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# I

*(Information)*

# EUROPEAN PARLIAMENT

## WRITTEN QUESTIONS WITH ANSWER

(98/C 187/01)

### WRITTEN QUESTION E-2352/97

**by Roberta Angelilli (NI) to the Commission**

*(10 July 1997)*

*Subject:* Call for tenders for an advisor on the privatization of the ACEA by Rome City Council

In its answer to Written Question P-1071/97 ([1]) on the tendering procedure initiated by Rome City Council in order to find an advisor on the privatization of the Municipal Energy and Environment Board (ACEA), the Commission said that since the amount awarded was LIT 327 726 000 net of VAT, Directive 92/50/EEC ([2]), which sets a minimum threshold for applicabilty of ECU 200 000 excluding VAT, could not be considered as applicable. However, the Commission also stated that the threshold of ECU 200 000 does not refer to the amount 'awarded', but to the amount 'estimated' when the call to tender is issued. Hence if the amount of the contract estimated by the City Council had been more than ECU 200 000, it would indeed have contravened European legislation.

However, Rome City Council's Decision No 1937 of 1995, which announced the call to tender for an advisor on the privatization of ACEA, did not in fact make any estimate of the amount involved. This means that Rome City Council's infringement was twofold, in that it not only did not forward the call to tender but it did not even estimate the amount of the contract beforehand. However, it is stated clearly on page 5 of that same Decision No 1937 that 'Rome City Council shall forward the call for tenders to the Publications Office of the European Communities by fax, to be confirmed subsequently by registered letter ...'.

In view of the above, can the Commission say:

1. whether Rome City Council's failure to estimate the amount of the contract and to forward the call for tenders to the Publications Office constitutes an infringement of Directive 92/50/EEC;

2. if so, what steps it intends to take to restore compliance with Community law;

3. also, if an infringement has been committed, whether the procedure for finding an advisor, on the basis of the evidence set out above, may be considered as invalidated from the outset?

([1]) OJ C 373, 9.12.1997, p. 60.
([2]) OJ L 209, 24.7.1992, p. 1.

**Supplementary answer**
**given by Mr Monti on behalf of the Commission**

*(4 February 1998)*

Further to its answer of 16 September 1997 [1], the Commission can now provide the following details.

The Italian authorities have informed the Commission that they faxed the contract notice concerning Rome City Council's service contract for assistance and for the adviser on the restructuring, conversion and upgrading (by privatisation and other means) of the Municipal Energy and Environment Board (ACEA) to the Office for Official Publications of the European Communities on 13 July 1995. They have also produced a receipt issued by the Italian Post Office which proves that a fax was indeed sent to Luxembourg on that date.

The Publications Office has informed the Commission that it received a two-page document on 17 July 1995 which contained the dispatch note at the top of its first page. This may well be the contract notice in question. However, owing to its virtual illegibility it was taken for a document confirming a previous notification of another contract notice relating to services supplied to Rome City Council, viz. an adviser charged with assessing and, where appropriate, managing the upgrading, conversion or privatisation of the Central Municipal Milk Board (ACCL); the wording of this notice was very similar to that concerning the Municipal Energy and Environment Board (ACEA).

In the case at issue, the failure to publish the contract notice would seem to be due to faulty administration on the part of the Italian Post Office, which did not send the dispatch note on a separate sheet, and it was this which led to the mistake by the Publications Office.

[1] OJ C 82, 17.3.1998, p. 62.

(98/C 187/02) **WRITTEN QUESTION E-2530/97**

**by Leonie van Bladel (UPE) to the Commission**

*(24 July 1997)*

*Subject:* Doubts about proper monitoring of financial aid for Suriname

1. Does the Commission agree that the appointment of the former dictator of Suriname, Desi Bouterse, to the very influential post of state counsellor of the Republic of Suriname should cause grounds for reconsidering the cooperation arrangements between the European Union and Suriname, not least because Bouterse is suspected by the Dutch judicial authorities of complicity in the large-scale international cocaine trade via the Netherlands to the European Member States, and because of the fact that a large number of crimes against humanity were committed in Suriname between 1982 and 1991 on Bouterse's responsibility?

2. Can the Commission guarantee that the money provided by the EU will not be misused in any way at all, or that if money is made available to Suriname it will under no circumstances benefit people in Bouterse's circle?

3. Does the Commission feel it is responsible to give Suriname financial aid now that it appears that the President of Suriname is refusing to account to the Suriname parliament for a secret bank account which he holds at the Central Bank of Suriname?

4. Is the Commission aware of the great problem of the illegal 'near banking' circuit in Suriname which could prove a major destabilizing element in the region and, if so, what impact will this have on the National Indicative Programme (Second Financial Protocol of the Lomé IV Convention) with Suriname?

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

*(15 September 1997)*

1. The Commission is aware of the recent opening of a prosecution in the Netherlands against Mr Desi Bouterse for drugs trafficking and that at the same time he has been nominated state advisor of the Republic of Suriname.

