are known to contain infectivity are brain, spinal cord and eyes. In cattle incubating the disease no infectivity has been shown in the tissues before 22 months of age. In the United Kingdom these tissues are removed from all carcasses by methods which avoid contamination of the meat as much as possible. For example, the whole skull containing the brain and the eyes is removed and destroyed. Ways of removing the whole vertebral column are under development and some systems show promise. It should also be remembered that, in the United Kingdom, only cattle under 30 months of age may be slaughtered for human consumption. Other cattle must be slaughtered separately and full cleaning and disinfection carried out before resuming slaughter of animals under 30 months.

The incidence of BSE in other Member States is much lower than in the United Kingdom. Nevertheless, the Commission has asked its scientific advisers to assess the need for similar protection measures to be adopted throughout the Community.

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(97/C 60/38)

**WRITTEN QUESTION E-1993/96**

**by Iñigo Méndez de Vigo (PPE) to the Council**

*(18 July 1996)*

*Subject:* Meeting between the EU and Mediterranean countries

The meeting between the ministerial troika of the EU Council and foreign ministers of third countries from around the Mediterranean, which should have been held on 17 June 1996, was cancelled, apparently because many of the Mediterranean countries which had been invited had not confirmed that they would send representatives of appropriate political standing. It has been suggested in some of the media that the Italian Presidency had not made sufficient preparations for the meeting.

Can the Council say why the meeting was cancelled?

Can the Council provide a calendar of meetings in the context of European-Mediterranean dialogue, indicating the political level of these meetings?

**Answer**

*(29 November 1996)*

At the initiative of the Italian Presidency, all the Member States of the EU confirmed that they would be ready to participate in a ministerial meeting in Rome on 17 June with the Mediterranean third countries as part of the process of following up the Barcelona Conference. As to the participation of the Mediterranean partner countries, which had themselves reacted favourable to the idea of a ministerial meeting, soundings were taken and their interest in such a meeting was confirmed. On the day before the meeting was due to take place, a meeting of Foreign Affairs Ministers was convened in Cairo at the last minute to prepare for the Arab Summit planned for the next few days. Holding these two meetings at the same time would have made a satisfactory and appropriate level of ministerial attendance impossible and it was therefore thought preferable to cancel the Rome meeting.

As regards the schedule of meetings, a list of the meetings planned in the context of the Euro-Mediterranean dialogue was updated with the Mediterranean partners at the meeting of the Euro-Mediterranean Committee for the Barcelona Process in June 1996. A copy is being sent separately to the Honourable Member.

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(97/C 60/39)

**WRITTEN QUESTION E-2018/96**

**by Mirja Ryynänen (ELDR) to the Commission**

*(17 July 1996)*

*Subject:* Agricultural production and regional self-sufficiency

The fact that Community policy is based on the common market and the related philosophy is serving to centralize production as well as sapping the environment. The development of outlying rural areas is largely failing to generate sufficient employment to offset the decline in agricultural production.

Enlargement of the Union is being discussed, and reform is in the pipeline. Bearing in mind that, by promoting regional self-sufficiency, the strain on the environment could be reduced and vitality preserved, even in more remote areas, what is the Commission's fundamental view on the matter? How could regional self-sufficiency be brought about?

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

*(2 October 1996)*

As stated in the white paper on growth, competitiveness and employment ([1]), the Commission believes that the single market without frontiers in which free circulation of goods, services, capital and persons is ensured represents the single most important step that the Community has made towards a rational economy and greater prosperity. The Commission also pointed out that a market economy has a decentralising effect which confronts society with growing complexity. This includes growing environmental stress in the most dynamic regions, but not only there, and difficulties of peripheral regions with respect to structural change in agriculture, out-migration, and the search for new jobs.

Community policy aims for both the economic gains from the single market and sustainable development in all regions. The Commission is aware of the fact that pursuit of the objectives requires an active policy in the fields of environment and rural development. The Commission does not believe, however, that a policy centred around the achievement of regional self sufficiency would be adequate to allow remote rural regions a sustainable development in all respects: economic, social and environmental. In view of further enlargement of the Union, there is added need for an integrated rural policy as was already stated in the agricultural strategy paper which was presented to the Council in 1995 ([2]).

Pursuing self-sufficiency can lead to an increased dependence of peripheral regions on external support. The objectives of economic prosperity and environmental protection can be better served by the integration of peripheral regions into the European context through a sustainable rural development policy. This policy must take into account the strong and weak points of each region. The development of rural peripheral regions should as much as possible reinforce the endogenous economic and environmental potential.

The current Community environmental policy as it is set out in the fifth environmental action programme ([3]) includes agriculture as one of five target sectors where the main policy fields refer to the protection of soil, water and genetic resources, sustainable use of plant protection products, maintenance of bio-diversity and natural habitats, avoidance of erosion and optimisation of forest areas. These targets form also the basis of the agri-environmental measures and the afforestation scheme established as measures accompanying the reform of the common agricultural policy of 1992. In January 1996, the Commission presented a proposal for a Parliament and Council decision on an action plan based on the review of the fifth environmental action programme ([4]). This proposed to strengthen the integration of environmental requirements into the sector of agriculture and rural development, in particular by:

- reducing reliance on market price support,
- regular reporting on the pressures and effects on the environment of agriculture,
- promoting sustainable production methods,
- developing an integrated strategy for a sustainable use of pesticides,
- and developing comprehensive approaches to rural development.

Rural development policies aiming to achieve sustainable development are implemented under the structural funds provisions. They apply to a number of regions, including remote areas where harsh climate or long distances make living difficult, and where the decline in population and accelerated structural change put threats on rural communities. Active rural development aims in first line to exploit the potential of modern technology, to improve living and working conditions, and to maintain or create jobs in rural areas.

For example, in Finland, an integrated rural development package is implemented in the objective 6 region through co-financing from the European agricultural guidance and guarantee fund (guidance section), the European social fund and the European regional development fund. The package encompasses a wide range of measures targetted at the development of local communities in rural areas. Most of the rest of Finland outside of the objective 6 region, is eligible under objective 5b of the structural funds. Again an integrated development programme is implemented in these rural areas. The region closer to Helsinki only benefits from agricultural structural measures under objective 5a. Finally, innovative bottom-up approaches are stimulated by the Community initiative Leader. In addition to the Community measures, Article 142 of the accession Treaty allows Finland, as well as Sweden, to maintain in its northernmost regions traditional production and processing of agricultural products, through additional agricultural support.

More generally speaking, the development of rural areas requires the combined use of a number of instruments and policy measure, in the framework of a global and integrated approach. The overall objective is to sustain viable rural communities, based on their own features, needs and opportunities, while at the same time facilitating their successful integration into trade and economic flows of the Community as a whole.

(1) Bulletin of European Communities — Supplement 6/93.
(2) CSE(95) 607.
(3) COM(92) 23.
(4) COM(95) 647 final.

(97/C 60/40)

**WRITTEN QUESTION E-2022/96**

**by Luciano Vecchi (PSE) to the Commission**

*(19 July 1996)*

*Subject:* Humanitarian aid for the people of the Western Sahara

Thousands of refugees from the parts of the Western Sahara which are illegally occupied by Morocco are living in extreme poverty, both within the country and in neighbouring countries, particularly Algeria.

Could the Commission say what aid programmes have been implemented for the benefit of the people concerned (either through the specific budget heading B7-644 or by other means) and whether it intends to continue providing aid for the Saharawi people?

**Answer given by Ms Bonino on behalf of the Commission**

*(17 October 1996)*

Over the last few years the Commission has funded several projects designed to help the Sahrawi refugees living in camps in the Tindouf region of Algeria.

In 1993 and 1994 ECU 2.16 million was spent on humanitarian relief. This does not include the additional funds (ECU 7.0 million in 1994 alone) made available for delivering basic food products.

Last year ECU 12.15 million was spent mainly on the supply of essential foodstuffs (ECU 11.65 million), medicines and medical equipment, and logistic products (ECU 0.5 million).

On 5 September this year the Commission approved a new operation worth ECU 5 million for emergency food aid and an evaluation of needs.

In addition, several medical and health, logistic and emergency rehabilitation projects were selected and financed under budget heading B7-644 (decision of 30 August). This new heading to help the people of Western Sahara was approved by Parliament at the end of last year (ECU 2 million was allocated to it). In the coming weeks a new decision will be taken on the outstanding balance of the available budget (ECU 0.55 million). This will chiefly cover a vaccination campaign.

The evaluation to be carried out during the year will determine how much aid this vulnerable refugee population will need in 1997. The Sahrawis are almost entirely dependent on international aid and their situation remains worrying, particularly in view of the recent postponement of the referendum on self-determination.

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(97/C 60/41)

**WRITTEN QUESTION E-2023/96**

**by Luciano Vecchi (PSE) to the Council**

*(22 July 1996)*

*Subject:* Amendments to the Treaty on European Union as regards youth policies

The European Parliament has on several occasions called on the governments of the Member States to introduce amendments to the Treaty (during the Intergovernmental Conference) with a view to extending Community powers in respect of youth policies.

Could the Council say whether there are at present any specific proposals on this topic from EU governments and whether it considers that the Union's current powers should be extended to include initiatives to promote greater participation and integration of young people in all aspects of society?

**Answer**

*(29 November 1996)*

The Honourable Member's attention is drawn to the fact that the Council as an Institution does not take part in the proceedings of the Intergovernmental Conference and so it is not for the Council to comment on any extension of current Community powers concerning action to help young people.

The Honourable Member will of course be informed of the ongoing discussions when under the arrangements for associating the European Parliament with the proceedings of the Intergovernmental Conference, the Presidency gives the European Parliament a regular progress report on those proceedings.

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(97/C 60/42)

**WRITTEN QUESTION E-2033/96**

**by Christiane Taubira-Delannon (ARE) to the Commission**

*(19 July 1996)*

*Subject:* Lack of public facilities to measure air and water quality in Guiana

As the obverse of the commercial successes derived from the Ariane European launcher, Guiana bears the full brunt of the ecological fallout from the space development programme, in its capacity as the zone hosting this high-tech industrial achievement.

Potentially or actually polluting activities have been spreading across Guiana for a decade: the Petit-saut hydroelectric dam, the factories producing solid and liquid fuels, mining operations using mercury.

There have consequently been regular discharges of gases into the atmosphere and deposits of heavy metals in the hydrosphere. Although these are substantial, they have never been subjected to any systematic survey that could enable their impact to be reliably assessed.

Confronted with a developing situation that subjects the natural environment and human habitat to extreme pressures, the public authorities have yet to provide themselves with any installations capable of measuring and monitoring air and water quality.

This lack of public facilities for analysing air and water was sharply highlighted by the fate of Ariane flight 501 on 6 June 1996; only CSG (the Guiana space centre), itself the operator of the activity concerned, was in a position to specify the incidence of pollution.

Article 130r of the Union Treaty, in particular the paragraph laying down the polluter-pays principle, is failing to be implemented, as are the principles of precaution and prevention, which can only operate as part of a network of measuring facilities independent of industrial concerns.

Could the European Environment Agency, as a priority mission, act to raise the awareness of the French public authorities of the urgency of establishing such structures, from a concern to safeguard the health of citizens living in a remotely peripheral region of the European Union?

Over and above such an initiative, what resources are available to the Commission for ensuring that Directives 337/85 [1] on environmental impact, 80/779/EEC [2] on industrial atmospheric pollution, and 80/778/EEC [3] on drinking water can be effectively implemented in Guiana?

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[1] OJ L 175, 5 July 1985, p. 40.
[2] OJ L 229, 30 August 1980, p. 30.
[3] OJ L 229, 30 August 1980, p. 11.

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

*(2 October 1996)*

The Commission's powers are those conferred on it by the EC Treaty. Pursuant to Article 155 of that Treaty, one of the Commission's tasks is to ensure that the provisions of the Treaty and the measures taken by the institutions pursuant thereto are applied.

To fulfil its mission as guardian of the Treaties the Commission can apply the procedure laid down in Article 169 of the EC Treaty against Member States which fail to meet the obligations incumbent upon them under Community law. In this context the Commission may take measures in respect of a Member State in the event of an infringement — even presumed — of Community law.

The Commission has received no complaints regarding non-compliance in Guiana with Directives 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, 80/779/EEC on air quality limit values and guide values for sulphur dioxide and suspended particulates and 80/778/EEC relating to the quality of water intended for human consumption. However, it intends to check whether the French authorities are applying the Directives properly there, in particular Article 6 of Directive 80/779/EEC and Article 12 of Directive 80/778/EEC.

Should the Commission find that the abovementioned provisions have not been complied with it will not fail to look into the matter.

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(97/C 60/43)

**WRITTEN QUESTION E-2049/96**

**by Nuala Ahern (V) to the Council**

*(22 July 1996)*

*Subject:* Nuclear trafficking

Section I on 'nuclear trafficking in 1995' of the Commission's communication to the Council, COM (96)0171 final of 22 April 1996 on the illicit traffic in nuclear materials and radioactive substances, makes clear that some Member States have not fully informed the Commission, as is required under the Euratom Treaty, of nuclear materials seizures and other incidents covered by Euratom. What steps is the Council taking to rectify this situation?

**Answer**

*(4 December 1996)*

1. The Council is very well aware that in the fight against illicit trafficking in nuclear materials it is important for the Commission to be fully and promptly informed.

2. The Council considers that the provisions on safeguards in Chapter 7 of Title II of the Euratom Treaty together with existing Community legislation, including Commission Regulation (Euratom) No 3227/76 (1), provide a framework that should enable the Commission to have the necessary information at its disposal.

3. The Commission is responsible for the enforcement of existing legislation and the Council has duly noted the action it has undertaken to ensure that cases are reported within the time limits and in the manner specified by Community legislation.

(1) OJ L 363, 31.12.1976, p. 1.

(97/C 60/44)

**WRITTEN QUESTION E-2052/96**

**by Susan Waddington (PSE) to the Commission**

*(19 July 1996)*

*Subject:* Fireworks

Fireworks were explicitly excluded from the scope of Directive 93/15/EEC (1) on harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses. Furthermore following discussions with the Member States it was decided that, in the light of the principle of subsidiarity, there was no need for fireworks to be the subject of a specific proposal, as Parliament had wanted.

However, in view of growing public concern throughout the Member States over the trafficking in dangerous and over-powerful fireworks that is made possible by the differing standards of control practised in each Member State, will the Commission reconsider the need for a specific proposal to harmonize the single market in this area and protect consumers, and, should the Commission find a lack of statistical evidence in this area, will it conduct a study into the dangers posed by the intra-community trafficking in fireworks, so as to dispel the fears of European consumers with hard statistical evidence? (2)

(1) OJ L 121, 15.5.1993, p. 20.
(2) See Commission response to Written Question E-3644/95 – OJ C 161, 5.6.1996, p. 31.

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

*(3 October 1996)*

The Commission has been actively following developments in the field of fireworks as well as public concern over certain types of fireworks. Fireworks were explicitly excluded from the scope of Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil use. Following the Parliament's request that fireworks be the subject of a specific proposal, the Commission has undertaken consultations with the Member States to assess the need for a Community initiative in this area. Those consultations indicated that the main safety problems do not relate to the construction characteristics of fireworks, but rather to their availability (to small children not accompanied by adults) and improper use. Taking into account the principle of subsidiarity, such an initiative did not seem justified.

Accordingly, it is up to the Member States to regulate the marketing of fireworks and even to ban the manufacture or distribution of certain products, with due regard for the rules laid down in Article 30 to 36 of the EC Treaty on the free movement of goods. In this respect, the Commission would refer the Honourable Member to its answer to Written Question E-3644/95 by Mr Pronk (1).

(1) OJ C 161, 5.6.1996.

(97/C 60/45)

**WRITTEN QUESTION E-2056/96**

**by Jörn Svensson (GUE/NGL) to the Commission**

*(19 July 1996)*

*Subject:* Belgian Blue

On top of the differences and conflicts which already exist in the EU, the Commission obviously now wishes to start a dispute with Sweden concerning the Swedish ban on the use of animals such as the Belgian Blue for breeding purposes. Such a course of action risks provoking conflicts in a number of areas.

The Commission's move raises doubts as regards legal certainty. The EU has no powers other than those transferred to it by the Member States. The Union has no jurisdiction over matters unless expressly stated in treaties and other acts. It is therefore for Member States to define what are and what are not desirable genetic characteristics in domestic animals. If the Commission tries to alter this principle, EU law will become an instrument for the arbitrary extension of supranational power.

The Commission's dispute with Sweden is hampering progress towards healthier, more natural and ecologically sound animal husbandry.

The Commission is going against the Swedish farmers' organization, which supports the ban.

In Sweden, the person who has infringed the ban is a notorious shady businessman. By siding with him, the Commission risks being identified by Swedes with his interests.

The Commission's move is likely to bolster the anti-EU sentiment already prevalent amongst the majority of Swedes. Its actions are regarded as putting at risk the development of healthy food production, which has massive support amongst all sections of Swedish society, irrespective of their views on the EU.

In the Commission's view, what purpose and whose interests are served by opening up this dispute with Sweden?

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

*(16 October 1996)*

Breeding standards for cattle have been subject to harmonisation at Community level since 1977 (Council Directive 77/505/EEC [1]). By Commission decisions performance monitoring methods and methods for assessing genetic value for pure bred breeding animals of the bovine species have also been specified (Commission Decisions 86/130/EEC [2] and 94/515/EC [3]). The acceptance for breeding purposes of pure bred breeding animals has also been specified by the Council (Council Directive 87/328/EEC [4]).

The Commission has been informed by a complaint that a ban on Belgian Blue cattle is being enforced in Sweden. The Commission has an obligation to seek clarification on such a complaint. That is why the Swedish government has been asked to offer its comments.

(1) OJ L 206, 12.8.1977.
(2) OJ L 101, 17.4.1986.
(3) OJ L 207, 10.8.1994.
(4) OJ L 167, 26.6.1987.

(97/C 60/46)

**WRITTEN QUESTION P-2058/96**

**by Konstantinos Hatzidakis (PPE) to the Commission**

*(12 July 1996)*

*Subject:* Implementation in Greece of Community environmental directives

The environmental actions in the second Community Support Framework for Greece make provision, inter alia, for aid for measures aimed at securing compliance with Community environmental directives, notably as regards sewage, waste, toxic waste and drinking water. It is estimated that the total funds (i.e. including Cohesion Fund resources) needed to implement all the provisions of these priority Community directives will amount to ECU 1500 m, ECU 1200 m of which will be used for implementing the four directives referred to above in Greece.

Given that we are dealing here with obligations jointly undertaken by the Commission and the Greek Government as part of their partnership in implementing the CSF, can the Commission say what progress has been made so far in this sphere, and what specific measures are still needed in order fully to implement the agreed measures in practice?

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

*(23 September 1996)*

A Member State is legally bound to implement Community Directives, including those relative to the environment. The Commission monitors the transposition of the aforementioned directives into national laws and their effective application, whereas the actual application on the ground falls within Member State competence.

Community joint measures do not seek to transfer legal obligations from the Member States to the Commission, but can, should the Member State concerned so desire, contribute to the expenditure necessary for better and faster implementation of the legislation on the ground.

Under the 1994-1999 Community Support Framework for Greece, the Community jointly finances actions aimed at improving living conditions and protecting the environment in the form of the Operational Programme (OP) on environment and also the multifund operational programmes aimed at the thirteen regions of Greece. This endeavour is complemented by the projects jointly financed by the Cohesion Fund and Community initiatives. The amounts estimated for these actions are similar to those the Honourable Member mentions.

A significant number of actions provided for in the aforementioned programmes are in fields governed by the directives in question. It would however be wrong to infer that the Community action is limited to the four areas specifically mentioned. Significant sums of money are available to the Member State inter alia for environmental protection (biotopes), reduction of atmospheric pollution, protection against fires and the land register.

Among the areas to which the Honourable Member refers, progress on sewage treatment and the supply of drinking water is satisfactory whereas the other areas (especially that of waste management) are lagging. To speed up the work, the Commission has recommended that the Member State hire a programme manager for the Environment OP and that it simplify administrative procedures, particularly the one used in environmental impact evaluation.

The Member State has accepted the Commission recommendations, and the Commission believes the rate of project implementation in Greece will soon pick up. The Commission will observe future developments within the programme monitoring committees and will, if necessary, propose additional measures.

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(97/C 60/47)

**WRITTEN QUESTION E-2065/96**

**by Claude Desama (PSE) to the Commission**

*(26 July 1996)*

*Subject:* Transport rates

Opening the public transport markets to competition raises the problem of transport rates.

Does the Commission think that charging for infrastructure costs is only a financial instrument that allows the cost of using the infrastructure to bve covered or is it also a means of regulating traffic?

Does the Commission consider that other regulatory measures of a financial nature are necessary alongisde transport rates and, if so, which?

Lastly, does the Commission intend to allocate revenue from road transport rates directly to the financing of public transport requirements?

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

*(21 October 1996)*

The Commission considers that pricing the use of the roads constitutes an economic instrument for recovering the costs generated by the use of the infrastructure. These costs should, strictly speaking, include infrastructure (i.e. the capital and operational costs) as well as external costs. As a first step towards better aligning charges with costs, the Commission has brought forward a proposal for a directive on road taxes and charges [1] for heavy goods vehicles. This proposal provides that specific charges are allowed on highly congested corridors or corridors where traffic has a significant impact on the environment (sensitive routes), thereby encouraging the use of differentiated pricing to alleviate external costs generated by intense traffic. Appropriate pricing can therefore also be a traffic management instrument.

The Commission is not currently proposing to accompany infrastructure pricing by other traffic management measures of an economic nature at the European level. However, this position will be reviewed after the conclusion of the consultation process on the green paper on fair and efficient pricing in transport [2]. In any case, other Commission initiatives in transport, such as the Citizens' Network, the railway white paper [3] and the trans-European transport networks (TETNs) are also related to the promotion of sustainable transport.

The use of the revenue coming from road pricing does not fall under the Commission's competence. It is a matter for the Member States. Moreover, as the Commission has pointed out in its white paper on railway policy, rail companies should become more market orientated. The establishment of an automatic link between revenues from road taxation and financing of public transport is not compatible with this approach.

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[1] COM(96) 331.
[2] COM(95) 691 final.
[3] COM(96) 421 final.

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(97/C 60/48)

**WRITTEN QUESTION P-2071/96**

**by Christa Randzio-Plath (PSE) to the Commission**

*(16 July 1996)*

*Subject:* State aid

Pursuant to Article 92 and following of the EC Treaty, the Commission approves state aid to undertakings. Unlike the situation under cartel law, competitors have no rights under this procedure, so that there is no enforceable right to a legal hearing and inspection of the records. Why has the Commission not yet made use of its powers under Article 93(3) and 94 of the EC Treaty and submitted no proposal for an implementing regulation in relation to the preliminary and main procedures by which these rights in the aid monitoring procedure are evidenced and it becomes transparent?

When can the Commission submit a proposal for such a regulation?

How does the Commission intend to ensure equality of opportunity and the legal hearing of the competitors and the principle of transparency of the procedure?

What criteria does the Commission use to check whether the state aid notified to it within the meaning of Article 3(1)(e) of Regulation (EEC)1107/70 [1] are suitable to encourage combined transport? What criteria does the Commission use in conjunction with these provisions to ensure that state aid not only increases rail freight traffic on a certain route to the detriment of another route (shifting of traffic) but also that the volume of goods transported by rail increases as a whole and throughout the Community?

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[1] OJ L 130, 15.6.1970, p.1.

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

*(24 September 1996)*

The Commission submitted proposals for regulations pursuant to Article 94 EC Treaty in 1966 ([1]) and in 1972 ([2]), but withdrew these on 25 February 1975 and on 14 December 1976 after many years of negotiations without result in the Council ([3]). The question of applying Article 94 was last debated on the initiative of some Member States in the Council in October 1990. Most delegations however resisted such application since they considered the proposals of the Commission on the increase of transparency and judicial security sufficient ([4]).

The number of aid cases dealt with by the Commission and the number of complaints to the Commission, as well as actions of competitors before the Court of first instance, has increased substantially since the beginning of the nineties. The Commission will consider, therefore, together with the Irish presidency of the Council later this year, to what extent and within which areas Council regulations under Article 94 of the EC Treaty could be appropriate.

In the opinion of the Commission the equal opportunity and the right of competitors to be heard in the examination procedure are sufficiently ensured. It is true that competitors do not have an opportunity to comment during the preliminary examination under Article 93(3) EC Treaty but authorization decisions after conclusion of this procedure are subject to judicial review by the Court of first instance and the Court of justice. Moreover, the Commission is obliged to open the full investigation procedure under Article 93(2) EC Treaty whenever doubts arise with regard to the compatibility of an aid project with the common market. In this procedure all participants have the opportunity to submit comments. Moreover, the final decisions terminating the full investigation procedure are also subject to judicial review.

The principle of transparency in state aid proceedings is taken into account by publication of all decisions in the Official journal ([5]). In most cases, the Commission also publishes a press release, which can be called up on the day of the Commission decision on the Rapid data base. In addition, third parties may obtain, upon request, a copy of the letter to the Member State concerned. The Commission makes sure that information which is commercially confidential is not contained either in the publications in the Official journal or in copies of letters to Member States handed out to third parties.

The Commission checks whether aid to combined transport is in line with the requirements mentioned in Article 3(1) of Regulation 107/70. The problems raised by the Honourable Member are being scrutinized in the framework of case T 69/96, currently pending before the Court of first instance (HHLA v. Commission). The Commission considers therefore that it would be inappropriate at this point to comment in more detail on the questions.

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([1]) COM(66) 95 changed of 16.3. by COM(66) 457 of 10.11.1966.
([2]) COM(72) 1533 final of 4.12.1972.
([3]) See the answer of the Council to the written Inquiry No. 53/78. OJ in 1978 C 150/21.
([4]) See 20 report on the Competition policy (1990) paragraph 170.
([5]) For the practice on publications see section 7.2. of the Guide to Procedures in State Aid cases, published in: Competition law in the European Communities, Volume 11A – rules applicable to state aid, Brussels-Luxembroug 1995. p. 47.

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(97/C 60/49)

**WRITTEN QUESTION E-2083/96**

**by Glyn Ford (PSE) to the Council.**

*(29 July 1996)*

*Subject:* Year against Racism

Will the Council comment on claims being made that the European Year against Racism was not endorsed at Florence because someone in the secretariat forgot about it? Does this not indicate a lack of commitment on the part of the Council to fight the racist menace?

**Answer**

*(4 December 1996)*

The Florence European Council was unable to proclaim 1997 officially the 'European Year against Racism' because of the general reservation linked to the question of BSE which the United Kingdom had entered on the Resolution of the Council and of the Representatives of the Member States on the European Year against racism (1997).

As soon as the reservation was withdrawn, the Council of 22 July 1996 formally adopted the Resolution. The General Secretariat of the Council therefore did not at any time 'forget' the dossier and saw to it that it was adopted at the earliest opportunity.

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(97/C 60/50)

**WRITTEN QUESTION P-2096/96**

**by Helena Torres Marques (PSE) to the Council**

*(18 July 1996)*

*Subject:* Ratification of the Community financial perspective

The Community financial perspective up to 1999 was adopted at the Edinburgh Summit in December 1992.

This decision, which would make it possible to increase the European Union's resources from 1.2% of Community GDP in 1992 to 1.27% of Community GDP in 1999, requires ratification by all the parliaments of the EU Member States.

It is now July 1996 and the above decision has still not entered into force because it has not yet been ratified by the First Chamber of the Netherlands.

Given the importance of this decision, can the Council report on the current situation and say what action it will take to ensure that the ratification process is concluded as soon as possible?

**Answer**

*(4 December 1996)*

The Honourable Member's attention is drawn to the fact that Decision 94/728/EC, Euratom of 31 October 1994 on the system of the European Communities' own resources entered into force on 1 July 1996 following the completion of the ratification procedure in the Netherlands and notification of the General Secretariat of the Council to this effect.

The Council has therefore drawn up its draft budget for the 1997 financial year in accordance with the aforementioned Decision.

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(97/C 60/51)

**WRITTEN QUESTION E-2103/96**

**by Jaak Vandemeulebroucke (ARE) to the Commission**

*(26 July 1996)*

*Subject:* UNEP Basel Convention

The purpose of the UNEP Basel Convention is to prevent the dumping of hazardous waste in Third World countries.

Is it true that misinterpretation of the Convention means that it will no longer be possible for recyclable material to be sent to regions where the recycling is to take palace?

If so, what action will be taken to remedy this, and what guarantees are there, within the proposed measures, that the material really is recyclable and that it really will be recycled?

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

*(16 September 1996)*

The conference of the parties to the Basel Convention on the control of transboundary movements of hazardous waste and their disposal decided during its second meeting that the export of hazardous waste for recovery

from the Organization for economic co-opereation and development (OECD) to non-OECD countries will be phased out and will be prohibited as of 31 December 1997 (Decision II/12). At the third conference of the parties it was decided to amend the Convention in accordance with Decision II/12 (Decision III/1).

Both the Community and the Member States are party to the Basel Convention and therefore the Commission adopted a proposal in April 1995 to adapt Community legislation on shipments of waste according to these Decisions (1). The proposal, which foresees an export prohibition of hazardous waste for recovery from the Community to non-OECD countries as of 1998, is currently in second reading in the Parliament.

The consequence of the above is that, when the proposal of the Commission is adopted, hazardous recyclable waste will as of 1998 no longer be allowed to be exported to non-OECD countries for recycling. The proposal does not foresee any derogation or exception.

It must be noted that in the framework of the Basel Convention a more precise list of hazardous waste is being prepared, and at the same time the objective is to clarify which categories of waste are not considered to be hazardous and thus are not covered by the scope of application of this Convention.

The technical working group working on this will present its results to the fourth conference of the parties which will probably take place in October 1997. The decision made in this respect by the conference of the parties will, being a party to the Convention, also have to be respected by the Community. Therefore, if appropriate, the Commission will in due time make a proposal to adapt Community legislation accordingly, thus ensuring that the export prohibition will not apply to non-hazardous waste for recovery.

(1) COM(95) 143 final.

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(97/C 60/52)

**WRITTEN QUESTION E-2114/96**

**by David Martin (PSE) to the Council**

*(29 July 1996)*

*Subject:* Denomination of the Council Presidents

Can the Council confirm that its President has printed notepaper entitled 'Ireland 1996 — Presidency of the European Union'?

Is the Council Presidency not aware of the fact that there is no President of the European Union, but that each institution has its own President?

What would Council's reaction be if the President of the European Parliament were to claim the title of President of the European Union?

When did the Council reverse its policy concerning the denomination of its presidents (namely to refer only to 'the President of the Council' or to 'the President-in-Office of the Council'), announced to Parliament in response to written parliamentary questions Nos 1857/87 (1), E-0585/94 (2) and E-1773/94 (3)?

(1) OJ C 93, 11.4.1988, p. 71.
(2) OJ C 147, 30.5.1994, p. 24.
(3) OJ C 24, 30.1.1995, p. 21.

**Answer**

*(29 November 1996)*

The Council confirms the substance of its previous replies mentioned by the Honourable Member.

(97/C 60/53)

**WRITTEN QUESTION E-2122/96**

**by José Valverde López (PPE) to the Commission**

*(26 July 1996)*

*Subject:* Quality controls on finished products in the case of meat-and-bone meal

It appears that the Commission proposes to tighten up Community rules on the manufacture of meat-and-bone meal, in particular the manufacturing conditions. This is both urgent and necessary.

What type of analysis and tests will the Commission require for finished products, so as to ensure that the manufacturing requirements are met and that the meal sold is free of BSE-transmitting prions?

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

*(17 October 1996)*

The method currently available by which the presence of bovine spongiform encephalopathy (BSE) infection can be detected is by observing animals which have received an injection of extracts of the material under suspicion. This test takes two years or more to complete and is impractical for routine use.

The most suitable approach to the problem is to check the material for the presence of mammalian protein, which is prohibited for use in ruminant feeds under Community law. This can be done in several ways, the Elisa test being the most recent and useful. The United Kingdom is required under the provisions of Commission Decision 94/474/EC [1] as amended by Decision 95/287/EC [2] to use this test systematically to ensure compliance with the prohibition on the use of mammalian protein in ruminant rations. Over 2,000 such tests have been carried out in the United Kingdom between February and August 1996.

Other Member States are using or evaluating similar tests for their own use.

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[1] OJ L 194, 29.7.1994.
[2] OJ L 181, 1.8.1995.

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(97/C 60/54)

**WRITTEN QUESTION E-2126/96**

**by Honório Novo (GUE/NGL) to the Commission**

*(26 July 1996)*

*Subject:* Fisheries agreements between the EU and Morocco — biological rest and Community aid

The fisheries agreement between the EU and the Kingdom of Morocco was adopted at the end of last year to replace another agreement which was unilaterally abrogated by the Moroccan authorities and had therefore lapsed on 30 April 1995.

Since there are still some doubts about the arrangements for biological rest provided for in the previous agreement and the current agreement, can the Commission answer the following questions?

What was the precise period of biological rest envisaged in the fisheries agreement between the EU and Morocco which lapsed on 30 April 1995? What is the precise period of biological rest envisaged in the present agreement?

In the previous fisheries agreement, was provision made for Community aid for fishermen during the period of biological rest? Is there any provision for such aid in the present agreement? If so, how much was (and/or is) to be granted?

**Answer given by Ms Bonino on behalf of the Commission**

*(10 October 1996)*

The Commission would recall that in the context of the mid-term review of the 1992 fisheries agreement with Morocco, both parties, and not Morocco unilaterally as the Honourable Member suggests, agreed to limit the duration of the agreement to three instead of four years, thereby terminating it on 30 April 1995.

Concerning the biological rest periods for the fish stocks, the Commission would refer the Honourable Member to its answer to his Written Question E-3197/95 (1). As indicated in that answer, information on the biological rest periods is marked in the fishing data sheets for each fishing category. Items 6 and 4 in the 1992 and 1995 agreements respectively indicate these biological rest periods. To facilitate examination of this data a comparative table indicating the biological rest periods for each of the two agreements is sent direct to the Honourable Member and to the Parliament's Secretariat.

There is no provision in the current agreement or in the regulation implementing that agreement for Community subsidies for the fishermen during the biological rest periods.

Article 14 of Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products (2) provides that assistance may be granted to offset temporary cessation of activities caused by unforeseen non-repetitive events, a category which cannot be held to include biological rest periods.

(1) OJ C 91, 27.3.1996.
(2) OJ L 346, 31.12.1993.

(97/C 60/55)

**WRITTEN QUESTION E-2129/96**

**by Erich Schreiner (NI) to the Commission**

*(3 August 1996)*

*Subject:* Harmonization of cement standards

For want of harmonized standards for cement, the national standards in force in each country have to be substituted for public tendering purposes in the EU. If cement is exported it has, at very considerable cost, to be separately monitored, tested and certified for use, as well as entered in the industrial standards register and placed under continuous surveillance in each country of destination according to the standards it enforces.

This procedure amounts to a fundamental non-tariff barrier to trade, disadvantages the consumer, contravenes the European Treaties (in particular Article 30) and obstructs competition.

There nonetheless already exist European pre-standards for cement that can be applied generally. Yet the standards institutes responsible, dominated as they are by the big cement-producing concerns, show no interest in harmonizing these pre-standards and declaring them official. Nor is the special procedure provided for pursuant to Articles 16 and 17 of the construction products Directive (89/106/EEC) (1) appropriate in this connection, and is not applied in most States.

Is the Commission fully aware of this obstacle to trade?

What impact is this having on competition in the EU?

When will harmonized cement standards be implemented?

Why has the Commission hitherto been unable to take any successful action against the tendency towards cartel formation by certain European cement producers?

What action will the Commission take in this connection in future?

(1) OJ L 40, 11 February 1989, p. 12.

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

*(2 October 1996)*

The Commission is well aware of the concerns raised in this question and has, over the last few years, taken a number of actions to overcome them in the legal framework foreseen for construction products. Directive 89/106/EEC for construction products (CPD), which was subject of a report published by the Commission in May 1996 (1), foresees that technical specifications are prepared in order to have harmonised European standards on the internal market. As long as technical specifications for a given product do not exist, Articles 30-36 of the EC Treaty and Article 16 CPD apply.

With regard to efforts concerning European standards for cement, a considerable amount of work has been undertaken on a voluntary basis, by the European committee for standardisation (CEN) and, as a result, experimental standard ENV 197-1 covering all common cements used in Europe was published in 1992. In addition, the various test standards within the EN 196 series exist either as Euronorms (ENs) or as provisional Euronorms (pr ENs) about to be adopted. In 1995, CEN published ENV 197-2 which covers the attestation of conformity of cements.

Experimental standards have a normal lifetime of 3 years, after which they must either become ENs or be withdrawn. ENV 197-1 is therefore due to become an EN. To bring this about, and also to allow this standard to become a harmonised standard in the sense of the CPD, the Commission is currently preparing a mandate to CEN which is expected to be approved by the Member States and issued in the course of this year.

The purpose of issuing experimental standards is to allow Member States and industry to become familiar with something new. Most national standards are in the process of becoming aligned (or have already become aligned) with these pre-standards and many producers are already manufacturing in accordance with their requirements. Once they become full ENs, of course, all conflicting national standards must be withdrawn.

It should be noted that neither national standards bodies nor CEN are controlled by the large cement producers. Committees are made up of representatives not only of industry but also of national regulators, public purchasers and consumers (the two latter being particularly important in the case of cement). However, the application of national standards is currently complex and bureaucratic and, in any case, given the advanced stage of European standards, the Commission sees the standardisation route as being more appropriate to achieve results as soon as possible.

The purpose of Article 16 CPD is to facilitate recognition of test results performed in another Member State on an individual request for a given product made to the Member State of destination. In the framework of Article 16 CPD the principle of mutual recognition as established by the jurisprudence of the Court of justice applies. The Commission is currently working closely with the Member States in order to avoid any misinterpretation of this article in practice. Contacts between national authorities and the Commission are also held in the context of certain complaints related to Article 16 CPD.

Finally, as regards cartels, the Commission has already taken specific action. In November 1994 it adopted its Decision 94/815/EC relating to procedures carried out under Article 85 of the EC Treaty (2). This followed a long investigation which concluded that Community cement producers and their European and national trade associations had been involved in practices in contravention of Article 85. This Decision levied fines on those Community cement producers involved and on their European and national trade associations. These producers have all appealed against the fines to the Court of justice and the procedure in this affair is currently under way.

(1) COM(96) 202 final.
(2) OJ L 343, 30.12.1994.