Cooperation between Suriname and the Community is governed by the Lomé Convention as amended by the Mauritius Agreement. Article 5 of this Agreement clearly states that 'respect for human rights, democratic principles and the rule of law ... shall constitute an essential element of this Convention'. Any reconsideration of the cooperation with Suriname would need to be based on a clear infringement of any or all of these essential elements, in which case a procedure as outlined in Article 366a would need to be set in motion.

2. Article 4 of the same Agreement states that 'support shall be provided in ACP-EC cooperation ... in order to promote the ACP States' social, cultural and economic progress and the well-being of their populations ...'. Community cooperation with Suriname therefore clearly aims at the population at large and is governed by the same appropriate control mechanisms as applicable to other African, Caribbean and Pacific (ACP) States.

3. The Commission has no further information than that of the Honourable Member on the allegation of a secret presidential bank account.

4. The Commission is aware of the economic risks caused by the 'nearbanking' activities which have also been highlighted to the government of Suriname by the most recent Article IV International monetary fund mission.

Both the above issues relate to considerations of good governance, which is 'a particular aim of the cooperation operations' under the Lomé Convention (Article 5). Although lack of good governance is not one of the three above-mentioned essential elements that could lead to a reconsideration of Community cooperation with Suriname, the Commission nevertheless wishes to assure the Honourable Member that it gives particular importance to good governance in its cooperation programmes, as specified in Article 5.

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(98/C 187/03)

**WRITTEN QUESTION E-3209/97**

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

*(16 October 1997)*

*Subject:* Take-up rate of appropriations under the 'Delors II Package'

A succession of reports in the Greek press have pointed out that projects which are planned or being carried out under the 'Delors II Package' are in danger of not being completed because of the low take-up rate of appropriations by Greece for those projects.

Greece lies at then periphery of the Union and its infrastructure needs the support of these funds, even more urgently now that the country is to host the 2004 Olympic Games.

Will the Commission say:

- what appropriations were originally allocated to Greece by sector (e.g. education, health, infrastructure etc.) in absolute figures,
- whether they were readjusted, and
- what the exact amounts are per sector that have been taken up hitherto?

Will the Commission also say whether it will use any money left over in 1999 towards the cost of ongoing or completed projects that have overshot their budget?

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

*(4 December 1997)*

As part of the interim assessment of the 1994-99 Community support framework (CSF) for Greece, the Commission and the Greek authorities are evaluating the progress made in achieving the initial objectives of the CSF. It is already clear that some of the major projects will not be completed by the end of the current programming period, particularly the Athens-Thessaloniki railway line and the Rio-Antirrio bridge. However, the Commission is insisting that as many projects as possible be completed within the time limits laid down.

The initial allocations are given in the CSF adopted on 13 July 1994, particularly on pages 32 (by sector) and 126-129 (by programme). This document is being transmitted directly to the Honourable Member and to the Secretariat of Parliament.

In the mean time, adjustments have been made inside many of the operational programmes following the procedures laid down by the Structural Funds regulations and the CSF. The current situation regarding the take-up of appropriations by programme is shown in the table which is also being sent directly to the Honourable Member and to Parliament's Secretariat.

The interim assessment currently underway and the mechanisms for amending operational programmes under the CSF should to ensure that all the appropriations will be taken up before the end of the period, i.e. before 31 December 2001 for payments.

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(98/C 187/04)

**WRITTEN QUESTION E-3264/97**

**by María Estevan Bolea (PPE) to the Commission**

*(20 October 1997)*

*Subject:* Petroleum coke and cement works

Petroleum coke is the final waste product remaining after crude oil has been refined.

Does the Commission believe petroleum coke to be just a fuel or does it regard it as waste?

Should the cement works which burn petroleum coke be licensed in the same way as waste treatment plants?

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

*(26 January 1998)*

Petroleum coke does not presently figure on the list of waste established by Commission Decision of 20 December 1993 ([1]) in application of the Article 1a of the Council Directive 75/442/EEC. However, petroleum coke is listed in Commission Regulation No 1734/96 of 9 September 1996, (Code NC 2713) on tariff and statistical nomenclature.

The list of waste established under Directive 75/442/EEC is currently under review by the Member States, and the question of whether petroleum coke should figure on it will be discussed in the near future.

([1]) OJ L 5, 7.1.1994.

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(98/C 187/05)

**WRITTEN QUESTION E-3297/97**

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

*(20 October 1997)*

*Subject:* Attempts to circumvent environmental legislation in Greece

The highly reputable Greek Ornithological Society recently announced that environmental legislation in Greece — and by extension the protection of the natural environment in that country — was under attack because the Greek Government was tabling a large number of amendments to various bills with the aim of 'loosening up' environmental provisions so as to overcome obstacles to the take-up of funds for major projects.

The same organisation states that 'the countdown for environmental legislation began with the abolition of the publication of ministerial decisions approving the environmental conditions of projects of major economic importance'.

The lack of transparency of the entire procedure raises vital questions regarding the effective protection of the natural environment in Greece; moreover, the appalling fact has come to light that heavy industries can now be established even in ecologically sensitive regions protected by Community legislation, and notably in regions covered by the Ramsar Convention.

Will the Commission give its official views on this matter and say how it intends to make clear to the Greek authorities that they have a duty effectively to protect the natural environment?

(98/C 187/06)

**WRITTEN QUESTION E-3421/97**

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

*(31 October 1997)*

*Subject:* Implementation of Community environment legislation

In making a number of amendments to certain laws and draft laws, the Greek Government is carrying out a systematic assault on the natural environment in Greece on the pretext of increasing its take-up rate of Community funds. This process began with abolishing the publication of Ministerial decisions approving the environmental criteria for projects of major economic significance and the method of approving the terms and conditions for building and operating large-scale projects by the Greek Parliament so that no checks are made on the quality of the EIAs or on whether the conditions laid down are adequate.

Furthermore, the recent Law on Industry also abolished the need for prior approval of the location of an industry. Article 4 of Law 2516/97 abolishes the need for prior approval of the location of industrial activities before they are established, which means in practice that hazardous industrial activities may be set up without taking account of the broader planning and environmental implications. Moreover, a recent law on the regions abolished the fundamental statutory requirement to carry out an EIA before commencing works, even including work to set up landfill sites. (Article 23 of Law 2503/97 allows contracts for creating landfill sites toto be awarded before any EIA has been carried out). Finally, a recent draft law already before the Greek Parliament attempts to abolish the role and the responsibilities of the Ministry for the Environment, Regional Planing and Public Works (Article 59) by transferring some of its basic powers to the Ministry of Agriculture.

Given that such measures are contrary to the environment policy defined in Article 130r of the Treaty, will the Commission say in what way the above actions are consistent with Article 7 of the Regulation on the Structural Funds which states that: 'Projects financed by the Structural Funds must be consistent with EU policies, particularly those concerning environmental protection' and what measures will it take to compel the relevant Greek authorities to respect and implement existing Community law?

**Joint answer**
**to Written Questions E-3297/97 and E-3421/97**
**given by Mrs Bjerregaard on behalf of the Commission**

*(17 December 1997)*

Member States are obliged to communicate to the Commission any legislative act transposing Community legislation as well as related amendments.

The Commission is not aware of the recent amendments to certain laws which, according to the Honourable Member, were introduced by the Greek government in the framework of the environmental impact assessment, and which might be contrary to Community environment policy and legislation.

Because of the seriousness of the matters raised by the Honourable Member, the Commission will contact the Greek authorities in order to ensure that any amendments or new laws concerning the environmental impact assessment are in conformity with Community legislation and policy in the field of the environment.

(98/C 187/07)

**WRITTEN QUESTION E-3300/97**

**by Angela Sierra González (GUE/NGL) to the Commission**

*(20 October 1997)*

*Subject:* UK import limits on products originating in the Canaries

The British Government's Medicines Control Agency has informed that country's importers that the Canary Islands do not belong to the European Union. For that reason, a series of measures have been established in the UK limiting parallel imports of pharmaceutical products from the Islands.

This outrageous state of affairs constitutes an assault on the Canary Islands community's exercise of Community freedoms within the European Union, and any other EU territories.

Is the Commission aware of the facts in question?

What measures does the Commission intend to take with regard to this infringement of the principle of freedom of movement of goods between territories which belong to the EU on an equal footing?

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

*(15 January 1998)*

Before the facts referred to by the Honourable Member can be assessed, it is necessary to know the reasons why the Medicines Control Agency refused to allow parallel imports of pharmaceutical specialities from another Member State to be marketed in the United Kingdom.

If the Agency's refusal is based on tax considerations, the Commission would refer the Honourable Member to the answer given to Written Question E-1956/93 by Mr Sanchez Garcia ([1]).

If the reasons given do not relate to tax and given that the Canary Islands form part of the customs territory of the Community, a refusal by the United Kingdom authorities to allow imports of pharmaceutical products might be regarded as an obstacle to intra-Community trade that is in breach of Article 30 of the EC Treaty.

Before looking into the matter more closely, the Commission would like to have more detailed information regarding the reasons for the refusal. It would therefore ask the Honourable Member to contact it in order to clarify the situation.

([1]) OJ C 219, 8.8.1994.

(98/C 187/08)

**WRITTEN QUESTION P-3353/97**

**by Caroline Jackson (PPE) to the Commission**

*(15 October 1997)*

*Subject:* Amsterdam Treaty: Declaration on the quality of the drafting of EU legislation

1. What action does the Commission propose to take to lay down guidelines on the quality of drafting of Community legislation, as it was invited to do by the European Council meeting in Amsterdam?

2. What appropriate organizational measures does the Commission plan to take to ensure that the guidelines are applied?

3. Will its priorities include a review of staff training, the allocation of specific responsibilities to staff in each section to monitor output for plain language, and an examination of the work of the Commission's legal service?

4. When does the Commission expect to complete its initiatives on the quality of drafting of Community legislation, and will it produce a report for the Council and European Parliament on the outcome?

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

*(5 November 1997)*

1. The Commission would draw the Honourable Member's attention to the fact that Declaration 39 on the quality of the drafting of Community legislation, annexed to the Amsterdam Treaty, requests Parliament, the Council and the Commission 'to establish by common accord guidelines for improving the quality of the drafting of Community legislation.'