(97/C 60/56)

**WRITTEN QUESTION E-2130/96**

**by Irene Crepaz (PSE) to the Commission**

*(3 August 1996)*

*Subject:* 'Natural habitats'

Is it the case that a complaint has been lodged by the Austrian World Wildlife Fund for Nature (WWF) calling for the Tirol Lech Tal, together with its side valleys, in particular the Streimbach Tal, to be classified as a 'natural habitat of Community interest' in accordance with Directive 92/43/EEC (1)?

In the Commission's view, is the Tirol Lech Tal, together with its side valleys, in particular the Streimbach Tal, a 'natural habitat of Community interest' within the meaning of Directive 92/43/EEC that must be designated as an 'area of conservation'?

Does the construction of a power station in a 'natural habitat of Community interest' conflict fundamentally with the Community legislation in force?

(1) OJ L 206, 22 July 1992, p. 7.

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

*(1 October 1996)*

The Commission confirms receipt of the complaint.

On the basis of the scientific information provided by the Austrian World wildlife fund for nature, there are indications that the Lech valley and its side valleys host a number of priority natural habitat types and natural habitats of Community interest. If this information, which is currently being checked by the Commission, can be verified, the area should indeed be designated as special area of conservation in line with the procedure laid down in Article 4 of Directive 92/43/EEC.

The question whether the construction of a power plant in a natural habitat of Community interest is in conflict with the Community legislation in force, in particular Directive 92/43/EEC, cannot be answered in the abstract. However, it should be noted that Article 6(2) and (3) of this Directive provide, in respect of special areas of conservation hosting priority natural habitat types, a procedure involving the Commission in which a weighing of interests has to take place for projects having negative effects on that site. The realization of any such project without first consulting the Commission would therefore seem to be problematic under the above-mentioned provisions.

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(97/C 60/57)

**WRITTEN QUESTION E-2131/96**

**by Alexandros Alavanos (GUE/NGL) to the Commission**

*(3 August 1996)*

*Subject:* Hazardous materials in earthworks in port of Lavrion

Since May 1995, one of the materials used for the earthworks in the port of Lavrion has come from the huge slag heaps around the port which consist of waste from mining dating from the 'Golden Age' of Pericles until recent times.

A report by the Institute for Geological Research (the only competent government body reporting in the field of applied geochemistry) stresses that the slag heaps at Lavrion are chemically active, emit dangerously high concentrations of toxic substances (cadmium, lead) into the land and marine environment and cannot be used for construction work.

Can the Commission confirm that the works will be carried out with harmless materials and with absolute respect for human life and the environment?

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

*(7 October 1996)*

The Commission is aware that inert material from the old mines of Lavrion is being used in the works in the town's port.

According to official documentation available to the Commission, the Greek Ministry of the Environment approved the use of this material following detailed examination of all available studies, including studies by the Institute of Geological and Mineralogical Research and the Polytechnic School of Athens. The Ministry concluded in November 1995 that to use the material in this way would have no unacceptable consequences for man or the environment provided all the measures laid down in the Ministerial Decision concluding the environmental impact assessment for the Port of Lavrion were properly applied.

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(97/C 60/58)

**WRITTEN QUESTION E-2132/96**

**by Alexandros Alavanos (GUE/NGL) to the Commission**

*(3 August 1996)*

*Subject:* Naxos airport

Although Drs 1.6 billion have been approved under the 2nd CSF to extend the existing runway on the island of Naxos from 900 to 1400 metres, surveys are being carried out for the construction of a second airport with an 1800 metre runway. In fact, in 1991, the Civil Aviation Authority confirmed that the existing runway could be extended to 1800 metres.

Given that the cost of building the new airport is seven times the cost of extending the original facilities and that two airports will also disrupt the existing ecosystem, will the Commission say whether it is aware of the surveys for the new airport on Naxos and what it intends to do about this problem?

**Answer given by Mrs Wulf-Matthies on behalf of the Commission**

*(16 October 1996)*

The project to which the Honourable Member refers involves the construction of an international airport on Naxos and the closure of the existing one. It was presented on 24 April by the Greek civil aviation authority ('YPA') for preliminary discussion at the meeting of the monitoring committee for the Southern Aegean operational programme (part of the 1994-99 Community support framework), along with two similar projects concerning the existing airports on Milos and Paros.

The committee reserved judgment on the cofinancing of these three projects because they appreciably modified the operational programme, which currently provides for the extension of existing airports, and would require additional resources from other parts of the programme.

There is also the question of whether priority should not be accorded to other Aegean islands that do not yet have airports. The Commission is looking at all these issues with the Greek authorities.

It is worth pointing out that, in the Community transport strategy, the airports of Naxos, Paros and Milos are part of the trans-European airport network, featuring both as regional components and on the grounds of accessibility. For components of this type, the construction of a new airport in place of an existing one has not been identified as a project of common interest within the meaning of Article 129c of the Treaty.

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(97/C 60/59)

**WRITTEN QUESTION E-2141/96**

**by Giuseppe Rauti (NI) to the Commission**

*(3 August 1996)*

*Subject:* The collapse of Italy's participation in the EUREKA programme

Recently published statistics show Italy's declining participation in, and effective disappearance from, the EUREKA programme. The funds Italy obtained under the programme declined from ECU 694 million in 1986 to ECU 3.3 million in 1995.

1. What funds were allocated to Italy each year from 1986 to 1995?

2. What payments were made under EUREKA to each of the other EU Member States?

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

*(14 October 1996)*

Eureka is not a Community programme but an intergovernmental initiative involving in total 24 countries and the Commission. Each national government of a Eureka member may give financial support to project participants

following its own rules, procedures and budgets. There are no central Community funds for Eureka projects. The Commission suggests that the Honourable Member refers to the Eureka secretariat for any further information, since it has all the information about the Eureka initiative.

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(97/C 60/60)

**WRITTEN QUESTION P-2143/96**

**by Gianfranco Dell'Alba (ARE) to the Council**

*(22 July 1996)*

*Subject:* Programme MEDA

The MEDA Regulation has still not been adopted by the Council even although the European Parliament and the Commission have kept drawing attention to this point. Because of this non-decision the annual financial allocation for the MEDA Programme, raised to ECU 900 million in the 1996 budget at the express wish of the Council, will not now be implemented.

1. Is the Council aware that this allocation will be cancelled for the coming financial year?

2. Will it take action to renew this allocation in the 1997 budget, and will it do so by means of the review of the financial perspectives?

**Answer**

*(4 December 1996)*

The Honourable Member's attention is drawn to the fact that the MEDA Regulation was adopted by the Council on 23 July; it was published on 30 July (OJ L 189) and entered into force on 2 August 1996.

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(97/C 60/61)

**WRITTEN QUESTION E-2144/96**

**by Freddy Blak (PSE) to the Commission**

*(3 August 1996)*

*Subject:* Rescue operation for amphibians

There is still hope for the amphibians on one of Denmark's most beautiful islands. A large-scale operation is being conducted under the LIFE programme, to rescue the fire-bellied toad population on Aerø. The ponds in which it lived had been filled, and biologists are now working to reinstate them, so that amphibians and insects may survive.

Is the Commission aware of other such operations under the LIFE programme? If so, will it please list them?

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

*(1 October 1996)*

The project to save Bombina bombina on the island of Ærø is not receiving Community aid under Life-Nature.

No Life-Nature project is aimed specifically at this species. However, the Commission is sending the Honourable Member and Parliament's Secretariat documentation describing all projects currently under way, some of which may have an impact on natural habitats of interest to Bombina bombina (e.g. in the Elbe valley).

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(97/C 60/62)

**WRITTEN QUESTION E-2158/96**

**by Bárbara Dührkop Dührkop (PSE) to the Commission**

*(2 August 1996)*

*Subject:* Activities under the European Social Fund with regard to intercultural education

In its resolution of 21 January 1993 on cultural plurality and the problems of school education for children of immigrants in the European Community (A3-0399/92 [1]), Parliament called on the Commission to present to Parliament within a year a report on the payments made from the European Social Fund to promote the teaching of their mother tongue (of the country of origin) to immigrant children.

The revised rules for the Structural Funds also include the possibility that these funds may be used to finance educational activities in the eligible areas, with the aim of promoting regional development.

In what way has the European Social Fund been employed in connection with intercultural education and teacher of the mother tongue (of the country of origin) to immigrant children?

[1] OJ C 42, 15.2.1993, p. 187.

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

*(14 November 1996)*

The examples of the three Member States from which a very large number of migrant workers in Europe originate can be used to illustrate the answer to the Honourable Member's question.

With regard to Italy, an operational programme for the education of migrant workers is in place, which is run by the Ministry of Labour in conjunction with the Ministry of Foreign Affairs. The actions under this programme will be in three areas:

- Linguistic and cultural education (measure 1). The planned actions aim to provide language classes for young people of school age, to integrate people into the job market and to train trainers and instructors. The language courses include study visits to Italy and any other events for the exchange of information, the imparting of traditions of the regions of Italy, etc.;
- Vocational training (measure 2). The planned actions are aimed at retraining workers and providing support for very small businesses;
- Innovatory actions (measure 3). The aim of these actions is to improve training in line with economic and social changes using new technologies and training methods.

This operational programme relates to the period 1994-99, with ECU 20 million allocated.

| | Contribution from the European Social Fund | National contribution | Total |
|---|---|---|---|
| Measure 1 | 11.03 | 5.23 | 16.27 |
| Measure 2 | 4.36 | 2.06 | 6.42 |
| Measure 3 | 4.60 | 2.18 | 6.78 |
| Total | 20 | 9.49 | 29.49 |

As regards Portugal, two operational programmes aimed at providing vocational training for migrant workers were set up in the period 1990-93. In the new programmes, the Community support framework does not provide for any operational programme for migrants. The two 'Education' programmes (Prodep I and II), which were approved for the same period, do not make provision for any specific measures for the teaching of Portuguese to the children of migrant workers.

Finally, in Spain, a programme has been approved for the period 1994-99, which has the aim of encouraging integration of migrant workers who, because of they lack any vocational training or have no knowledge of

Spanish, have difficulties entering the job market. No specific measures are planned concerning the children of migrant workers, however. The programme covers three areas:

- Information, general guidance and socio-vocational counselling (measure 1);
- Vocational training (measure 2). Funding may be provided for courses in Spanish language and culture if it proves necessary to help immigrants gain access to the job market;
- Training of trainers and instructors (measure 3).

Between 1991 and 1995, following the creation of budget heading B3-1003 by the Parliament, the Commission also financed more than 500 projects concerning the teaching of the language of the host Member State, and teaching immigrant children the language and culture of migrant workers' Member State of origin.

From 1995 onwards, a specific action for the education of immigrant children has been included in the Socrates programme (Comenius, Action 2). Over the first two years of the programme, the Commission financed more than 200 projects promoting Europe-wide cooperation in the field of education for the children of migrant workers, as well as intercultural education for all pupils. With regard to migrants, the teaching of the language and culture of their country of origin is one of the priorities set out in the guide for applicants relating to this action.

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(97/C 60/63)

## WRITTEN QUESTION E-2172/96

**by Nikitas Kaklamanis (UPE) to the Commission**

*(2 August 1996)*

*Subject:* Taxation of road haulage

The Commission has reportedly put forward a proposal to harmonize the threefold tax on lorries in the Community, these being (a) transit fees, (b) road tax and (c) tolls.

The new provisions are expected to have a significant impact on hauliers in the particularly remote regions of the Community transporting perishable goods and place an unfair burden on countries at the periphery of the Community whose economies are affected by freight charges for their products.

Will provision be made for hauliers in the above regions to prevent them being forced out of business through the taxes on road haulage?

### Answer given by Mr Kinnock on behalf of the Commission

*(23 October 1996)*

The Commission proposal [1] to which the Honourable Member refers aims at further harmonizing charges and taxes paid by road hauliers in the Community, and at ensuring that charges paid for individual journeys are better aligned with the infrastructure costs caused.

The Commission has carefully analysed the impact of its proposal on transport costs and has come to the conclusion that it would not be damaging to the cohesion of the Community because:

— transport cost increases resulting from the proposal would be very small: even in a 'worst case scenario' average goods prices would only increase by 0.061%. The worst hit sector would face a price increase of less than 0.13% in this scenario;

— both the user charges and the charges for sensitive routes would impact most heavily, as a percentage of overall transport costs, in the region in which they are applied. Hauliers from peripheral regions would be less affected because, for a very large part of their journeys, they would go through areas in which neither user charges nor charges for sensitive routes were applied.

Consequently, the Commission believes that in its proposal it has taken a balanced approach, based on the territoriality principle, which ensures an equivalent treatment of all Community hauliers and which does not disadvantage any particular group of Member States.

Finally, in drawing up future proposals for introducing a common system of road charging, following the report on the implementation of the proposed directive, the Commission will take account of the potential impact of measures on peripheral regions in keeping with the principle of differentiated charges which features in its approach to this issue. In particular, the report will evaluate the possible regional consequences and the potential spatial impact on production structures, both in the economy as a whole and with regard to small and medium sized enterprises, that may result from a move towards a more use-based transport pricing system.

(1) COM (96) 331.

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(97/C 60/64)

**WRITTEN QUESTION E-2173/96**

**by Nikitas Kaklamanis (UPE) to the Commission**

*(2 August 1996)*

*Subject:* Unfair competition in road haulage

According to reports in the authoritative Greek periodical 'Trochoi kai TIR', fair competition is being severely hampered by differences in legislation on the dimensions and weights of lorries between countries with a large transport sector. The problems are also becoming more acute among EU countries, some of which have increased the width of lorries to 2.55 metres (from 2.50 m) while making a distinction in weight between lorries for national and international transport of 38 and 40 tonnes. Furthermore, lorries with cabotage licences can operate within a country at a higher tonnage than national transport.

Does the Commission intend to harmonize legislation on the dimensions and weights of lorries at European level in order to eliminate the problems of distorted competition?

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

*(18 October 1996)*

In order to avoide unfair competition in the road haulage industry, the Commission feels that the harmonization of maximum vehicle dimensions is essential, while that on maximum weights is desirable. Thus, on the basis of a Commission proposal the Council adopted Directive 96/53/EEC of 25 July 1996 (1) which, in the case of domestic transport, solely concerns maximum dimensions since the maximum weights and dimensions of vehicles for international transport have already been harmonized.

The adoption of this Directive constitutes a major milestone on the way towards harmonization of the maximum dimensions applying to both domestic and international transport. The Commission intends to pursue its efforts also to achieve in the long term a harmonization of vehicle weights for domestic transport operations.

(1) OJ L 235, 17.9.1996.

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(97/C 60/65)

**WRITTEN QUESTION E-2175/96**

**by Christine Crawley (PSE) to the Commission**

*(2 August 1996)*

*Subject:* Illegal shooting of wild birds

Is the Commission aware that thousands of turtle doves are illegally shot each spring in France as they migrate between Africa and Europe?

What action will the Commission take to put an end to this senseless destruction of a protected species of wildlife?

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

*(1 October 1996)*

The Commission is aware of the facts reported by the Honourable Member.

This matter falls primarily within the sphere of responsibility of the French authorities, but the Commission will contact them for further details.

The Commission will decide what action to take in the light of their reply.

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(97/C 60/66) **WRITTEN QUESTION E-2178/96**

**by Richard Howitt (PSE) to the Commission**

*(2 August 1996)*

*Subject:* Inhibition of free movement due to disparities between social security systems in different Member States

Is the Commission aware of the case of Mr and Mrs Hughes in my constituency who suffered severe medical problems following a traffic accident in France, but who have been denied full payment from the French insurance company involved because of benefits directly payable to French citizens under that country's social security system, but which cannot be paid to British tourists? Is this not an example of a barrier to free movement, and what action could the Commission take to rectify this anomaly?

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

*(23 October 1996)*

The Commission is not aware of the case to which the Honourable Member refers nor of the legal issues raised by this case. It has no power to interfere in the settlement of claims that road accident victims may have against the third party motor insurer concerned. On the basis of the information contained in the written question it would seem that the Honourable Member's constituents should address their appeal to the French civil courts if an out-of-court agreement cannot be reached.

As far as social security systems are concerned, and subject to the prohibition of discrimination on grounds of nationality, Member States are free to determine the details of their own schemes, including which benefits shall be provided and the conditions for eligibility.

Following the Parliament's resolution of 26 October 1995 on the settlement of claims arising from traffic accidents occuring outside the claimant's country of origin, the Commission is currently preparing a proposal for a directive to assist road accident victims in a situation similar to that described by the Honourable Member.

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(97/C 60/67) **WRITTEN QUESTION E-2192/96**

**by Sérgio Ribeiro (GUE/NGL) and Honório Novo (GUE/NGL) to the Commission**

*(2 August 1996)*

*Subject:* Toxic mercury levels in fish forming an essential part of the staple diet and the economy in Câmara de Lobos, Madeira, Portugal

The black scabbard-fish is of great economic importance for the autonomous region of Madeira, and in particular for Câmara de Lobos, because it is widely eaten by the local population and sold for use in restaurants catering for the tourist trade.

At the end of 1995 a journalist reported that this species contained toxic levels of mercury, basing her allegation on scientific studies, including one written by Professor Renzoni, of the University of Siena, and published in 1992 in 'Environment Management', vol. 16, pp. 597-602, and internal regional government figures.

Whereas the regional government responded by denying the report and putting up a more impenetrable wall of silence, even resorting to threats of legal proceedings, further research was carried out by the University of the Azores and IPIMAR and confirmed that the situation was serious. In addition to demonstrating that there is a danger to public health, the studies identify the cause, namely pollution carried by currents coming from the Mediterranean.

It thus became necessary to take action, and, on 2 May 1996, the regional health authority accordingly issued a circular containing important recommendations. The regional government, however, did not change its attitude and consequently failed both to inform the public — without causing undue alarm — and to take practical steps.

The matter is naturally extremely delicate, since people's everyday lives and a region's economy are being adversely affected by circumstances beyond their control, but protection of public health must continue to be the priority. What can the Commission do to update and organize research? What assistance can it provide to the Portuguese Government and the Madeira regional authorities to enable them to take urgent measures and tackle the inevitable economic and social consequences at local level, bearing in mind that the area concerned has already been so severely weakened that it has been covered in Community programmes to combat poverty?

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

*(17 October 1996)*

The Commission shares the Honourable Members' concern at the contamination of some foodstuffs with mercury and its long-term consequences for public health. For this reason, pursuant to Council Directive 91/493/EEC laying down the health conditions for the production and placing on the market of fishery products, [1] the Commission adopted Decision 93/351/EEC of 19 May 1993 determining analysis methods, sampling plans and maximum limits for mercury in fishery products. [2] The fish cited by the Honourable Members is a species of swordfish, the scientific name of which is Aphanopus carbo. It is listed in the Annex to the Commission Decision as a species for which a mercury level of 1 milligram per kilo of fresh weight is tolerable in the edible parts. This value is a mean to be established by homogenizing 10 samples taken from 10 different individuals.

This level has been established for the protection of public health on the basis of the recommendations in the World Health Organization's Codex Alimentarius. Article 4 of the Decision requires the Commission to review the mean total mercury content on the basis of data collected and communicated by the Member States. Unfortunately, the Portuguese authorities have still to provide data on the species in question. Nor has the Commission been notified of any social and economic difficulties in the autonomous region of Madeira arising from the limits imposed by the Decision on the admissible level of mercury in fish of this species. The Commission is ready to work with the Portuguese government and the regional authorities in Madeira to examine the impact of the Decision's application.

[1] OJ L 268, 24.9.1991.
[2] OJ L 144, 16.6.1993.

(97/C 60/68) **WRITTEN QUESTION E-2194/96**

**by Reimer Böge (PPE), Tom Spencer (PPE) and Ria Oomen-Ruijten (PPE) to the Commission**

*(2 August 1996)*

*Subject:* Oil pollution on German North Sea beaches

In accordance with the MARPOL convention on international shipping, tankers can clean their tanks at a distance of 50 nautical miles from the coast and discharge 30 l oil (new tankers)or 60 l oil (old tankers up to July 1998) per nautical mile into the North Sea.

In view of the recent pollution of the German North Sea coast:

1. What is the Commission's attitude towards the efforts of the marine environment protection committee of the IMO (International Maritime Organization) to have the North Sea declared a special area, thereby prohibiting such pollution?

2. Would the Commission be prepared to give the North Sea riparian states logistical and financial support in their initiatives aimed at rules standard throughout the EU with regard to oil disposal in European sea ports and monitoring of the sea in the form of a Euro-Coastguard, as suggested by Parliament on a number of occasions in the past?

3. Is the Commission prepared to include in its 1997 action programme an action programme to protect coasts and seas?

4. Has the Commission taken, or will it take, any initiatives to ensure that only vessels which conform to the IMO's safety requirements will be permitted to sail in EU waters?

5. What is the Commission's view of the need to establish a transfer of data with regard to the oil disposal activity of all European coastal ports?

6. Has the Commission looked into the question of whether measures such as the USA's Oil Pollution Act on construction, equipment, regulations and liability could be applied by means of an EU directive within the EU Member States?

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

*(10 October 1996)*

1. The Commission participated in designating the North Sea as a special area where discharges of oily residues from all ships, including tankers, would be prohibited. The marine environmental protection committee of the International maritime organisation (IMO) approved this concept during its last meeting in July and further steps are being taken in order to amend the Marpol Convention.

2. There are regional arrangements for surveillance in which the Commission is participating. A European coast guard is presently not under consideration.

3. The Commission has included in 'the common transport policy action programme 1995-2000' ([1]) the development of legislation for the provision and use of shore reception facilities for ships' waste, including oil. A proposal could be expected in the course of 1997. It will entail provisions to make it mandatory for ports to have the necessary facilities for such waste and it will also be mandatory for ships entering these ports to discharge all their waste ashore before leaving the port.

4. On 1 July 1996 the Directive on port state control (92/21/EC) ([2]) became fully operational. The purpose of the Directive is to help reduce substandard shipping in the waters under the jurisdiction of the Member States. This will be achieved by increasing compliance with international and relevant Community legislation on maritime safety, protection of the marine environment and living and working conditions on board ships of all flags and, equally important, by establishing common criteria for control of ships by the port state and harmonizing procedures on inspection and detention.

5. Exchange of information is essential for the implementation of legislation for shore reception facilities for ships' waste. This matter will be taken up in the above mentioned proposal.

6. The Commission does not have any intention to develop legislation similar to the Oil pollution act of the United States.

([1]) COM(95) 302.
([2]) OJ L 157, 7.7.1995.

(97/C 60/69)

**WRITTEN QUESTION E-2195/96**

**by Horst Schnellhardt (PPE) to the Commission**

*(2 August 1996)*

*Subject:* Weimar, city of culture 1999

The Ministers of Cultural Affairs of the European Union have declared Weimar European City of Culture for 1999. This involves a certain responsibility and commitment, not only on the part of the Federal Government of Germany but also on the part of the institutions of the European Union.

1. Does the Commission have any plans for events in Weimar for 1999?

2. Is the Commission involved in planning and implementing the concept?

3. Are there any plans for financial and material support and/or an input of ideas, or is such assistance already being provided?

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

*(31 October 1996)*

The Commission would firstly like to recall that the European City of Culture is an intergovernmental initiative. The city is selected by the representatives of the Member States and not by a Community decision. The Commission provides financial support for the organization of events once the city has been designated.

The Commission will be able to give the amount of the financial contribution only when the 1999 Community budget has been adopted.

It should be pointed out that projects organized in the designated European City of Culture can be and indeed have been, supported under existing cultural programmes, in particular Kaleidoscope.

Since 1991, the Commission has also provided an informal secretariat for cities in order to enable professionals who have already organized such events to exchange their experiences and share them with professionals responsible for preparing programmes for future years. These professionals formed a network in 1993.

Moreover, the Commission intends in time to examine a specific proposal to Parliament and the Council based on Article 128 of the EC Treaty for the European City of Culture after 2000. On that occasion, procedures for designating cities will probably be revised.

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(97/C 60/70)

**WRITTEN QUESTION E-2200/96**

**by Wolfgang Nußbaumer (NI) to the Commission**

*(2 August 1996)*

*Subject:* Opening up of electricity markets

The directive on opening up the electricity markets in the European Union will probably enter into force on 1 January 1997.

What competitive advantages does the Commission hope will accrue to the participating companies?

How great are the disadvantages for companies which have not yet been included, or will not be included at all, in the plans for liberalization of the electricity market?

Are there any plans to involve private consumers in this liberalization in the long term?

Will consumers in weaker regions be faced with rising electricity and gas prices when local monopolies are done away with?

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

*(4 October 1996)*

The directive concerning common rules for the internal market in electricity will only enter into force if the Parliament and the Council adopt it together following the rules of the codecision procedure (Article 189B of the EC Treaty). It will create a right of access to all Community electricity markets for all electricity producers established in the Community. Moreover, it will also gradually liberalize and open up approximately

33% of the Community's electricity consumption to more competition. The customers who are identified as eligible in this phase of market opening, as created under this directive, will have the freedom of choice to buy electricity from any producer they choose. All electricity producers and eligible customers will therefore benefit from market opening and competition.

As it is not yet clear what final shape the directive will take and as Member States have various options for implementation, it is not yet possible to calculate in detail the competitive advantages for electricity producers and eligible customers. However, markets which are already liberalized like the England and Wales electricity market, give some sort of indication of the effects on electricity prices resulting from greater competition. In England and Wales between 1990 and 1994 real prices dropped by about 10% for industrial consumers and by about 6% for domestic consumers.

With the introduction of thresholds for market opening some electricity consumers, like domestic consumers, will remain excluded from the direct advantages of competition and consumer choice. However, these consumers may benefit indirectly from competition if their electricity distributors are considered to be eligible. Furthermore, captive consumers may be protected through the use of tariff controls introduced by Member States.

The direct participation of domestic customers is not foreseen under the present draft directive, though it may be part of the future considerations to expand the scope of liberalization. However, further measures for market opening would have to depend on an evaluation of the experience gained in the initial phase of liberalization. These further measures would of course involve the participation of both the Parliament and the Council.

It should be clear that eligible customers, who will be free to choose their supplier, will also have to bear the burden of participating in an open and competitive market. Many opportunities will be available to eligible customers, but they also will be exposed to certain risks, as in any normal market situation. However, non-eligible customers, as explained above, will continue to be supplied by their distributor on which the Member State may impose certain obligations as regards pricing, such as for instance a protective pricing policy for domestic customers within the framework of the issue of public service obligations. The choice of such policies lies, however, in the hands of the Member States.

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(97/C 60/71)

**WRITTEN QUESTION E-2202/96**

**by Gerardo Fernández-Albor (PPE) to the Council**

*(13 August 1996)*

*Subject:* Position of the Council regarding the creation of a CFSP Secretariat

A number of prominent European political figures have called for the CFSP to have a Secretariat of its own, with a specific status, which would operate under the direction of the Council and play a similar role with regard to the common foreign and security policy to that played by the Commission with regard to Community policies: identifying the common interest, proposing decisions, monitoring their implementation and representing the Union at international meetings which are not the responsibility of the Council.

This arrangement would require a redefinition of certain areas of international relations, in conjunction with the Commission, so as to preserve overall consistency and prevent an artificial separation or a serious lack of coordination between economic and monetary policy and foreign and security policy.

Can the Council state its position on the above proposal, which is supported by numerous pro-European political figures?

**Answer**

*(29 November 1996)*

The Honourable Member is presumably referring to proposals which have been made for a figure who has been described inter alia as a Secretary General for CFSP, High Representative for CFSP or Mr/Ms CFSP, linked to the creation of a policy planning capability within the Council. Such proposals and their implications, including those referred to by the Honourable Member, are now under discussion in the Intergovernmental Conference.

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(97/C 60/72)

**WRITTEN QUESTION E-2221/96**

**by Gijs de Vries (ELDR) to the Commission**

*(9 August 1996)*

*Subject:* Fuel from imported waste

The Netherlands authorities have banned the firm Afvalverwerking Regio Nijmegen B.V. from importing waste from Germany as a source of energy (refuse derived fuel, or RDF).

Is this ban in line with the framework directive on waste (Directive 75/442 [1], as amended by Directive 91/156 [2]) and Regulation 259/93 [3] on the supervision and control of shipments of waste within, into and out of the European Community? Or is the combustion of high-calorie waste such as RDF a 'useful application' within the meaning of the framework directive, with the result that there is nothing to stop imports from another Member State pursuant to Article 1(3)(a) of the Regulation?

(1) OJ L 194, 25.7.1975, p. 39.
(2) OJ L 78, 26.3.1991, p. 32.
(3) OJ L 30, 6.2.1993, p. 1.

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

*(24 September 1996)*

Shipments of waste between Member States are covered by Regulation 259/93 on the supervision and control of shipments of waste within, into and out of the Community.

In accordance with Article 4.3(a)(i) of this Regulation, imports of waste from other Member States can be prohibited generally or partially, or they can be objected to systematically, when the waste is destined for final disposal.

Imports of waste from other Member States destined for recovery operations cannot be prohibited generally or partially, nor can they be objected to systematically. However, motivated objection can be made against a specific notification for import of waste listed in Annex III or IV of the Regulation on the basis of a number of reasons mentioned in Article 7.4(a). When an import for recovery of waste listed in Annex II of the Regulation is concerned, notification is not required and thus objection is not possible.

Combustion with energy recovery is considered to be a recovery operation on the basis of Annex IIB of Directive 75/442/EEC [1] as modified by Directive 91/156/EEC [2]. This Annex IIB, as recently modified by Commission Decision 96/350/EC [3], lists 'use principally as a fuel or other means to generate energy' under R1.

Since in this case the waste is destined for combustion with energy recovery and as such for a recovery operation, it depends on the classification of the waste in Annex II or in Annexes III or IV of the Regulation whether or not objection against the shipment is possible in principle on the basis of the reasons enumerated in Article 7.4(a).

The assessment of specific notifications and whether or not a shipment of waste is authorized, falls within the competence of the authorities of the Member States.

(1) OJ L 194, 25.7.1975.
(2) OJ L 78, 26.3.1991.
(3) OJ L 135, 6.6.1996.

(97/C 60/73)

**WRITTEN QUESTION E-2231/96**

**by Sérgio Ribeiro (GUE/NGL) and Honório Novo (GUE/NGL) to the Commission**

*(9 August 1996)*

*Subject:* Poseima-agriculture programme

A series of sectoral measures were introduced under Poseima to support a range of essential agricultural products for consumption in the autonomous region of the Azores.

Can the Commission confirm what agricultural products for consumption in the autonomous region of the Azores were supported under the agricultural section of Poseima and, if possible, say what appropriations were allocated to each of these products?

Can the Commission also say whether support measures of the kind provided for under the Poseima-agriculture programme for the autonomous region of the Azores are still in force, what sums are involved and which products?

(97/C 60/74) **WRITTEN QUESTION E-2232/96**

**by Sérgio Ribeiro (GUE/NGL) and Honório Novo (GUE/NGL) to the Commission**

*(9 August 1996)*

*Subject:* Poseima-agriculture programme

A series of sectoral measures were introduced under Poseima to support a range of essential agricultural products for consumption in the autonomous region of Madeira.

Can the Commission confirm what agricultural products for consumption in the autonomous region of Madeira were supported under the agricultural section of Poseima and, if possible, say what appropriations were allocated to each of these products?

Can the Commission also say whether support measures of the kind provided for under the Poseima-agriculture programme for the autonomous region of Madeira are still in force, what sums are involved and which products?

**Joint answer**
**to Written Questions E-2231/96 and E-2232/96**
**given by Mr Fischler on behalf of the Commission**

*(20 September 1996)*

The products benefitting from specific provisions under the Poseima programme- particularly in supply matters- are listed in the annex to Council Regulation (EEC) No 1600/ 92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products [1].

Every year, the relevant quantities are fixed by the Commission (with the Portuguese authorities) when the supply estimates are drawn up for the period going from 1 July to 30 June of the following year.

Unless otherwise stated in the Council text, there is no time limit on the supply arrangements. The Commission will shortly adopt a proposal for revision of the Regulation. This proposal should lead to appropriate adjustments being made, upon conclusion of an initial four-year application period.

[1] OJ L 173, 27.3.1992.

(97/C 60/75) **WRITTEN QUESTION E-2233/96**

**by Sérgio Ribeiro (GUE/NGL) and Honório Novo (GUE/NGL) to the Commission**

*(9 August 1996)*

*Subject:* Poseima-transport programme

The permanent handicaps arising from the remote nature of the autonomous Portuguese regions of the Azores and Madeira caused a series of specific measures to be introduced under the Poseima programme. These included aid to offset operating costs in the transport sector.

Can the Commission confirm the duration initially envisaged for the Poseima-transport programme, what appropriations were allocated under this measure for the Azores and Madeira and whether these appropriations were in addition to financial instruments covered by the CSF?

Can the Commission also confirm whether the Poseima-transport measure has lapsed and, if so, can it say when and why it came to an end?

**Answer given by Mrs Wulf-Matthies on behalf of the Commission**

*(17 October 1996)*

In the 'transport' component of the Poseima programme for the autonomous regions of Madeira and the Azores, it was planned to offset the difficulties caused by distance in these two island chains by seeking low-cost scheduled services, while permitting diverse Community companies to serve these regions.

In the context of transport policy, Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) took account of the outlying nature of some island regions of the five southern Member States, among them Madeira and the Azores. [1] Until 1 January 1999, cabotage in the archipelagos of Madeira and the Azores is provisionally exempt from the Regulation. This derogation should give the regions time to adapt to liberalization. The Regulation also allows Member States to conclude public service contracts with shipping companies providing regular services to, from or between islands, or make public service requirements a condition for cabotage. Existing public service contracts may also remain in force until their date of expiry.

This is not the type of measures that could be adopted in Community aid programmes, of which the operational programmes adopted for the autonomous regions of Madeira and the Azores as part of the 1994-99 Community support framework for Portugal are examples.

[1] OJ L 364, 12.12.1992.

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(97/C 60/76)

**WRITTEN QUESTION E-2240/96**

**by Anita Pollack (PSE) to the Commission**

*(9 August 1996)*

*Subject:* EU ban on import of baby seal skins

Is the Commission aware that the UK government is planning to repeal a regulation which ensures that traders label their products to show whether they are made of sealskin and from which country they come? If this is repealed would it bring the UK into breach of EU Directive 83/129/EEC [1]?

[1] OJ L 91, 9.4.1983, p. 30.

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

*(13 September 1996)*

As the Regulation referred to by the Honourable Member falls outside the scope of Council Directive 83/129/EEC [1], its repeal would not constitute an infringement thereof.

[1] OJ L 91, 9.4.1983, last amended by Council Directive 89/370/EEC, OJ L 163, 14.6.1989.

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(97/C 60/77)

**WRITTEN QUESTION E-2244/96**

**by Gunilla Carlsson (PPE) to the Commission**

*(9 August 1996)*

*Subject:* Measures to facilitate an electronic capital market

It is reported that a European electronic capital market (EUSDAQ) based in Brussels is to start operating in the autumn. This has received support from the Commission via GD XXIII, which is to be welcomed. There are also plans for such a capital market in France.

However, there is still a long way to go before a European counterpart to the American NASDAQ can become a reality. Despite improvements, there are major problems trading in securities in and among the various Member States. The legal frameworks are different and tax regulations vary from country to country. This means it is difficult to set up a pan-European capital market operating efficiently regardless of frontiers.

This is a serious problem since a pan-European capital market would provide expanding European companies with access to venture capital on the same terms as their American counterparts. Moreover, it is important in our efforts to establish an efficiently operating internal market.

What future measures will the Commission take to create favourable conditions for the operation of a pan-European electronic capital market?

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

*(24 October 1996)*

The Commission welcomes initiatives for the creation of national and European capital markets for small rapidly-growing companies. These are much needed, given the important role that smaller companies play in job creation, the relative undercapitalisation of European companies, and the fact that companies take on average much longer to be brought to the stock market in Europe than in the United States.

These initiatives were made possible by the investment services Directive 93/22/EEC [1] (ISD). This Directive was adopted on 10 May 1993. Member States had to implement its provisions at the latest by 1st January 1996. The Directive allows regulated electronic stock exchanges, if so they wish, to provide their terminals to their members all over the Community, and conversely, any pan-European stock exchange has to be authorised and regulated in a given Member State.

Pan-European exchanges are expected to work properly as a result of the measures introduced by the ISD and by other Community measures, e.g. in the field of mutual recognition of disclosure documents. However, some barriers still exist. These concern for example the absence of a single currency, and differences between Member States in rules concerning taxes (on capital gains and dividends) and accounting.

In the specific case of pan-European capital markets for small and medium sized enterprises the Commission is currently preparing a communication which will summarise the progress made in this area to date and describe some of the potential barriers, both in terms of the operations of such capital markets themselves and the problems which can prevent a company being brought to stock market at all. The appropriate further action, either at Community or Member State level, will be decided by the Council.

[1] OJ L 141, 11.6.1993.

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(97/C 60/78)

**WRITTEN QUESTION E-2245/96**

**by Jens-Peter Bonde (I-EDN) to the Council**

*(27 August 1996)*

*Subject:* Cooperation on justice in the EU

Has cooperation on justice in the EU now developed to the point where former SS officer Søren Kam, charged with murder for 53 years, can now be returned to Denmark to face trial?

**Answer**

*(29 November 1996)*

Since the entry into force of the Treaty on European Union, the Council has adopted two acts designed to improve extradition between Member States.

The Council drew up its first Convention in March 1995. That Convention provides for a simplified procedure for extradition, which is possible only with the consent of the person concerned. That instrument was

signed by all the Member States but cannot enter into force until it is ratified by all the Member States. The possibility that the Convention might enter into force before its due date between Member States which make a declaration to that effect is also being considered.

Moreover, the Council has recently finished working on a second Convention. Specific provisions are planned for facilitating extradition where offences are committed as part of a conspiracy or an association to commit offences. In addition, some offences at least will no longer be considered as political offences, such as the terrorist offences referred to in Articles 1 and 2 of the European Convention on the Suppression of Terrorism and certain offences of conspiracy or association. Other matters of particular importance include the provisions laid down for the extradition of nationals.

(This second Convention has recently been adopted by the Council and signed by the Member States.)

The Honourable Member will appreciate that it is not up to the Council to give an opinion on individual cases concerning extradition. The Council is therefore unable to judge whether the Conventions concerned will have implications for the particular case referred to in his question.

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(97/C 60/79)

**WRITTEN QUESTION E-2256/96**

**by Michl Ebner (PPE) to the Commission**

*(9 August 1996)*

*Subject:* Rescue services

Starting from the premise that the rescue services provide a valuable service to the public, will the Commission answer the following questions:

1. What qualifications are planned in the future for full-time rescue service workers? Is the trend towards the career profile of 'rescue paramedic' or 'rescue assistant', as in Germany, or towards that of 'nurse', as in Italy?
2. What European standards for rescue services, covering areas such as clothing, health and safety at work, vehicles, rescue helicopters, plans for dealing with large numbers of injured persons, medical strategies for emergencies, already exist, and what standards are at the preparatory stage?
3. What financial support does the European Union intend to provide for programmes covering the broad training of volunteers, emergency doctors and rescue service workers?