2. - 4. The reply to these questions will depend on the work referred to above. The Commission recalls that it has already taken a number of measures to improve the quality of legislation in the broad sense. These measures are referred to in the annual report on Better law-making (1). The 1997 report will appear in the next few weeks.

(1) Doc. CSE(96) 6007.

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(98/C 187/09)

**WRITTEN QUESTION E-3361/97**

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

*(22 October 1997)*

*Subject:* Environment education

What funds, if any, and under what budget line, are available for environment education in developing countries such as India, Bangladesh and Nepal?

If there are any such funds, exactly what are they being used for?

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

*(6 November 1997)*

The Commission would refer the Honourable Member to its answer to her Written Question E-3197/97 (1).

(1) OJ C 158, 25.5.1998, p. 55.

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(98/C 187/10)

**WRITTEN QUESTION E-3384/97**

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

*(23 October 1997)*

*Subject:* Application form for the European Environment Agency (Copenhagen)

Official Journal C 294A of 27 September 1997 states that the European Environment Agency is organizing a selection procedure to recruit a deputy director.

The application form attached is in English only (this is true of all the language versions of the Official Journal).

If the Commission is really seeking equal treatment for all citizens throughout the European Union, does it not feel that all candidates for this selection procedure should be able to participate in their mother tongue, and does it not think that candidates whose mother tongue is English will be at a clear advantage in this particular instance?

Is the Commission prepared to take effective and tangible measures to prevent any form of future discrimination, and does it have any plans to provide application forms in all the official languages for this selection procedure?

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

*(1 December 1997)*

As the Honourable Member will be aware, the European environment agency is an independent body over which the Commission has no direct control. Responsibility for all agency staff matters, including recruitment, rests with the agency's management board which delegates the day-to-day tasks and general managerial issues to the executive director. The management board itself has two representatives appointed by the Parliament who may be able to help with further clarification in this matter.

The notice for a selection procedure to recruit a deputy director was published in the Official journal in all the language versions based on the material received from the agency. The texts supplied and published consisted of an application form in English and a notice of the vacancy in all the official languages. The decision whether to publish new application forms is a matter for the agency, but the agency has informed the Commission that all candidates for the post who have applied to the agency will be supplied with identical application forms but in their own language so that equal treatment of all the applications can be assured.

As a general rule, Commission representatives on the management board will uphold principles of equality of opportunity and selection on the basis of the ability, efficiency and integrity of the candidate in relation to the requirements of the post.

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(98/C 187/11) **WRITTEN QUESTION E-3407/97**

**by Roberta Angelilli (NI) to the Commission**

*(28 October 1997)*

*Subject:* Advertising which offends against human dignity and good taste

In carrying out their campaigns advertising agencies often completely ignore all considerations of good taste and human dignity. This applies to television, radio, the press, posters and street hoardings. Consumers are forced to put up with interference in their private lives and patiently endure obscene images, phrases which offend against public decency and the presentation of male and, far more frequently, female figures as consumer goods.

Although there have been various parliamentary questions on the subject, including some by the author of this question, and although the European Parliament has taken a hard line against this kind of advertising, the problem is far from being solved.

Whilst the subject was being debated in Strasbourg, a well-known clothing producer 'Swish Jeans' launched an advertising campaign which beggars belief. It consisted of two different advertisements which, using an extremely provocative image of the well-known model Cindy Crawford, were accompanied by the following captions: 'campaign for the sighted' and 'even Parliament's members will rise to the occasion'. Needless to say, this advertising, based on dubious double meanings, seriously offends against women and the blind, as well as being indecent.

In view of this, can the Commission say:

1. whether the time has come to launch measures which go beyond mere discussion or a general call for codes of conduct,
2. whether practical measures are being considered, including the penalization of firms which persist in adopting advertising strategies which offend against human dignity;
3. what practical effects have been achieved by the measures already taken by the Community institutions?

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

*(2 February 1998)*

The Commission is conscious of the need to protect the image of women in advertising and the media.

European studies on the image of women in the media carried out in recent years with financial support from the Commission have shown the complexity and diversity of female figures in the media, including those which undermine human dignity.

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 [1] stipulates that television advertising must not prejudice respect for human dignity or include any discrimination on grounds of sex.

In its third medium-term Community action programme on equal opportunities for women and men (1991 to 1995) [2], the Commission set out measures to promote a positive image of women, in particular by encouraging improvements in the portrayal of women in the media sector and in the corresponding institutional and occupational bodies, by developing innovatory programmes to combat traditional clichés and by drawing up recommendations on the way in which women are portrayed in the media.

In its Resolution of 5 October 1995 on the image of women and men portrayed in advertising and the media [3], the Council calls on the Member States and other competent bodies to provide for appropriate measures to ensure respect for human dignity and an absence of discrimination on grounds of sex. This Resolution also calls on the Member States and other competent bodies to encourage advertising agencies and the media to foster the development and application of codes of voluntary self-regulation.

However, specific initiatives for penalising enterprises which persist in adopting advertising strategies that offend against human dignity, as suggested by the Honourable Member, lie outside the sphere of competence of the Community.

(1) OJ L 298, 17.10.1989.
(2) OJ C 142, 31.5.1991.
(3) OJ C 296, 10.11.1995.

(98/C 187/12)

**WRITTEN QUESTION P-3428/97**

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

*(21 October 1997)*

*Subject:* GNSS Satellite Navigation Systems

The EU is developing the European Geostationary Navigation Overlay System (EGNOS). This is the European component of the Global Navigation Satellite System (GNSS-1), an extension of the GPS and GLONAS military systems to include civil systems. In the longer term GNSS-1 is due be replaced by a global civil satellite navigation system (GNSS-2); this includes a European component which can be operated by the Europeans independently, in the event that no solution can be reached with the USA which is acceptable to the EU. The Commission's final decision is to be made dependent in part on the results of a cost-benefit analysis.

In view of the above, will the Commission say:

1. To what extent is a useful agreement with the USA in the offing, and how long will the Commission be able to wait for a solution involving the USA without jeopardizing European interests?

2. Is the Commission aware that the European civil aviation sector, one of the main potential buyers of navigation services, considers that the objective of the EGNOS project can already be attained using existing technology, i.e. by using the full potential of the GPS system backed up by on-board augmentation, and why does it therefore insist of the development of the former?

3. How can the Commission ensure that the costs arising from the EGNOS project are not passed on to the airlines, even though the latter do not expect any additional benefits from EGNOS?

4. Why are the limited financial and technical resources available not already being used to develop the distinctly more modern and forward-looking GNSS-2 instead of the GNSS-1 system?

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

*(3 December 1997)*

1. The Commission is involved in exploratory discussions with the American administration on a wide range of issues relating to the Global Navigation Satellite System (GNSS), including the question of whether a guaranteed level of service from their GPS satellite system is possible. It is too early to take a view on the likely outcome.

2. The discussions, organised in the framework of the new trans-Atlantic agenda, also aim at establishing the possibility for European industry to participate in this new emerging field. Discussions with the United States also promote European interests in the second generation system, GNSS2, on which work has already started. A communication on the implementation of a trans-European positioning and navigation system together with an action plan for GNSS will soon be presented by the Commission. This will deal, inter alia, with strategic issues, including our negotiations with the United States.

3. The Commission considers that EGNOS will have benefits for the aviation community. Studies have demonstrated that the use of existing GPS technology can provide benefits only for some phases of navigation, and crucially, the types of GPS on-board augmentations available would not be certifiable for safety critical applications or sole-means navigation. The essential component missing to certify this equipment is the integrity information which is provided by EGNOS. Many airports not equipped with all weather landing equipment will be able to offer such a capacity through EGNOS. Although aviation accidents are fortunately rare, a substantial proportion are due to the inadequacy of conventional navigation aids.

4. The fact that GNSS/EGNOS potentially offers a 'one-stop' navigation aid solution is certainly a serious consideration compared to the cost of installing various on-board systems on an aeroplane to cater for all phases of flight. GNSS will also allow the withdrawal of some expensive terrestrial navigation aids once the system is fully in place. It also combines GPS and GLONASS, for greater reliability.

5. The Commission is examining possible means of financing for EGNOS (GNSS 1). The development of EGNOS will also be multimodal. The attribution of costs between public sector and users will depend on a range of factors, including the benefits each sector may derive. There is a case for developing a system that is self-financing in the medium term.

6. As mentioned above, the Commission, in close co-operation with the European Space Agency, has already initiated preparatory work for GNSS 2, in which European industry will actively participate. It is also important to note that many EGNOS developments such as the existing geostationary satellites and the ground stations, are also likely to be used in GNSS2. Similar systems to EGNOS are being implemented in other parts of the world. If the Community stays absent and lets all the standards be set by others it will be very difficult for European industry to enter a market (whether GNSS1 or GNSS2) which in Europe alone will be worth many thousands of mecus.

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(98/C 187/13) **WRITTEN QUESTION E-3460/97**

**by Amedeo Amadeo (NI) to the Commission**

*(31 October 1997)*

*Subject:* JRC in Ispra

The Ispra JRC does not always appear to be run in a totally transparent manner. In particular, the Italian members of staff do not appear to be accorded their rightful place in the organization.

Would the Commission not agree that it should conduct inquiries into why Italian members of the JRC staff continually lodge complaints pursuant to Article 90 of the Staff Regulations or appeal to the Court of First Instance? Some officials actually have several complaints or appeals pending.

Does the Commission not find it strange that such complaints are confined exclusively to Italian staff and are unheard of among staff of other nationalities?

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

*(20 January 1998)*

The Commission's statistics show that staff lodge complaints under Article 90 of the Staff Regulations and appeal to the Court of First Instance without any substantial quantitative differences regarding places of employment. It is understandable in Ispra's case that Italians would avail themselves of these facilities more than other nationalities as there is a higher representation of this nationality than any other in that organisation.

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(98/C 187/14) **WRITTEN QUESTION E-3465/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Spain, the Czech Republic and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to Spain in 2003 in the event that the Czech Republic were to be a Member State of the European Union, in view of the present macro-economic prospects of that country, of Spain and of the other Member States of the Union?

(98/C 187/15) **WRITTEN QUESTION E-3466/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Spain, Poland, Hungary and the Czech Republic and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to Spain in 2003 in the event that Poland, Hungary and the Czech Republic were to be Member States of the European Union, in view of the present macro-economic prospects of these countries, of Spain and of the other Member States of the Union?