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

*(28 October 1996)*

The training of first-aid and rescue workers falls within the area of responsibility of the Member States, who are free to define their own career profile for such jobs.

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(97/C 60/80)

**WRITTEN QUESTION E-2264/96**

**by Glyn Ford (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Medical information on LGV/PCV drivers

Do other EU countries have a body similar to the British Divers' Vehicle Licensing Authority (DVLA) that holds details of LGV/PCV drivers who fail medicals for health-related problems?

Can a breakdown of information be obtained about the number of different health-related problems affecting LGV/PCV drivers who fail their medicals?

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

*(1 October 1996)*

All Member States hold files (at national, regional or local level) on driving licences.

Valid driving licences of categories C or D imply that the holder has successfully passed the medical tests and is considered to meet the medical standards till the next periodic medical test required for renewal of his or her entitlement.

Statistics available in the Member States usually relate to valid licences.

Statistics on the breakdown of the different health-related problems affecting drivers who fail their medicals may be collected in particular for research purposes, but they are not available to the Commission.

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(97/C 60/81)

**WRITTEN QUESTION E-2267/96**

**by Cristiana Muscardini (NI) to the Commission**

*(27 August 1996)*

*Subject:* Protection and enhancement of cities of artistic importance in Europe

The Commission is well aware that the European Union has allocated 10 billion lire between now and the year 2000 for the protection and enhancement of cultural assets as part of a programme which extends to all the Mediterranean countries.

This joint operation designed to achieve mutual assistance and exchanges of technology and assemble task forces of archaeologists and restoration experts, also provides for major efforts to ensure a fair distribution of the limited funds available and hence to determine priorities by giving emphasis to particular studies and actions in preference to others in an effort to overcome the problems facing cities of artistic importance in Europe.

With reference to the written question I tabled in July 1996 on safeguarding Italy's artistic heritage (No E-2035/96), will the Commission undertake an analytical study of the decline and deterioration of these cities of artistic importance, in order to ensure that funds are distributed in such a way as to give priority to the most urgent measures needed to preserve the heritage, rather than to exploit it?

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

*(30 October 1996)*

While thanking the Honourable Member for her interesting question, the Commission would like to state that funds will be allocated to Euro-Mediterranean cooperation projects for the safeguarding of the cultural heritage from the Meda budget heading, on the basis of the conclusions of the Barcelona and Bologna conferences; the amount has yet to be determined.

The detailed rules for the implementation of this specific form of cooperation were discussed in depth by the authorities of the Mediterranean countries, the international and non-governmental organizations concerned and the Commission at the three preparatory workshops held under the Italian Presidency in Arles, Berlin and Amman. The results of these workshops served as a basis for the conclusions of the meeting of the twenty-seven Ministers for Culture from the Member States and non-member Mediterranean countries in Bologna on 22 and 23 April 1996. At these meetings, the exact situation of the cultural heritage in the Euro-Mediterranean countries was ascertained and priorities were established to ensure that Community support would be distributed more evenly. Lastly, a technical meeting was held in Brussels on 9 and 10 September 1996 on the Commission's initiative. At this meeting a study was made of the numerous specific proposals for cooperation in the safeguarding of the cultural heritage, which had been transmitted by the various countries in the Euro-Mediterranean partnership after the Bologna conference. There the representatives of the countries in the Euro-Mediterranean partnership and project planners had the opportunity to redefine and specify their needs and priorities.

The considerable work done at the abovementioned series of meeting will enable the Commission to give priority to the most urgent projects and to plan the stages of its involvement in the safeguarding of the Mediterranean cultural heritage with a view to sustainable development in the countries around the Mediterranean basin.

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(97/C 60/82)

## WRITTEN QUESTION E-2268/96

**by Cristiana Muscardini (NI) to the Commission**

*(27 August 1996)*

*Subject:* Frequency of motorcycle accidents

The answer given by Mr Kinnock on behalf of the Commission to Written Question No E-3201/95 [1] by Mr Alavanos alleges that motorcycles are involved in more accidents than other means of transport.

What is the source of this information and on what statistics is it based?

Will the Commission also give details of the number of persons involved in accidents involving motorcycles as opposed to other means of transport?

[1] OJ C 61, 5.6.1996, p. 8.

### Answer given by Mr Kinnock on behalf of the Commission

*(30 October 1996)*

The risk of being killed or injured while using a means of transport would most appropriately be expressed as the number of killed or injured per kilometre travelled.

The Community data bank on traffic accidents Care does not yet provide detailed statistics for the Member States since the project is still being developed and validated. However, in drawing up the estimates presented in the Commission's green paper 'Towards fair and efficient pricing in transport', statistics of various organisations (ECMT, IRF, OICA), vehicle manufacturers, and national statistics were used, which allow a fairly comprehensive assessment to be made. On this basis, it is possible to estimate that in the Community approximately 135 million passenger-kilometres are travelled by motor bike (2.9% of journeys), compared with 3610 million passenger-kilometres travelled by car.

The use of the motor bike varies widely in Europe, in particular for climatic reasons:

| | Population (million) | Number of motor bikes (million) | Kilometres (million) | Motor bikes per 1000 population | Kilometres per person per year |
|---|---|---|---|---|---|
| Mediterranean Region | 116.4 | 12.6 | 68,800 | 109 | 591 |
| Central Europe | 180.0 | 9.5 | 36,000 | 53 | 200 |
| Northern Europe | 85.3 | 1.7 | 5,100 | 20 | 59 |

The number of fatalities for motor cycles and car users can be summarized as follows:

*Numbers killed per thousand million passenger-kilometres*

| | 1980 | 1993 | 1994 |
|---|---|---|---|
| Drivers of motor bikes | 92.1 | 59.7 | 57.7 |
| Cars | 5.9 | 2.4 | 2.2 |

*Numbers killed per million vehicles*

| | 1980 | 1993 | 1994 |
|---|---|---|---|
| Drivers of motor bikes | 498 | 323 | 324 |
| Cars | 127 | 52 | 47 |

Finally, the risk of being killed in an accident (per thousand million driven kilometres) in the Community was:

| | 1980 | 1993 | 1994 |
|---|---|---|---|
| Drivers of cars | 5.9 | 2.4 | 2.2 |
| Motor bikes | 92.1 | 59.7 | 57.7 |
| Bicycles | 112.1 | 42.0 | 41.1 |
| (Pedestrian) | 339.0 | 251.3 | 249.9 |

(97/C 60/83)

**WRITTEN QUESTION P-2270/96**

**by Georg Jarzembowski (PPE) to the Commission**

*(30 July 1996)*

*Subject:* Price and allocation policy of the Netherlands Reservation Centre and the Institute for Educational Tours

Is the Commission aware that:

The Rijksmuseum is holding an exhibition of paintings by the artist Jan Steen from 21 September 1996 to 12 January 1997.

Tickets, which are allocated to groups visiting at particular times, are available from the Netherlands Reservation Centre in Leidschendam at the price of Fl 15, with one exception:

— Visitors from Germany are obliged to buy their tickets from the Institut für Bildungsreisen (IfB) [Institute for Educational Tours], Adenauerallee, 53113 Bonn, at the price of DM 15 plus commission.

This means that all groups and individual customers have to buy their tickets from one supplier. The IfB is itself also a group supplier, which gives it a significant pricing advantage as well as enabling it to decide to whom it sells tickets and for what times.

This rule only applies to customers from Germany. Customers from any other country can buy their tickets direct from the Netherlands Reservation Centre in Leidschendam.

In the Commission's view, is this situation compatible with the EC Treaty, particularly its provisions on competition?

What measures will the Commission take if this arrangement is found to be incompatible with the EC Treaty?

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

*(25 October 1996)*

Restrictions on the sale of tickets, as described by the Honourable Member, result in the German market being sealed off from the rest of the single market. Consumers in Germany are thus prevented from buying tickets direct from the Netherlands.

The Commission is looking into the matter and has called on the Netherlands Reservation Centre to ensure that consumers are able to buy tickets from it direct and in a non-discriminatory manner, i.e. in compliance with the principle of the single market and with the rules of competition.

(97/C 60/84)

**WRITTEN QUESTION P-2271/96**

**by Wolfgang Nußbaumer (NI) to the Commission**

*(30 July 1996)*

*Subject:* Conformity of certain Austrian taxes and levies with Community legislation

Article 33 of Directive 77/388/EEC (1), the Sixth Council Directive of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, stipulates that the Member States are not prevented from maintaining or introducing other taxes, duties or charges which cannot be characterized as turnover taxes. This must mean that no other taxes, duties or charges which can be characterized as turnover taxes may be maintained or introduced.

In Austria, however, the basic levy on compulsory members of the chamber of commerce, the beverage tax and the tourist tax in the province of Vorarlberg are calculated according to the basis of assessment for turnover tax, or paid on the basis of self assessment following decisions to this effect by the tax authorities.

These taxes are levied, in addition to turnover taxes, according to the same basis of assessment, on the turnover for goods and services. In addition, they are a proportion of the cost of the goods and services and are levied at every stage of production and distribution.

How far do the basic levy on compulsory members of the chamber of commerce (KU1), the beverage tax and the tourist tax in Austria conform with current Community law?

Do these taxes still infringe Community law if they are only levied on services and turnover which are internal to Austria?

(1) OJ L 145, 13.6.1977, p. 1.

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

*(23 September 1996)*

The Commission does not currently have all the information necessary to assess whether the three taxes referred to by the Honourable Member are compatible with Article 33 of the Sixth VAT Directive (77/388/EEC) of 17 May 1977.

It will contact the Austrian authorities to obtain all the information it needs to carry out a detailed study of the taxes in question. It will inform the Honourable Member of the outcome of its investigations.

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(97/C 60/85)

**WRITTEN QUESTION E-2278/96**

**by Glyn Ford (PSE) to the Commission**

*(27 August 1996)*

*Subject:* 'Tropical' refrigerators

Can the Commission explain, now that an exemption has been granted for 'tropical' refrigerators not to meet the energy efficiency criteria laid down for normal refrigerators in the Macartney report, how it intends to ensure such tropical refrigerators are only sold and used in the climatically appropriate parts of the Community?

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

*(15 October 1996)*

The Commission does not consider that any special measures should be taken to guarantee that subtropical and tropical refrigeration appliances are not sold outside the geographical areas where they are really needed. These appliances consume more energy at 25° due to the additional and more powerful components to enable them to work at very high ambient temperatures. To avoid penalizing them coefficients have been introduced in the energy efficiency requirements.

The Commission considers that these refrigerators will continue to be sold only in Southern Europe since they are more expensive to produce. They are derived from normal models on which the additional and more powerful components are added. Their maximum consumption limits are only slightly higher than those for equivalent normal models. For manufacturers it will be cheaper to upgrade normal models to meet the efficiency requirements rather than to sell subtropical and tropical models in areas where they are not needed.

The Commission will carefully follow this issue in order to avoid any such problem.

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(97/C 60/86)

## WRITTEN QUESTION E-2280/96

**by Angela Sierra González (GUE/NGL), Laura González Álvarez (GUE/NGL) and María Sornosa Martínez (GUE/NGL) to the Commission**

*(27 August 1996)*

*Subject:* Destruction of the botanical species Helichrysum Monogynum in the Lanzarote Nature Park (Canary Islands)

The Spanish Ministry of Defence has begun building military outbuildings in the area surrounding the Lanzarote Nature Park (Canary Islands), thereby causing serious disturbance to one of the small populations of the botanical species Helichrysum Monogynum, commonly known as 'Yesquera roja', which is included in Annex I to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1].

The building work in question, which has destroyed part of the population endemic to the island of Lanzarote, does not have the necessary permits that should be granted by the local authorities on the island and is thus in breach of countless internal Spanish laws on both the environment and town-planning.

Lanzarote has been designated a Biosphere Reserve by UNESCO under its Man and Biosphere programme.

Is the Commission aware of the problem caused by the destruction of this species endemic to the island of Lanzarote?

Is the Commission aware that the building work in question has destroyed an important part of a population included in Annex I of the directive on natural habitats under the section concerning strictly protected species endemic to the macaronesic region?

Does the Commission not consider that the abovementioned building works are in breach of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [2], since no prior environmental impact study was undertaken?

What measures will the Commission take to ensure that Directives 92/43/EEC and 85/337/EEC are observed?

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[1] OJ L 206, 22.8.1992, p. 7.
[2] OJ L 175, 5.7.1985, p. 40.

### Answer given by Mrs Bjerregaard on behalf of the Commission

*(1 October 1996)*

The species Helichrysum monogysum is not listed in Annex II or Annex IV to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. [1]

However, the Commission's information shows that the work in question has been carried out by the Spanish Ministry of Defence on the 'Risco de Famara'. This lies within an area included in the Spanish national list of areas eligible as sites of Community importance for the Macaronesian biogeographical region (Canary Islands), communicated to the Commission under Article 4 of Directive 92/43/EEC.

The Commission will ask the Spanish authorities to provide information on the facts referred to by the Honourable Member.

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[1] OJ L 206, 22.7.1992.

(97/C 60/87)

**WRITTEN QUESTION E-2284/96**

**by Anne André-Léonard (ELDR) to the Commission**

*(27 August 1996)*

*Subject:* Regulation of the Internet

The Internet is not like other networks in that it is made up of a web of several different networks.

The rapid development of communications on the Internet is of extraordinary benefit for the international community, but there are serious risks of offences against public order.

In Germany there have been serious instances of paedophile degeneracy and revisionist propaganda.

Although there are national regulations to ensure respect for the requirements of public order in the on-line services of the country concerned, international cooperation is required to cope with the transnational structure of the Internet.

What progress has the Commission made in defining a regulatory policy in this area?

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

*(25 October 1996)*

The Commission would refer the Honourable Member to its answers to Written Questions E-99/96 by Mr Siso Cruellas ([1]) and P-1542/96 by Mr Valdivielso de Cué, ([2]) in which it recognized the need for a coherent regulatory framework that promoted the development of the information society while properly safeguarding the public-order interests to which the Honourable Member refers.

The Commission has also begun considering the various issues of general interest inherent in the growing availability of communication networks such as the Internet.

For example, on 16 October it approved a Green Paper on the protection of minors and human dignity in audiovisual and information services and a Communication on harmful and illegal content on the Internet.

Lastly, the Telecommunications Council, in the context of the issue of paedophilia on the Internet, instructed the Commission to enlarge the working party set up at the informal meeting of Telecommunications Ministers in Bologna so as to include representatives of the Telecommunications Ministers, of service providers, of the industries supplying the content and of users with a view to presenting concrete proposals and possible measures at the next Telecommunications Council meeting on 28 November 1996.

([1]) OJ C 173, 17.6.1996.
([2]) OJ C 356, 25.11.1996.

(97/C 60/88)

**WRITTEN QUESTION E-2294/96**

**by Erich Schreiner (NI) to the Commission**

*(27 August 1996)*

*Subject:* Commissioner Fischler's policy on information and BSE

'We shall request Great Britain not to publish any more research results'. It would be advisable to operate a 'disinformation' policy towards the press and represent reports on the dangers of the disease as exaggerated. (Commission memo quoted in the Süddeutsche Zeitung of 9 July 1996)

..in February a team from Arte making a report on mad cow disease was refused an interview with the Commissioner for Agriculture, Franz Fischler, on the grounds, according to his private office, that he did not want to express his views publicly on the transmissibility of mad cow disease to humans...
(from Libération of 8 July 1996)

Did Commissioner Fischler or his office act in line with the above memo?

For what other reasons did Commissioner Fischler or his office refuse to give an opinion on BSE?

Did Commissioner Fischler or his office act in a manner appropriate to the situation?

Will Commissioner Fischler or his office refuse in future to give interviews, opinions or statements when the health of European consumers is at risk?

Will Commissioner Fischler or his office in future again allow so much time to elapse before measures are taken to protect European consumers or to provide the general public with correct information?

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

*(18 October 1996)*

Concerning allegations made in certain newspapers to the effect that the Commission has operated a 'disinformation' policy in relation to bovine spongiform encephalopathy (BSE), the Honourable Member is referred to the reply given to written question P-1975/96 by Mr Goldsmith [1]. The detailed information set out in that reply makes it clear that no such policy was followed.

The Commission has always been willing to respond in an open and truthful manner to questions from the media or the public on BSE or any other topic within its sphere of competence. With respect to the request by Arte for an interview in February 1996, there was no refusal to discuss BSE. It was considered more appropriate for a senior official to give the technical information requested, and this was done in an interview which was subsequently broadcast by Arte.

[1] OJ C 11 of 13.1.1997, p. 35.

(97/C 60/89)

**WRITTEN QUESTION E-2303/96**

**by Eryl McNally (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Commission statement that a legislative initiative on cogeneration must await decisions on the internal electricity market

With a common position now reached on this issue, will the Commission now initiate steps for the development of a draft directive to bring about the removal of market barriers to cogeneration in the EU?

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

*(23 October 1996)*

The draft directive on common rules for the electricity market [1] gives all electricity producers the possibility of selling electricity to eligible customers. Under the proposal this will cover up to one third of the total electricity market. Electricity produced on the basis of co-generation can be given preference in dispatching as this mode of production is considered to be environmentally friendly.

The Commission white paper on energy policy [2] underlines the need to promote energy efficiency technologies. It is also mentioned that 'a Community strategy to promote co-generation will be established to ensure the necessary cooperation between Community, its Member States, utilities and consumers of electricity and heat to assist in dismantling barriers to the development of that technology'.

In this context the Commission, after the final adoption of the directive concerning the internal electricity market, intends to examine the usefulness of including in this strategy a directive promoting co-generation in the Community.

[1] OJ C 65, 14.3.1992; modified proposal OJ C 123, 4.5.1993.
[2] COM(95) 682 final.

(97/C 60/90)

**WRITTEN QUESTION E-2314/96**

**by Martina Gredler (ELDR) to the Commission**

*(27 August 1996)*

*Subject:* Broadcasting rights for sporting events

The purchase of broadcasting rights for major international sporting events by public broadcasting companies would seem to be at risk from the groupings of private companies as they have far larger financial resources.

What action does the Commission plan to take?

Will the Commission take steps to ensure preference for public broadcasting companies in broadcasting sporting events?

Will the Commission give public broadcasting companies preferential purchasing rights for major sporting events?

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

*(18 October 1996)*

A number of major sporting events are so popular that broadcasters operating free-access or pay channels have to invest large sums in order to acquire the rights to televise the events in question and thereby to establish or boost their audience share. Firms operating encrypted channels that are now well established on the market and have sufficient financial resources are currently raising the stakes in the hope of acquiring the rights and thus attracting new subscribers.

Consequently, there may be conflicts of interest between the desire to expand audiovisual services and the desire to safeguard access for the greatest number of people to major international sporting events. The competition problem is not so much between public and private broadcasters as between free-access and pay television.

From a Community viewpoint, the question of public access to major events may have competition policy implications.

In its exemption decision taken in 1993 under Article 85(3) of the EC Treaty in the European Broadcasting Union (EBU) case, one of the facts taken into account by the Commission was that EBU members gave a guarantee that major sporting events the rights to which were acquired jointly by Eurovision would be transmitted to a very large proportion of the population. However, that decision was recently overturned by the Court of First Instance.

It follows from the Court's judgment that public broadcasters cannot be accorded preferential treatment with regard to broadcasting rights for major sporting events simply because they carry out a particular task of public interest. It is also important that the Commission should take care not to erect obstacles to the development of pay television and pay-per-view services, which are now available in the wake of technological progress.

Lastly, it should be borne in mind that Member States retain the right to take measures with a view to ensuring access to major events for the greatest number, provided that those measures are in compliance with Community law.

Following the resolution on the televised broadcasting of sports events adopted by Parliament on 22 May 1996, the Commission has undertaken to examine whether jointly agreed application of the existing rules is sufficient in order to prevent abuses. If this proved not to be the case, the case for an ad hoc Community legal instrument would have to be looked into. Once it has completed its examination of this issue, the Commission will present a communication to Parliament and the Council.

(97/C 60/91)

**WRITTEN QUESTION E-2316/96**

**by Martina Gredler (ELDR) to the Commission**

*(27 August 1996)*

*Subject:* Monitoring of 'multimedia' and 'monomedia' ceilings

The Commission has presented a proposal setting new criteria for the fusion of the media on the basis of ceilings for viewer quotas instead of ownership.

The proposed 'monomedia' ceiling for TV and radio stations is 30% and the 'multimedia' ceiling for media cross-holdings in TV, radio and newspapers 10%.

On what timescale does the Commission plan to implement these new criteria?

How will coverage be checked?

Does the Commission intend to have a body to monitor the coverage ceilings?

Will the Commission entrust an independent research institute with checking coverage?

At what intervals has the Commission planned for coverage to be checked?

How does the Commission intend to finance the checks?

Which budget heading is involved?

Can the Commission already provide estimates of the expenditure?

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

*(22 October 1996)*

The Commission has not presented a proposal on the fusion of the media. With a view to preserving pluralism, work is under way on an initiative aimed at harmonizing specific national laws on media ownership. However, since this work, which is the follow-up to the consultations conducted by the Commission, [1] is not yet completed, the details of the initiative have still not been decided.

[1] 'Pluralism and media concentration in the internal market – An assessment of the need for Community action', COM(92) 480 final; 'Follow-up to the consultation process relating to the Green Paper on pluralism and media concentration in the internal market – An assessment of the need for Community action', COM(94) 353 final.

(97/C 60/92)

**WRITTEN QUESTION E-2319/96**

**by Peter Truscott (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Ensuring access to animal insulin for insulin-dependent diabetics

Given the suspicion surrounding treatment with human insulin, what steps is the Commission prepared to take towards ensuring that all insulin-dependent diabetics in the EU can still have access to animal insulin?

Does the Commission consider it likely that those who have been denied the choice might have recourse to compensation should they be proven to have suffered from the administering of human insulin treatment?

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

*(9 October 1996)*

Insulin is a hypoglycemic hormone used in the metabolism of carbohydrate and fat, a deficiency of which causes diabetes melitus. Insulin may be derived from animal source, either porcine or bovine, through a semi-synthetic process or through recombinant biotechnology, so-called human.

All three sources are used for the medicinal products which are available in the Community, although consumption of the animal origin products in Europe is considerably smaller than either of the other two.

In any Member State where insulin of animal origin is not authorised, it may nonetheless be obtained in accordance with the provisions of Article 2.4 of Directive 65/65/EEC on the approximation of provisions laid down by law, regulation or administrative action relatively to proprietary medicinal products [1] under which a 'Member State may, in accordance with legislation in force and to fulfil special needs, exclude from chapters II to IV medicinal products supplied in response to a bona fide unsolicited order, formulated in accordance with the specifications of an authorised health care professional and for use by his individual patients on his direct personal responsibility'.

[1] OJ 22. 9.2.1965.

(97/C 60/93)

**WRITTEN QUESTION E-2320/96**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(27 August 1996)*

*Subject:* UNESCO-Valencia protocol on the third millennium

The challenges already facing us at the end of the century which will have to be resolved in the coming millennium are already transforming our vision of the future. Certain initiatives will entail large-scale meetings to discuss the future of humanity. This is the case with the city of Valencia, whose municipal council agreed a protocol with UNESCO on 14 June 1996. This protocol provides for discussion of the significance for humanity of the millennium now ending and the great challenges of the third millennium of the Christian era.

Is the Commission aware of this unique, and highly significant, agreement between Valencia and UNESCO? Does it intend to participate in the activities under this protocol?

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

*(15 October 1996)*

The Commission agrees wholeheartedly with the Honourable Member that many challenges already facing us at the end of this century will have to be resolved in the coming millennium, and that these are already transforming our vision of the future. As the Commission pointed out in reply to oral question N° 274/95, it is probable that the current Intergovernmental conference will have concluded its work and that many things will have been planned in connection with the accession of new Member States. It went on to say that 'In any event, however, there will be a need to explain. At a time of such doubts, hesitation and uncertainty about the future of Europe and the role of its institutions, the greater problem facing us is that of explanation. And it is far often easier to explain by means of symbols.'

The Commission thanks the Honourable Member for drawing to its attention the protocol agreed between the municipal council of the city of Valencia and Unesco on 14 June 1996. As it has made clear in its answers to previous parliamentary questions on related matters [1], the Commission is still considering how it might best contribute to activities related to the celebration of the millennium. The Commission certainly recognises the great symbolic value of the millennium and will surely use the opportunity provided by this momentous occasion to participate in actions in the field of culture and information. As yet, the Commission has not yet finalised its intentions, but it is grateful to the Honourable Member for drawing the Valencia-Unesco protocol to its attention and for his accompanying suggestion.

As the Commission made clear in its answer to oral question N° 274/95, projects to mark the beginning of the new millennium will fall principally into the categories of information and culture, but will also be launched in other areas of activity (education, the environment, social affairs, for example). As pointed out in reply to oral question N° 274/95, the Commission believes that it is important to start examining the possibilities now. To that end, an informal task group has been set up within the Commission and the Member States have been asked to inform the Commission about all of their planned activities in this context. In the light of this information and its consultations with the Parliament, the Commission will then decide how best to proceed.

[1] Written Question E-282/94 by Sir Scott Hopkins – OJ C 336, 30.11.1994; E-427/95 by Mr Balfe – OJ C 179, 13.7.1995; E-426/95 by Mr Balfe – OJ C 190, 24.7.1995; H-274/95 et H-314/95 by Mr Elliot – Debates of the European Parliament 4-463 (May 1995); E-1783/95 by Mr Spiess – OJ C 273, 18.10.1995; H-553/96 by Mr Balfe; Debates of the European Parliament (July 1996).

(97/C 60/94)

## WRITTEN QUESTION E-2321/96

**by José García-Margallo y Marfil (PPE) to the Commission**

*(27 August 1996)*

*Subject:* EMU convergence criteria

Article 1 of the sixth protocol to the EC Treaty states: 'The criterion on price stability referred to in the first indent of Article 109j(1) of this Treaty shall mean that a Member State has a price performance that is sustainable and an average rate of inflation, observed over a period of one year before the examination, that does not exceed by more than 1 1/2 percentage points that of, at most, the three best performing Member States in terms of price stability. Inflation shall be measured by means of the consumer price index on a comparable basis, taking into account differences in national definitions.'

Is the average of three Member States a simple arithmetical average, or is it a weighted average taking account of the GDP of each of the countries or any other measure of their economic importance?

**Answer given by Mr de Silguy on behalf of the Commission**

*(18 October 1996)*

Neither Article 109j of the EC Treaty nor Article 1 of Protocol No 6 on the convergence criteria referred to in Article 109j stipulates the kind of average to be applied in calculating the benchmark value for the price stability criterion.

However, there is broad agreement that a weighted average of the best three performances taking account of the Member States' economic importance seems inappropriate, since each Member State is required to demonstrate sustainable price stability within its economy, irrespective of its size. All the convergence criteria must be met by each Member State, regardless of its economic weight. Moreover, a non-weighted average is more transparent and more easily understood by the general public.

This is why the Commission has used in its convergence reports to date the simple arithmetic mean of the three Member States whose average inflation rate in the last twelve months as compared with the preceding twelve-month period is the lowest.

At the moment, the Statistical Office of the European Communities is working with the national statistical offices and the European Monetary Institute to devise price indices harmonized at Community level. The publication as of February this year of interim consumer price indices, a sort of lowest common denominator between national indices, was the first step in the direction of full harmonization.

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(97/C 60/95)

## WRITTEN QUESTION E-2326/96

**by Luciano Vecchi (PSE) to the Commission**

*(27 August 1996)*

*Subject:* The EU's position on the subject of anti-personnel mines at the Habitat II Conference in Istambul

Can the Commission say why, at the Habitat II Conference held in Istambul last spring, the representatives of the European Commission were opposed to the inclusion in the final resolution of Article 128 of the draft resolution, which mentioned anti-personnel mines?

Is the Commission aware that this attitude discredited the European Union's image in a number of other countries?

Why did the Commission contradict the views on the subject of anti-personnel mines expressed by the other Community institutions?

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

*(1 October 1996)*

At the Habitat II conference the Commission, in agreement with Member States, had made an ambitious proposal to the Habitat working group, reflecting the terms of the joint action on anti personnel mines. This proposal was rejected, notably by certain non-aligned states. The Commission also had comments, consistent with the position of the Union, on a text proposed by the United States. In order to emphasise the commitment of the Union in the international effort to overcome the worldwide problem of anti- personnel mines, the Commission prefaced its remarks with the following:

'The European Union is very actively engaged in both political and practical action to overcome the worldwide problem caused by the indiscriminate and irresponsible use of landmines. In this respect, in May 1995 it agreed to impose a moratorium on the export of certain categories of anti-personnel mine, in addition to other actions, and it is now developing further policies in support of its objective of eliminating anti-personnel mines. It is also contributing over $8 million to the UN volontary trust fund for assistance in mine clearance. In addition to the actions of many individual Member States of the Union, in the past four years the European Commission has contributed over $50 million to mine clearance actions in the most afflicted regions of the world'.

However, the only final text that could be agreed, took the form of a very succinct sentence, in Article i of paragraph 128 of the resolution, namely to 'support work for the immediate removal of anti-personnel land mines following the cessation of armed conflicts'.

The Commission is widely recognised and commended for its role as one of the major global contributors in support of mine clearance actions and for its efforts to make progress towards the goal of total elimination of anti-personnel mines. It also takes the view that the Union should focus more attention on those third countries which continue the irresponsible supply of anti-personnel mines to areas of conflict, and on those parties to such conflicts which continue the indiscriminate use of these weapons with such devastating effects on the civil population.

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(97/C 60/96)

**WRITTEN QUESTION E-2329/96**

**by Gianni Tamino (V) to the Commission**

*(27 August 1996)*

*Subject:* Staging points referred to in the Directive concerning the protection of animals during transport

Can the Commission say what Community criteria staging points must comply with as regards the reception structure, feeding, watering, loading and, where necessary, housing of certain types of animal, as well as the health requirements applicable to such staging points which the Council, acting on a proposal from the Commission, was supposed to establish by 30 June 1996 (Article 13 of Council Directive 95/29/EC [1] of 29 June 1995 amending Directive 91/628/EEC [2] concerning the protection of animals during transport)?

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(1) OJ L 148, 30.6.1995, p. 52.
(2) OJ L 340, 11.12.1991, p. 17.

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

*(26 September 1996)*

The Commission is currently preparing a proposal for a Council decision concerning minimum requirements for staging points.

It is the intention to present this proposal to the Council shortly.

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(97/C 60/97)

**WRITTEN QUESTION E-2355/96**

**by Richard Howitt (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Cancellation of house insurance by Royal Insurance España

Was Royal Insurance España of Palma, Majorca, acting illegally when on 16 October 1992 it cancelled the house insurance of Mrs Patricia Barr of Mal Pas, Alcudia, Majorca although she had paid the premium up until 30 March 1993, and did not offer any refund or compensation?

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

*(22 October 1996)*

The question put by the Honourable Member concerns the manner in which the clauses of an insurance contract have been interpreted and the conformity of those clauses with the relevant legislation.

Community law does not confer on the Commission any powers to interpret the terms of an insurance contract or to determine the rights and obligations attaching to the contracting parties under an insurance contract. This is a matter for the authorities in the Member States, and in particular the judicial authorities.

As to the case at issue, the Commission would inform the Honourable Member that the insurance supervisory authorities in Spain have a complaints department which anyone with a question concerning insurance can contact.

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(97/C 60/98)

**WRITTEN QUESTION E-2357/96**

**by Gianfranco Dell'Alba (ARE) to the Commission**

*(27 August 1996)*

*Subject:* Preliminary draft budget 1997

Can the Commission send Parliament the annual report of the Institute for Research on Mediterranean and Euro-Arab Cooperation (A-3059), which the Institute should normally send to Members each year, and give details of the results of the Institute's activities, particularly with regard to the objective of 'promoting European integration'?

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

*(2 October 1996)*

The Commission is forwarding direct to the Honourable Member and to the Secretariat general of the Parliament the report presented by the Institute for research on Mediterranean and Euro-Arab cooperation (MEDEA) following its request for funds under A-10 0 of the 1996 budget.

It should be noted that the Institute was established in April 1996, and therefore began its activities only recently. It has consequently not yet provided the annual report to the Parliament mentioned by the Honourable Member. With regard to the 'promotion of European construction', this is not directly contained in the statutes of MEDEA, nor in the budget commentary for the 1996 budget. Nevertheless, it can be considered that, by disseminating in European circles, and particularly to Honourable Members who wish it, objective information on these countries, the Institute contributes to overall European policy towards the nearby and important region of the Arab world.

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(97/C 60/99)

**WRITTEN QUESTION E-2364/96**

**by Thomas Megahy (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Valuation of currencies at monetary union

What precautions are envisaged to prevent currencies entering monetary union at too high a value, with consequent damaging effects on output and employment?

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

*(28 October 1996)*

The EC Treaty requires that, before the decision is taken to enter into monetary union, 'the achievement of a high degree of sustainable convergence...' is necessary (Article 109J). Given that by the start of Stage 3, the participating Member States will have achieved a very high level of economic convergence, and the exchange rates of their currencies will have been stable, the prevailing market rates should fully reflect the underlying economic fundamentals.

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(97/C 60/100)

**WRITTEN QUESTION E-2383/96**

**by Richard Howitt (PSE) to the Commission**

*(6 September 1996)*

*Subject:* Mr Beland — VAT refund from Belgian authorities

What are the Commission's comments on the situation of one of my constituents, Mr Beland, who is owed a VAT refund from the Belgian authorities under the 8th VAT Directive and about whom I wrote to Commissioner Monti on 18 October 1995? Mr Beland has repeatedly approached Belgian authorities to reclaim his refund, but they will not reply to his letters.

Will the Commission take action against the Belgian Government for non-compliance with the directive? What other options are available to Mr Beland to achieve a just settlement?

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

*(16 October 1996)*

The Commission would inform the Honourable Member that infringement proceedings were started against Belgium for failure to comply with the Eighth Directive (79/1072/EEC) [1] on the refund of VAT to taxable persons not established in the territory of the country. The arrangements objected to were: (i) failure to meet the six-month deadline for refunding VAT and (ii) failure to pay interest on late payment in cases where that deadline was not met. Belgium notified the Commission of the measures it had taken to remedy these shortcomings. Accordingly, the Commission terminated the infringement proceedings in December 1995.

However, the Commission is keeping under scrutiny the refund arrangements in Belgium and is receptive to any complaint from traders in that connection.

As to the matter referred to by the Honourable Member, the Commission, after examining the case and contacting the Belgian authorities, has explained to the complainant the reasons why he was refused a VAT refund and has indicated how he could regularize his tax position.

[1] OJ L 331, 2.7.1979.

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(97/C 60/101)

**WRITTEN QUESTION E-2387/96**

**by Gerhard Schmid (PSE) to the Commission**

*(6 September 1996)*

*Subject:* Inspections of EU-licensed abattoirs by Commission veterinary experts

1. How many licensed abattoirs are there in the European Union, broken down by Member State?

2. How many licensed abattoirs are there in non-member countries, broken down by country?

3. How many veterinary experts for the inspection of abattoirs are there in the Commission, broken down by nationality and language proficiency?

4. How many times a year is each abattoir inspected (inspection frequency)?

5. How many criticisms arise in these inspections?

6. What are the criticisms?

7. Have measures been taken against abattoirs which have been criticized and if so what sort of measures?

8. Are inspections in the EU conducted in the local language? If not, why not?

9. In what language are the inspections conducted in non-member states?

10. Are the inspection reports in the EU made out in the local language? If not, why not?

11. May a German Commission inspector also inspect German abattoirs or must the official concerned operate exclusively outside his native country?

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

*(18 October 1996)*

1. The Commission would refer the Honourable Member to its answer to Written Question E-1988/96 by Mr Crampton [1].

2. There are 640 Community-approved establishments in 29 third countries.

3. The veterinary experts of the Commission are not only responsible for the control of fresh meat, slaughter and cutting plants, but also all plants producing products of animal origin. There are 10 veterinary experts dealing with this matter (1 Belgian, 1 French, 3 German {of whom 1 is posted in the Commission's delegation in Washington}, 1 Greek, 1 Irish and 3 Italian). The prerequisite for an agent to be recruited by the Commission is to speak at least one Community language apart from his mother tongue.

4. The Commission aimed to inspect all Community approved abattoirs within the Community prior to the completion of the internal market. This was practically achieved. Since the internal market's completion it is the aim to cover about 5% of the establishments each year, concentrating basically on newly approved establishments and those which had proved to be deficient, without prejudice to the obligations of Member States, which are responsible for approval and control of the establishments under their jurisdiction.

5. - 6. Deficiencies cannot be expressed numerically, and the kind of deficiencies found vary from establishment to establishment and from Member State to Member State. They stretch from problems in layout, structures, installations, equipment, maintenance, cleanliness, and hygiene, to deficiencies in documentation, plant controls and veterinary control and supervision.

7. Measures against establishments within the Community are taken according to the degree of the deficiencies. They vary from a request for guarantees to the initiation of proceedings. Measures against establishments in third countries may consist of a request for guarantees, the timetabling of working schedules or the withdrawal of approvals.

8. - 9. The Commission tries whenever possible to carry out the control in the Member State's language. This is not always possible due to the linguistic capabilities of individual inspectors.

10. If special measures are requested, these are transmitted in the Member State's language. Simple inspection reports are drafted in some cases in the mother tongue of the inspector (only if especially requested) but usually in English or French to allow the follow up of a visit. Translation of the individual plant report is not possible due to the amount of reports.

11. Veterinary experts of the Commission carry out inspections in all Member States regardless of their nationality.

(1) OJ C 385 of 19.12.1996, p. 72.

(97/C 60/102)

**WRITTEN QUESTION E-2388/96**

**by Alex Smith (PSE) to the Commission**

*(6 September 1996)*

*Subject:* Legal aid restrictions in the UK

Given that, in order to seek remedies provided by EU treaties and directives, EU citizens must first seek remedy through the Member State court system prior to reference to the ECJ, what action will the Commission take to ensure access to justice for people in the UK whose government has restricted the provision of legal aid to enable people to access the UK court system and now propose to abolish free legal aid entirely – thereby creating a financial barrier preventing many people in the UK claiming rights provided to them by EU legislation and treaties?