(98/C 187/16) **WRITTEN QUESTION E-3467/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: the Czech Republic and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to the Czech Republic in 2003 in the event that it were to be a Member State of the European Union, in view of the present macro-economic prospects of that country and of the European Union?

(98/C 187/17) **WRITTEN QUESTION E-3468/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Cohesion Fund countries in 2003

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What countries shall benefit from the Cohesion Fund in 2003 in view of current macro-economic porspects?

(98/C 187/18) **WRITTEN QUESTION E-3469/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Hungary and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to Hungary in 2003 in the event that it were to be a Member State of the European Union, in view of the present macro-economic prospects of that country and of the European Union?

(98/C 187/19)

**WRITTEN QUESTION E-3470/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Poland and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to Poland in 2003 in the event that it were to be a Member State of the European Union, in view of the present macro-economic prospects of that country and of the European Union?

(98/C 187/20)

**WRITTEN QUESTION E-3471/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Spain, Poland and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to Spain in 2003 in the event that Poland were to be a Member State of the European Union, in view of the present macro-economic prospects of that country, of Spain and of the other Member States of the Union?

(98/C 187/21) **WRITTEN QUESTION E-3472/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Spain, Hungary and the Cohesion Fund

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

What proportion of the Structural Fund would be allocated to Spain in 2003 in the event that Hungary were to be a Member State of the European Union, in view of the present macro-economic prospects of that country, of Spain and of the other Member States of the Union?

(98/C 187/22) **WRITTEN QUESTION E-3476/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Agenda 2000: Cohesion Fund and new Member States

The Agenda 2000 presented by the Commission on 15 July 1997 (COM(97) 2000 final) proposes to maintain the Cohesion Fund in its present form, reaffirming thus that this Fund will continue to be the principal instrument to help the less wealthy countries to pursue their efforts at economic recovery and convergence. At the same time, however, it is stressed that the Cohesion Fund will constitute an instrument of great interest to future Member States, the investment needs of which are considerable particularly in this regard, whilst provision is made for an interim review of eligibility (at the mid-way point, i.e. in 2003) according to the criterion of a per capita GNP below 90% of the Community average.

Although the meaning of the above seems to be that Member States which have major deficiencies as regards infrastructure, i.e. the peripheral regions, shall continue to receive the same level of aid which is of vital importance to enable them to approach the level of development of more central Member States, it could be interpreted in other ways.

Does the proposed 'interim review' mean that, as of 2003, Member States currently benefitting from these funds will have to share them with any new Member States which will have such a low starting point as regards development that most of the aid would be concentrated on them?

**Joint answer**
**to Written Questions E-3465/97, E-3466/97, E-3467/97,**
**E-3468/97, E-3469/97, E-3470/97, E-3471/97, E-3472/97 and E-3476/97**
**given by Mrs Wulf-Mathies on behalf of the Commission**

*(22 January 1998)*

A mid-term review is foreseen in Article 2(3) of the currently applicable Regulation No 1164/94 governing the Cohesion fund ([1]). In its communication Agenda 2000 ([2]) the Commission also proposes a mid-term evaluation for the new funding period in order to verify whether the recipient Member States still fulfil the eligibility criteria, i.e. whether their per capita gross national product (GNP) remains below 90% of the Community average.

Should enlargement have taken place by that time, the necessary calculations would be made on the basis of data for the enlarged Community. Given present Commission forecasts for economic growth and assuming that all six countries in respect of which the Commission has proposed to open accession negotiations were to become members by 2003, Spain should even on that basis still be eligible for Cohesion fund support. The Honourable Member's questions refer to situations in which only individual candidates or small groups of them accede by 2003. This is not the basis of the Commission's financial calculations in Agenda 2000. Such hypothetical situations would, however, be no less favourable to Spain.

The 45 000 MECU proposed by the Commission for structural measures in favour of the Central and Eastern European countries (CEECs) include an allocation for Cohesion fund type measures. Therefore the budget of 20 000 MECU for the Cohesion fund proposed in Agenda 2000 would be divided only between the present Member States fulfilling the eligibility criteria. Spain's future allocation will thus depend on its position compared to the other recipients among the present Member States.

(1) OJ L 130, 25.5.1994.
(2) COM(97) 2000 final.

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(98/C 187/23)

**WRITTEN QUESTION E-3482/97**

**by Panayotis Lambrias (PPE) to the Commission**

*(31 October 1997)*

*Subject:* Involvement of private individuals in monitoring the application of Community law

The Commission has acknowledged on numerous occasions that the application of Community law calls for vigilance on the part of private individuals, bringing matters to the attention of the Union's Institutions by exercising their right to complain to the relevant administrative services. However, in the past, the volume of complaints has led to administrative failings in investigating the problems involved. Will the Commission, therefore, say whether it has planned to take a more systematic approach so that individuals' rights in this respect are not undermined?

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

*(18 December 1997)*

Complaints from individuals are certainly one of the main sources on which the Commission bases itself when monitoring the application of Community law (the Honourable Member is referred to Annex I, Table 1.1 of the annual reports on monitoring the application of Community law).