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

*(2 October 1996)*

Under the Treaties, the Community has no direct competence concerning the rules on eligibility for legal aid in the Member States, unless there are issues of discrimination on grounds of nationality. The Commission is not aware of any such discrimination with regard to the United Kingdom present or planned legislation in this area.

(97/C 60/103)

**WRITTEN QUESTION E-2407/96**

**by Michl Ebner (PPE) to the Commission**

*(11 September 1996)*

*Subject:* Export ban on Rioja wine imposed by the Committee for the protection of the original Spanish designation

In Case C-47/90 which was referred to the Court of Justice by the Brussels Commercial Court for a preliminary ruling on the ban on the export of Rioja wine imposed by the Committee for the protection of the original Spanish designation, the Commission stated in evidence that 'the requirement to bottle wine in the region of production does not form part of a policy on quality..... Article 34 of the Treaty must be interpreted as being incompatible with a requirement to bottle quality wines produced within a specific region in the region of production where that requirement entails a prohibition on bulk exports of the wine'.

In its judgment of 9 June 1992, the Court therefore concluded that the requirement to bottle wine in the region of production was unlawful in that it was in breach of Article 34 of the Treaty.

To be consistent with this approach, the Commission should have initiated infringement proceedings against Spain and against Italy which, pursuant to Law No. 164 of 10 February 1992, introduced the option of imposing by decree a specified area bottling requirement. For a number of wines of Italian origin, including many famous wines, decrees to this effect have been enacted.

What action, if any, will the Commission therefore take against those Member States that are maintaining or introducing regulations requiring quality wines psr to be bottled in specified regions?

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

*(17 October 1996)*

Following the Court's judgement of 9 June 1992 in Case C-47/90 to which the Honourable Member refers, the Commission sought and obtained from Member States certain information about the technical and legal position regarding the requirement that quality wines produced in a specified region be bottled in the region of production. The Commission found that all eight wine-producing Member States had rules in force which, though not identical, were designed to serve similar ends, at least for top-quality wines. All of them regarded bottling in the region of production as instrumental in safeguarding the character of some quality wines, and as the best way of securing this end.

In the last few years improving and safeguarding the quality of foodstuffs has in fact become a prime objective of Community policy and legislation, as can be seen from both the White Paper on completion of the internal market ([1]) and the communication on the future of the countryside ([2]). These concerns – and the expectations of consumers – are reflected in Regulation (EEC) No 2081/92 ([3]) on designations of origin for foodstuffs.

Under Article 170 of the EC Treaty, which allows one Member State to bring action against another, Belgium has recently taken legal action against Spain for failure to comply with the abovementioned Court judgment. Case No C-388/95 is now pending, so the Court will have a chance to consider this issue again. In the light of the considerations just described the Commission has decided to support Spain's case and its statement was due to be submitted on 19 September.

In the circumstances, therefore, the Commission has for the time being suspended its appraisal of possible infringement proceedings against the eight wine-producing Member States.

Its intention is to postpone consideration of further action on the wine-bottling issue and on the eight suspected infringement dossiers until after it has lodged its submission in the pending case.

([1]) COM(85) 310.
([2]) COM(88) 501.
([3]) OJ L 208, 24 July 1992.

(97/C 60/104)

**WRITTEN QUESTION E-2414/96**

**by Caroline Jackson (PPE) to the Commission**

*(11 September 1996)*

*Subject:* Food additives – specific needs

On 25 March 1997, EC Directive 95/2/EC ([1]) on the use of additives other than colours and sweeteners will become applicable in all EU countries. Products not conforming with the provisions of this directive will no longer be able to circulate freely in the EU.

Since the first drafts of this directive became available for comment, the European trade association representing infant and dietetic food manufacturers (IDACE) and some of the member companies themselves have made the case for their specific needs for additives in specialist formulations for sick infants and young children. Relevant files have been submitted to the Commission's DG III and the Scientific Committee for Food for their consideration.

The Commission and the SCF have yet to finalize their position on the industry's requests. Companies involved expect to experience major trade difficulties in only a few months' time.

What is the Commission going to do to accommodate this situation, created by a lack of progress by the relevant services? Will the Commission allow temporary exemptions for these products? How will the Commission prevent these problems arising in the future?

(1) OJ L 61, 18.3.1995, p. 1.

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

*(18 October 1996)*

Directive 95/2/EC of the Parliament and the Council on food additives other than colours establishes the food additives which may be used in food for infants and young children. This Directive takes into account the opinion of the scientific committee for food that the use of food additives should be restricted as far as possible. The Commission's initial proposals did only mention those additives which have been specifically approved for use in these types of foodstuffs.

The scientific committee for food has since examined repeatedly additional food additives required for use in food for infants and young children. The examination of the scientific dossiers is still in course. The Commission does not agree that the delay for authorisation of new food additives is due to the functioning of the scientific committee or its services but rather to the complexity of the subject of baby foods related to health of babies and young children.

In order to protect the health of the new-born and young children the Commission does not want to propose any further authorisation of food additives in food intended for them before the full scientific evaluation is completed. Recently the Commission forwarded to the Parliament and the Council a proposal for modification of the above mentioned directive, in which one new food additive for food for infant formulae is mentioned. This additive was recently cleared by the scientific committee for food.

Bearing in mind the complexity of the scientific evaluations, and their importance for protection of public health, the Commission does not feel that a solution could be found in temporary authorisations for these products. As soon as the scientific evaluations of these food additives are terminated the Commission will not hesitate to propose to Parliament and Council a modification of the additives directive.

(97/C 60/105)

**WRITTEN QUESTION P-2416/96**

**by María Izquierdo Rojo (PSE) to the Commission**

*(4 September 1996)*

*Subject:* Intolerable destruction and damage caused to the Camino de Santiago in the vicinity of Pazos (Padrón)

Is the Commission, and in particular the Commissioner responsible for safeguarding Europe's cultural heritage, Mr Marcelino Oreja, aware of the very serious damage and brutal destruction being caused to the Camino de Santiago by the work to widen the N-550 road where it passes through Pazos (Padrón)?

This is all the more reprehensible bearing in mind that the area in question is one of the most beautiful stretches of the unique and magnificent Camino de Santiago, which has been designated Europe's foremost cultural itinerary by the Council of Europe and been declared a world heritage site by UNESCO.

It is intolerable that the autonomous government of Galicia and other authorities are standing idly by and allowing this brutal destruction to take place.

These works should be condemned as a breach of Laws 3/1996 on the protection of the Caminos de Santiago (DOG 23.5.1996) and 8/95 on the cultural heritage of Galicia, and also of the statute of autonomy and the Constitution.

Does the Commission not consider that these works should be halted at once and the damage repaired before it is too late?

What will the Commission do to prevent the violation of this unique and invaluable part of Europe's historical and cultural heritage? Is it not barbaric that such damage should be done to the human and rural environment by a mere road-widening project for which various other more effective solutions could be found?

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

*(30 October 1996)*

The Commission would like to thank the Honourable Member for the information she provided on the potential damage to the Camino de Santiago road when road N-550 is widened in the locality of Pazos.

The Camino de Santiago road has been recognized as one of Europe's most illustrious cultural itineraries by international organizations such as UNESCO and the Council of Europe. The Commission is aware of the great historical and symbolic importance of the Camino, which has been declared of cultural interest and part of the world heritage, and has checked that road N-550 does not strictly speaking interfere with it.

The Commission, in compliance with Article 128 of the Treaty and the subsidiarity principle, will transmit the Honourable Member's question to the Spanish authorities for their information.

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(97/C 60/106)

**WRITTEN QUESTION E-2418/96**

**by Bartho Pronk (PPE) to the Commission**

*(11 September 1996)*

*Subject:* Computer programmes and the 21st century

Further to Mr Bangemann's reply to question E-1399/96 [1]:

1. Are not the Commission's replies contradictory, namely that all necessary precautions have already been taken and that at the same time a working party has been set up to study the problem and work out possible solutions to it?

2. What contribution will the Commission make to the working party?

3. Did not the Commission's reply of 12 July 1996 to my previous question leave rather a lot to be desired?

[1] OJ C 356 of 25.11.1996, p. 34.

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

*(18 October 1996)*

The previous answers are not at all contradictory. A distinction should be made between the effects of the change on the Commission and the effect on all other external bodies and enterprises.

In the context of the Commission's own internal information systems it has already confirmed that appropriate actions are in hand to identify and deal with the vulnerabilities of its own computer systems to the millennium change.

With regard to external activities, the Commission is well aware of the scale of the problem and the already vast scale of the current market driven response. In this context the Commission, along with others affected, recognises that it can play a role in both facilitating the sharing of experience and in other matters, for example, in the activities of its research and development programmes which have already contributed important technologies that will ease the burden of change.

The sharing of experience between large and experienced users such as administrations can, moreover, help improve the manner in which this important problem is addressed. The Commission has an already established forum in which representatives of Member States concerned with the procurement and further development of large scale computer systems meet. This forum is now reflecting on the millenium change and will share

and broadcast experience on approaches to dealing with this challenge. Administrations can and do help establish good practice which is used to benefit the whole of the information technology user community.

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(97/C 60/107)

**WRITTEN QUESTION E-2421/96**

**by Jacques Donnay (UPE) to the Commission**

*(11 September 1996)*

*Subject:* Application to the profession of ski instructor of the directive on a second general system for the recognition of professional education and training

The free movement of workers in Europe is a fundamental principle which must be implemented for all professions. The application of this principle to certain jobs requiring special qualifications because of the specific conditions for pursuing such activities may, however, pose problems. This is case of ski instructors who, in order to guarantee the safety of those persons that they are teaching, must have an excellent knowledge of the geographical and geomorphological characteristics of mountain ranges and of hazardous weather and snow conditions, etc. Inadequately trained instructors may cause accidents such as the one that occurred in Valmorel.

The problem of verifying competence basically arises in the case of instructors providing services in a different Member State for a short period.

With a view to ensuring the safety of their charges, such instructors must possess a level of competence which is equivalent to that required for the award of a State sports instructor certificate.

What measures is the Commission planning to take to ensure that the recognition of training as a ski instructor is not granted at the expense of safety?

Would the Commission accept a derogation for this profession when Directive 92/51/EEC [1] is transposed into French national law?

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[1] OJ L 209, 24.7.92, p. 25.

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

*(22 October 1996)*

The Commission fully concurs with the Honourable Member that the principle of free movement must apply to all professions. This was the reason for adopting Directives 89/48/EEC and 92/51/EEC. [1]

Council Directive 89/48/EEC of 21 December 1988 introduced a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration. This was then supplemented by Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training. Ski instructors are covered by the latter Directive.

Under the general system for the recognition of qualifications, a person who is fully qualified to pursue a profession in one Member State must — in principle — be permitted to pursue that same profession in another Member State. But there are a number of exceptions to this principle. For example, where the training received in the home Member State differs substantially from that required in the host Member State, the latter is entitled to ask the applicant to complete an adaptation period or to take an aptitude test. Except in the specific cases referred to in the two Directives, the choice rests with the applicant.

The Commission acknowledges that, owing to the special nature of their responsibilities, ski instructors must be equipped with the skills that will ensure the safety of those in their charge. But it considers that the rules introduced by Directive 92/51/EEC already provide for these essential safety requirements to be taken into account when assessing an instructor's training: the French authorities are entitled to regard any major deficiencies in those skills in the case of an instructor trained in another Member State as constituting substantial differences in training and hence to require him to complete an adaptation period or take an aptitude test.

In accordance with Article 14 of Directive 92/51/EEC, the French authorities have requested authorization to derogate from the principle of the applicant's right to choose between an adaptation period and an aptitude test in the case of ski instructors. Their request is currently being considered.

The Honourable Member also refers to the difficulty of checking whether ski instructors who are working for a short period in another Member State possess the necessary skills. The principle of freedom to provide services, which is enshrined in the Treaty, needs to be reconciled here with the essential safety requirements specific to skiing. In accordance with the Court of Justice's case law, the Commission takes the view that the fundamental Treaty principle of freedom to provide services may be restricted only through rules which are justified for overriding reasons relating to the public interest and which apply to all persons or businesses operating in the host Member State, and then only in so far as that public interest is not safeguarded by rules to which the service provider is subject in the Member State where he is established. These requirements must not go beyond what is objectively necessary to ensure compliance with the rules governing the profession concerned and to protect those to whom the services are provided.

Although the Commission can envisage these principles applying to ski instructors (given that health and safety may be at stake depending on the level of those receiving instruction, the location and the weather conditions), it is nevertheless required to check that national rules of this kind do not go beyond what is necessary to ensure safety.

(1) OJ L 19, 24.1.1989.

(97/C 60/108)

**WRITTEN QUESTION P-2422/96**

**by Doeke Eisma (ELDR) to the Commission**

*(4 September 1996)*

*Subject:* Implementation of the habitat directive in France

On 19 July 1996 the French Prime Minister, Mr Juppé, issued a press release explaining that France was not in a position to participate in setting up the Natura 2000 network in the context of the European habitat directive.

Is the Commission aware of this and if so, what has been its reaction?

Has the French Government given any previous indication that it would encounter difficulties in implementing this directive?

Is setting up the Natura 2000 network causing problems for any other Member States?

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

*(1 October 1996)*

The Commission learned through the press of the French Prime Minister's decision of 19 July 1996 to suspend implementation of Directive 92/43/EEC, (1) known as the Habitats Directive.

The French Government's decision has been deplored and the Commission published a press statement on 31 July 1996. (2)

The French authorities gave no indication prior to the adoption of the Directive that they would encounter difficulties in implementing it. Nor have they expressed any specific reservations about its application since it was adopted.

Ten Member States have already forwarded complete or partial lists of sites.

Several Member States have referred to difficulties during the consultation of local populations, but France is alone in having suspended the application of the Directive.

(1) OJ L 206, 22.7.1992.
(2) IP/96/759.

(97/C 60/109)

**WRITTEN QUESTION E-2427/96**

**by Mark Killilea (UPE) to the Commission**

*(11 September 1996)*

*Subject:* Commission proposals for marine food research projects

Can the Commission outline what funding programmes, if any, they have made available for the promotion of marine food research projects, given that these are not being considered eligible under the Food Sub-Programme?

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

*(14 October 1996)*

Marine food research projects are certainly eligible for funding under the agriculture and fisheries programme of the fourth framework programme. The following areas of the work programme of the agriculture and fisheries programme are of particular relevance to marine food research:

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| Area 3.1 | Consumer nutrition and well being. Development of improved understanding of the health aspects of fish and fish products. |
| Area 3.3.5 | Advanced and optimized technologies and processes. Upgrading of under-exploited and under-utilized fish species and by-products. |
| Area 3.4 | Generic food science. Establishment of limits for the presence of marine toxins, and for the microbiology of newly produced fish species, composite products incorporating fish and new processes, as well as for the epidemiological risk assessment in molluscs. |
| Area 5 | Fisheries and aquaculture. The balanced, sustainable exploitation of the fisheries resources of the Community and further development of aquaculture. |

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(97/C 60/110)

**WRITTEN QUESTION P-2429/96**

**by Glenys Kinnock (PSE) to the Commission**

*(11 September 1996)*

*Subject:* WTO procedures — banana dispute

The general right that existed under GATT for third or interested parties to participate in disputes panel proceedings appears to have been curtailed in the WTO proceedings to consider the banana dispute.

What steps will the Commission undertake to ensure ACP states the time and facility to participate in this dispute panel?

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

*(10 October 1996)*

In the context of the early phases of proceedings of the panel established under the World trade organization (WTO) dispute settlement rules to examine the Community regime for bananas, the Community strongly supported the request advanced by African, Caribbean and Pacific countries, as interested third parties, to participate more fully in the panel proceedings in order to be able to protect their interests.

The understanding on rules and procedures governing the settlement of disputes of the WTO lays down rules for the participation of interested third parties in panel proceedings. The panel has ruled twice on third party participation in the current proceedings so third parties were able to submit written memoranda to the panel. They were also able to be present and to intervene orally at the first meeting of the parties with the panel, and to be present and to make a brief oral statement at the second meeting of the parties to the panel.

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(97/C 60/111)

**WRITTEN QUESTION P-2430/96**

**by Ria Oomen-Ruijten (PPE) to the Commission**

*(11 September 1996)*

*Subject:* Increase in excise duties on motor fuels

1. Is the Commission aware of the Dutch Government's proposed increase in excise duty on motor fuels?

2. Can it provide an up-to-date survey of the differences in excise duties on motor fuels in the various Member States?

3. Does it share our view that this will result in a substantial increase in cross-border purchases of motor fuels?

4. Does it share the view that an increase in the differences between excise duty rates in the various Member States will result in structural imbalance in differing trading sectors in border regions?

5. Does it believe that this increase will ultimately lead to the displacement of jobs in border regions not as a result of market forces or competition but simply because of government intervention?

6. Does it not believe that the desired harmonization of excise duties on mineral oils with an eye to improving the operation of the internal market will consequently come under further pressure?

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

*(9 October 1996)*

The proposals for directives on the harmonisation of the structures and rates of excise duty on mineral oils which the Commission submitted to the Council in 1987 were based on the assumption that the proper functioning of the internal market required both structures and duty rates to be fully harmonised.

In the event, debate on those proposals led to recognition by the Council and the Commission that complete rate harmonisation was not, at that stage, feasible and the Commission submitted revised proposals for a system that identified products chargeable with excise duty and specified minimum and target rates of duty for those products depending on the use to which they were put. The Council finally adopted a system of minimum rates only, above which each Member State would be free, in setting rates for products, to take account of all the circumstances prevailing in that Member State.

The rates Directive 92/82/EEC [1] requires the Council to examine every two years the rates of duty laid down in that Directive and, acting unanimously after consulting the Parliament, to adopt the necessary measures. In its examination, the Council must act on the basis of a report by the Commission and both that report and the examination by the Council shall take into account the proper functioning of the internal market, the real rates of duty and the wider objectives of the Treaty. The first such report was submitted in September 1995 [2] to the Parliament which adopted a resolution in September 1996.

The report expressed the view that some of the problems encountered since the completion of the internal market in 1993 were due to differences in duty rates and that Member States recognised that the solution to these problems is to narrow the differences between national rates. The report also noted that there had been little actual approximation of duty rates since 1993 but where this had occurred, there had been a marked reduction in cross border shopping. The report concluded that there should be a wide ranging consultation exercise to inform the way forward. This has identified as key issues greater approximation of tax rates and the enlargement of the scope of taxation to include competing products currently outside the tax net.

In response to an invitation from the Council the Commission is now preparing proposals for a global approach to the taxation of energy products. These proposals will seek to improve the functioning of the internal market by tackling the key issues mentioned above, whilst also providing sufficient flexibility for the use of taxation as a means of pursuing other policy objectives.

[1] Council Directive No 92/82/EEC of 19 October 1992 on the approximation of excise duties on mineral oils, OJ L 316, 31.10.1992.
[2] COM(95) 285 final.

(97/C 60/112)

**WRITTEN QUESTION P-2431/96**

**by Christa Randzio-Plath (PSE) to the Commission**

*(11 September 1996)*

*Subject:* French (and Belgian) proposal on monetary fluctuations

1. With reference to the proposals brought forward by the French Minister Arthuis at the information Ecofin meeting in Verona on 12 and 13 April 1996 concerning exchange rate instability, would the Commission agree that the approach advocated by Minister Arthuis is premised on the idea that it is possible to

- draw up criteria aimed at determining whether or not fluctuations in the real exchange rate of a Member State's currency genuinely reflect changes in the underlying fundamentals of that Member State's economy;
- if this is discovered not to be the case, determine the exact causes of these fluctuations in the exchange rate.

How would the Commission draw up criteria defining what competitive devaluations means?

If the Commission agrees that this premise is central to the French proposal, can it give an indication as to the feasibility of carrying out either of these tasks — in an unambiguous and objective way — given the obvious technical and economic difficulties that this poses?

2. Given the objective that a maximum number of Member States should enter the Euro zone as soon as possible, is the Commission concerned that — rather than helping to smooth over divisions between Member States with and without a derogation — an approach based on sanctions and coercion may aggravate these divisions, and negatively influence public opinion in countries preparing to join — weakening their commitment to joining Monetary Union or adding to existing doubts as to the benefits of membership?

**Answer given by Mr de Silguy on behalf of the Commission**

*(11 October 1996)*

1. The proposals made by the French Minister at the informal Ecofin meeting in Verona are the subject of a recent working document prepared by the Commission and entitled 'Reinforcement of convergence in Stage 3 of EMU'. (1)

In this document, the Commission argues that to link appropriations from the Structural Funds to movements in real exchange rates is not an efficient approach towards reinforcing convergence. Sanctions on real depreciations regardless of their causes might punish Member States that stabilized their economies by reducing inflation and unit labour costs. Even nominal depreciations are not always or exclusively due to loose economic policies. Often they are caused by speculation based on the market's perception of political instability or even by developments outside the Community.

The document illustrates the economic and technical difficulties of determining whether or not fluctuations in the exchange rate of a Member State's currency genuinely reflect changes in the underlying fundamentals. For example, a reference period would have to be chosen during which the exchange rates were more or less in line with economic fundamentals. With a new European monetary system being set in place as from 1999, the Commission will need to consider the point in time as of which a currency fluctuation can be regarded as excessive and as a threat to the smooth functioning of the single market.

This will be a pragmatic exercise designed to assess the practical effects of fluctuations on the single market. In this connection, the definition of 'equilibrium exchange rates' is only one of the theoretical elements that will be taken into account in determining whether or not fluctuations are excessive.

2. Nominal convergence which contributes to reducing exchange-rate fluctuations between the euro and the currencies of the 'pre-ins' is essential to a smoothly functioning single market. Among the possible mechanisms for reinforcing nominal convergence those based on prevention must be accorded special attention.

For example, the above-mentioned study investigated the proposal for introducing macroeconomic conditionality into the Structural Funds regulations. In those Member States that are the main beneficiaries of assistance under Objective 1, a reduction in spending under the Structural Funds and national part-financing could have a negative macroeconomic impact and could therefore adversely affect the catching-up process. In other Member States, Community assistance targets specific regions and social groups which could be penalized for the loose economic policies of their government. In any case, legal aspects such as the principle of legitimate

expectations and the unanimity required for amending the framework Regulation will not allow for conditionality in the Structural Funds before the end of the present programming period, i.e. before the end of 1999.

(1) SEC(96) 1489.

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(97/C 60/113)

**WRITTEN QUESTION P-2434/96**

**by Georges Berthu (I-EDN) to the Council**

*(11 September 1996)*

*Subject:* EU-Canada transatlantic negotiations

The draft EU-Canada joint declaration and action plan were not signed after all on 26 June in Rome for a number of reasons including a difference of opinion (also between the institutions of the Union) on the reference to free trade.

While the concept of a free trade zone was not formally mentioned in these texts, it was however possible to point to a number of passages which seemed to indicate such an intention, particularly the one where bilateral economic relations were envisaged in the context of 'a transatlantic market' (in the singular) and the one announcing a joint study of the means of further reducing or eliminating tariff and non-tariff barriers.

Does the Council not feel these two references to be unhelpful with a view to a resumption of negotiations?

**Answer**

*(29 November 1996)*

Since there is, as the Honourable Member states, no agreement on a joint declaration and action plan, there is equally no agreement on specific language on trade. If such language is to be agreed, it will need to be acceptable to the Council as well as to Canada. This will naturally form part of the negotiations when they eventually resume.

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(97/C 60/114)

**WRITTEN QUESTION P-2435/96**

**by Sérgio Ribeiro (GUE/NGL) to the Council**

*(11 September 1996)*

*Subject:* Paedophilia and trafficking and criminal networks

The world has been shocked by the recent events in Belgium which have revealed a highly criminal and repulsive association between sexual perversion and networks of various forms of trafficking, including trade in adult human beings and children, and activities which have all the appearance of respectability but with the sole objective of making money whatever its colour, odour or origin.

Noone in a position of political responsibility can remain indifferent to the events which are coming to light. It is not enough to make a show of indignation and horror, to repudiate and call for condemnation. In the sphere of the European Union, including the candidate countries, we have to go further than this. We have to get underneath the rotten surface and not simply be satisfied with condemning the monstrous perpetrators of these horrors while ignoring the complicity, the incitements and the exploitation involved in their criminal, anti-social and inhuman activities.

What is being done about this within the Council's own sphere of responsibility? Are there lists of people involved in these networks, whose recently revealed odious practices are no more than links in a chain? What does it intend to do to shed more light on the matter and to ensure that the public are given enough information to dispel their feeling of insecurity which is connected with the alarming emergence of self-defence groups and summary people's justice on the basis of an eye for an eye and a tooth for a tooth?

**Answer**

*(29 November 1996)*

The Council shares the worries of the Honourable Member of the European Parliament over the recent tragic events concerning children in Belgium and elsewhere. It considers that fight against such abominable crimes should be a priority and, as it has already indicated in questions from other Honourable Members of the European Parliament, it intends to take swift action in this matter. The Belgian Minister for Justice has made proposals outlining measures concerning harmonisation of criminal law, procedural law and judicial co-operation at international level; a programme of training and exchange of personnel responsible for dealing with trafficking in human beings; the creation of a directory of centres of expertise among police and other agencies in combating and investigating these crimes.

An initiative has also been taken seeking the extension of the mandate of the Europol Drugs Unit to cover trafficking in human beings and further concrete action will be considered by the meeting of the European Ministers of Justice in Dublin this month and are already under discussion within the appropriate bodies of the Council. The Council intends to raise this matter with their counterparts of the associated countries of Central and Eastern Europe.

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(97/C 60/115)

**WRITTEN QUESTION E-2438/96**

**by Patricia McKenna (V) to the Commission**

*(18 September 1996)*

*Subject:* EU subsidies for tobacco producers

Article 129 of the Maastricht Treaty requires that health be taken into account in developing all areas of EU policy. However, last year alone the EU paid IR£802.4 million in subsidies to tobacco producers.

According to the World Health Organization (WHO), three million people die each year because of smoking-related diseases and if present trends continue this fugure could rise to 10 million by the time today's teenage smokers reach middle age. Moreover, a 1994 report by the Court of Auditors described tobacco subsidies as a 'misuse of public funds' and recommended that it would be preferable to provide direct income support to farmers not to grow tobacco.

In view of the serious health problems associated with smoking, can the Commission reveal what plans it has to phase out subsidies for tobacco growers and to divert current expenditure on these subsidies to a programme of crop conversion and compensation for existing tobacco growers? Would the Commission agree that EU support for tobacco growing is inconsistent with the Maastricht Treaty's requirement to incorporate health concerns into all areas of EU policy?

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

*(15 October 1996)*

Community support for tobacco production aims to provide income support for tobacco growers, many of whom have few economic alternatives. As regards future policy in that sector, the Commission intends shortly to table a report on the tobacco regime.

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(97/C 60/116)

**WRITTEN QUESTION P-2441/96**

**by Karin Riis-Jørgensen (ELDR) to the Commission**

*(11 September 1996)*

*Subject:* OECD agreement on state aid to the shipbuilding industry

A number of shipbuilders in Europe and elsewhere are already contracting for ships to be delivered in 1999. The present wording of the Final Act of the OECD Agreement (EOF 3094/95 [1]) could give rise to doubts on the situation that will arise when the Agreement enters into force. Since EU legislation does not forbid Member States to issue aid commitments concerning ships for delivery in 1999, this doubt may lead to distortions

of competition is some Member States believe that such a prohibition forms part of the EU legislation.

Pending the entry into force of the OECD agreement, shipbuilding contracts are being signed all over the world on the basis of the rules in force. Can the Commission confirm that contracts given support under the present 9% ceiling can, according to the seventh directive, be delivered up to eight years after the date of the contract?

Can the Commission say when it expects the entry into force of the OECD agreement, and if the Commission is insisting on rapid ratification by the USA, on whose initiative the negotiations were initiated several years ago?

(1) OJ L 332, 30.12.1995, p. 1.

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

*(2 October 1996)*

The Commission very much regrets that the United States has still to ratify the Organisation for economic cooperation and development (OECD) agreement, thus delaying its entry into force. The European Union, in common with all the other parties to the agreement, has already signalled its commitment to the agreement by ratifying. It will continue to urge the US to do likewise as soon as possible. However the prospects are uncertain at this stage. Against this background, the Council has decided that the rules of the shipbuilding aid directive should be further prolonged if necessary until the end of 1997 unless the OECD agreement enters into force in the meantime. The Council and the Commission have also agreed that if, failing ratification by all partners the OECD agreement has not entered into force on 1 June 1997, the Commission will submit appropriate proposals to enable the Council to reach a decision before 31 December 1997 on the attitude to be adopted by the Union.

The Commission understands the Honourable Member's concerns about the possible conflict between the 31 December 1998 delivery limit under the so-called 'standstill' provisions of the final act for vessels aided before the entry into force of the agreement, which had assumed entry into force on 1 January 1996, and the three year delivery limit under the shipbuilding directive. It is clearly important that there should be an early resolution of this issue and the Commission is taking steps accordingly.

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(97/C 60/117)

**WRITTEN QUESTION P-2443/96**

**by Karsten Hoppenstedt (PPE) to the Commission**

*(11 September 1996)*

*Subject:* Audiovisual piracy in Greece

Intellectual property rights are the key to development of the audiovisual industry. In its Green Paper on copyright and associated rights in the Information Society, the Commission accordingly asks the Member States to adapt existing law to take account of the development of new audiovisual services. In addition, however, existing intellectual property rights in the audiovisual sector must be implemented effectively.

In spite of international trade rules, audiovisual piracy is a serious problem. The trade dispute between China and the United States is a case in point. The European audiovisual industry is affected by violations of international and EU regulations by third countries in eastern Europe. But there are also signs of audiovisual piracy within the EU, especially in Greece.

Despite the adoption of a new copyright law in 1993 and a broadcasting law in 1995, the Greek Government and courts have failed to enforce the new legal framework. Estimates suggest that 200 unlicensed TV stations are broadcasting irregularly every day, costing European and US companies US$70 million a year. These major losses have substantially damaged the audiovisual market. Employment, investment and commerce are being affected on a comparable scale.

The EU is aware of the seriousness of the situation and has taken action. The Director-General of DG XV, Mr John Mogg, has informed the Permanent Representative of Greece, Mr Zafirou, of his concern and called for corrective measures to be taken.

1. Should not the Commission be taking action against audiovisual piracy not only by third countries but also, and perhaps even more stringently, within the EU?

2. Is the Commission aware of the scale of piracy in Greece and its adverse impact on the Greek and EU audiovisual market?

3. Can the Commission say what measures it has taken and will be taking to ensure that the Greek Government tackles the problem and complies with international intellectual property rights and commitments?

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

*(31 October 1996)*

The Commission is aware of the seriousness of the general phenomena of audiovisual piracy affecting some Member States, including Greece. More specifically, in Greece, the major area of concern relates to motion picture and sound recording piracy including unauthorised broadcasts by numerous pirate stations. Although a very modern law on copyright and neighbouring rights was adopted in 1993 which contains strong enforcement mechanisms and deterrent penalties, the application of this law has not been effective in combatting piracy.

The Commission has taken several initiatives to combat piracy at Community level. Several harmonisation directives which have an effect in this field have already been adopted, such as Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs ([1]), Council Directive 92/100/EEC of 19 November 1992 on rental and lending rights and on certain related rights ([2]), Council Directive 93/83/EEC of 27 September 1993 on satellite broadcasting and cable retransmission ([3]), Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights ([4]), and on 11 March 1996, the Council and the European Parliament adopted the Directive 96/9/EC on the legal protection of databases ([5]).

All these directives are designed to help owners of rights to exercise fully their rights in the single market and to fight piracy. The Commission plays a major role in ensuring the implementation of Community directives through national legislation, but the practical measures for the application of national legislation remain a matter internal to each Member State.

Moreover, the Council, which considers that the absence of effective and dissuasive penalties for breaches of Community law could undermine the very credibility of joint legislation and affect the situation of citizens in the Union, adopted on 29 June 1995 a Resolution on the effective and uniform application of Community law and on the penalties applicable for breaches of Community law in the single market ([6]). In this Resolution the Council requests that Member States take action to ensure that, when Community acts are transposed into national legislation, Community law is duly applied with the same effectiveness and thoroughness as national law and that, in any event, the penalty provisions are effective, proportionate and dissuasive.

The trade-related intellectual property right (TRIPs) agreement also ensures minimum protection for rightholders by providing for exclusive rights in respect of the reproduction and the rental of phonograms. Part II of this Agreement concerns the enforcement of intellectual property rights. It provides that Member States shall ensure the enforcement procedures specified in this part are available under the national laws so as to permit effective action against any act of infringement of copyright and related rights covered by the agreement. The implementation of the TRIPs agreement is a priority for the Commission.

The Commission is very concerned that Community law be implemented adequately and is determined to achieve this objective in order to combat audiovisual piracy.

([1]) OJ L 122, 17.5.1991.
([2]) OJ L 346, 27.11.1992.
([3]) OJ L 248, 6.10.1993.
([4]) OJ L 290, 24.11.1993.
([5]) OJ L 77, 27.3.1996
([6]) OJ C 188, 22.7.1995.

(97/C 60/118)

**WRITTEN QUESTION E-2444/96**

**by Nikitas Kaklamanis (UPE) to the Commission**

*(18 September 1996)*

*Subject:* Allegations by a Turkish MP

In a question tabled to the Turkish National Assembly, the Republican People's Party Member for Istanbul, Mr Sevgen, claims that a sum of 65 billion Turkish lira was paid from a special fund for the promotion of Turkey abroad to the 'Grey Wolves' belonging to the nationalist party, the MHP, in order to organize counter-demonstrations in Cyprus which resulted in the death of two Greek Cypriots, one of whom died after a brutal beating with clubs and iron bars and the other shot dead in cold blood.

In the light of the Turkish MP's allegations, which demonstrate the official Turkish policy of constantly escalating provocation (in the absence of any reaction), will the Commission say:

1. how it will respond to the barbaric conduct of Turkey, a country with which it entered into a customs union on 1.1.1996?
2. what practical measures it will take to end the occupation of 40% of the territory of Cyprus?, and
3. whether it has considered completely severing relations between the EU and Turkey until the latter shows tangible signs of behaving like a civilized country receiving favourable treatment?

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

*(29 October 1996)*

The Commission has followed with concern the recent tragic events in Cyprus. In its statement of 16 August, the Union deplored the use of disproportionate force by the Turkish security forces and called for restraint and calm. It also emphasised the need to cooperate with the United Nations in their efforts to reduce tension, and to step up these efforts with a view to promoting an overall political solution to the Cyprus question.

On the partition of Cyprus, the Commission's policy is directly based on the strategy the Union adopted on 6 March 1995, which was later confirmed by the EEC-Cyprus Association Council. There are three aspects to this strategy: to provide support for the efforts of the United Nations (where the Commission keeps itself informed of the UN's activities and acts in close coordination with that body); to continue preparations for the negotiations with Cyprus and pursue the structured dialogue; and to continue providing information for the island's Turkish community regarding the benefits it may expect from accession. In connection with this last aspect, the Commission has initiated numerous activities (seminars, supplying documents, events including meetings attended by trade unionists and business heads of both communities).

The Honourable Member is asked to refer to the report on progress in relations with Turkey since the entry into force of the customs union, sent to Parliament on 9 October this year, in which the Commission analyses the situation regarding relations with Turkey and sets out its conclusions.

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(97/C 60/119)

**WRITTEN QUESTION E-2447/96**

**by Josu Imaz San Miguel (PPE) to the Commission**

*(23 September 1996)*

*Subject:* Mad cow disease

A report in the 2 September 1996 issue of the newspaper Liberation made reference to a document signed by the Director-General of DG VI asking the Director-General for the Internal Market not to re-open the debate on BSE.

Can the Commission confirm that such a document exists?

If it can, would it consider the document to constitute an attempt to conceal the seriousness of the disease and to give market stability precedence over public health considerations and, if so, what steps will it take with a view to establishing where the political responsibility for such an act lies?

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

*(16 October 1996)*

The document referred to by the Honourable Member concerns a situation where a Member State had introduced a ban on the use of certain bovine and ovine tissues in babyfood, going beyond the advice of the scientific veterinary committee.

The context of the letter was that the scientific veterinary committee had been consistently giving advice to the Commission on bovine spongiform encephalopathy (BSE) matters since 1989 and therefore appeared to be the scientific expert group with the necessary expertise. The measures which had been adopted on the basis of the advice of the scientific veterinary committee were considered to be fully adequate for the protection of public health. Bringing a new scientific body into the discussion of BSE in the sensitive situation which prevailed at the time was therefore thought to risk creating unjustified confusion and would be interpreted as the Commission questioning the expertise of the scientific veterinary committee.

To avoid this risk, and to involve experts from all pertinent disciplines, the situation was finally studied by a joint working group organised between the scientific veterinary committee and the scientific committee for food, and its conclusions were submitted to both committees. The scientific committee for food concluded that any additional measures seemed, on the basis of existing knowledge, unnecessary at that moment, which confirmed the previous advice of the scientific veterinary committee as being sufficient to protect public health.

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(97/C 60/120) **WRITTEN QUESTION E-2451/96**

**by Bartho Pronk (PPE) and Ria Oomen-Ruijten (PPE) to the Commission**

*(23 September 1996)*

*Subject:* Bathing water quality in North Holland

European standards exist for bathing water quality. According to press reports and information from the province of North Holland, the Commission is dissatisfied with the quality of bathing water in certain places in North Holland.

1 Is the Commission aware that its report on the province of North Holland lists a number of places as bathing areas which are not in fact bathing areas at all and one place which does not even exist?

2. Do EU standards require bathing water to be transparent to a depth of one metre or more than one metre?

3. Is the Commission aware that, for thousands of years, natural conditions in North Holland have been such that it is virtually never possible to comply with this standard, inter alia owing to the humus which is present and the disturbance of sediment by bathers?

4. Does it take the view that the transparency of bathing water provides an indication of its quality?

5. If so, why? If not, is it prepared to adjust the standards?

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

*(15 October 1996)*

1. Under Directive 76/160/EEC on bathing water quality (1) Member States have to identify the bathing areas, monitor the water quality for a certain number of parameters and report the results to the Commission. The Commission then compiles a draft report.

The draft report for the Member State is sent to each national authority concerned for verification (correction of factual mistakes such as place names or locations on the maps) and comments. It is possible that a national authority may not have had the opportunity to check all the data presented with the local authorities or government. All comments sent by the national authorities were taken into account for the publication of the final report.

Nevertheless, the Commission would appreciate it if the authorities of the province of Noord-Holland could send their comments to the Dutch national authorities.

2.-3. According to the annex of the Directive, the transparency of the water should be 1 metre if the water is to be in conformity with the imperative values, and 2 metres if the water is to be in conformity with the guide values. However the Annex has a provision whereby the limits can be exceeded in the event of exceptional geographical or meteorological conditions (e.g. a storm, turbulence, bottom condition). The transparency parameter has not been taken into account for the calculation of the compliance rate for either the comparative tables or for the maps.

4.-5. Transparency is one of the parameters that has to be checked according to the Directive taking into consideration the standards and the possible exceptions described above. Therefore if the lack of transparency cannot be explained by special geographical or meteorological circumstances, the water is most probably polluted and the source of pollution must be detected and the necessary action taken.

(1) OJ L 31, 5.2.1976.

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(97/C 60/121)

## WRITTEN QUESTION E-2456/96

**by Sérgio Ribeiro (GUE/NGL) to the Commission**

*(23 September 1996)*

*Subject:* Paedophilia and crime and trafficking networks

The world has been shocked at the recent events in Belgium which, in the most criminal and sordid fashion, link sexual perversion with networks for the trafficking of, inter alia, human beings and children, and with activities which are apparently respectable but whose sole purpose is the accumulation of money, irrespective of the colour or origin thereof.

Those with political responsibilities cannot remain indifferent to what is being uncovered, and yet it is not enough just to express outrage and horror, to repudiate such behaviour and to demand retribution; within the context of the European Union (including those countries applying for membership), something more is required of us. We have to go beneath the surface since we cannot merely condemn the monsters responsible for such acts and turn a blind eye to the complicity, the incitement and the exploitation associated with their criminal, anti-social and inhuman deeds.

With reference to this case, what action is the Commission taking within its area of responsibility? Are there any lists of those involved in the networks, of which the despicable acts which have come to light are merely a small part? What is being done to ensure transparency and the provision of information to the general public, in order to counteract the feeling of insecurity amongst the population at large which has led to the frightening emergence of self-defence movements and summary justice based on the principle of 'an eye for an eye and a tooth for a tooth'?

### Answer given by Mrs Gradin on behalf of the Commission

*(12 November 1996)*

Sexual exploitation is a particularly abhorrent manifestation of violence against children, which has been put firmly on the political agenda as a result of the recent tragic events in Belgium, and the World congress against the sexual exploitation of children in Stockholm at the end of August 1996.

The Commission is determined to take an active part in the fight against sexual abuse of children. At the end of September the Commission presented an aide-mémoire describing, in a comprehensive way, the various activities taken or planned by the Commission in combating the sexual abuse of children.

In October a communication on the illegal content on Internet (1) and a green book on the protection of minors in the audio-visual sector were presented (2). Both underline the importance of taking legal and self-regulatory remedies to meet the challenges. The specific problem of sex tourism will be addressed in a communication

from the Commission in the coming weeks. The Council is expected shortly to decide upon the establishment of a multi-annual action programme to increase cooperation in fighting against trafficking and sexual abuse of children. The programme will provide funds for research, exchange programmes and training. The Council is also expected to take a decision, in the coming weeks, on extending the responsibilities of the Europol drugs unit to combating trafficking in human beings and the setting up of a directory of centres responsible in the Member States for combating pedophilia and sexual abuse. A joint action on closer judicial cooperation between the Member States, in the area of trafficking in human beings and sexual exploitation of children, is presently being discussed in the Council.

The question of lists of pedophiles involved in networks was mentioned at the Stockholm conference as one important measure. It lies within the sole criminal jurisdiction of the Member States. At an international level, Interpol holds information on those convicted of pedophile offences.

In the social field, actions directed at assisting children may receive financial aid including support for a number of projects initiated by non governmental organizations and research institutions which aim at raising awareness of sexual abuse of children, prevention, and exchange of good practice between the Member States. However, the sums available will depend on next year's budget allocation.

(1) COM(96) 487.
(2) COM(96) 483.

(97/C 60/122)

**WRITTEN QUESTION P-2458/96**

**by Irene Crepaz (PSE) to the Commission**

*(13 September 1996)*

*Subject:* Child pornography on the Internet

1. The Internet offers further scope for the worldwide marketing of sexual abuse of children. How does the Commission intend to combat child pornography on the Internet in future?

2. Does the Commission plan to enact in law a ban on the use of the Internet for such purposes?

3. Is it technically possible to enforce such a ban?

4. If not, does the Commission intend to invest in research projects to develop such a technical control facility?

5. How can penalties also be established in law for offences committed in third countries by Member States' nationals?

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

*(14 November 1996)*

The Commission pays close attention to the question of the protection of general interests in the context of the new electronic services, in particular worldwide communications networks such as the Internet.

While these new networks offer new opportunities, notably in terms of freedom of expression, it is obvious that their use for the distribution of certain types of material that are seriously detrimental to human dignity — including paedophilia and child pornography — is highly problematic.

The Commission has undertaken a series of projects in this respect, and on 16 October it adopted two documents:

- a Green Paper on the protection of minors and human dignity in audiovisual and information services; (1)
- a communication on illegal and harmful content on the Internet. (2)

Consultations with the Member States, the relevant industries and other interested circles that will shortly commence on the basis of these documents will help to ascertain how the Community can make an effective contribution to developing appropriate solutions.

(1) COM(96) 483.
(2) COM(96) 487.

(97/C 60/123)

**WRITTEN QUESTION P-2459/96**

**by Graham Watson (ELDR) to the Commission**

*(13 September 1996)*

*Subject:* The future of the milk quota system

Many small dairy farmers in the UK, already disadvantaged by the current BSE crisis, are being further hindered by their inability to plan for the future because of the uncertainty surrounding the future of the milk quota system. There is also an insufficient amount of quota in circulation.

An increase in this year's quota allocation for the UK would help alleviate the problem. The Commission could also help by sanctioning bilateral relationships with other Member States to help facilitate trade in excess quota.

Would such a plan be agreeable to the Commission, and can the Commission give an indication of its plans for the future operation of the milk quota system?

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

*(27 September 1996)*

The Commission considers that current Community legislation affords the possibility for the United Kingdom to help small producers whose excess quota was the result of the obligation to keep animals awaiting slaughtering on sanitary grounds longer than anticipated.

Indeed the legislation provides, in certain circumstances, for the possibility of refunding levies paid by producers who are confronted with an exceptional situation resulting from a national provision not linked with the milk quota system. This is exactly the case of the slaughtering planned in connection with the BSE crisis.

The Commission is not therefore planning to introduce other short-term measures. However, with a view to reforming in due course the common organization of the milk market and the milk quota system in particular, the Commission is considering the various options open to it. Parliament will be apprised of the Commission's proposal as soon as it is formulated.

(97/C 60/124)

**WRITTEN QUESTION E-2469/96**

**by Johanna Maij-Weggen (PPE) to the Commission**

*(23 September 1996)*

*Subject:* Detention of Juan Carlos Castillo Pasto in Cuba

Is the Commission aware that Juan Carlos Castillo Pasto, who has taught mathematics at the university of Santiago de Cuba since 1993, has been imprisoned for eight years under Article 103 of the Cuban Penal Code for having protested, by word of mouth and in writing, against Fidel Castro's government?

Does the Commission feel that this punishment, for what would be considered normal opposition activity in a democratic country, is extremely severe and is evidence of repression by a dictatorial government?

Is the Commission prepared to ask the Cuban authorities for the reasons for this extreme punishment and for the release of Juan Carlos Castillo Pasto?

How much money does Cuba receive from the Commission for development programmes and for humanitarian aid?

Is the Commission prepared to reconsider aid to Cuba because of the violation of human rights and the lack of democracy in Cuba?

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

*(29 October 1996)*

The Commission thanks the Honourable Member for her concern about the human rights situation in Cuba and, specifically, the plight of Mr Juan Carlos Castillo Pasto, who has been held in prison for eight years.

In its conclusions adopted in December 1995, the Council stressed the expediency of continuing dialogue and cooperation with Cuba in order to lend active support to the process of reform under way, to foster respect for human rights and fundamental freedoms and to broaden the scope of private initiative and the development of civil society.

Funds allocated to the poorest sections of the community in Cuba in the form of humanitarian and food aid have risen in recent years. In 1995 these amounted to a total of ECU 23 million. A forecast of the figure for 1996 would be premature, but it is expected to show an overall decrease compared to previous years.

In the absence of a cooperation agreement with Cuba, funds available for development aid (approximately ECU 2 million) have been channelled via projects submitted by European NGOs.

These figures show that practically all the Community's aid either serves humanitarian purposes or is aimed at the development of civil society.

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(97/C 60/125)

**WRITTEN QUESTION E-2470/96**

**by Johanna Maij-Weggen (PPE) to the Commission**

*(23 September 1996)*

*Subject:* Jobs in education

What is the current percentage of heads of primary and secondary schools in each of the Member States?

What is the current percentage of women college and university teachers in each of the Member States?

What action is the Commission currently taking to improve the number of women heads of educational establishments in the Member States?

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

*(12 November 1996)*

The Commission will provide the Honourable Member and the Parliament's Secretariat-General directly with the tables showing the available information on the breakdown of teachers in the Member States.

These data are taken from Key figures on education in the European Union – 1995 (2nd revised and expanded edition) published recently by the Commission, the second part of which is devoted to the teaching profession. They were collected directly from the Member States via Eurostat and the Education information network in the European Community (Eurydice).

It should be pointed out, however, that the data concerning the percentage of women who are heads of educational establishments relate to primary and secondary education, but not higher education. For these first two sectors, for which the figures for state and private education are combined, the data allow a comparison between 1985/86 and 1992/93. The figures cover eight Member States in the case of primary education and nine for secondary education. As regards higher education, the data show only the changes in the number of women teachers between 1965 and 1993 by looking separately at the university and non-university sectors of higher education.

The Commission is paying particular attention to ensuring that the question of equal opportunities is properly taken into account at European level while observing the principle of subsidiarity. The Socrates programme makes provision, with regard to education, for priority in all actions under the programme to be given to projects promoting equal opportunities.

Furthermore, in a communication of 21 February 1996 (1), the Commission promoted the incorporation of equal opportunities for women and men into all Community policies and activities, including education. The Commission has proposed a fourth action programme on equal opportunities for men and women, adopted by the Council on 22 December 1995 (2), which supports the approach taken in the above-mentioned communication.

Finally, the Commission has put forward a recommendation on the balanced participation of women and men in decision-making (3), which is to be adopted by the Council in the very near future.

(1) COM(96) 67 final.
(2) OJ L 335, 30.12.1995.
(3) COM(95) 593; amended proposal in COM(96) 252.

(97/C 60/126)

**WRITTEN QUESTION E-2472/96**

**by Joaquim Miranda (GUE/NGL) to the Commission**

*(23 September 1996)*

*Subject:* Relations between the European Union and Indonesia

It has been reported in the Portuguese press that on 26 July 1996, following a meeting with the Indonesian Minister for Foreign Trade, Mr Manuel Marin, Commissioner, stated that trade and economic relations with Indonesia could be re-established and that human rights would be considered separately.

In view of the fact that human rights abuse and violation of the East Timor people's right to self-determination have prevented any alteration to the agreements between the European Union and ASEAN, could Mr Marin provide clarification regarding his statement and explain what is actually being prepared for the next meeting between the European Union and ASEAN, scheduled for February 1997?

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

*(17 October 1996)*

The Member of the Commission with special responsibility for external relations with Asia visited certain ASEAN (Association of South-East Asian Nations) member-countries, and in particular Indonesia, in July. On this occasion, and at the ASEAN Post-Ministerial Conferences held in Jakarta on 24 and 25 July, discussions with the ASEAN countries' foreign ministers focused on revamping their relations with the Community.

As the Honourable Member points out, the EU-ASEAN Ministerial Meeting scheduled for February 1997 in Singapore should focus on giving a fresh impetus to relations between the two regional groupings.

The Commission has submitted a communication (1) to the Council, the Parliament and the Economic and Social Committee on creating a new dynamic in EU-ASEAN relations.

The informal EU-ASEAN Eminent Person's Group (2) presented a report to the Council, the Commission and the ASEAN partners, proffering a strategy for an enhanced partnership.

Relations between the Community and Indonesia are an integral part of regional cooperation with ASEAN. Against this background, Mr Marín discussed with Indonesia's Foreign Minister, Mr Ali Atalas, the scope for reinvigorating the partnership. In no way did he state that the issue of human rights would be considered separately. On the contrary: Mr Marín stressed the need for a candid and open exchange on this issue, so as to create an atmosphere in which the full range of topics may be discussed- including those upon which there is disagreement.

(1) COM (96) 314 final.
(2) Following a decision taken at the 11th EU-ASEAN Ministerial Meeting held in Karlsruhe in September 1994, the EPG was created and charged with developing proposals for the enhancement of EU-ASEAN relations.

(97/C 60/127)

**WRITTEN QUESTION P-2475/96**

**by Michèle Lindeperg (PSE) to the Commission**

*(13 September 1996)*

*Subject:* Third country nationals 'without papers'

For the past five months in France, third country nationals 'without papers' have been mounting various spectacular campaigns, including a hunger strike, which seriously endangered the health of some of the strikers, to demand that their situation be regularized.

Most of these people entered France perfectly legally but changes in the law and the reform of the nationality code have increased the number of irregular situations and artificially created thousands of 'illegal immigrants'.

Given that immigration is a European problem, which can be dealt with more efficiently at European level, what steps does the Commission intend to take to harmonize the practices of the Member States with a view to ensuring respect for human dignity and human rights, in accordance with the Member States' international commitments, in particular the European Convention on Human Rights and its additional protocols Nos 4 and 7?

**Answer given by Ms Gradin on behalf of the Commission**

*(4 October 1996)*

The Commission does indeed believe that the general principles of immigration are a matter 'which can be dealt with more efficiently at European level'. Title VI of the Treaty on European Union clearly states that immigration policy is to be regarded as a matter of common interest. However, the actions referred to by the Honourable Member, and in particular the application of deportation measures, remain the responsibility of the Member States.

Since the entry into force of the Treaty on European Union, immigration policy and policy on third country nationals have been 'matters of common interest' under the terms of Article K.1(3), and as such the subject of cooperation in which the Commission is fully involved. Several measures have been adopted by the Council in this framework since the Treaty on European Union entered into force. Four of these, on the admission of third-country nationals into the territory of the Member States, should be mentioned in this context:

- resolution of 20 June 1994 on limitations on admission of third-country nationals to the territory of the Member States for employment; ([1])
- resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons;[1]
- resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes;[1]
- resolution of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States; ([2])

Two other texts deal with the question of deportation:

- recommendation of 30 November 1994 concerning a specimen bilateral readmission treaty between a Member State and a third country;[1]
- recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control. ([3])

The Honourable Member might usefully refer to these texts to judge the action taken by the Union. They represent a first step towards defining common principles on immigration and are to be applied in full compliance with the fundamental principles of human rights. Indeed, Article K.2 of the Treaty states that the cooperation instituted by Title VI must be exercised in compliance with the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and the 1951 Geneva Convention relating to the Status of Refugees.

([1]) OJ C 274, 19.9.1996.
([2]) OJ C 80, 18.3.1996.
([3]) OJ C 5, 10.1.1996.

(97/C 60/128)

**WRITTEN QUESTION P-2479/96**

**by Elly Plooij-van Gorsel (ELDR) to the Commission**

*(23 September 1996)*

*Subject:* Censorship of a Dutch Internet provider's web pages by German providers

1. Is the Commission aware that some German Internet providers, the Internet Content Task Force (ICTF) have stopped their subscribers having access to the web pages of the Dutch provider XS4ALL? The German providers have engaged in this form of censorship at the request of the German Ministry of Justice because XS4ALL hosts a site including copies of the banned publication 'Radikal'. As a result, not only are the 'Radikal' pages inaccessible but also the 3 192 other web pages of users and firms.

2. Is the Commission aware that this form of censorship by ICTF is totally ineffective, given that the 'banned' information has already been copied, as an act of protest, to 20 different websites in various countries?

3. Does the Commission take the view that Internet providers are responsible, and hence legally liable, for the material disseminated via the Internet?

4. Does the Commission take the view that the censorship by the German Internet providers at the request of the German Ministry of Justice is a violation of the freedom of opinion?

5. Is cutting off access by German subscribers to a Dutch provider, and hence to services of Dutch industry, a contravention of the freedom of services in the internal market? If so, what does the Commission intend to do about it?

6. Does the Commission feel there is a need for European rules on the dissemination of material vis the Internet, given that censorship on the Internet by one Member State has an extraterritorial impact within the European Union?

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

*(29 October 1996)*

The Commission is aware of the events cited in the question which demonstrate the classical difficulties related to the free circulation of cross-border services, in this particular case accentuated by the Internet rather than caused by it.

While the Commission feels that the benefits of the Internet far outweigh its negative aspects, it shares the view of the Honourable Member that a Community view on these problems has to be developed, particularly since divergent national approaches may lead to a re-fragmentation of the internal market.

The Commission adopted on the 16 October 1996 a communication on harmful and illegal content on the Internet ([1]) and a green paper on the protection of minors and human dignity in audiovisual and information services ([2]), in which it provides its analysis of the current problems and present policy options for action.

At the request of the Council, the Commission has also enlarged a working party on illegal content on Internet to include representatives of Member States, industry and users. Proposals will be submitted in time for the next meeting of the Telecommunications Council.

([1]) COM(96) 487.
([2]) COM(96) 483.

(97/C 60/129)

**WRITTEN QUESTION E-2481/96**

**by Jens-Peter Bonde (I-EDN) to the Commission**

*(23 September 1996)*

*Subject:* Duty-free sales to persons employed by the EU

Will the Commission also propose that duty-free sales of spirits and other goods to persons employed by EU institutions be abolished?

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

*(11 October 1996)*

Only the staff of EU institutions in Belgium and Luxembourg are entitled to buy a limited amount of duty-free alcoholic beverages.

This entitlement was granted by the Belgian and Luxembourg tax authorities, and it would be for them to abolish it.

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(97/C 60/130)

**WRITTEN QUESTION E-2494/96**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(25 September 1996)*

*Subject:* EU office in Nicaragua

Given the importance and significance of the projects currently being funded by the European Union in Nicaragua, should not a Commission delegation be established there?

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

*(28 October 1996)*

The Commission wishes to inform the Honourable Member that a Commission delegation will be opened in Managua in the near future and that the procedure for appointing a head of delegation is under way.

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(97/C 60/131)

**WRITTEN QUESTION E-2497/96**

**by Guido Podestà (UPE) to the Commission**

*(25 September 1996)*

*Subject:* Evaluation of pilot projects for the protection of the architectural heritage

It has been known for years that the overall budget for funding the pilot projects submitted to DG X for the preservation of the architectural heritage is wholly inadequate and that, as a result, very few projects out of all those submitted are selected for funding which, moreover, only covers a minimal proportion of the total cost of each project.

Consequently, we are faced every year with the disappointment of large numbers of applicants whose projects have not been selected for funding.

Could the Commission therefore give consideration to publishing a document setting out the features of each project, with its defects and its merits, so as to provide a more objective picture of the final selection of projects which receive funding?

In addition, would the production of a publication of this type not be a good opportunity to bring to life, if only in print, the whole of our architectural heritage, instead of leaving it to moulder in the European Commission's archives?

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

*(28 October 1996)*

The Commission fully agrees with the Honourable Member that the budget allocated every year for cultural heritage preservation and for pilot conservation projects in particular is indeed inadequate if one considers Europe's rich and diverse architectural heritage and its needs for conservation, restoration and enhancement. It is, thus, in this context that the action of the Commission and particularly the selection of projects to be financed by the Community has to be evaluated and judged.

Consequently, it is true that only a very small number of projects were selected from among the hundreds or even the thousands of applications received every year until 1995, which was the final year of the pilot projects scheme with over 2.000 applications.

Faced with this reality, the Commission always tried to obtain the best possible results in assessing and selecting the projects on the basis of advice given by juries of independent experts in the field of architectural heritage preservation. Furthermore and in its efforts to obtain greater transparency and dissemination of each year's results to as a wide public as possible, the Commission has, since 1992, carried out a public awareness campaign through travelling photographic exhibitions accompanied by catalogues which presented a large portion of Europe's architectural heritage through the selected projects.

In this sense, the Commission has, therefore, already followed, partly if not totally, the Honourable Member's excellent suggestion to bring to life, if only in print, the architectural heritage. Given the very limited financial resources available, the costs to publish all the submitted projects would, as the Honourable Member agrees, have jeopardised the very existence of the scheme itself.

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(97/C 60/132)

**WRITTEN QUESTION E-2498/96**

**by Guido Podestà (UPE) to the Commission**

*(25 September 1996)*

*Subject:* Evaluation of pilot project for the protection of the architectural heritage

When the pilot projects for the preservation of the architectural heritage are presented to DG X for the final selection, a group of national experts, one for each Member State, is asked to make this selection.

Each expert proposes a list of projects, placed in order of interest, for each of the Member States.

On the basis of all the experts' list, a single list is drawn up for each Member State and on the basis of that list a number of projects are selected for funding.

Can the Commission justify the absence of public records revealing the individual lists drawn up by each national expert?

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

*(28 October 1996)*

The Honourable Member appears to be under a misapprehension as to the way that applications were assessed and finally selected within the framework of the pilot projects scheme, which ran for the last time in 1995.

It is true that, every year, the jury consisted of a number of experts equal to that of the Member States, but these experts were in no way representing their Member States of origin. They were invited by the Commission as independent experts whose knowledge went beyond national boundaries, but who certainly could give their colleagues in the jury a better understanding of their Member States' situation in architectural heritage conservation terms. Following each member's commentary, the decision on the projects to be recommended to the Commission for funding was taken after discussion and consensus among all members of the jury. At the end of the jury's deliberations — within the framework of its collegial terms of reference — and only on the basis of historic and technical quality criteria, the jury drew up a list of projects per Member State (in an order of priority) which in its opinion merited the support of the Community.

It was, thus, on the basis of these lists, and not lists drawn up by individual jury members for each Member State, that the Commission made the final selection each year of the projects to receive Community funding.

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(97/C 60/133)

**WRITTEN QUESTION E-2499/96**

**by Guido Podestà (UPE) to the Commission**

*(25 September 1996)*

*Subject:* Evaluation of pilot project for the protection of the architectural heritage

A notice of call for expressions of interest was published by DG X on page 15 of OJ C 52, dated 3 March 1995.

This notice covers various sectors ranging from information and communication to cultural action and audiovisual policy.

On the basis of the replies received, lists of applicants possessing the skills to carry out tasks in the sectors for which they are qualified were drawn up. This list of applicants is valid for three years from 16 June 1994.

Can the Commission say what procedure is followed in appointing the experts who are asked to make the initial selection and the final selection of the pilot projects presented to DG X for the preservation of the architectural heritage, since no information has been given to the applicants who have submitted an expression of interest and have been placed on the architectural heritage sub-list of the cultural action list?

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

*(31 October 1996)*

The selection of a panel of experts to evaluate pilot projects submitted to the Commission for the safeguarding of the architectural heritage cannot be seen in the same light as the selection of consultants to carry out tasks at the Commission.

The panels of experts responsible for evaluating projects consist of international figures who are experts in their fields. As part for the preparatory work for the 1996 Raphael programme, five panels of seven experts evaluated the files. These independent experts — who thus did not represent their Member States — were selected by the Commission on the basis of their curricula vitae and their wide knowledge and experience in safeguarding the cultural heritage. Most of these experts carry out similar tasks for other international organizations, such as the Council of Europe or UNESCO. In all five panels of experts, the Commission ensured a certain geographical balance. The experts provided a one-off service (the panels met for one week) which was not covered by contract. The selection of experts for the future Raphael programme should be made in conjunction with the committee provided for by the programme.

The lists prepared following the call for expressions of interest for the most part contain applications from consultants or private bodies which could carry out technical assistance tasks for the Commission under fixed-term contracts.

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(97/C 60/134)

**WRITTEN QUESTION E-2500/96**

**by Guido Podestà (UPE) to the Commission**

*(25 September 1996)*

*Subject:* Architectural heritage

Each year projects relating to the preservation of the architectural heritage are submitted to DG X with the objective of obtaining funding.

These projects often concern sites which are unknown to most of the European public despite the fact that they are generally of great historical and cultural value.

Would the Commission consider publishing a collection, with the aid of DG XXIII, of all the material relating to these projects, with suggested tourist routes taking in these sites, so as to increase the public's knowledge of them?

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

*(30 October 1996)*

As already stated in the reply given to the Honourable Member's Written Question E-2497/96 (1), the Commission has, since 1992 in its efforts to obtain greater transparency and dissemination of the results of its action in the field of architectural heritage conservation, carried out a public awareness campaign through travelling exhibitions accompanied by catalogues which presented each year's selected restoration pilot projects. Furthermore, as a major part of these projects concerned monuments and sites which are little known to the general European public, the Commission's awareness campaign has partly attained the Honourable Member's objective to increase the public's knowledge of them.

It is true, however, that a greater effort could be undertaken in this field so as to increase further, the public's awareness about their architectural heritage. In this context, the Commission will, therefore, give serious consideration to the Honourable Member's suggestion in the framework of its future public awareness initiatives.

(1) See page 93.

(97/C 60/135)

**WRITTEN QUESTION E-2509/96**

**by Hiltrud Breyer (V) to the Commission**

*(25 September 1996)*

*Subject:* Taxation of kerosine in Denmark and Sweden

1. Is the Commission aware that Denmark and Sweden have each taken unilateral action in taxing kerosine?

2. Can the Commission say how much additional revenue Denmark and Sweden have collected, or expect to collect, as a result of introducing a tax on kerosine?

3. Is this unilateral national action setting a precedent for the EU? What is the reason for the Commission's view on this matter?

4. How does the Commission view this unilateral action?

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

*(28 October 1996)*

1. The Commission is aware that Sweden has taken action to tax aviation kerosene used for national flights and that this tax is being abolished with effect from 1 January 1997. A similar tax was considered by Denmark but never imposed.

2. According to information available to the Commission, the revenue from the Swedish tax is approximately 200 million Swedish crowns per annum.

3.-4. Council Directives 92/81/EEC (1) and 92/12/EEC (2) require Member States to exempt kerosene used in commercial aviation from excise duty and other similar indirect taxes. This provision exists largely because of international commitments under which all contracting parties to the International civil aviation organisation (ICAO) have entered into reciprocal agreements to supply aircraft fuel free of all taxes. All Member States are members of ICAO, while the Community has had observer status since 1989.

Consequently the existing Swedish legislation seems to infringe Community law. However, as the Swedish authorities have informed the Commission of their intention to change their legislation from 1 January 1997, the Commission has suspended action against Sweden and is awaiting the exact drafting of the new legal texts.

Moreover, the Commission is required to review the terms of the existing exemption for commercial aviation and will shortly be sending its report on this issue to the Council and to the Parliament.

(1) Council Directive 92/81/EEC of 19.10.1992 on the harmonisation of the structures of excise duties on mineral oils – OJ L 316, 31.10.1992.
(2) Council Directive 92/12/EEC of 25.2.1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products – OJ L 76, 23.3.1992.

(97/C 60/136)

**WRITTEN QUESTION E-2516/96**

**by Nikitas Kaklamanis (UPE) to the Commission**

*(25 September 1996)*

*Subject:* Participation by Turkey in EU programmes

In May 1996, the Commission submitted draft proposals for European Parliament and Council decisions amending the regulations relating to the 'Socrates' programme and the third phase of the 'Youth for Europe' programme, together with a proposal for a Council decision amending the regulation relating to the 'Leonardo da Vinci' programme, the purpose being to include Turkey as a beneficiary country.

This is the first time that the Commission has submitted a proposal to extend cooperation with a third country (in the form of participation in Community programmes) without a prior decision by the Association Council for the country concerned, a procedure which was in fact followed very recently (15 and 16 July 1996) concerning inclusion of Poland and Hungary in these programmes.

In view of this:

1. What was the reason for the Commission's decision concerning the procedure to be followed with regard to Turkey, a procedure which was, to say the least, unusual?
2. Did it take account of Turkey's conduct, its continuous threats and provocation directed against EU Member States, its violation of the most basic democratic freedoms within its borders and its continual acts of provocation in Cyprus, of which it occupies 40% and which is an applicant for membership of the EU?

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

*(7 November 1996)*

Under the 'Socrates', 'Youth for Europe' and 'Leonardo' programmes, the Commission submitted to the Council and the Parliament proposals for legislative acts on the basis of Articles 126 and 127 of the EC Treaty, which empower the Commission to present to the Council any proposal it deems opportune relating to the fields covered by those Articles, including proposals in favour of third countries.

In this particular case, the purpose and tenor of the proposals submitted by the Commission is to enable Turkey to participate in the programmes concerned in the field of education and vocational training.

The Commission's proposals are in line with the resolution on furthering cooperation adopted by the EC-Turkey Association Council on 6 March 1995.

Moreover, the Commission takes the view that strengthening cooperation in the fields covered by the three programmes is likely to help strengthen civil society and democracy in Turkey.

(97/C 60/137)

**WRITTEN QUESTION E-2517/96**

**by Anita Pollack (PSE) to the Commission**

*(25 September 1996)*

*Subject:* Conditions in Greek abattoirs

What action has the Commission taken following the filing of a complaint last February from Eurogroup for Animal Welfare against illegal procedures on animals being slaughtered in Greek abattoirs?

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

*(17 October 1996)*

The Commission intervened with the Greek authorties concerning this complaint. In addition a mission by a veterinary inspector of the Commission took place in the spring of 1995 with the aim of investigating slaughter procedures in Greek abattoirs. Following this mission detailed recommendations were communicated to the Greek authorites with regard to the improvement in abattoirs.

The Greek authorities have demonstrated a cooperative attitude to these matters and have informed the Commission that sanctions have been imposed on certain abattoirs not practising correct slaughter procedures including in some cases the closure of those establishments. The Commission is proposing a follow up mission to Greece during the next 12 months.

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(97/C 60/138)

**WRITTEN QUESTION E-2534/96**

**by Amedeo Amadeo (NI) to the Commission**

*(8 October 1996)*

*Subject:* Competition rules

Increasing globalization of the economy and constantly changing trade patterns make cooperation between competition authorities essential. It can now be said that development work on the Community's competition policy has been completed. Competition policy and law have now been consolidated by means of the administrative experience gained by the Commission and the principles established by the Court of Justice.

Would the Commission confirm or deny that it has limited means with which to handle a steadily growing number of cases, given, in particular, that in 1995 the number of new cases relating to state aids and Articles 85 and 86 increased considerably following the accession of three new Member States?

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

*(18 October 1996)*

The Honourable Member is right to note that in 1995 in particular, the number of new cases, especially state aid (Article 92 of the EC Treaty) and Articles 85 and 86 of the EC Treaty cases, increased significantly. Looking at the whole range of areas covered (restrictive agreements and anti-competitive practices, mergers and state aid), the number of new cases submitted to the Commission was more than one third up on the previous year. The increase is partly due to the accession of three new Member States on 1 January 1995. However, the figures also show that businesses are increasingly aware that their playing field is Europe as a whole. In addition, the rapidly changing and increasingly global economic environment gives firms an incentive to cooperate or merge so as to remain competitive. Therefore, the number of competition cases may grow still further in the years to come.

The number of human resources made available to the Commission to handle the increasing number of cases and to prepare legislative measures in the field of competition has not grown to the same extent over the years. In this respect the Commission can confirm that human resources are limited.

Accordingly, the Commission has been considering how to focus its action on those arrangements which have a significant effect on competition and are likely to affect trade between Member States appreciably. Particularly relevant in this respect is the application of the de minimis principle, both in the field of Article 85 and in the field of state aid. The Commission also continues within the existing legal framework to encourage the decentralized application of the competition rules by national courts and authorities.

This does not diminish the special responsibilities which the Commission has to ensure that competition in the internal market is not distorted. A large part of the Commission's activities concern matters where it has exclusive competence. Moreover a growing number of business operations and practices have clear cross-border effects for which the Commission is the most appropriate authority to take action.

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(97/C 60/139)

**WRITTEN QUESTION E-2535/96**

**by Amedeo Amadeo (NI) to the Commission**

*(8 October 1996)*

*Subject:* Competition policy

Given that the Commission is obliged to give priority to matters with significant implications for competition within the Community, the role played by the national authorities and courts takes on added importance. Decentralized application of the competition rules often proves a more effective, swifter means of putting an end to violations. Furthermore, it reminds Community citizens that those rules form part of the everyday law of each Member State, and are designed to protect their rights. Once the need to continue to encourage decentralized application of the competition laws has been acknowledged, therefore, the next goal must obviously be to establish genuine cooperation with the courts and competition authorities at national level. With this in mind, it has been announced that a new communication on cooperation between the Commission and the national competition authorities is to be published.

Would the Commission state when this communication is to be published, and would it agree that it should continue to pursue a gradual, cautious, but extremely determined decentralization policy?

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

*(25 October 1996)*

The Commission agrees with the Honourable Member's analysis of the advantages of decentralized application of the competition rules. In line with the wish expressed by him, it will continue to pursue a cautious and determined policy in the matter. Publication of the draft communication [1] to which the Honourable Member refers bears witness to this. The draft communication was designed to elicit the views of all interested parties. The date of publication of the definitive version will depend on the extent of any amendments needed in response to those views and on Member States' observations regarding competition once they have been consulted.

While the Commission still hopes to be able to adopt the draft before the end of the year, adoption is more likely to take place in the first quarter of 1997.

[1] OJ C 262, 10.9.1996.

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(97/C 60/140)

**WRITTEN QUESTION E-2546/96**

**by Amedeo Amadeo (NI) to the Commission**

*(8 October 1996)*

Subject: Environmental protection

The financial support programme is the only aspect of relations between non-governmental organizations (NGOs) and the EU institutions to be considered in the Council's proposal for a Community action programme in the field of environmental protection.

The environmental organizations operating at European level have long been calling for such cooperation – with particular regard to participation, information and support – to be placed on an institutional footing, so as to give practical effect to the principle of cooperation between the players in the field of environmental policy laid down in the fifth Community action programme on the environment.

Would the Commission:

1. review the appropriations allocated to the support programme, given that the scope of the programme is to be extended; and
2. remove the reference to support for meetings of the consultative forum or other meetings at national and regional level from the financial statement, given that they do not form part of the activities of NGOs?

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

*(23 October 1996)*

On 11 December 1995 the Commission sent to the Council and to Parliament a proposal for a Council Decision on the Community programme of action on the promotion of non-governmental organizations, the main aim of which is protection of the environment. [1] This proposal is currently under discussion in Parliament.

The aim is to provide a legal basis for financial support granted since 1988 on the basis of annual appropriations granted by the budgetary authority.

At this stage the Commission cannot prejudge any amendments adopted by Parliament, or the attitude that it will adopt towards them with a view to possibly amending its proposal.

[1] Doc. COM(95) 573 final.

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(97/C 60/141)

**WRITTEN QUESTION E-2548/96**

**by Amedeo Amadeo (NI) to the Commission**

*(8 October 1996)*

*Subject:* Human rights in Tibet

The Tibetan people, which has been under the occupation of the People's Republic of China since 1949, is being subjected to extremely harsh repression which is jeopardizing its the very survival.

Countless initiatives have been taken at all levels with a view to putting an end to this intolerable situation, but the results have been disappointing.

Would the Commission not agree that it should make representations to the government of the People's Republic of China with a view to its halting immediately the transfer of Chinese nationals to Tibet and embarking on a decolonization process, returning the Tibetan land, crops and housing which have been expropriated in over 40 years of occupation?

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

*(21 October 1996)*

The Commission has on several occasions called for cultural, ethnic, linguistic and religious identity to be respected in the autonomous region of Tibet. Such issues are regularly broached in the bilateral dialogue with China on human rights. The European Union has suggested to the Chinese authorities that a further meeting in the context of this dialogue be held before the end of the year.

(97/C 60/142)

**WRITTEN QUESTION E-2552/96**

**by John Iversen (PSE) to the Commission**

*(8 October 1996)*

*Subject:* Budget line B3-4103

Declaration No 23 of the Final Act of the Treaty on European Union stresses the importance of cooperation with charitable associations and foundations. These are viewed as bodies which are responsible for social welfare establishments and services and hence for the attainment of the so-called sociopolitical goals as laid down in Article 117 of the Treaty establishing the European Union.

Declaration No 23 is implemented inter alia by the budgetary item of the same name: 'Cooperation with charitable associations'. This item, introduced by Parliament in 1994, is contained in Budget line B-4103 'Measures to combat poverty and social exclusion'. In the overall budget 2 MECU had already been allowed for in this context for each of the budgetary years 1994 and 1995. Two MECU have also been budgeted for the present budgetary year 1996.

1. Does the Commission regard its remarks on cooperation with charitable organizations within the framework of the 'White Paper on European Social Policy' and the Medium-term Sociopolitical Action Program 1995-97 as a concept for the translation of Declaration No 23?

2. On the basis of what criteria, what financial support framework and what short project description were projects within the abovementioned budget item selected and authorized in 1994 and 1995?

3. Can the Commission present the financial plan (including the nature and number of projects and respective funding) for the 2 MECU which have been provided for in the overall budget of the European Community for the budgetary year 1996?

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

*(15 November 1996)*

Declaration N° 23 stresses the importance of cooperation with charitable associations and foundations as institutions responsible for social welfare establishments and services. The white paper on social policy [1] and the medium-term social action programme 1995-97 are the most recent frameworks established by the Commission to implement this cooperation, with a special focus on combating poverty and social exclusion, as the budget for Declaration N° 23 is included in this specific budgetary line. The Commission remains committed to developing the cooperation further.

During its first 2 years of implementation, money from the budget lines relating to Declaration 23 has been dedicated to:

— creation, development and strengthening of European networks of charitable associations. This is a long and necessary process towards any substantial work in common. It implies, for instance, specific training, in-depth mutual understanding and research of common interests;

— preparation at European level of particular events where these charitable associations have been able to present jointly their points of view. This has been the case, for instance, for the Copenhagen world summit for social development, the European day on volunteering and more recently the platform of European social non governmental organizations (NGOs) during the social policy forum held in March 1996 in Brussels.

For 1996 an amount of 2 MECU for the promotion of cooperation with charitable associations was included in budget line B3-4103. A call for projects had been issued in May 1996 with 30 June 1996 as deadline. The Commission is currently making the selection. In the meantime the United Kingdom government lodged at the Court of justice an application for annulment of this year's procedure for implementation of budget line B3-4103, together with an application for interim measures.

In its order concerning the interim measures which was given on 24 September 1996 the Court of justice ruled:

'When committing expenditure in implementation of its circular of 2 May 1996 inviting applications for Commission funding of measures to assist the elderly and of its circular received by the United Kingdom authorities on 15 May 1996 inviting applications for Commission funding of measures to combat poverty and social exclusion, the Commission shall clearly state that such commitments are conditional upon judgment of the Court in the main proceedings and shall make no payment until that judgment is delivered.'