On the other hand, the Commission does not know which case the Honourable Member has in mind when he speaks of 'administrative failings in investigating the problems involved' and of ensuring that 'individuals' rights in this respect are not undermined'.

Every complaint lodged with the Commission is duly recorded and examined.

Infringement proceedings are initiated in all cases where the examination of a complaint leads the Commission to suspect that a Member State is in breach of the Community rules. Only where no such suspicions are warranted does the Commission consider the matter closed and inform the complainant accordingly.

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(98/C 187/24)

**WRITTEN QUESTION E-3502/97**

**by Eryl McNally (PSE) to the Commission**

*(10 November 1997)*

*Subject:* Bribery in EU Member States

In 1985 in Abidjan, a British man employed by BT was murdered; evidence associated with his murder indicates that the aid project he was working on was being subjected to corrupt practice.

Given the differences that exist in the standards of commercial conduct operating within the EU, what can the European Union do to ensure that all Member States discourage bribery and corruption by firms operating within their territories and in their international operations? What can the European Union do to encourage all Member States to make bribery a criminal and civil offence, and to end tax breaks for bribery?

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

*(15 January 1998)*

The Commission is giving its full attention to the problem raised by the Honourable Member. It sent a communication to the Council and Parliament in May 1997 on 'a Union policy against corruption' ([1]), the aim of which is to frame an anti-corruption strategy both within and outside the Community. It analyses the problems of corruption and criminal law and the tax deductibility of bribes and proposes practical measures. In addition it addresses the peculiar problems of corruption in external aid and cooperation.

In its development cooperation policy the Commission is continuing work on combating corruption, notably by preparing a communication on good governance as part of the implementation of Article 5 of the fourth Lomé Convention and by seeking to strengthen the anti-corruption clauses in the Commission's contractual links with aid recipients and bodies implementing aid programmes. This work is being coordinated by the OECD, the World Bank and the IMF. A Council common position of 6 October 1997 was adopted on the strength of Article K3 on the Treaty of European Union concerning negotiations on corruption within the Council of Europe and the OECD ([2]). The negotiation of an OECD convention on the fight against corruption by foreign officials in international commercial transactions, was completed on 20 November 1997.

([1]) COM (97) 192 final.
([2]) OJ L 279, 13.10.1997.

(98/C 187/25) **WRITTEN QUESTION E-3529/97**

**by José Barros Moura (PSE) to the Commission**

*(12 November 1997)*

*Subject:* The Pintasilgo report

In his reply to my Written Question E-2402/97 ([1]) Commissioner Flynn has failed to answer question 2 on whether the proposals set out in the Pintasilgo report have had any substantial impact on EU social policy. Will he now rectify this omission?

([1]) OJ C 82, 17.3.1998, p. 70.

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

*(8 January 1998)*

The Commission wishes to inform the Honourable Member that it will continue in 1998 its reflections on the future of fundamental rights at Community level. This work will certainly take into account the recommendations drafted by the committee chaired by Mrs Pintasilgo.

(98/C 187/26) **WRITTEN QUESTION E-3532/97**

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

*(12 November 1997)*

*Subject:* Environmental impact assessments

1. Is the Commission aware that the environmental impact assessment (EIA) procedure may be abused and hence is meaningless if, in the case of an integrated regional plan, only elements which are subsequently varied are subjected to EIAs, so that no comparison is made between the environmental compatibility of a variant included in the original plan and that of a new variant which departs from the plan?

2. Is the Commission planning to amend the EU Directive on EIAs so as to guarantee that EIAs serve their original purpose?

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

*(18 December 1997)*

The Commission would remind the Honourable Member that, for the moment, the environmental impact assessment procedure for public and private projects subject to Community legislation and planning are not interconnected.

A project will be subject to an obligatory procedure if it is one of the types of projects listed in Annex I of the Community Directive or if, by its nature, size or location, the Member State believes that it should undergo such a procedure.

The Commission is not aware of any misuse of this procedure such as referred to by the Honourable Member.

The Honourable Member is undoubtedly aware that Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment ([1]) will come into force in March 1999. The Commission does not intend to modify this new legislation.

([1]) OJ L 73, 14.3.1997.

(98/C 187/27) **WRITTEN QUESTION E-3533/97**

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

*(14 November 1997)*

*Subject:* Turkish aggressiveness towards Greece

On 16 October 1997 the continuous acts of provocation by Turkey towards Greece, an EU Member State, reached a hitherto unprecedented level when a C-130 aircraft transporting the Greek Minister of Defence and his entourage from Cyprus to Crete was intercepted by Turkish warplanes in Greek airspace.

This action constitutes a threat to peace in the south-east Mediterranean, infringes all EU rules and shows total disregard for the Madrid Agreement (now a dead letter in any case) and for Council and Commission admonitions regarding peaceful co-existence between the two countries. In addition, it constitutes a violation of all international treaties.

Furthermore, Turkey displayed total disregard for the lives and safety of the passengers on board the aircraft.

What measures will the Council take with regard to Turkey, a country associated with the EU, in view of its repeated provocations?