The Commission takes the view that it must continue with the selection procedure and it will inform successful tenderers of the conditions laid down by the Court.

(1) COM(94) 333.

(97/C 60/143)

**WRITTEN QUESTION E-2556/96**

**by Anne André-Léonard (ELDR) to the Commission**

*(8 October 1996)*

*Subject:* Funding of the national day of solidarity with Algeria by the Commission

The national day of solidarity with Algeria will be held on 5 October 1996.

It emerges from the political programme for the day that the various political tendencies are not all represented. The majority of the organizations represented are socialist in character.

The list of Algerian speakers represents the opinion of the FFS (Front des Forces Socialistes), who are in favour of dialogue with the FIS (Front Islamique du Salut, Islamic Salvation Front).

The programme also indicates that the event is receiving financial support from the European Commission.

Can the Commission say on what grounds it is offering financial support to this event, at which the various political tendencies are not evenly represented?

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

*(28 October 1996)*

The Commission considered it appropriate to contribute financially to the cultural programme for the day of solidarity with Algeria on 5 October.

There are two points to make about the organizer of, and the contributors to, the conference. Oxfam, the organiser, has long maintained contact with Algerian institutions and organizations in order to be able to carry out development projects and provide humanitarian aid. Also, according to the Commission's information, the FFS and its sympathizers operate legally and express their opinions openly in Algeria and abroad.

In any case, this contribution does not in any way indicate that the Commission intends to meddle in the internal affairs of Algeria, one of the countries in the Euro-Mediterranean partnership.

(97/C 60/144)

**WRITTEN QUESTION E-2565/96**

**by Antoni Gutiérrez Díaz (GUE/NGL) to the Commission**

*(11 October 1996)*

*Subject:* URB-AL programme

The URB-AL programme (cooperation between cities, regions and other local and regional authorities of the EC and Latin America) was presented on 7 and 8 June 1996 in the city of Naples.

The focus of the programme's activities is the holding of eight seminars on different subjects. The aim is to set up work networks between European and Latin American local authorities that will provide an impetus for putting together projects, which could then be financed from other EU budget lines.

The launching of the programme is to be welcomed as a step towards decentralized cooperation within the framework of the EU's cooperation policy.

However, is the Commission aware that:

1. the programme largely disregards existing experience, networks and activities in the field of decentralized cooperation, as if there was a need to start from scratch? It seeks to create a drive and impetus for cooperation which is already up and running (notably in Catalonia, with the Barcelona town hall and municipal council, etc., as well as in other Spanish regions and other EU States).

2. the formulation and implementation of the programmes fails to take account of the need to forge partnerships with institutions representing local authorities both in Europe and in Latin America? This could be a drawback in decentralized cooperation programmes.

3. given the size of the allocation for the programme (ECU 14 million by the Commission), consideration needs to be given to the political declaration approved at the UN Conference on human settlements in Istanbul on 30/31 May, where a permanent body for the coordination of international local authority associations was set up as a dialogue partner for the United Nations system and where the EU agreed and undertook to encourage partnerships within the framework of its internal and regional policies, as well as in connection with aid to third countries?

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

*(31 October 1996)*

The Commission thanks the Honourable Member for his interest in URB-AL, the new horizontal programme for decentralized cooperation between cities, regions and other local and regional authorities in the Community and Latin America.

The objective of the programme is to develop direct and lasting partnerships between local authorities by setting up networks around topics of mutual interest offering scope for fruitful cooperation between Europe and Latin America. These projects must be innovative and address the main human, social, economic and cultural priorities confronting the two regions.

These thematic networks will provide a permanent cooperation framework for a number of activities and projects. Though they will, at Community level, be cofinanced mainly from URB-AL's budget allocation, these activities could — depending on the nature of proposals submitted by the networks — attract funding from other budget headings.

The URB-AL programme is part of a wider process of decentralization under way in the Community for several years now. It is based on existing links between Europe and Latin America. Far from ignoring European experience of decentralized cooperation, URB-AL seeks to capitalize on Europe's human and technical resources in the field, operating on the premise that Europe can and must assert its readiness to be one of Latin America's key partners and that its specific know-how and cooperation instruments can help Latin America meet the challenges before it.

Though URB-AL will primarily promote the Community's experience and know-how, it will naturally take account of the recommendations made at the UN Habitat II Conference, which took place in Istanbul in June. The Honourable Member may care to refer to Article 170a of that conference's conclusions, which states that the Commission should, inasmuch as its procedures permit it to do so, include representatives of local authorities and the relevant elements of civil society in its work. The Commission wholeheartedly endorses this conclusion, which it already applies, especially in its horizontal programmes. URB-AL in particular was designed with this in mind.

(97/C 60/145)

**WRITTEN QUESTION E-2567/96**

**by Iñigo Méndez de Vigo (PPE) to the Commission**

*(11 October 1996)*

*Subject:* EU response to the Helms-Burton Act

In July 1996 the Commission submitted a proposal for a regulation laying down various measures designed to compensate European firms affected by the application of the Helms-Burton Act.

Has the Commission calculated how much this compensation might amount to? Has provision been made for a special budget heading? Has the Commission's position on this subject changed in any way following the visit to Brussels by Mr Eizenstat, the US representative for the promotion of democracy in Cuba?

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

*(31 October 1996)*

Further to the Parliament's resolution of 24 May and the Council conclusions of 15 July, the Commission tabled on 30 July a proposal for a regulation protecting against the effects of the application of certain legislation of certain countries and actions based thereon or resulting therefrom [1]. Following a subsequent amendment, the proposal now covers both the Helms Burton and d'Amato Acts recently enacted in the United States.

This draft regulation would give Community firms the right to recover from the third country beneficiary concerned, through private court action in any Member State, the amount of any damages awarded against them in favour of that beneficiary by judgments or decisions based on the third country legislation listed in the annex to the regulation. Since the scale of any such damages depends on the future action of private individuals and firms, it is not possible to quantify this in advance. Moreover, since there is no provision for any compensation from public funds, the question of budgetary provision does not arise.

While the Commission has listened carefully to the arguments advanced by Ambassador Eizenstat during his visit to Brussels in early September, it remains of the view that, in order to protect the interests of Community firms, it is important to have the proposed Community legislation in place before the latter begin to incur, on 1 November, liability under Title III of the Helms-Burton Act. It was made clear to Ambassador Eizenstat that the Community would not change its policy approach on Cuba under the pressure of extraterritorial legislation.

[1] COM(96) 420.

(97/C 60/146)

**WRITTEN QUESTION E-2577/96**

**by Amedeo Amadeo (NI) to the Commission**

*(11 October 1996)*

*Subject:* Public health

Would the Commission agree that, in the proposal for a decision on an action programme on health monitoring, the provisions regarding the involvement of non-Community countries and associated countries should include a reference to cooperation based on agreements with all the countries in the Mediterranean area?

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

*(6 November 1996)*

All decisions and proposals for decisions by the European Parliament and the Council adopting programmes of action in the field of public health contain a provision for international cooperation with third countries and with international organisations competent in that field. The conditions for participation of third countries on these programmes are the object of separate agreements.

As a follow-up to the 'Barcelona Conference', a Euro-Mediterranean basin partnership was established between the Member States and 12 Mediterranean basin countries. The financial instrument for this cooperation is the MEDA programme. Within this framework the Commission is currently considering a number of options for specific programmes.

In addition, a particular initiative under the name of Euromed, covering public health, is presently being considered.

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(97/C 60/147)

**WRITTEN QUESTION E-2586/96**

**by Francesco Baldarelli (PSE) to the Commission**

*(11 October 1996)*

*Subject:* Ban on dual specialization at Italian universities

The training of specialist doctors is governed by Council Directive 82/76/EEC of 26 January 1982. [1] The Italian implementing legislation, Legislative Decree No 257 of 8 August 1991, stipulates that the training of specialized doctors must be conducted in accordance with the three-year plans drawn up by the Ministry of Health, which covered the three-year period from 1994 to 1996 in the Ministerial Decree published on 17 May 1995. The Ministry for Universities and Scientific Research later issued a circular, on 15 January 1996, in which the rules were interpreted in such a way as to impose a general ban on dual specialization at Italian universities.

In Italy, requests to enrol for a second course of specialized training are sometimes warranted by the fact that interdisciplinary teaching has been established within the same faculty: faculties of medicine and surgery, for example, offer interdisciplinary teaching programmes, and some hospital wards and units cover fields not listed as specialized disciplines (there are, for instance, 40 neuroradiological units).

The following example clearly demonstrates the point: since neurorehabilitation is not a recognized discipline in Italy, a doctor wishing to work in this field (after obtaining a qualification in neurology) has to apply to train in rehabilitation techniques (or vice versa). Similarly, because specialist training in neuroradiology is not offered in Italy, a doctor wishing to work in this field (after obtaining a qualification in neurology) has to apply to train in radiology (or vice versa). Under the present system, such applications are rejected.

Does the Commission believe that the ban on obtaining more than one specialist qualification is consistent with Community law?

[1] OJ L 43, 15.2.1982, p. 21.

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

*(5 November 1996)*

Article 24(1)(c) of Council Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications [1] states that the Member States shall ensure that the training leading to a diploma in specialized medicine is full time.

In addition, Annex I to the Directive states that the full-time training of specialists shall be carried out 'so that the trainee specialist devotes to this practical and theoretical training all his professional activity throughout the duration of the standard working week and throughout the year'.

Consequently, training courses in areas such as radiology or neurology, which are cited in the question and referred to explicitly in Articles 5(3) and 7(2) of the Directive in connection with Italy, must not be followed at the same time as any other training course.

[1] OJ L 165, 7.7.1993.

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(97/C 60/148)

**WRITTEN QUESTION E-2588/96**

**by Amedeo Amadeo (NI) to the Commission**

*(11 October 1996)*

*Subject:* Worker participation

In its communication on worker information and consultation (COM(95)0547) the Commission takes the view that the Community has various options for the future, namely:

1. maintaining the status quo;
2. adopting a global approach; or
3. taking immediate action on the proposals on the statutes for the European company, the European association, the European cooperative society, and the European mutual society.

The Directive on European works councils could be implemented on the same basis as in other European-scale enterprises, i.e. without laying down further conditions.

Will the Commission start by compiling a detailed account and, to that end, conduct a comparative study to gauge the extent of the similarities or differences in the legislation in force in the various Member States and determine how far Community action is desirable and necessary?

Before a possible new European initiative is launched in the sphere of worker information and consultation, the comparative study should be submitted to the two sides of industry to enable them to assess whether outline European legislation should be drawn up, preferably on the basis of an agreement allowing individual points to be regulated at national level.

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

*(27 November 1996)*

The detailed comparative study referred to by the Honourable Member is already available and will be published shortly as a supplement to the Social Europe magazine.

The Commission would remind the Honourable Member that, in the context of the debate initiated by its communication on worker information and consultation [1], it has just set up a high-level group of experts whose very task is to carry out a more detailed comparative analysis of the various arrangements for worker participation in the decision-making process within undertakings in the Community. On the basis of this analysis, the group will try to identify solutions which will enable a certain number of proposals from the Commission in this field to be 'unblocked', particularly the proposal on the articles of association of the 'European company'.

In the related area concerning the possible need for a Community legal framework on worker information and consultation in national undertakings, the Commission does not intend to take any initiative to introduce legislation before the social partners at Community level have been given the opportunity to themselves conclude an agreement on this matter. Given the nature of this issue, which is primarily of interest for the social partners, the Commission considers that such an agreement would be highly desirable.

[1] COM(95) 547.

(97/C 60/149)

**WRITTEN QUESTION E-2595/96**

**by Glyn Ford (PSE) to the Commission**

*(11 October 1996)*

*Subject:* Technical aid to Cuba

In the light of the recent U.S. Helms-Burton law regarding Cuba, does the Commission have any plans to extend technical aid to Cuba?

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

*(29 October 1996)*

In the light of Parliament's resolutions concerning Cuba, the Commission is currently — and has been for some years now — implementing a humanitarian aid programme and food aid schemes in Cuba, besides providing support for projects run by European and local NGOs and for a number of cooperation projects aimed at underpinning the authorities' economic reforms.

Decisions to carry out cooperation schemes with Cuba, especially those of an economic nature, are adopted by the Commission in the light of its own legal and political criteria. The entry into force of foreign legislation should therefore have no bearing on the Commission's approach to cooperation and there is no reason why the nature or volume of aid granted to Cuba should be affected by the law in question.

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(97/C 60/150)

**WRITTEN QUESTION E-2596/96**

**by Glyn Ford (PSE) to the Commission**

*(11 October 1996)*

*Subject:* Bringing 'workers at sea' under the working time directive

What steps are being taken by the Commission to ensure that the category 'other workers at sea' is brought into line with the working time directive?

Is the Commission aware that trans-national companies are able to veto a working time directive for 'other workers at sea' when the same companies will operate the directive onshore?

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

*(6 November 1996)*

As the Working Time Directive does not apply to 'other work at sea', there is no obligation on companies to comply with its provisions in respect of the workers concerned. There can therefore be no question of their 'vetoing' the directive.

The Commission is currently preparing a White Paper on the sectors and activities excluded from the Working Time Directive (93/104/EC of 23 November 1993 ([1])) including 'other work at sea'. The White Paper will set out the Commission's views on how best progress can be made in dealing with issues arising from the exclusion of certain sectors from the provisions of the Directive.

([1]) OJ L 307, 13.12.1993.

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(97/C 60/151)

**WRITTEN QUESTION E-2601/96**

**by Mary Banotti (PPE) to the Commission**

*(11 October 1996)*

*Subject:* Legislation for tattooing

Is the Commission aware of any national legislation in the Member States regulating the practice of tattooing?

Is there any legal control on registration of tattooists in the Member States?

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

*(28 October 1996)*

Each Member State is free to lay down the conditions governing the exercise of an occupation or profession on its territory (level of required qualifications, compulsory registration, rules on good practice). Those conditions must, in any event, comply with the principle of equality of treatment between Community nationals.

As regards tattooists, the Commission does not possess any information on national rules governing the execise of this occupation in the different Member States.

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(97/C 60/152)

**WRITTEN QUESTION E-2618/96**

**by Cristiana Muscardini (NI) and Spalato Belleré (NI) to the Commission**

*(14 October 1996)*

*Subject:* Resistant 'superstrains' of tuberculosis

As the Commission must know, a nosocomial epidemic of a drug-resistant strain of tuberculosis has been reported in Lombardy.

Does the Commission agree that, although it is always useful to carry out in-depth studies of such resistance, providing health workers with guidelines to prevent patients with HIV from being infected with TB in hospital would meet a real need and have more immediate impact?

To put the problem in a wider context, would the Commission state whether it is aware of any:

— recent studies on resistant 'superstrains' of the MT bacillus,or

— official moves by government departments or regional bodies aimed at providing health workers with guidance, specimen documents and access to specialized information on which to base their arrangements for controlling the disease?

Finally, could the Commission give its opinion on the situation of resistant 'superstrains' in Europe and the prospects of eradicating TB in the relatively near future?

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

*(15 November 1996)*

The Commission is fully aware of the phenomenon of resistance to antibiotics by strains of the tuberculosis bacillus, and is kept informed of relevant studies.

The Commission is aware of efforts by Member States to provide appropriate information and counselling for professionals and workers in the health field, particularly in hospitals and prisons. In the context of the programme on AIDS and other communicable diseases, the Community can support and encourage these efforts.

Eradicating tuberculosis is not likely in the near future, as the fight against this serious communicable disease is complex and requires various methods, for example vaccination by the Bilié de Calmette et Guérin (BCG) bacillus which, having long been considered the ideal solution, has been called into question by some specialists owing to its lack of effectiveness. At any event, monitoring of this disease is to be carried out initially by a monitoring organisation at Community level, for which the Commission has put forward to the Parliament and the Council a proposal for a Decision creating a network for the epidemiological surveillance and control of communicable diseases in the European Community [1].

[1] OJ C 123, 26.4.1996.

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(97/C 60/153)

**WRITTEN QUESTION E-2636/96**

**by Robert Evans (PSE) to the Commission**

*(15 October 1996)*

*Subject:* EU funding for greyhound breeding

Would the Commission please confirm that it is still providing funds to encourage the breeding of greyhounds in Ireland?

With the short lives that many of these dogs face and the opposition from many members of the European public to such a use of EU money, will the Commission now reconsider its policy on this issue?

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

*(30 October 1996)*

As part of the Community policy for rural development the Commission has encouraged Member States to provide aid for the diversification of agricultural production towards non-food products and non-surplus products.

In the case of Ireland Community aid is available to help farmers and other rural dwellers to diversify into greyhound breeding. Ireland is a major producer of greyhounds aimed principally at the market in the United Kingdom. In the period 1994-1999, aid is provided for improvement of breeding kennel facilities, breed improvement and market development in order to improve saleability of progeny. It is emphasised that greyhound production in Ireland takes place under the supervision of Bord na gCon (the Irish greyhound board). Due to delays in implementation only a small proportion of available funding has been used to date. The relevant programme is being evaluated in the mid term review of the use of the structural funds.

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(97/C 60/154)

**WRITTEN QUESTION P-2642/96**

**by Yiannis Roubatis (PSE) to the Commission**

*(8 October 1996)*

*Subject:* Murder of Kurdish prisoners and violation of human rights in Turkey

In the afternoon of 24 September 1996, Kurdish prisoners held at Diyarbakir in S.E. Turkey were subjected to an unprovoked attack by Turkish prisoners, leaving 12 Kurds dead and many more injured.

1. What measures will the Commission take against Turkey whose government does not hesitate to murder Kurdish prisoners in cold blood, thereby violating any notion of human rights as well as that country's commitments following the entry into force of the customs union?

2. Following Turkey's unacceptable conduct, will the Commission proceed to block all the funds earmarked under the MEDA programme and the customs union financial regulation in line with Parliament's resolution on the political situation in Turkey (1) adopted in plenary in September 1996?

(1) Minutes of 19 September 1996, p. 69.

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

*(8 November 1996)*

In its widely circulated report on developments in relations with Turkey since the entry into force of the customs union on 9 October 1996, the Commission expressed its views on violations of human rights in Turkey, regretting that the political situation in Turkey had made it difficult this year to take action with the necessary determination against torture and ill-treatment, disappearances and extrajudicial executions. The report, which contains detailed information on all these matters, including the situation in Turkey's prisons, is being sent direct to the Honourable Member and Parliament's Secretariat.

The Commission carefully noted Parliament's resolution of September 1996, which delivered a significant political signal. The Commission points to the conclusions of the above report, namely that all possible channels of dialogue and cooperation with Turkey must be kept open. In the present situation, the Meda programme (measures to accompany the reform to the economic and social structures in non-member countries of the Mediterranean basin) is the only usable form of cooperation.

The Commission noted that Parliament decided at the first reading of the 1997 budget not to enter in the reserve the Meda appropriations allocated to Turkey.

The human rights situation in Turkey justifies taking care to focus financial cooperation on projects which will help strengthen democracy and civil society, ease the situation in the South-East and improve conditions for the people most affected by the events.

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(97/C 60/155)

**WRITTEN QUESTION E-2644/96**

**by Hilde Hawlicek (PSE) to the Commission**

*(15 October 1996)*

*Subject:* Preparations for the Year against Racism

How are the preparations for the Year against Racism proceeding? Have actual projects, meetings and events already been organized?

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

*(6 November 1996)*

The resolution of the Council and the representatives of the Member States, meeting within the Council, concerning the European Year against Racism (1997) [1] was not adopted until 23 July 1996.

The Commission has published an invitation to tender [2] for the provision of technical assistance for the implementation of the Year, and expects that the body to be assigned these tasks will be chosen before the end of the year.

On October 2 1996, at the first meeting between the Commission and the ad hoc group responsible for helping the Commission with the implementation of the Year, the Member States and the Commission presented their respective work schedules. It emerged that most Member States have only just started their work and that a second meeting, planned for 3 December, will be necessary before publication of a comprehensive work schedule and in particular a call for project proposals planned for the beginning of January 1997.

In the meantime, the Commission expects that before the end of October 1996 it will distribute initial indicative information on the priorities and probable timetable for the Year to any bodies or organisations that have requested it.

Finally, a formal opening ceremony for the European Year is planned for the end of January 1997.

[1] OJ C 237, 15.8.1996.
[2] OJ C 222, 31.7.1996.

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(97/C 60/156)

**WRITTEN QUESTION E-2648/96**

**by Hilde Hawlicek (PSE) to the Commission**

*(15 October 1996)*

*Subject:* Development of EU educational and training programmes

In the light of serious youth unemployment in the EU, does the Commission have plans to develop the educational and training programmes to combat youth unemployment, and to increase the funding available for them?

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

*(19 November 1996)*

The Commission is convinced that the Community education and vocational training programmes make a major contribution towards developing the full potential of Europe's human resources. They also help to combat youth unemployment which is one of the main objectives taken into account when setting the annual priorities for these programmes.

The Commission therefore feels that the financing of measures in the fields of both education (Socrates, Youth for Europe) and vocational training (Leonardo) needs to be boosted.

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(97/C 60/157)

**WRITTEN QUESTION P-2675/96**

**by Vassilis Ephremidis (GUE/NGL) to the Commission**

*(9 October 1996)*

*Subject:* Requisitioning of the services of seamen in Greece over a period of 20 years

Since 1976 the Greek Government, invoking the law on General Mobilization, has requisitioned the services of seamen trained in a wide range of areas to man two oceanographic ships belonging to the Greek Navy. The Council of State which has repeatedly considered the question of the mobilization of personnel has accepted in its jurisprudence that this is a temporary measure which must cease as soon as the exceptional circumstances which rendered it necessary have been eliminated. Nevertheless, the requisitioning of the services of seamen to man ancillary vessels in the Greek Navy in the absence of force majeure or serious threats to public or social order has continued for 20 years and become a quasi-permanent state of affairs, replacing the regular procedure for the recruitment of personnel under private law, used in the case of other Greek Navy vessels.

Will the Commission say:

1. Does it not agree that the use of requisitioning — which is justified only in cases of national emergency — to cover fixed requirements and administrative weaknesses and the fact that hundreds of seamen are obliged to work under unacceptable conditions without any labour contracts constitute a flagrant violation of Community law?
2. Does it intend to take appropriate initiatives to put an end to requisitioning so as to reestablish regular labour relations and the rights of workers and to safeguard employment in accordance with the principles of free, individual and collective contracts and national and Community legislation?

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

*(28 November 1996)*

The rules governing the armed forces, including the requisitioning of seamen to man navy vessels, fall within the exclusive competence of the Member States. The Commission therefore has no competence in this matter.

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(97/C 60/158)

**WRITTEN QUESTION P-2696/96**

**by Karla Peijs (PPE) to the Commission**

*(9 October 1996)*

*Subject:* Distortion of competition resulting from Belgium's intention to ban tobacco advertising

Is the Commission aware of the Belgian government's intention to introduce a total ban on tobacco advertising pursuant to Article 3 of the law banning the advertising of tobacco products which was adopted on 18 June 1996?

Is the Commission aware that if the proposed new law were actually introduced it would also be applicable to printed media from abroad which can legally contain tobacco advertising?

Is the Commission of the opinion that foreign publishers would be placed at a disadvantage in competing with Belgian publishers?

Does the Commission agree that Belgium's plan for a ban runs counter to the intentions expressed in June 1996 in the Commission's Green Paper on commercial communications which seeks to remove existing obstacles in respect of advertising within the internal market?

What action will the Commission take against the disadvantaged competitive position of publishers from other Member States resulting from this proposal to ban tobacco advertising?

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

*(8 November 1996)*

The Commission is aware of proposed Belgian legislation on tobacco advertising. It is considering its response to this legislation and will inform the Belgian government of its response in the near future.

It would be premature to comment before this reply is made.

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(97/C 60/159)

**WRITTEN QUESTION E-2699/96**

**by Karin Riis-Jørgensen (ELDR) to the Commission**

*(15 October 1996)*

*Subject:* National interpretation of EU rules on tendering

The Danish Finance Ministry's circular on tendering and invitations to tender (No 42 of 1 March 1994) makes it possible for a government authority calling for tenders to take part in an EU tendering procedure itself by drawing up what is known as a 'control bid', i.e. its own tender. A rule in the aforementioned circular also allows the government authority to increase private-sector tenderers' bids by automatically adding to them an amount corresponding to the costs it would incur, e.g. in retraining staff and paying wages to civil servants with no work to do, if it lost the function put out to tender and which it used to perform.

Does the Commission not consider that, by automatically increasing private-sector bids, this practice constitutes discrimination in favour of the public sector?

Will it intervene to halt this practice in Denmark?

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

*(29 November 1996)*

The Commission is conducting a detailed investigation of the problem raised by the Honourable Member and will inform her of the outcome as soon as possible.

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(97/C 60/160)

**WRITTEN QUESTION E-2704/96**

**by Doeke Eisma (ELDR) to the Commission**

*(15 October 1996)*

*Subject:* Alternatives to tests on animals

With effect from January 1998 the testing of animals for cosmetic purposes will be prohibited.

Can the Commission indicate for what animal tests alternatives have now been found?

Why has there been such little progress in developing alternatives to tests on animals?

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

*(19 November 1996)*

The Commission attaches importance to the alternative methods to animal experiments. All methods, including animal tests and alternatives, have to ensure the highest level of safety and human health protection.

On 24 July 1996, the Commission adopted its 1995 annual report on the development, validation and legal acceptance of alternative methods to animal experiments in the field of cosmetics ([1]), which has been submitted to Parliament and to the Council. The preparation of the 1996 annual report is already in progress.

As may be seen from the 1994 and 1995 reports, work and research programmes have been added with a view to validating in vitro methods. This has been supported by important financial investments with priority being given to the field of cosmetics. However, as stated in the conclusions of the 1995 report, validation has turned out to be even more difficult, more time consuming and more costly than had been expected.

Article 4 of the cosmetics Directive, amended by Council Directive 93/35/EC ([2]), specifies that 'if there has been insufficient progress in developing satisfactory methods to replace animal testing, and in particular in those cases where alternative methods of testing, despite all reasonable endeavours, have not been scientifically validated as offering an equivalent level of protection for the consumer, taking into account OECD toxicity test guidelines, the Commission shall, by 1 January 1997, submit draft measures to postpone the date of implementation of this provision'.

The Commission will soon submit draft measures to postpone the date of implementation of the ban in the field where alternative methods will not be available for 1 January 1998. The text of draft measures proposed by the Commission will simultaneously be transmitted to the Parliament and to the committee on the adaptation to technical progress. In this context, the Commission is currently consulting the Organization for economic cooperation and development (OECD), and the European centre for the validation of alternative methods to animal testing (ECVAM).

The Commission is continuing to stimulate efforts to improve animal welfare while fulfilling its obligation to protect consumers.

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([1]) COM(96) 365.
([2]) OJ L 151, 23.6.1993.

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(97/C 60/161)

**WRITTEN QUESTION P-2706/96**

**by MaLou Lindholm (V) to the Commission**

*(9 October 1996)*

*Subject:* Electrical cables as a threat to the environment

The SwePol monopolar electric cable is not covered by any of the present European environment or nature conservation laws. However, the planned SwePol monopolar electric cable, like other cables of the same type in the Baltic sea, including the one between Denmark and Germany, will produce continuously the highly dangerous chemical chlorine and high-tension magnetic electrical waves.

The Commission, through the Environment Commissioner R. Bjerregaard, was very active in supporting the Greenpeace action against the dumping of decommissioned oil platforms like the Brent Spar in the North Sea. Our seas are no waste bins.

Will the Commission take political initiatives against this planned SwePol monopolar electric cable?

Is the Commission aware that in the common position on the revision of the environmental impact assessment law an environmental impact assessment for certain high-tension electrical cables is needed?

Is the Commission prepared to propose a directive to prevent the seas surrounding the European Union becoming waste bins?

Is the Commission prepared to propose a special environment impact assessment directive for the seas surrounding the European Union?

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

*(30 October 1996)*

The Commission does not intend to propose a special environment impact assessment directive for the seas surrounding the Community as the Commission believes that there exists already a set of instruments and regulations, the correct application of which should prevent environmental damage. One of these is Directive 85/337/EEC [1] on the assessment of the effects of certain public and private projects on the environment which however does not include provisions for submarine electric cables either in its present form or in the common position (EC) No 40/96 [2] with a view to amending the above directive.

Nevertheless, according to the information available to the Commission, an environmental impact assessment is being carried out on the basis of national legislation both in Sweden and in Poland for authorization requirements. In addition the Commission, sensitive to the environmental impact of all trans— European network projects has cofinanced a study entitled Environmental and bottom survey study for a feasible Swedish Polish high voltage direct current cable interconnection. This study started in December 1995 and the report is due in February 1997. An intermediate report was recently submitted, indicating that environmental issues have been already discussed with the authorities and interest groups both in Sweden and Poland while bottom survey work also involved authorities in Denmark. Thus it is expected to have a clear view on the issues when the overall environmental impact assessment has been completed in 1997, on the basis of which the final decisions will be taken by competent authorities.

(1) OJ L 175, 5.7.1985.
(2) OJ C 248, 26.8.1996.

(97/C 60/162)

**WRITTEN QUESTION P-2707/96**

**by Stanislaw Tillich (PPE) to the Commission**

*(9 October 1996)*

*Subject:* Dumping by an Italian roller-mill supplier on the world market

Is the Commission aware that the Italian roller-mill supplier Danieli is undercutting other European undertakings on the world market, specifically in Asia, with dumping prices?

Such cases concern in particular the roller mill in Hefei, the WSI wire and refined steel roller mill in Bangkok and the Chinese Laiwu roller mill.

Is the Commission prepared to investigate these cases? It would surely be particularly appropriate for it to do so if the aforementioned undertaking were in receipt of assistance and/or subsidies from the European Union and its practices amounted to an infringement of World Trade Organization agreements.

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

*(30 October 1996)*

When dumping by a Community firm is alleged to occur outside the Community, under World trade organization (WTO) rules, only the authorities of the third country concerned can take action, against such imports. As the Honourable Member will be aware, extra-territorial action by the Community would not be warranted by the EC anti-dumping Regulation, which implements the WTO anti-dumping agreement in the Community.

The state aid rules of the EC Treaty, i.e. Articles 92 to 94, apply only to aid which is granted by Member States and which distorts or threatens to distort competition, in so far as it affects trade between Member States. This does not appear to be the case here.

(97/C 60/163)

**WRITTEN QUESTION E-2712/96**

**by Bill Miller (PSE) to the Commission**

*(16 October 1996)*

*Subject:* Acquired rights

Is the Commission aware that, despite two ECJ rulings (Case 33/88 and Joined Cases C-259/91. C-331/91 & C-332/91), University authorities in Italy are continuing their discrimination against lecturers from other Member States and that, in the University of Salerno, such lecturers have suffered a downgrading in their status without consultation, reducing their salaries and contravening their acquired rights in employment?

Does the Commission not agree that such systematic discrimination flouts European law and that all lecturers at Salerno University should be treated equally irrespective of nationality?

Will the Commission also give a commitment to investigate this serious situation in Salerno University?

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

*(15 November 1996)*

The Commission is aware of the problems raised by the Honourable Member and is currently investigating the treatment of foreign language lecturers in Italian universities.

The Commission would refer the Honourable Member to its answers to Written Questions E-265/96 by Mrs Schleicher ([1]), E-360/96 by Mr Schweitzer ([2]), P-1092/96 by Mr Mac Mahon ([3]), E-1852/96 by Mrs Muscardini ([4]) and P-2272/96 by Mr Mac Mahon ([5]).

([1]) OJ C 185, 25.6.1996.
([2]) OJ C 280, 25.9.1996.
([3]) OJ C 217, 26.7.1996.
([4]) OJ C 322, 28.10.1996.
([5]) OJ C 365 of 4.12.1996, p. 103.

(97/C 60/164)

**WRITTEN QUESTION E-2727/96**

**by Amedeo Amadeo (NI) to the Commission**

*(21 October 1996)*

*Subject:* European voluntary service for young people

Many Member States already have forms of voluntary service which enable young people to take part in community activities in their own country or in developing countries. The European Parliament approved a budget line of ECU 15 m for 1996 to launch measures enabling young volunteers to perform community service outside their country of residence. This voluntary service will be open to some 2 500 young people aged between 18 and 25 and is not intended to replace compulsory military service. European voluntary service will last six months and will be performed within the European Union and possibly in third countries. It will not be restricted to graduates or young people with other qualifications and particular emphasis will thus be placed on giving disadvantaged young people access to these activities. When they have completed their service, the young volunteers will receive a certificate recording the skills acquired.

The Commission is to create a permanent monitoring mechanism and will be examining the possibility of drawing up a multiannual programme of European voluntary service, which will establish a legal framework for the definition of the status of youth volunteers.

Will the Commission ensure that young people performing European voluntary service are given:

— full social security insurance cover against sickness and accidents at work;

— 100% cover against the financial risks of making mistakes which could have serious consequences?

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

*(21 November 1996)*

The Commission shares the concerns expressed by the Honourable Member with regard to the social protection of young people participating as volunteers in the pilot action of European voluntary service for young people.

For this reason, the Commission requires that all people participating in the pilot action should benefit from insurance cover against sickness and third party liability. This insurance cover is necessary to complement the emergency health cover which is provided under existing European agreements. Part of the Community grant awarded to projects may be used to meet the costs of insurance for the young volunteers.

Moreover, the Commission has encouraged Member States to take the necessary measures in the fields of right of residence, social security and taxation in order to avoid potential barriers to the mobility of young people taking part in European voluntary service. These questions are also raised in the Commission's green paper 'Education-training-research. Obstacles to transnational mobility (1)'.

(1) COM(96) 462 final.

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(97/C 60/165)

**WRITTEN QUESTION P-2734/96**

**by Edgar Schiedermeier (PPE) to the Commission**

*(9 October 1996)*

*Subject:* Use of official languages for inspections by veterinary experts

I am informed that European Commission veterinary experts are responsible for conducting inspections of slaughterhouses that have a European authorization. In Germany such inspections of German undertakings are conducted exclusively in English. The final report is moreover forwarded to the undertaking only in English. Since German is one of the official languages of the European Union I consider the use of that official language in conducting inspections of undertakings or in drawing up final reports as absolutely indispensable.

Why does the Commission not conduct inspections of undertakings by veterinary experts in Member States whose language is one of the official languages of the European Union in that language, and why is it not possible at least to translate the final report into that language?

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

*(8 November 1996)*

The Commission would refer the Honourable Member to its answer to Written Question E-2387/96 by Mr Schmid (1).

(1) See page 70.

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(97/C 60/166)

**WRITTEN QUESTION E-2737/96**

**by Amedeo Amadeo (NI) to the Commission**

*(21 October 1996)*

*Subject:* Non-governmental organizations

With regard to the proposal for a Council decision on a Community action programme promoting non-governmental organizations primarily active in the field of environmental protection (COM(95)573) we consider that the text of the proposal should describe in greater detail the purpose of the support programme, especially in view of the limited resources available.

Can the Commission ensure that the support programme concentrates on the NGOS which operate mainly in the field of environmental protection at European level and are based in a Member State of the EU? Support should concern measures or projects carried out jointly with organizations active at national level.

(97/C 60/167)

**WRITTEN QUESTION E-2739/96**

**by Amedeo Amadeo (NI) to the Commission**

*(21 October 1996)*

*Subject:* Environmental protection

The programme of financial support is the only aspect of relations between the non-governmental organizations and the European Union institutions dealt with in the proposal for a Council decision on a Community action programme in the field of environmental protection.

For some time now environmentalist organizations active at European level have been calling for the institutionalization of such collaboration, especially as regards participation, information and support, in order to comply with the principle of the cooperation of those active in environmental policy, laid down in the European Community's Fifth Action Programme for the Environment.

Can the Commission

1. reconsider the financial allocation for the support programme, insofar as the field of application of the programme is being broadened?
2. delete support for the 'onsultative forum' or other assemblies at national and regional level from the financial statement, since this does not come under the scope of the activities of non-governmental organizations.

**Joint answer**
**to Written Questions E-2737/96 and E-2739/96**
**given by Mrs Bjerregaard on behalf of the Commission**

*(18 November 1996)*

The Commission would refer the Honourable Member to its answer to his Written Question E-2546/96 ([1]).

([1]) See page 100.

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(97/C 60/168)

**WRITTEN QUESTION E-2751/96**

**by David Bowe (PSE) to the Commission**

*(21 October 1996)*

*Subject:* High voltage powerlines

Is the Commission proposing to take any action to prevent possible dangers to public health from electro-magnetic fields emanating from high voltage powerlines?

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

*(15 November 1996)*

At the begining of this year the Commission published a report entitled 'Non-ionizing radiation: sources, exposure and health effects' (a copy is sent direct to the Honourable Member and to Parliament's Secretariat general). The report was prepared by a group of independent experts who reviewed the scientific literature available as regards human exposure to electro-magnetic fields, and concluded that, as regards carcinogenesis, tumour promotion and hereditary effect, current knowledge does not permit the drawing of firm conclusions, and does not, therefore, constitute an appropriate basis to undertake action, other than the encouragement, support, and coordination of relevant research.

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(97/C 60/169)

**WRITTEN QUESTION E-2762/96**

**by Frank Vanhecke (NI) to the Commission**

*(21 October 1996)*

*Subject:* Use of languages in official publications

In the Dutch-language version of the brochure 'Twenty questions and answers about the Lomé Convention' (No CC – AM – 96 – 084 – NL – C), the address 'rue de la Loi 200, Bruxelles' is shown only in French at the bottom of the penultimate page despite the fact that Brussels is officially a bilingual city. It is therefore logical that an address in Brussels in an official publication produced in Dutch should be shown in Dutch.

Will the Commission in future ensure that this is in fact done?

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

*(7 November 1996)*

The Commission agrees that the address in the brochure 'Twenty questions and answers about the Lomé Convention' should have been in Dutch. It will make sure that this does not happen again.

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(97/C 60/170)

**WRITTEN QUESTION E-2780/96**

**by Mihail Papayannakis (GUE/NGL) to the Commission**

*(21 October 1996)*

*Subject:* Protection of young people at work

Directive 94/33/EEC [1] stipulates that the minimum working or employment age must not be lower than the minimum age at which compulsory full-time schooling as imposed by national law ends or 15 years in any event.

However, there are indications that in some Member States the law protecting minors is frequently contravened despite the fact that the Member States were required to bring into force the laws, regulations and administrative procedures to comply with the Directive not later than 22 June 1996. Moreover, the Greek Institute of Education estimates that 15 000 children abandon compulsory education each year in Greece and 120 000 teenagers aged 15-19 have not completed their legally required compulsory schooling, largely as a result of poverty.

In view of this situation, will the Commission say:

1. which of the Member States have incorporated into national law and are implementing Directive 94/33/EEC? When did Greece notify the Commission of the relevant measures? and,
2. what specific measures Greece has taken to amend the provisions of its labour law applying to young working people in order to meet their needs for development, vocational training and access to employment?

[1] OJ L 216, 20.8.1994, p. 12.

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

*(22 November 1996)*

1. The transposal into national law of Directive 94/33/EC on the protection of young people at work has already been completed in several Member States and is nearing completion in others.

For some Member States, transposal of the Directive involves modifying some of their existing laws. These Member States have therefore informed the Commission that they will give formal notification of full transposal of the Directive once all the legislative procedures have been completed.

2. Greece is not among the Member States which have already formally notified the Commission of their transposal measures.

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(97/C 60/171)

**WRITTEN QUESTION P-2790/96**

**by Pierluigi Castagnetti (PPE) to the Commission**

*(14 October 1996)*

*Subject:* Anti-dumping duties on imports under Council Regulation (EEC) No 3068/92

Regulation (EEC) No 3068/92 [1], as amended by Regulation (EC) No 643/94 [2], imposed a definitive anti-dumping duty on imports from Belarus, Russia and Ukraine of potassium chloride, a raw material used in the production of chemical fertilizer.

As various firms and national associations operating in that sector have pointed out, the imposition of this duty on imports of potassium chloride from the Community market's main suppliers has a very damaging effect on the competitiveness of Community industry in the sector. No duty is payable on imports from non-Community countries of fertilizers containing a proportion -even a large proportion- of potassium. So firms from non-Community countries, which can obtain potassium chloride on favourable terms, have an advantage over Community producers of chemical fertilizers, who are obliged to use a commodity on which duty is payable.

Moreover, the duty levied is particularly high, as it is calculated by reference to the production costs of firms producing potassium chloride in the United States and Canada, which are not comparable to the production costs of Russian, Belarusian and Ukrainian firms.

The Commission is known to have embarked on the process of reviewing the relevant anti-dumping measures in the summer of 1995. What stage has been reached so far?

Does the Commission agree that it would be appropriate to repeal the anti-dumping measures imposed by Regulation (EEC) No 3068/92, which appear to be of doubtful legitimacy,or at the very least are detrimental to the competitiveness of Communtity producers?

(1) OJ L 308, 24.10.1992, p. 41.
(2) OJ L 80, 24.3.1994, p. 1.

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

*(4 November 1996)*

The interim review concerning anti-dumping measures applicable to imports of potassium chloride originating in Belarus, Russia and Ukraine was initiated on 5 August 1995 [1] following a request by the Russian export organisation, International potash company (IPC), representing producers of potassium chloride in Belarus and Russia. The review covers both dumping and Community interest.

The existing anti-dumping measures entered into force in 1994 (Regulation (EC) n° 643/94 amending Regulation (EEC) n° 3068/92 in respect of definitive anti-dumping duties on imports of potassium chloride originating in Belarus, Russia and Ukraine [2]). The review has been initiated on the grounds of the enlargement of the Community to Austria, Sweden and Finland in 1995 which are traditionally large importers of potassium chloride from the countries concerned. Moreover, IPC has indicated that it will now fully cooperate with the Commission's investigations. It has also suggested that the measures in force, i.e. a combination of a fixed amount of duty per tonne of product imported with a minimum price, is preventing the producers of potassium chloride in Belarus and Russia from exporting to the Community.

Since this review also covers the issue of Community interest, the Commission will evaluate the interest of all parties concerned, including the user industry, before making any proposal.

As far as differences in costs between Canada and the three countries are concerned, the Commission will take these into account in calculating normal values.

On timing, only the on-the-spot investigation in Canada is yet to take place. After this, the review can be concluded.

(1) OJ C 201, 5.8.1995.
(2) OJ L 80, 24.3.1994.

(97/C 60/172)

**WRITTEN QUESTION E-2810/96**

**by Bartho Pronk (PPE) to the Commission**

*(25 October 1996)*

*Subject:* European employment projects in the Netherlands

Contacts with the CNV's youth organization reveal that persons receiving unemployment benefit cannot participate in European employment projects because their benefit is stopped by the Dutch authorities if they do. These are small work experience projects forming part of the Leonardo da Vinci programme.

1. Is the Commission aware of these problems in the Netherlands? If so, what can be done about them?

2. Are there similar problems in other Member States?

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

*(20 November 1996)*

The situation as described in the question is well known to the Commission in the context of the implementation of the Leonardo da Vinci programme.

Since it is a generalised problem, and not only limited to the Netherlands, the Commission has raised it in its green paper 'Education, training research: obstacles to transnational mobility' [1] as one of the issues to be tackled to overcome obstacles to mobility in education and training programmes.

[1] COM(96) 462.

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(97/C 60/173)

**WRITTEN QUESTION E-2816/96**

**by Michl Ebner (PPE) to the Commission**

*(25 October 1996)*

*Subject:* Third party liability insurance for hunting

Given that:

- in most Member States of the EU third party liability insurance is a condition for the issuing of a hunting licence,
- the minimum guarantees in the case of injuries to persons or property, the duration of insurance and the level of premiums vary from one Member State to another,
- this represents a restriction on freedom of movement for hunters and those practising gun sports within the Community and in particular in border regions,
- this also prevents insurance companies from offering their services freely in all Member States in accordance with Directive 92/49/EEC [1] on direct insurance other than life assurance,

does the Commission not agree that, in view of the above, there is a need to harmonize the individual Member States' legal provisions on hunting insurance so as to enable EC citizens to take out the insurance of their choice in any Member State?

[1] OJ L 228, 11.8.1992, p. 1.

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

*(6 December 1996)*

The Commission would refer the Honourable Member to its answer to Written Question E-1965/96 by Mrs Lulling [1].

[1] OJ C 11 of 13.1.1997, p. 32.

(97/C 60/174)

**WRITTEN QUESTION E-2858/96**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(25 October 1996)*

*Subject:* Application of Article 235 of the EC Treaty

What action does the Commission intend to take to overcome the legal difficulties arising in relation to the application of Article 235 of the EC Treaty to the cofinancing of programmes linked to social exclusion?

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

*(2 December 1996)*

The Commission takes the view that, legally speaking, Article 235 of the EC Treaty remains an adequate legal basis for the adoption of decisions permitting co-financing of programmes concerned with social exclusion.

However, it would be extremely desirable to have inserted into the Treaty a clearer and more targeted legal basis in this field. In its opinion for the Intergovernemental conference (IGC) the Commission proposed inter alia that clearer provisions should be laid down concerning social policy, such as the fight against marginalization or poverty.

Concretely, in its submissions to the IGC group of ministers' representatives, the Commission has proposed firstly, that the social protocol be integrated in the EC Treaty, secondly, that the relevant article specifically includes a reference to the fight against exclusion, and thirdly that specific power be conferred on the Council to adopt incentive measures in this area.

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(97/C 60/175)

**WRITTEN QUESTION E-2935/96**

**by Christine Oddy (PSE) to the Commission**

*(8 November 1996)*

*Subject:* Colleges of further education – employment rights

Is the Commission aware that staff working for colleges of further education in the UK have, since control of these colleges has been transferred from local authorities to statutory corporations, been subject to deterioration in their terms and conditions of work?

What measures will the Commission take to ensure that the acquired rights directive is properly used to protect these employees?

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

*(4 December 1996)*

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

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(97/C 60/176)

**WRITTEN QUESTION E-2943/96**

**by Giuseppe Rauti (NI) to the Commission**

*(8 November 1996)*

*Subject:* Small shops threatened with extinction

Does the Commission intend to tackle the increasingly serious problem of the reduction in the number of shops and other outlets selling essential goods, which are being 'killed off' as a result of the proliferation of department stores, supermarkets, hard discount stores and so on. It has been estimated that every time a new superstore opens, two to three hundred small and medium-sized shops are forced to close. This has a dual impact,

pushing up unemployment while at the same time causing social desertification; the only people to benefit are the multinationals which dominate the sector. In France an overall ceiling of 600 000 square metres has been placed on planning permission for new supermarkets in 1996, down from 815 000 in 1995 and 2 million in 1992. Two freezes have been imposed with a view to bringing the situation under control. In Italy and Germany small and medium-sized shopkeepers — who are threatened with extinction — are on the brink of fiscal and social revolt. Given the risks involved, the Commission must do something about this extremely serious problem.

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

*(2 December 1996)*

Whilst recognising the important role played by mass distribution in providing the Community population with a steady supply of generally reasonably-priced goods, and the significant contribution this makes towards keeping down inflation, the Commission is nonetheless aware of the pressure exerted by this form of distribution on small commercial and craft enterprises. The jobs created in the mass distribution sector are likely to have short- or medium-term effects on the employment situation in small enterprises, particularly as a result of competitive pressure. In order to cope with this pressure, small and medium-sized enterprises (SMEs) in the distributive trade sector form collective purchasing associations and voluntary chains which are then large enough to compete in the market.

It should be noted that there are no Community regulations governing the siting of supermarkets or hypermarkets. In all the Member States, the construction of new buildings for commercial use is subject to prior permission from local, regional or national authorities in accordance with town and country planning regulations, building regulations or, in certain cases, regulations governing surface area alone.

The Commission's Green Paper on commerce and distribution [1] takes stock of this situation and should help stimulate wide-ranging discussions on the importance of this sector for the economy and on the challenges facing it on the eve of the 21st century. The specific points raised by the Honourable Member could of course form part of this debate, thus helping in the search for viable solutions.

[1] COM(96) 530.

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(97/C 60/177)

**WRITTEN QUESTION E-2970/96**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(8 November 1996)*

*Subject:* Labour relations in the Belgian merchant navy

Does the Commission have any information to confirm whether, in July 1996, shipowners in the Belgian merchant navy unilaterally announced the termination of the agreement signed between the Belgian Transport Workers' Union (affiliated to the FGTB), the Christian Transport and Diamond Workers' Union (affiliated to the CSC) and the Union of Belgian Shipowners (ASBL) regulating employment in the Belgian merchant navy as a consequence of its transfer to the Luxembourg navy?

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

*(27 November 1996)*

The Commission has no information concerning the possible termination of the collective agreement in the merchant navy sector.

Relations between trade unions and employers in the Member States are a matter for the Member States themselves. The Commission has no competence in this matter.

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(97/C 60/178)

**WRITTEN QUESTION E-2992/96**

**by Gisèle Moreau (GUE/NGL) to the Commission**

*(8 November 1996)*

*Subject:* Breakdown of Community aid received by the Ile de France region in 1994 and 1995

Can the Commission indicate the amounts of Community appropriations granted to the Ile de France region for the years 1994 and 1995 under:

- the ERDF
- the European Social Fund (ESF)
- programmes of interest to the Community
- research programmes
- environmental programmes
- other EU programmes

Could the Commission also indicate who were the beneficiaries of this Community aid?

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

*(9 December 1996)*

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

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(97/C 60/179)

**WRITTEN QUESTION E-2996/96**

**by Antonio Tajani (UPE) to the Commission**

*(8 November 1996)*

*Subject:* Cuts in appropriations for the armed forces

In its draft budget, the Italian Government has decided to cut appropriations for the armed forces and in particular the Carabinieri. The main effect of this measure is to reduce military service from 12 to 10 months and thus cut the number of conscripts available to the armed forces (at present 15 000 young men, or more than 10% of the army). The Carabinieri will also have to do without auxiliary staff. The Carabinieri have always been a source of stability and security for all Italians. They have a long history of ensuring public safety. However useful cuts in public spending may be in balancing the public accounts, they must not be allowed to undermine public safety. At a time when the Community has only just found a solution to the sensitive issue of Europol, the Italian Government is examining a proposal to reunify the forces of law and order which, if adopted, would send Italy down a different route from the rest of Europe and would make the Carabinieri, police service and customs service less independent of the political authorities.

In the light of this, does the Commission not feel it has a duty to intervene to:

1. ensure the safety of Italians, who are European citizens?
2. safeguard the Carabinieri, which would be jeopardized by cuts in numbers?
3. ensure that the forces of law and order are totally independent of the political authorities?

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

*(28 November 1996)*

The Commission has no jurisdiction to deal with the question asked, which is a matter solely for the national authorities concerned.

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(97/C 60/180)

**WRITTEN QUESTION E-3044/96**

**by Antonio Tajani (UPE) and Claudio Azzolini (UPE) to the Commission**

*(18 November 1996)*

*Subject:* Illegal investigations

A captain in the carabinieri (ROS — Special Operations Section), acting as an 'agent provocateur' and passing himself off as an engineer named Varricchio, who claimed to be acting on instructions from a company in Bologna responsible for selecting the firms to carry out the work on the high-speed rail link, allegedly approached members of parliament from Campania, belonging to various political parties, as well as regional councillors, through the vice-chairman of the Region of Campania, Rocco Fusco, and asked them for their political support in the award of the contract for the work on the high-speed rail link. During the operation, 'Mr Varricchio' is also said to have made secret films intended as documentation for his meetings with politicians.

Given these facts, does the Commission:

1. intend to take steps to protect the freedom of citizens and, in particular, of members of parliament?
2. agree that it should call for detailed investigations by the relevant authorities in order to identify the instigators of this operation?
2. agree that such methods of conducting investigations are illegal and an infringement of citizen's rights?

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

*(11 December 1996)*

The Commission has no jurisdiction to deal with the question asked, which is a matter solely for the national authorities concerned.

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(97/C 60/181)

**WRITTEN QUESTION E-3172/96**

**by Dominique Baudis (PPE) to the Commission**

*(22 November 1996)*

*Subject:* Harmonization of the closing times of discotheques

Young people are increasingly the victims of road accidents as they return home from discotheques which, it may be argued, close their doors at an excessively late hour.

It would therefore seem necessary for the Member States of the European Union to lay down closing times which are compatible with these activities and also take into account the demands of safety.

Could not the Commission make a recommendation to the Member States of the European Union with a view to the harmonization of the closing times of these establishments in order to eliminate one of the main causes of accidents involving young people?

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

*(2 December 1996)*

The Commission has no jurisdiction to deal with the question asked, which is a matter solely for the national authorities concerned.

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# CORRIGENDA

(97/C 60/182)

## Corrigenda to Written Questions E-2135/96, E-2137/96, E-2155/96, E-2160/96, E-2161/96, E-2165/96, P-2168/96, E-2169/96, E-2180/96, E-2188/96, E-2190/96, P-2193/96, E-2204/96, E-2206/96, E-2208/96, E-2226/96, E-2247/96, E-2275/96, E-2277/96, P-2291/96, E-2300/96, E-2302/96, E-2304/96, E-2311/96, E-2325/96, E-2334/96, P-2351/96, E-2359/96, E-2363/96, E-2375/96, E-2376/96, E-2389/96, E-2392/96, E-2449/96, E-2466/96, E-2473/96, E-2474/96, E-2522/96 and P-2523/96

*(Official Journal of the European Communities C 385 of 19 December 1996)*

As a result of a computer error, the names of the authors of the following questions published would like to apologise for this mistake which was beyond our control. Therefore, pages 101 to 126 should read as follows:

## WRITTEN QUESTION E-2135/96

**by Alexander Falconer (PSE), Alfred Lomas (PSE), Peter Truscott (PSE), David Hallam (PSE), Michael Elliott (PSE), Michael Hindley (PSE), Christine Oddy (PSE), Hugh Kerr (PSE), Anthony Wilson (PSE), Kenneth Coates (PSE), David Bowe (PSE), Thomas Megahy (PSE), David Martin (PSE), Stephen Hughes (PSE), Pauline Green (PSE), Lyndon Harrison (PSE), Alex Smith (PSE), Edward Newman (PSE), Phillip Whitehead (PSE), Roger Barton (PSE), Arthur Newens (PSE), Susan Waddington (PSE), Christine Crawley (PSE), Imelda Read (PSE), David Thomas (PSE), Eryl McNally (PSE), Anita Pollack (PSE), Mark Watts (PSE), Ian White (PSE), David Morris (PSE), Bill Miller (PSE), Kenneth Collins (PSE), John Tomlinson (PSE), Simon Murphy (PSE), Richard Howitt (PSE), Tony Cunningham (PSE), Shaun Spiers (PSE), Gary Titley (PSE), Robert Evans (PSE), Clive Needle (PSE), Mair Morgan (PSE), Barry Seal (PSE), Alan Donnelly (PSE), Michael McGowan (PSE), Angela Billingham (PSE), Arlene McCarthy (PSE), Glenys Kinnock (PSE), Mark Hendrick (PSE), Michael Tappin (PSE), Norman West (PSE), Peter Crampton (PSE), Veronica Hardstaff (PSE), Wayne David (PSE), Hugh McMahon (PSE), Terence Wynn (PSE), Brian Simpson (PSE), Richard Balfe (PSE), Peter Skinner (PSE), Glyn Ford (PSE), Gordon Adam (PSE) and Carole Tongue (PSE) to the Commission**

*(3 August 1996)*

*Subject:* Pluralism in the media

Small circulation newspapers and magazines in the UK including the Methodist Recorder, Tribune and the Morning Star fear that their distribution is to be severely restricted as a result of proposals by the proprietors of newspapers and the distributors WH Smith in England and Menzies in Scotland. These proposals could seriously affect the ability of European citizens to read newspapers produced in their Member State whilst residing in the UK.

What proposals does the Commission have to ensure that pluralism in the media and circulation of Union newspapers is not harmed by restrictions by UK newspaper proprietors and distributors?

What steps is the Commission taking to ensure that the newspaper proprietors' and distributors' actions do not breach Community competition policy, in particular Articles 85 and 86 of the Treaty, and place a possible restriction on the free movement of people?

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

*(13 September 1996)*

The Commission is currently working on a possible initiative [1] concerning the harmonisation of specific national media ownership rules aiming to safeguard pluralism. However, these rules do not regulate the behaviour of economic operators in the newspaper distribution market.

Furthermore, the Commission has no intention at present to investigate under the Community competition rules (Articles 85 and 86 of the EC Treaty) the practice of distributors of refusing to distribute for retail purposes publications with limited circulations. This is for a number of reasons.

Firstly, there is no indication that trade between Member States is being affected. The question raises the issue of whether European citizens, while residing in the United Kingdom, are able to read newspapers produced in their Member State, in view of the distribution policy of british proprietors and distributors. The publications referred to, the Methodist Recorder, Tribune and the Morning Star, are all british published titles, so the practices referred to appear to be limited to a single Member State, the United Kingdom. No complaints have been received by the Commission from the publishers of these publications, nor from any other small circulation publications within the Community, that the distribution policy of british distributors and proprietors may affect trade between Member States.

Allegations of anti-competitive behaviour in individual Member States fall for consideration by national competition authorities. In the United Kingdom following the publishing of a report in December 1993 by the Monopolies and mergers commission (MMC) on newspaper distribution, remedies were introduced to address a number of competition problems identified by the MMC. The Office of fair trading has been monitoring the changes that have since taken place in the distribution of publications in general.

Secondly, technological developments in recent years, such as desk-top publishing, have resulted in a multiplication of the number of titles available to consumers. Consequently, commercial decisions have to be made as to which titles are economically viable for retail distribution and should be stocked in retail outlets which are subject to limitations on display space.

Although some low-circulation publications may no longer be sold through the usual outlets, it is nevertheless normally possible to obtain titles on a subscription basis direct from publishers or their distributors.

For these reasons and in the absence of information to the contrary, consideration of the use of the Community competition rules is not warranted.

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(1) Pluralism and media concentration in the internal market: As assessment of the need for Community action, COM(92) 480 final. Follow-up the consultation process to the Green Paper on 'Pluralism and media concentration in the internal market: An assessment of the need for Community action' COM(94) 353 final.

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**WRITTEN QUESTION E-2137/96**

**by Giulio Fantuzzi (PSE) to the Commission**

*(3 August 1996)*

*Subject:* Staff contracts at EU offices in the Member States

Unlike the other institutions of the EU, the Commission still employs at its representations in the Member States local non-Staff Regulations staff whose contractual duties are of an unskilled nature whereas in fact they perform skilled tasks.

— These members of staff are responsible for running various departments in the representations.

— Staff Regulations staff performing the same duties, meanwhile, have much more favourable terms of employment and much higher pay.

1. Does the Commission agree that this amounts to exploitation of skilled local staff, who do not receive a salary commensurate with their qualifications and professional experience?

2. Does it agree that it should take advantage of the revision of the framework contract for local staff to end this discrimination against its own staff, as the European Parliament has already done?

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

*(9 October 1996)*

The Honourable Member is referring to the presence in the Commission's Offices in the Member States of staff employed under the conditions which apply to local staff, which have their contractual basis in Regulation (ECSC, EEC, Euratom) No 2612/76 (1) as regards the conditions of employment of other servants of the European Communities, and subsequent amendments to it. The first paragraph of Article 4 of the CEOS makes explicit reference to staff engaged to perform executive duties at what are now known as Offices in the Community.

On 26 April 1989 the Commission decided, (2) taking into account this legal framework, to gradually replace C-grade officials with local staff.

The conditions of employment of local staff are laid down by national legislation with the aim of covering aspects omitted from the above regulation and adapting pay and working conditions to the national reference system, while retaining the objective of continuing to be among the best employers.

The rules on conditions of employment in the individual Member States are adjusted to take account of changes in national legislation and to update the salaries of local staff on a regular basis.

A working party is currently looking into the advantages of harmonizing certain working conditions for all local staff serving in the Commission's Offices in the Community in a new framework regulation. This framework regulation would be supplemented by special conditions for each place of employment to take account of local circumstances. It would also pave the way for the introduction of a career structure appropriate to the duties performed by the local staff by virtue of the conditions of employment of other servants of the European Communities.

Staff representatives take part in this work on a permanent basis.

(1) OJ L 299, 29 October 1976.
(2) SEC(89) 662.

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**WRITTEN QUESTION E-2155/96**

**by Thomas Megahy (PSE) to the Commission**

*(2 August 1996)*

*Subject:* Evasion of tobacco advertising rules

Large billboard advertisements have recently appeared in Belgium promoting an international kite festival to be held at Knokke during the summer. Although these purport to advertise a sporting event, around a fifth of the poster is taken up by the words Peter Stuyvesant. Despite this, the poster carries no health warning.

Will the Commission take or propose action to stop this blatant evasion of the rules governing advertising?

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

*(6 September 1996)*

There is no existing Community legislation imposing a health warning on tobacco posters, although a Council Directive imposes the use of health warnings on tobacco packaging (1). An amended Commission proposal for a Council Directive on the approximation of the Member States' laws, regulations and administrative provisions on advertising of tobacco products (2), envisages a complete ban on the outdoor advertisements described by the Honourable Member.

(1) Council Directive 89/622/EEC, as amended by Directive 92/41/EEC, OJ L 359, 8.12.1989 and OJ L 158, 11.6.1992.
(2) OJ C 129, 21.5.1992.

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**WRITTEN QUESTION E-2160/96**

**by Miguel Arias Cañete (PPE) to the Commission**

*(2 August 1996)*

*Subject:* Checks on withdrawals of fruit and vegetables in Greece

The 1994 Annual Report by the Court of Auditors states that its inspections revealed that in Greece inspectors did not record checks on quality, nor the results of operations to withdraw fruit and vegetables from the market; consequently, there were no checks or documentation on the eventual destination of produce which had been rejected.

In view of the Commission's reply to the Court of Auditors, that its inspectors would carry out a detailed investigation into this matter, what have been the results of these inspections and what measures have been taken by the Commission to rectify the situation?

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

*(9 September 1996)*

The Court's remarks highlight the need for regulation of certain aspects of the system used by Member States for the withdrawal of fruit and vegetables from the market.

Failure to record quality checks is a deficiency in the system but the Court has not demonstrated any direct link between this and the acceptance of non-conforming batches.

Rejected produce belongs to the producer organization which is therefore solely responsible for its marketing. A rejected batch may be represented for sale or withdrawal after repackaging.

This matter will be discussed during the next inspection to be undertaken in this Member State and the financial consequences of any irregularity discovered will be drawn when the accounts for 1994 are cleared.

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**WRITTEN QUESTION E-2161/96**

**by Miguel Arias Cañete (PPE) to the Commission**

*(2 August 1996)*

*Subject:* Checks on withdrawals of fruit and vegetables in France

The Court of Auditors' 1994 Annual Report states that its inspections revealed that in France, there had been no on-site inspections with regard to the free distribution of fruit and vegetables withdrawn from the market, as checks before aid was paid out were based on presentation of a certificate from the recipient organization. Similarly, there were no official, systematic checks to ensure that the produce certified as received was used by the recipient and did not form part of their normal purchases.

In view of the Commission's reply to the Court of Auditors, that its inspectors would carry out a detailed investigation into this matter, what have been the results of these inspections, what measures have been taken by the Commission to rectify the situation and what were the financial implications?

**Answer given by Mr Fischler on be half of the Commission**

*(9 September 1996)*

The Commission is not in possession of evidence to prove that free distribution operations in this Member State were carried out in a way which did not comply with Community rules.

Furthermore, the Commission would point out that the Court of auditors has not suggested that the alleged weaknesses should result in financial corrections being applied.

This matter will however be examined during the next on-the-spot inspection in this Member State and any financial consequences which prove justified will be drawn in the clearance of the accounts of the 1994 year.

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**WRITTEN QUESTION E-2165/96**

**by Per Gahrton (V) to the Commission**

*(2 August 1996)*

*Subject:* Magnus Lemmel's criticism of the Commission

On 5 July 1996, the Deputy Director-General of DG III, Magnus Lemmel, criticized the Commission's methods of working in the Swedish newspaper Dagens Politik. The same newspaper reported on 9 July 1996 that

this had led to Magnus Lemmel being 'called to explain himself to one of Commission President Jacques Santer's closest associates.' In view of the Commission's bad reputation for openness and scrutiny and Sweden's declared aim to increase openness throughout the EU system, it is particularly serious if the Commission's attempts to gag its staff affect a Swedish official.

Is it true that Magnus Lemmel has been 'called to explain himself' to a Commission representative? If so, on what grounds? Does the Commission consider that its staff are not entitled to associate with the public in the normal way? Does the Commission have something to hide? What is actually happening behind the Commission's closed doors?

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

*(1 October 1996)*

The Commission adopted in 1994 a joint code of conduct with the Council guaranteeing that the public has the widest possible access to documents. Accordingly, every refusal of access to a document has to be specifically justified.

As for the performance of the Commission's officials, their rights and obligations are determined in the staff regulations of the Communities. Like any employer, the Commission expects its officials to be active to obtain the best possible results in terms of policies and administration.

Therefore, the Commission welcomes and encourages its officials to suggest reforms. High level officials in particular are responsible for making proposals and implementing changes. In this respect, public debate can complement but not replace internal reform processes.

It can also be noted that the Commission has recently launched several important initiatives to improve administrative efficiency. The programme to promote sound and efficient management (SEM 2000), spearheaded by Commissioners Liikanen and Gradin, seeks to improve the quality of the Commission's management over time.

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**WRITTEN QUESTION P-2168/96**

**by Giovanni Burtone (PPE) to the Commission**

*(26 July 1996)*

*Subject:* Illegal imports and 'Communitarization' of Argentine lemons

I understand from reliable sources that vast quantities of lemons from Argentina have been and are being imported into the Community illegally through ports in Spain and Portugal where they are passed off as Community produce and marketed as lemons of Spanish or Portuguese origin.

This situation is extremely serious and damaging to the Community's interests as produce from other Member States is exposed to unfair competition because of the low prices of Argentine lemons, the production costs of which are significantly lower than for European produce. Consumer health is also at risk since pesticides and preservatives which have long been banned in the Community are still being used in Argentina.

1. Is the Commission aware of these serious breaches of Community law?
2. What direct action will it take and what measures will it ask the Member States to take to put an immediate stop to this practice?
3. Should Community producers not be compensated, indirectly if not directly, for the serious damage they have suffered?

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

*(9 September 1996)*

The Commission is unaware of the situation described by the Honourable Member. To date it has registered no quantitative anomalies in imports under quota nor any significant fall in the entry price of lemons.

To satisfy itself that Spain and Portugal are not in breach of the rules, it is of course willing to ask the Spanish and Portuguese authorities to check that these imports are compatible with the established Community arrangements.

However, to do so constructively and effectively it must have a clear picture of any problems likely to affect the proper operation of the internal market, and would therefore ask the Honourable Member to be more specific in his allegations and provide whatever detailed particulars he can.

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**WRITTEN QUESTION E-2169/96**

**by Gerhard Schmid (PSE) to the Commission**

*(2 August 1996)*

*Subject:* Kaleidoscope – my Written Question E-0187/96

The Commission will have noted that my aim is to obtain a more precise breakdown of the costs of administering the Kaleidoscope programme, with particular reference to staff.

1. In its answer to my Written Question E-0187/96 [1] the Commission states, in paragraph 1, that the Kaleidoscope programme will be administered by a senior consultant, a junior consultant and a C/3 official, who will continue to report to the Head of Unit. In order to calculate the expenditure for the above staff, I would be grateful if the Commission could send me all relevant details, such as grades and salary increments.

2. How many outside staff have been brought in to support the three Commission officials and what are the resulting costs?

3. How can the Commission give an approximate figure of ECU 130 000 and in the same breath say 'it is difficult to give an exact figure'?

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[1] OJ C 161, 5.6.1996, p. 46.

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

*(20 September 1996)*

1. & 2. In the framework of the 1996 Kaleidoscope programme, the Commission has employed the services of a senior consultant for six months (ECU 25 000), a junior consultant for one year (ECU 30 000), a C3 official (ECU 37 000) and seven external freelances for 3 months (ECU 21 000).

3. The Honourable Member will appreciate that the Kaleidoscope programme is in a process of constant and major change, and that the Commission has a limited number of staff to run it. From 1991 until 1995 it took the form of a pilot project open to the twelve – subsequently fifteen – Member States. It has only been organized as a Community programme since 1996, and is open, from 1997 onwards, to 30 countries (15 Member States, 3 EFTA/EEA countries, 10 central European countries, Cyprus and Malta). Moreover, the organization of the 1996 programme has been further complicated by its late adoption, which has compelled the Commission to compress its work into a very short space of time, relying on the efforts of all the staff of the unit concerned.

Therefore, although the Commission has made every effort to reply as fully as possible to the Honourable Member's questions, it should be noted that, for the reasons already given in replies to his previous questions (QE 332/95, [1] 2128/95 [2] and 187/96) the estimate of costs for 1994 remains indicative, and the

expenditure for years to come may be subject to change. The Commission would refer the Honourable Member to the indicative financial statement which accompanied the initial proposal for the Kaleidoscope programme (COM (94) 356 final).

(1) OJ C 175, 10.7.1995.
(2) OJ C 340, 18.12.1995.

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**WRITTEN QUESTION E-2180/96**

**by Armelle Guinebertière (UPE) to the Commission**

*(2 August 1996)*

*Subject:* Slowness in dealing with Complaint No P/93/4742

By letter of 28 July 1993 the WESCO company (Cerizay, France) lodged with the Commission a complaint concerning difficulties with the Italian authorities over a postal charge on a mail order sales catalogue. DG XV replied in May 1996.

Does it have to take the Commission three years to respond to Community citizens?

The Commission says in its letter to the company that if it should bring forward any new information providing evidence of a further offence, a new complaint would be registered and treated with all due despatch.

Is this likely to mean another three years?

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

*(3 October 1996)*

By letter dated 28 July 1993, the company Wesco drew the Commission's attention to Circular No 13 prot. DCSP/1/1/1594/ST/76 of 21 August 1978 from the Italian Postal Ministry, which stated that a party wishing to qualify for a preferential rate for mail-order sales was required to provide a certificate from the Italian Chamber of Commerce attesting specifically to the fact that it carried on that type of activity. The letter was registered as a complaint on 7 September 1993.

A party wishing to obtain such a certificate had to have either a legal representative or a place of business in Italy. This condition was incompatible with Article 30 of the EC Treaty. The Commission contacted the Italian authorities on several occasions to inform them of this fact. In particular, a number of letters were sent to the Italian authorities in connection with this matter, which was on the agenda for the meeting on 3 and 4 October 1994 between the Commission representatives and the representatives of the Italian authorities and on that for the 'follow-up' meeting on 16 and 17 January 1995.

Following the Commission's intervention, the circular objected to by the complainant was amended by Circular No DSP/1/12724/102/95 of 2 August 1995, which now stipulates that enterprises with their place of business in another Member State qualify for the preferential rate subject to presentation of a certificate from their Member State of origin equivalent to that required from Italian enterprises.

With this circular, which was notified to the Commission by the Italian authorities on 9 January 1996, the obstacle objected to has been removed. Consequently, the Commission has decided not to take any further action on the complaint and, by letter of 23 March, it informed the complainant of the removal of the obstacle at issue and of its decision but stated that it remained at Wesco's disposal should the company encounter any further obstacles to its commercial activity.

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**WRITTEN QUESTION E-2188/96**

**by Patricia McKenna (V) to the Commission**

*(2 August 1996)*

*Subject:* Golf course development at Buckroney Marsh, near Brittas Bay, Co. Wicklow, Ireland

About two and a half years ago a complaint was filed with the Commission relating to environmental damage to a dune system in Buckroney Marsh, near Brittas Bay, Co. Wicklow, Ireland.

An expansion of the golf course has occurred. The golf course has also received IR £337 000 in ERDF funding.

Has the Commission received any covenant letters relating to the development? If so, can it give details?

Has the Park and Wildlife Service in Ireland given any information to the Commission about any damage to natural habitats in the surrounding area? If it has, can the Commission give details?

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

*(16 September 1996)*

In 1994, the Irish authorities wrote to the Commission informing it that the National parks and wildlife service had reached an agreement with the developer of a Community co-financed golf course at Buckroney in County Wicklow that sand dunes south of Buckroney stream would not be interfered with. They further stated that a debenture dated 19 December 1992 in relation to the grant of Community co-finance included a specific condition effectively to safeguard the area south of the stream and any further lands south of the stream which might be purchased by the developer. This meant that any development of these lands required the prior approval of Bord Failte and the National parks and wildlife service.

The Irish national parks and wildlife service has not since then informed the Commission about damage to natural habitats in the area surrounding the golf course. The Commission is making appropriate enquiries of the Irish authorities.

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**WRITTEN QUESTION E-2190/96**

**by Otto von Habsburg (PPE) to the Commission**

*(2 August 1996)*

*Subject:* Air transport safety

It has recently become noticeable again that many air passengers are ignoring the regulations and bringing more than one piece of often bulky luggage into the cabin. In the event of an emergency landing or a panic caused by the aisles being blocked, this poses a safety threat for all travellers.

Is it not time to remind the airlines that they have a duty to implement the existing regulations?

Should not some thought be given to enacting a Community directive on this subject?

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

*(16 September 1996)*

The safety issues of hand luggage in aircraft cabins are familiar to the Commission. There is however no evidence that limiting the number of pieces allowed would in itself improve safety, since aspects such as size, weight and storage are much more relevant. If, for example, carriers provide a convenient and adequately protected storage area in the cabin, there would be no reason to limit, as a matter of principle, the amount, size or weight of cabin luggage.

This explains why most Member States do not regulate this matter in detail, requiring only that airlines ensure an appropriate level of cabin safety.

Community legislation would only be considered if the current provisions and practices appeared insufficient to ensure the safety of the travelling public.

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**WRITTEN QUESTION P-2193/96**

**by David Hallam (PSE) to the Commission**

*(26 July 1996)*

*Subject:* BSE culling incinverators

Is the Commission aware of any danger to human or livestock health, or to the immediate environment surrounding the site of a BSE culling incinerator, through the air or water courses, by coming into contact with persons or animals regularly exposed to the incinerator fumes or waste, or by disposing of the incinerated material by landfill dumping?

Is the Commission aware of any contention within the scientific community regarding the safety of the incineration of BSE-infected material?

What emissions could be expected from an incinerator carrying out this function?

Have any studies been made by the Commission or by other organizations known to the Commission on the effects of BSE incineration and subsequent handling and dumping of the incinerated material;

- on nearby urban areas, in particular the health of humans and animals and the safety of local water tables,
- on nearby rural areas, in particular the health of humans and animals, and the safety of agricultural produce,
- on those working at a BSE incinerator,
- on water tables,
- on the food chain?

Have any studies been made by the Commission or by other organizations known to the Commission on the likely smell of burning carcasses infected with BSE?

Will the Commission supply the texts of any such relevant studies?

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

*(17 September 1996)*

The Commission has no firm information on the risk, or absence of risk, from the operations mentioned. However, incineration involves heating to over 800°C, usually in burners with a second stage heater. The temperatures are known to denature protein completely. Survival of any infective agent is therefore considered unlikely.

There is no reason why the smell of carcasses affected with bovine spongiform encephalopathy should be different from that produced by the incineration of other animal material.

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**WRITTEN QUESTION E-2204/96**

**by Gerardo Fernández-Albor (PPE) to the Commission**

*(2 August 1996)*

*Subject:* Circulation of the euro in Le Havre, France

In a recent experiment, the European Union's single currency, the euro, was placed in circulation in Le Havre, France, for a period of two weeks, according to sources in the French Ministry for Economic and Budgetary Affairs.

The aim of the experiment, which was essentially pedagogical in nature, was to increase public awareness of monetary union.

Given the interesting and original nature of the experiment, can the Commission say whether it has received detailed information on the results and whether, in the light of what was done, it considers that this experiment should be extended to other Community towns and areas as a way of raising public awareness about the monetary union which is soon to be introduced in the EU?

**Answer given by Mr de Silguy on behalf of the Commission**

*(26 September 1996)*

The Commission was indeed aware of the experiment of placing euro coins in circulation in Le Havre between 25 June and 9 July 1996.

This experiment was carried out on the initiative of Le Havre town hall and the Le Havre Coin Collectors Club with a view to increasing public awareness of the future European currency.

The Commission welcomes spontaneous initiatives of this nature, which are becoming increasingly common in Member States ahead of the introduction of the euro.

It is closely following these interesting and encouraging experiments, which provide information for the European public and raise its awareness of developments.

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**WRITTEN QUESTION E-2206/96**

**by Francis Decourrière (PPE) to the Commission**

*(2 August 1996)*

*Subject:* European Union contribution to the International Criminal Tribunal for former Yugoslavia

The European Union has contributed indirectly to the International Criminal Tribunal for former Yugoslavia by subsidizing associations assisting it from Chapter B7-52 of the budget, 'European initiative for democracy and the protection of human rights', and in particular, Article B7-527, 'support for rehabilitation centres for torture victims and organizations offering concrete help to victims of human rights abuses'.

Can the Commission indicate:

1. The amount earmarked for, and paid to, associations for the setting up and operation of the Tribunal?
2. The control mechanisms established to ensure the proper use of the funds for their intended purpose?

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

*(30 September 1996)*

The Commission can inform the Honourable Member that, since 1994, 2 MECU has been made available under the Community budget for projects in support of the International criminal tribunal on former Yugoslavia, under budget lines B7-5240 and B7-527 (now budget lines B7-7040 and B7-7070).

As regards the control mechanisms for ensuring the correct use of funds, each beneficiary signs an undertaking, prior to receipt of the advance payment (normally 80%) which obliges it to submit detailed financial and narrative reports on completion of the project. Further to this, beneficiaries also accept to be inspected by the Commission's financial control department or the Court of auditors should it be deemed necessary. In the event of irregularities being detected, part or all of the grant may be reimbursed.

Mention should also be made of evaluation undertaken prior to funding decisions by the Commission which takes into account the reliability of the potential beneficiary, the quality of projects previously carried out and specific expertise in relation to the International criminal tribunal.

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**WRITTEN QUESTION E-2208/96**

**by Salvatore Tatarella (NI) to the Commission**

*(9 August 1996)*

*Subject:* Special US taxes on imported Italian pasta

The US International Trade Commission has imposed duties ranging from 2.8% to 46.6% on two thirds of the Italian pasta imported into the United States.

In 1995, Italian exports to the United States covered between 10% and 15% of the latter country's pasta requirements, i.e. 161 000 tonnes worth $147 m in all, making Italy the biggest foreign supplier to the US.

US pasta consumption is growing by 5% a year.

The American decision amounts in practice to a protectionist measure that benefits US multinationals and adversely affects the Italian industry.

What political, economic, and legal steps will the Commission take forthwith in order to safeguard Italian and Community interests?

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

*(9 October 1996)*

In July 1996, in the context of parallel anti-dumping and countervailing investigations, the United States trade authorities decided that imports of pasta from Italy had been dumped and subsidized and had caused material injury to American industry. Anti-dumping and countervailing duties were consequently imposed.

As the Commission monitors all anti-dumping and countervailing investigations initiated by third countries against exports of products from the Member States, it followed the pasta investigations very closely. With regard to the countervailing investigation in particular, the Commission was actively involved in conjunction with Italy in replying to questionnaires from the United States authorities and in arguing against the imposition of measures in several consultation meetings held in accordance with the provisions of the World trade organisation (WTO) subsidies agreement. Some of these arguments have been accepted, and this has resulted in the imposition of lower duties than could have been the case otherwise. With regard to the anti-dumping investigation, the Commission's main role is to examine the third country's procedures in the light of the relevant multilateral agreements within the context of the WTO. In fact, the existence or not of dumping is an issue which concerns the behaviour and pricing policies of each Community exporter individually, and the Commission would not therefore normally be involved in assessing the situation of such individual producers except in the context of a breach of the WTO rules.

The Commission is currently assessing the United States decisions to impose measures on Italian pasta. While the imposition of duties as a result of anti-dumping or anti-subsidy actions is, in itself, legitimate, this has to be done in accordance with international rules, laid down in the WTO agreements. If the Commission considers that the above agreements have not been respected it will act to remedy any violation in consultation with Member States on possible actions. In the meantime, the Commission intends to have further consultations with the United States government to clarify certain aspects of these measures.

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**WRITTEN QUESTION E-2226/96**

**by Sérgio Ribeiro (GUE/NGL) and Honório Novo (GUE/NGL) to the Commission**

*(9 August 1996)*

*Subject:* Implementation of the Community programme against poverty in Câmara de Lobos, Madeira, Portugal

The target groups of the Community programme to combat poverty included fishermen and their families in Câmara de Lobos, Madeira, Portugal.

These people, who had been moved to a housing estate in a remote area but with significantly better conditions than those in which they had previously been living, were faced with a lack of commercial infrastructure and any effective measures to integrate them in their new surroundings.

We recently visited this housing estate. Without wishing to embark on a financial evaluation, despite the volume of appropriations disbursed and remaining to be paid out, but highlighting the almost distressing impression received in view of the poor condition of these buildings and the surrounding area and the continued lack of social infrastructure almost six years into the programme to combat poverty, and bearing in mind the programme's explicit objectives, can the Commission say:

1. In what way was the population involved in the definition of objectives and what local social networks were established?
2. How many development workers were trained and how many were assigned to work on the project?

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

*(16 October 1996)*

The fishing population of Câmara de Lobos did not participate in the Poverty 3 programme (1989-1994). The Commission therefore has not evaluated in the context of the programme any activities in favour of this population.

The address of the Portuguese department, which the Honourable Members may wish to contact, is forwarded direct to them and to the Secretariat General of the Parliament.

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**WRITTEN QUESTION E-2247/96**

**by Patricia McKenna (V) to the Commission**

*(9 August 1996)*

*Subject:* The extension of the working life of the nuclear power stations in Calder Hall at Sellafield and Chapelcross at Annan (both in Britain)

On 3 July 1996 Britain's Nuclear Installations Inspectorate (NII) decided that the nuclear power stations in Calder Hall at Sellafield and Chapelcross at Annan were safe to operate for a further ten years. Both stations have Magnox reactors, which have a design life of 40 years.

Have the NII or other relevant authorities in Britain provided any information to the Commission on what grounds the decision was made? Can the Commission supply details of any safety data relating to these plants which the NII or other relevant authorities have supplied to it? Can the Commission also give details of any inspections it has carried out in these facilities and can it state whether or not it is satisfied that the plants have complied with EU and international safety standards in the past?

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

*(9 October 1996)*

The granting of authorization to operate nuclear facilities is the exclusive competence of the regulatory bodies in the Member States. The decision to extend the working life of the Calder Hall and the Chapelcross nuclear power stations belongs to the Nuclear Installations Inspectorate of the United Kingdom, a body whose task it is to ensure that the physical state and operating conditions of these facilities continue to comply with their design, with national safety requirements and with the operating limits and conditions laid down.

The NII is not required to inform the Commission of the reasons for its decision; the only obligations in this sphere are those under Articles 37 (plans for the disposal of radioactive waste) and 41 (investment projects relating to new installations) of the EAEC (Euratom) Treaty.

The inspection of nuclear facilities in order to assess their safety is outside the Commission's competence, the field of which is defined in the EAEC Treaty.

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**WRITTEN QUESTION E-2275/96**

**by Yannos Kranidiotis (PSE) to the Commission**

*(27 August 1996)*

*Subject:* The situation in Myanmar

In June 1996 the Danish Consul of Greek extraction, Mr Nichols, died under mysterious circumstances in a prison in Myanmar. He had been sentenced by the Burmese authorities to three years in prison because he had been arrested with two fax machines in his possession, and these machines are only allowed in Myanmar with official authorization. The Burmese authorities said that his death was due to illness, but refused to cooperate in any way to establish the circumstances of his death.

This incident is not unique in Myanmar. The human rights situation in the country is steadily deteriorating. Every day the Burmese authorities arrest scores of members of the National League for Democracy and forced labour has assumed enormous dimensions.

Last January (20 January 1996) the Commission decided to investigate the scale of this forced labour and the human rights situation in Myanmar, given that this is a country which benefits from the Community system of generalized preferences. Denmark, for its part, has already proposed that a list be drawn up of sanctions that could be imposed by the European Union.

Will the Commission say how far its investigations have progressed and when it intends to complete them and publish its findings?

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

*(3 October 1996)*

The Commission's investigations, the first of their kind, are proceeding in strict accordance with the provisions of Regulation (EC) No 3281/94. ([1]) At the current stage of legal and factual analysis of the practices being denounced, the Commission cannot say how long the investigations will take or forecast the outcome of the hearings scheduled for the end of September. It will be acting as swiftly as possible while fulfilling its duty to abide strictly by the procedures laid down. At any rate it wishes to draw the attention of the Honourable Member to the fact that the investigations under way are focusing on forced labour, to the exclusion of all other considerations, and cannot formally take account of other human rights violations, however reprehensible they may be.

([1]) OJ L 348, 31.12.1994.

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**WRITTEN QUESTION E-2277/96**

**by Glyn Ford (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Aid to Bhutan

Can the Commission detail aid and assistance given to Bhutan over each of the last five years?

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

*(25 September 1996)*

The aid to Bhutan over each of the last five years was as follows:

in ECU

| | 1991 | 1992 | 1993 | 1994 | 1995 |
|---|---|---|---|---|---|
| Development aid | – | (1) 11 600 000 | (2) 100 000 | (3) 250 000 | – |
| Indirect food aid | 20 000 | 168 301 | 39 401 | 125 946 | – |
| Non governmental organizations | 10 800 | 5 520 | – | – | – |
| Economic co-operation | – | – | – | – | (4) 710 000 |
| Total | 30 800 | 11 773 821 | 139 401 | 375 946 | 710 000 |

(1) Human resources development project 5 500 000 ECU
Integrated pest management 2 600 000 ECU
Cultivation of medicinal plants 3 500 000 ECU
(2) Plant protection project: supplementary funding.
(3) Development of agricultural support activities: supplementary funding.
(4) Export diversification project.

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**WRITTEN QUESTION P-2291/96**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(30 July 1996)*

*Subject:* Restoration of the historic centre of Valencia

Taking advantage of the fact that the fifth centenary of Valencia University coincides with the beginning of the third millennium, a group of public and private bodies has drawn up the 'Vives' project designed to restore the historic city centre of Valencia and turn it into a cultural centre on the basis of the most up-to-date information technologies.

Those taking part in the project, coordinated by Valencia University, include the University-Business foundation of Valencia, the City Council, the Provincial Council, the Council for Culture and Education, the Ministry for Cultural Affairs and a number of European universities, such as Salamanca, Toulouse, Catania and Bologna.

The aims of the project, apart from the physical restoration of some of the premises of Valencia University, include setting up a cultural and educational complex to teach people about the history of universities, the influence they have on their surroundings and the importance of conserving the cultural heritage. For this purpose the promoters envisage the creation of a university museum and a permanent exhibition hall, the compiling of a CD-ROM on historic universities, the preparation of teaching aids for instruction in cultural management and the setting up of a data-processing network connected up to the Internet to involve other European universities in the project.

The Vives project is in line with the priority objectives of the White Paper on Growth and Employment, i.e. fostering technical innovation, the information society, the creation of new sources of jobs, in particular local jobs and ones which promote equal opportunities. Two important features of the project are its aim to exploit cultural opportunities and the social rehabilitation of an area of Valencia which has deteriorated.

What types of measure does the Commission intend to introduce to back this important project for the cultural and social rehabilitation of the largest historical city centre in Spain?

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

*(1 October 1996)*

It is with initiatives such as the interesting project to restore the historic centre of Valencia and turn it into a cultural centre with the use of the up-to-date information technologies that the Commission is tackling some of the problems facing Europe's architectural heritage.

To this effect, and based on paragraph 4 of Article 128 of the new Treaty on European Union and Article 10 of the Feder, the Commission does support cooperation projects which aim at the revitalisation of Europe's historic architectural heritage, such as the initiative supported by the Honourable Member, in cultural, social and economic terms.

Furthermore, the Commission would like to inform the Honourable Member that the project in question could be taken into consideration within the framework of the 'Raphael' programme after its approval by the Parliament and the Council. The eligibility conditions and the application procedure will be given the widest possible publicity in the form of calls for proposals which will be announced in the Official Journal.

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**WRITTEN QUESTION E-2300/96**

**by Richard Howitt (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Disabled people's rights to participate in mainstream programmes

To what extent are disabled people's rights to participate in mainstream programmes being addressed in LEONARDO, SOCRATES, PHARE, TACIS and other relevant Community programmes?

What steps is the Commission taking to improve this in future calls for funding applications?

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

*(18 October 1996)*

All Community programmes in the field of education and training comprise measures designed to ensure the participation of disabled persons.

The programme Youth for Europe aims to encourage the participation of disadvantaged young people, including young people who are physically or mentally disabled. One third of the programme's annual budget is earmarked for projects involving disadvantaged young people.

In accordance with the decision adopting it, the Socrates programme caters to the needs of the disabled through a series of positive measures, notably by giving priority to projects promoting the education of young disabled people.

The decision setting up the Leonardo programme also stipulates that one of the programme's objectives is to promote equal access for the disabled to initial and continuing training. Hence the disabled are one of the programme's target groups and are given priority attention. In 1995 17 projects were adopted that are specifically devoted to the disabled.

The Phare and Tacis programmes have launched specific actions in favour of the disabled in the form of measures in the context of the sub-programmes Democracy and LIEN. These initiatives mainly fund projects set up by non-governmental organisations which are designed to contribute to the non-discrimination and social integration of the disabled.

Finally, in the framework of its new strategy for equal opportunities for the disabled, the Commission generally plans to focus more closely on the rights and needs of the disabled in the different Community policies. A series of initiatives has been adopted to this end.

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**WRITTEN QUESTION E-2302/96**

**by Richard Howitt (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Interservice group on disability

In view of DG V's recent statement and commitment to strengthening the Interservice Group on Disability, can the Commission state when the last Interservice Group met, what was discussed and when the next Interservice Group will meet and what will be discussed?

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

*(16 October 1996)*

The last meeting of the interservice group dealing with the integration of disabled people was on 29 November 1995. It examined the activities of various directorates-general which have an impact on disabled people, the draft interim evaluation report on Helios II, the possibility of setting up a European advisory council of disabled people, sectorial responsibilities in the post-Helios II situation, a draft code of good practice on the employment of people with disabilities in the Commission and the mutual recognition of parking cards for disabled people.

The next meeting of the interservice group in October 1996 will examine, inter alia, the actions to be undertaken in the light of the Commission's communication on equality of opportunity for people with disabilities [1], adopted on 30 July 1996, and also review ways of strengthening actions in this field in all relevant Commission policies and actions.

In the intervening period frequent bilateral contacts have taken place.

[1] COM(96) 406.

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**WRITTEN QUESTION E-2304/96**

**by Clive Needle (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Health and safety implications of telecommunications masts erected by mobile phone operators

Is the Commission aware of the concerns of many people about the health and safety implications of increasing numbers of telecommunications masts erected by mobile phone operators?

Independent health reports indicate that exposure to microwaves is dangerous, mainly when high densities of microwave radiation are involved, and that the highest radiated power densities occur at distances of 100 to 800 feet from such masts. Levels then fall off to minimum levels beyond 8000 feet.

Due to deregulation of telecommunications by the UK Government, several companies plan to site masts within a one mile area in Taverham near the city of Norwich in Norfolk. Citizens are extremely concerned about possible health dangers of this concentration, yet local planning regulations can afford no protection and clearly this is a situation which may increasingly be faced across Europe.

What information does the Commission have on the health and safety implications of such masts and what action does it propose to take within its competence to protect the public?

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

*(15 October 1996)*

The Commission is well aware of public concerns over possible health and safety effects due to radiofrequency emissions in the mobile telephony sector, including those from telecommunications masts. In 1995 the Commission decided to investigate the possible health and safety effects related to the use of mobile phones. The Commission therefore requested an eminent group of internationally recognised, independent experts from various institutes in the Community to identify those areas where research is already undertaken and prepare a proposal for comprehensive research in areas which may not yet be covered.

The Commission would also refer the Honourable member to its answer to written question E-737/96 from Mrs Malone [1].

[1] OJ C 217, 26.7.1996.

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**WRITTEN QUESTION E-2311/96**

**by Philippe Monfils (ELDR) to the Commission**

*(27 August 1996)*

*Subject:* Name of parts of the euro

Regarding the launch of the euro, the future single currency, the Union's Monetary Committee decided at its meeting in Brussels on 9 April 1996 that the coins to be issued would be denominated in multiples — 1, 2, 5, 10, 20, 50, and so forth — of a smaller monetary unit called a... cent.

The word 'cent' plainly means nothing to French-speaking countries. Indeed, the natural French pronunciation could lead to confusion with other French words such as 'sans' ('without').

What is more, the system appears to have been copied from the division of the dollar, hardly an appropriate model for the single European currency.

Could the Commission say whether division of the euro into 'cents' is irrevocable official policy?

If so, who took the decision?

Would it not be desirable to find a name on which, like the euro itself, all the Member States could agree?

**Answer given by Mr de Silguy on behalf of the Commission**

*(26 September 1996)*

The issue of what to call the hundredth part of the euro was discussed by the Economics and Finance Ministers at their Verona meeting on 13 April. Their choice was the word 'cent'.

Those initial discussions were designed to prepare the way for the decision that will be taken by the Heads of State or Government. The name of the subdivision of the euro will be decided when the European Council adopts at the end of the year the Regulation laying down the legal status of the euro as from 1 January 1999.

As with the name for the single currency, the decision will have be in favour of a name that is short, simple and easy to pronounce in all the languages of the European Union.

Although opting for the word 'cent', the Ministers took the view that this did not rule out continued national usage in everyday language. Thus, French speakers could call the subdivision of the ecu the 'centime'.

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**WRITTEN QUESTION E-2325/96**

**by Cristiana Muscardini (NI) to the Commission**

*(27 August 1996)*

*Subject:* Pensions and equal opportunities

Following the submission to the European Parliament of Petition No 221/94 by a group of Italian women affected by Law No 503/95 (Article 4) which introduced the principle of the joint calculation of payments to husbands and wives, the EP's Committee on Petitions told the petitioners that it had several times requested information from the Italian Government about this issue, which is having an adverse effect on the progress so far achieved with regard to equality of opportunities and had asked the Italian Government, in its last letter of 4 May 1995, to answer the questions asked repeatedly within a month of receiving the letter.

Since a reply has still not been received, can the Commission take whatever steps it deems most appropriate to persuade the Italian Government to fulfil its obligations?

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

*(15 October 1996)*

In response to the petition mentioned by the Honourable Member, submitted by six Italian women and alleging discrimination within the meaning of Directive 79/7/EEC [1] on the progressive implementation of the principle of equal treatment for men and women in matters of social security, the Commission asked the Italian Government for detailed information. The latter sent its reply, together with the relevant statutory texts, on 15 June 1995.

From the reply it emerges that Legislative Decree No 503 of 30 December 1992 — the subject of the petition — changed the existing pension system in Italy, notably by introducing more stringent requirements in regard to contributions. Article (2)(a), in particular, progressively extends the contribution period necessary for entitlement to the old-age pension. This principle applies to all insured persons, without discrimination by sex. However, the progressive raising of the retirement age, which the petitioners do not contest, retains the gap of five years between men and women which already existed in the previous system. This is consonant with the provisions of the Directive, which allows Member States to exclude the age of retirement from its scope.

From the dossier which the Italian workers have sent to the Parliament, it emerges that what they are complaining about specifically is discrimination between unmarried women and married women as regards entitlement to the minimum pension. In point of fact, Article 4 of the aforementioned Legislative Decree No 503/92 lays down new income thresholds for entitlement to the minimum pension, the spouse's income also being taken into consideration. Hence in the Commission's opinion these measures do not appear to infringe the principles laid down by Directive 79/7/EEC in that they are measures designed to rationalise the pension system that apply to all insured persons.

(1) OJ L 6, 10.1.1979.

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**WRITTEN QUESTION E-2334/96**

**by Christine Oddy (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Pornographic television

Is the Commission aware that hard core pornographic films are being transmitted from Holland into the UK by the Eurotica channel?

What moves will the Commission take to tackle this problem in the light of the EU Directive on television broadcasting which states in Article 22 that programmes 'do not involve pornography'?

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

*(20 September 1996)*

The question of pornography on television, as raised by the Honourable Member, is effectively covered by Article 22 of Directive 89/552 (1), which stipulates that Member States must take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence. The United Kingdom and the Netherlands have taken the necessary national measures to transpose this provision into national law.

The Commission will check with the national authorities that the Eurotica channel fully complies with the regulatory framework that applies to it.

The Directive also specifies that Member States may suspend retransmission of television broadcasts on their territory if the rules regarding the protection of minors are repeatedly and manifestly infringed. A specific procedure is provided in Article 2(2), which is initiated when the Member State concerned notifies its intention to suspend the retransmission of the broadcasts. It is the Commission's responsibility to make sure that the measures taken to this end are compatible with Community law. However, it falls to the Member States to assess the question of moral standards and the way in which these are integrated into national systems.

To date, the Commission has not received any notification from the United Kingdom on this point.

(1) Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989).

## WRITTEN QUESTION P-2351/96

**by Hiltrud Breyer (V) to the Commission**

*(8 August 1996)*

*Subject:* Implementation of Directive 79/409/EEC on the conservation of wild birds and Directive 92/43/EEC on habitats in the canalization of the Danube between Straubing and Vilshofen

1. Is the Commission aware that the Federal Republic of Germany, in contravention of Article 4(1) and (2) of Directive 79/409/EEC [1] on the conservation of wild birds, has not designated the Danube valley between Regensburg and Vilshofen or the area at the mouth of the Isar as protection areas within the meaning of the directive?

2. What will it do to have protection area status applied immediately?

3. Is it aware that the Federal Republic of Germany (Ministry of Transport) and the Free State of Bavaria, in contravention of Article 4(4) of the EC directive on the conservation of wild birds and Article 6(4) of Directive 92/43/EEC [2] on habitats, want to convert the last free-flowing section of the Bavarian Danube between Straubing and Vilshofen into a chain of locks?

4. What will the Commission do to prevent the building of the Osterhofen and Waltendorf locks?

5. Will it instigate proceedings against the Federal Republic under Article 169 for violation of the Treaty?

[1] OJ L 103, 25.4.1979, p. 1.
[2] OJ L 206, 22.7.1992, p. 7.

### Answer given by Mrs Bjerregaard on behalf of the Commission

*(30 September 1996)*

1. The Commission is aware that the areas 'Donau-Tal: Regensburg – Vilshofen' and 'Isartal: Gottfried – Plattling einschließlich Isar-Mündungsbereich', both situated in Bavaria, qualify according to scientific literature as important bird areas, but are not yet designated as special protection areas pursuant to Article 4 of Directive 79/409/EEC.

2. & 5. In general the designation of special protection areas in accordance with Article 4 of Directive 79/409/EEC by Germany is subject of an infringement procedure because in the view of the ornithological scientists, which the Commission shares, Germany and inter alia Bavaria has not yet designated the most suitable bird areas as special protection areas.

3. The Commission was made aware of the project in question by a recent complaint. The Commission will ask the German authorities for further information concerning the project and its potential implications with regard to the birds Directive and the habitats Directive, being aware that major impacts on free flowing sections of the Danube might cause considerable problems for alluvial forests, which are partly considered as priority habitats under the habitats Directive.

4. The further actions will depend on the answer given by the German authorities to question 3 above.

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## WRITTEN QUESTION E-2359/96

**by Gianfranco Dell'Alba (ARE) to the Commission**

*(27 August 1996)*

*Subject:* Preliminary draft budget 1997

While welcoming the Commission's decision to institute a new budget line A-3014, 'Our Europe', to help launch the 'Our Europe' Association, can the Commission justify its willingness to help the association in its early stages, and say whether this aid is part of a co-financing arrangement or represents the association's only source of income?

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

*(10 October 1996)*

The working objectives pursued by 'Our Europe' are directly related to the process in which the Community is engaged. The Commission felt that support for an initiative of this type would help to advance thinking about European integration. Assistance will take the form of co-financing.

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**WRITTEN QUESTION E-2363/96**

**by Thomas Megahy (PSE) to the Commission**

*(27 August 1996)*

*Subject:* Human rights in the United States

In an answer to a question I put to the Commission earlier in the year (No. E-0681/96 [1]), Mr Marin stated that 'cooperation agreements must explicitly invoke a basis in respect for human rights and... penal law, particularly the procedural aspects, has an obvious bearing on these fundamental issues'.

In view of the fact that the International Commission of Jurists has found the exercise of the death penalty in the United States to be 'arbitrary and racially discriminatory' will the Commission raise the issue of this serious breach of human rights during future trade negotiations, or are such interventions considered appropriate only for poorer third countries?

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[1] OJ C 185, 25.6.1996, p. 79.

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

*(4 October 1996)*

The Commission agrees that the death penalty is a serious matter, and that the guarantees laid down in the International pact of civil and political rights and other international instruments have to be respected.

It does not however consider the matter requires to be raised with the United States, where justice is guaranteed in particular by the right of defence and the existence of appeal procedures.

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**WRITTEN QUESTION E-2375/96**

**by Gianfranco Dell'Alba (ARE) to the Commission**

*(27 August 1996)*

*Subject:* 1997 Preliminary draft budget

In the light of the breakdown of appropriations in line B7-702 (human rights and democracy in the developing countries) can the Commission say when and how it decides to take action (selection of projects, beneficiaries, resources made available by the EU and/or third parties, etc.)?

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

*(8 October 1996)*

Since the entry into force of the Treaty on European Union, the Community's development cooperation policy has been closely tied to the consolidation of democracy and the rule of law and to the observance of human rights and fundamental freedoms.

The Community's approach in this area is a positive one, aimed at promoting such values and supporting any measure to nurture and consolidate democracy and the rule of law. Consequently, the Community can take negative measures in the event of serious human rights violations or an interruption of the democratic process.

The Community has created a number of financial instruments to implement this policy: special budget headings, funds for financial cooperation with third countries, the European Development Fund (EDF) and counterpart funds. It is through integrated use of these instruments and through political dialogue with its partners that the Community feels it can best implement this policy.

When selecting measures to finance, the Commission now takes account of the development strategy of each country and examines the projects in that light; it also takes account of thematic priorities (elections, support for the judicial system, human rights observers). The Commission tries to concentrate its resources in priority countries or countries at risk, such as Mozambique, Rwanda, Haiti and Burundi in 1995 and 1996. In such cases, the Commission conducts fact-finding missions to analyse the situation in the country and identify on the ground needs in terms of human rights and democracy. The aim of these missions is to propose schemes to be funded and identify those bodies best able to carry them out.

The various projects examined or identified are analysed to determine their quality, their conformity with the budget heading's financing criteria and with the thematic priorities, their cost-effectiveness, the experience of the applicant body in the relevant field, the political expediency of carrying out the measures and the order of priority according to the needs of the recipient country. If the evaluation is positive, the Commission takes the final decision. Once the scheme has been adopted by the Commission, a contract is drawn up and the financial commitment is made.

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**WRITTEN QUESTION E-2376/96**

**by Gianfranco Dell'Alba (ARE) to the Commission**

*(27 August 1996)*

*Subject:* 1997 Preliminary draft budget

With regard to Item A-1520 (national and international officials and private sector staff temporarily assigned to services of the institution), can the Commission provide details of national officials by country and directorate-general?

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

*(7 October 1996)*

The 1996 appropriations for budget heading A-1520 represent 592 person/years.

In its allocation of resources, the Commission used the appropriations as shown in the table sent directly to the Honourable Member and to the Secretariat-General of Parliament.

A breakdown by nationality and directorate-general, on the basis of the seconded national experts 'physically present' in August 1996, is included in the same document.

You will note that reference is made, on the one hand, to allocations in person/years and, on the other, to persons who are 'physically present'. An accurate picture of the number of person/years can only be established in hindsight.

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**WRITTEN QUESTION E-2389/96**

**by Glyn Ford (PSE) to the Commission**

*(6 September 1996)*

*Subject:* Newspaper distribution

Has the Commission taken into account the findings of the 1993 Monopolies and Mergers Commission enquiry into newspaper distribution?

Does it intend to take any action regarding its findings in the light of existing legislation within other EU Member States?

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

*(2 October 1996)*

The report published by the Monopolies and mergers commission in December 1993 concerned newspaper distribution in the United Kingdom. Allegations of anti-competitive behaviour in individual Member States which do not affect trade between Member States fall to be examined by national competition authorities and not by the Commission. At the time, there was no indication that trade between Member States was affected as a result of the policy or practices of newspaper distribution in the United Kingdom.

Thus, the Monopolies and mergers commission's report resulted in the introduction of remedies designed to meet the competition problems which had been identified in the United Kingdom. Since then the Office of fair trading has been monitoring the changes which have taken place in the distribution of publications in general.

Given the absence of an effect on trade between Member States of the policies and practices of newspaper distribution in individual Member States, the Commission does not have the intention to investigate further. However, should new information come to light the Commission would, as always, review this position.

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**WRITTEN QUESTION E-2392/96**

**by Glyn Ford (PSE) to the Commission**

*(6 September 1996)*

*Subject:* Goodwill in the market trading business

Does the Commission have any details of the right of outdoor market traders in the 15 Member States to pass on their consumer base as an act of goodwill when selling their stalls?

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

*(15 October 1996)*

The Commission keeps a close eye on the itinerant trade sector, which, given its very propensity for geographical mobility, constitutes an active element in the internal market.

Itinerant traders carry out their activities on public highways or markets which, in most cases, are public areas under the jurisdiction of national or local authorities. The authorities designate such areas as places where goods may be sold, generally on a temporary basis, in return for payment of a specific fee. In this context, it is national or local regulations, particularly those regarding the use of public areas, which set out the rules of conduct governing the activities of itinerant traders. The situation does, therefore, differ from one Member State to the next as regards the possible existence of goodwill or a consumer base, conditions regarding the sale thereof, or any terms governing the transfer of rights granted to itinerant traders for the use of public areas.

The Commission does not possess an exhaustive study of national or regional regulations on this specific point.

Given the absence of any clear information on the impact of disparities between Member States' laws, regulations and administrative provisions on freedom of establishment and the operation of the internal market, the Commission does not at this stage intend to propose any harmonising measures. On the other hand, it will continue to ensure that these laws, regulations and administrative provisions are not in breach of the provisions of the EC Treaty.

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**WRITTEN QUESTION E-2449/96**

**by Gian Boniperti (UPE), Antonio Tajani (UPE) and Carlo Casini (PPE) to the Commission**

*(23 September 1996)*

*Subject:* Sports check-ups

In view of the fact that the footballer Nwankwo Kanu, who played for the winning team in the Atlanta Olympics, had his life saved by a thorough medical check-up required by Inter Milan, an Italian sports club, for all its athletes before they undertake any sporting activity;

since Kanu's serious heart irregularity had never been diagnosed previously because the Dutch club Ajax had not carried out adequate checks;

given that there is no Community legislation to date which requires thorough and mandatory check-ups for all sports club members;

does the Commission not feel that it should intervene to make it obligatory throughout the European Union for all sports club members, whether professional or amateur, to undergo check-ups for the benefit of all European citizens who engage in sporting activity?

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

*(25 October 1996)*

The question of medical checks for sportsmen, whether professionals and or members of sports clubs, is for the Member States to address.

It should be noted, however, that health surveillance for workers, and medical surveillance for certain categories of workers, is the object of Community provisions, pursuant to Article 118 of the EC Treaty and Articles 31 and 32 of the Euratom Treaty.

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**WRITTEN QUESTION E-2466/96**

**by Francisca Sauquillo Pérez del Arco (PSE) to the Commission**

*(23 September 1996)*

*Subject:* Situation of children

The Treaty on European Union (TEU) contains no provisions on the protection of Europe's 120 million children, a growing number of whom are at risk of social exclusion.

Does the Commission have any plans to introduce programmes or adjust existing programmes with a view to ensuring acceptable living conditions for children, independently of the employment situation of their parents?

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

*(16 October 1996)*

The communication from the Commission on family policies [1] had proposed regular concertation at Community level which should cover the impact of other Community policies on the family, notably on child protection and take account of activities within the Council of Europe and other international organizations more particularly concerning the International Convention on the rights of the child.

Under budget line B3-4100 (family policy), the Commission finances the European observatory on national family policies. This observatory's annual reports contain chapters on families under stress, which includes child abuse (mostly taking place within the family) and violence in the family. These reports are disseminated to key persons in the political and social fields in all Member States.

Furthermore, a number of projects have been cofinanced under the same budget line, including research on the situation of children in Europe, and the support of non governmental organizations active in this field.

Under budget line B3-4103 (poverty and social exclusion), the Commission has supported a number of model actions and projects aimed to help children affected by social exclusion.

However, it is the Member State authorities which are mainly responsible both for combating social exclusion, and for promoting family policies.

(1) COM(89) 363 final.

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**WRITTEN QUESTION E-2473/96**

**by Francisco Lucas Pires (PPE) to the Commission**

*(23 September 1996)*

*Subject:* Contravention of WTO rules by Indonesia

It is public knowledge that the financing and production conditions relating to the 'Timor' motorcar, which is manufactured in South Korea for the Indonesian market, contravene the World Trade Organization's rules and seriously affect the conditions under which European companies are required to compete in this sector of the Asian market. In view of these facts, what representations has the Commission made (or is it intending to make) to the WTO with a view to having an inquiry carried out?

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

*(21 October 1996)*

The Commission takes the view that the incentives provided by Indonesia to certain domestic companies under their national car programme are in contradiction with a number of World trade organization (WTO) provisions and are detrimental to the Community interests.

The Commission has raised the issue with the Indonesian authorities on several occasions, and notably at the highest political level during the meeting between the Vice-President of the Commission in charge of the trade policy and President Soeharto on 23 April 1996. Following these interventions, the Commission held informal consultations with Indonesia in July. These talks ended without agreement, and on 3 October 1996, immediately after the customs clearance of the first commercial batch of vehicles from Korea to be imported under discriminatory preferential conditions, the Community proceeded to request the opening of formal WTO consultations.

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**WRITTEN QUESTION E-2474/96**

**by Anneli Hulthén (PSE) to the Commission**

*(23 September 1996)*

*Subject:* Drug smuggling

Ahead of Sweden's membership of the EU, Swedes were apprehensive that our previously strict border controls would be done away with. In particular, it was feared that there would be an increase in drug smuggling. The Swedish police are now saying that they have noticed an increase in the supply of drugs from eastern Europe, particularly Poland.

It is a serious matter if the Community's customs authorities have failed to prevent drug trafficking. What measures is the Commission taking to reduce the influx of drugs from Poland and elsewhere and is the Commission satisfied that the external border controls are effective?

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

*(22 October 1996)*

Combating unlawful drug-trafficking is a matter which falls within the third pillar of the Treaty on European Union and is the responsibility of the Member States' enforcement services. Therefore, although it is understood that there has been a recent increase in the smuggling of drugs through the external frontier of the Community from Eastern Europe, the Commission has no actual statistical evidence to support the statements made by the Swedish police.

For its own part and within the limits of its competence, the Commission is active in assisting the customs services of the Member States in controlling the external frontier, in any way that it can. In particular, it administers the Matthaeus programme, which provides training for Community customs officials through seminars, exchanges of officials and the development of common training programmes. It has also agreed to manage the customs information system under the terms of the 1995 Convention on the use of information technology for customs purposes (1), once that Convention comes into force. With regard to mutual assistance between customs administrations, the Commission is in the process of revising Community legislation and parallel work is in progress in the Council on an updating of the 1967 Naples Convention. All these measures are designed to help strengthen controls at the external frontier.

With regard to Poland, in particular, there has been assistance under the Phare programme including technical assistance to draft adequate legislation on drugs issues and the supply of detection equipment. There is also an association agreement between the Communities and their Member States on the one part and Poland on the other (2) which inter alia, in the main Articles and in Protocol No 6 (which is supported by a joint declaration (No 15)), includes measures on co-operation in customs and drugs matters in the field of policies and measures to counter the supply and illicit traffic of drugs.

(1) OJ C 316, 27.11.1995.
(2) OJ L 348, 31.12.1993.

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**WRITTEN QUESTION E-2522/96**

**by Riccardo Nencini (PSE) to the Commission**

*(25 September 1996)*

*Subject:* Tourist coaches in Florence

The Florence municipal authorities have recently adopted measures to limit access by tourist coaches to the city. Under this system a sliding scale of fees will be charged for access to the city centre. However, access will only be authorized for some of the dozens of tourist coaches arriving at the city gates each day. This measure is likely to discriminate against a large number of tourists who will thus be unable to complete the full itinerary agreed on prior to the introduction of these restrictions. Since these measures were adopted at the height of the tourist season without any prior warning and hence without the agreement of the professional sectors and travel agents involved and in view of the unfavourable economic impact on the city of Florence which is already making itself felt, will the Commission take action to ensure that all tourists wishing to visit the city are able to fully exercise their basic right to do so and that no discrimination is allowed to occur in this respect?

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

*(15 October 1996)*

The information provided by the Honourable Member of Parliament on the measures taken by local authorities to limit access to town centres by tourist coaches does not establish that there is any discriminatory treatment or restriction on freedom of movement incompatible with Community Law.

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**WRITTEN QUESTION P-2523/96**

**by Roberta Angelilli (NI) to the Commission**

*(23 September 1996)*

*Subject:* Illegal payment of pensions to former Yugoslavs

On 18 November 1976, Division II DS of the Italian Ministry of Employment issued a circular with the reference number E 1/37/81189 by the then Minister of Employment, Tina Anselmi (currently under investigation by the Public Prosecutor's Office in Rome) to the effect that periods of military service in Italy could be taken into account for the purpose of calculating the period over which social security contributions had been paid even in the case of foreign citizens (in this particular instance, Yugoslav citizens residing in Istria and Dalmatia). This circular was issued on the basis of an anomalous interpretation of Article 13 (2)(d) of EEC Regulation No 1408/71 (1) on the application of social security schemes to employed persons and their families moving within the Community.

Would the Commission verify the accuracy and legality of that interpretation of the Community legislation in question, since it allows account to be taken, when determining an individual's pension entitlement, not only of periods of ordinary military service (as referred to specifically in the regulation), but also of periods spent in partisan organizations, without any proviso (such as that applying to ex-servicemen from the Upper Adige who served in the German army) that the person in question should not have committed any acts of terrorism or torture, as in the case of various former partisans living in the territory of former Yugoslavia who receive a regular ex-servicemen's pension from Italy even though they are acknowledged to have been responsible for a series of mass executions that took place in North East Italy, and in some instances have been found tried and sentenced by default for those crimes?

(1) OJ L 149, 5.7.1971, p. 2.

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

*(16 October 1996)*

The Commission wishes to draw the Honourable Member's attention to the fact that Regulation No 1408/71 (1), referred to in the question, aims at coordinating the application of the various social security schemes existing in the Community. In no way does it impinge on the Member States' freedom to lay down the rules governing their own social security schemes.

Moreover, by virtue of Article 2, this Regulation does not apply to nationals of third countries who are not members of the family of a Community national.

The legal status of this category of persons in regard to social security depends on domestic law and on the agreements concluded by the Member States.

However, as regards relations with third countries, there is nothing to stop Member States from adopting rules similar to the provisions of Community law in bilateral agreements applicable to nationals of third countries.

Hence the question raised by the Honourable Member concerns domestic law and not Community law.

(1) OJ L 149, 5.7.1971; consolidated version: OJ C 325, 10.12.1992.