Will the President-in-Office raise this matter for discussion in the Council of Foreign Ministers or at the summit meeting in December?

**Answer**

*(17 March 1998)*

Turkey features regularly on the Council's agenda. The Council attaches great importance to the promotion of relations between Greece and Turkey and the settlement of issues between them in accordance with international law, including means such as the International Court of Justice, as well as to the promotion of good-neighbourly relations and rejection of the threat or use of force in accordance with the United Nations Charter. The Council emphasizes the importance of refraining from any unilateral action which might run counter to that spirit.

The Council welcomes the decision taken by Mr Simitis and Mr Yilmaz in the margins of the Balkan Summit in Crete in early November 1997 to resume the process of normalizing relations between their countries. It hopes that the informal agreement in principle concluded in Madrid will be applied to that end. In the same spirit, the Council will do all it can to facilitate relations. In particular, the Presidency will cooperate with the experts from the Eminent Persons Working Party in their task of preparing procedural suggestions to solve the problems in the Aegean.

The Luxembourg European Council confirmed that the strengthening of the Union's relations with Turkey depended, among other factors, on the establishment of satisfactory and stable relations between Greece and Turkey.

Following the conclusions of the Luxembourg European Council, the Council is now working on the European Union's strategy vis-à-vis Turkey.

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(98/C 187/28) **WRITTEN QUESTION E-3541/97**

**by James Moorhouse (PPE) to the Council**

*(14 November 1997)*

*Subject:* Transexual citizens in the European Union

In the light of the Council of Europe Recommendation 1117 and the great disparity in the legal status and treatment of transexual European citizens in the various Member States, are there any plans to introduce proposals to improve civil rights for this group of disadvantaged and discriminated against citizens?

Is the Council aware of the extent of discrimination in employment, passport rights, rights in prison, rights concerning adoption and marriage and how these differences are having a serious detrimental effect on the well-being, economic prosperity and happiness of many European Union citizens?

**Answer**

*(17 March 1998)*

The Council has taken note of the judgment of the Court of Justice on the interpretation of Directive 76/207 in the case of access to employment and working conditions for a transsexual [1].

The Council would inform the Honourable Member that it is not currently examining the issue of transsexual citizens of the European Union. Nor has it received any proposals on the matter.

[1] Court Judgment of 30 April 1996, P v. S and Cornwall County Council, Case C-13/94, ECR p. I-2143.

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(98/C 187/29) **WRITTEN QUESTION E-3545/97**

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

*(12 November 1997)*

*Subject:* Progress towards harmonization of motor vehicle number plates

Symbols are one of the most effective ways of making European citizens identify with the idea that they are part of a community within the European Union.

That is why the harmonization of motor vehicle number plates to include the Union logo has been one of the most successful factors in helping to popularize the ideas which help to establish this sense of community in Europe.

However, not all countries have yet adopted the new harmonized number plate, to the disappointment of the citizens concerned.

Does the Commission consider that encouragement should be given to those countries which have not yet introduced the harmonized number plate with the Community logo to do so as swiftly as possible?

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

*(19 December 1997)*

The Commission would refer the Honourable Member to its answer to his written question No E-2574/92 ([1]).

Since then, Germany and France have also adopted the Community model of number plates in addition to Ireland and Portugal.

([1]) OJ C 86, 26.3.1993.

(98/C 187/30) **WRITTEN QUESTION E-3550/97**

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

*(12 November 1997)*

*Subject:* Abandonment of teaching of geography in Italy

Is the Commission aware that the Italian Ministry of Education's pilot project relating to the first two years of 'higher secondary' teaching, which has already been introduced in 150 establishments, does not include any geography. This has a whole series of serious implications for the teaching profession since many teachers of geography are being forced to 'quit'.

1. Does the Commission agree that this will greatly undermine educational standards?

2. Does it agree that the Italian Ministry's decision is at odds with the policy of promoting the 'cultural value' of geography which applies in all equivalent education systems in the European Union?

3. Will the Commission ask the Italian Government to annul this alarming decision?

(98/C 187/31) **WRITTEN QUESTION E-3802/97**

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

*(26 November 1997)*

*Subject:* Removal of geography from the school curriculum in Italy

The Italian Minister of Education has announced his intention of removing geography from secondary and higher education syllabuses. A pilot project is already being implemented this year in 150 establishments, heralding the removal of the subject from the two-year cycles of study, following its stealthy disappearance, in recent years, from the timetable for some technical-vocational courses.

Whilst respecting the autonomy of governments to make their own decisions in the field of education, what is the Commission's view of proposals of this nature?

Does it not agree that to abolish such a long-standing subject which overlaps so much with other subjects would place a major obstacle in the way of learning about other people in a world in which globalization and the process of European unification increases, rather than reduces, the need for knowledge about geography and about the peoples inhabiting our planet, especially Europe?

Does it not agree that this proposal will result in the impoverishment of the cultural heritage of Italian children compared to their peers elsewhere in the EU? How will they be able, in future, to identify and situate the regions of our continent, with which they could have to form vital links, in their work, or for the purposes of tourism or culture?

**Joint answer**
**to Written Questions E-3550/97 and E-3802/97**
**given by Mrs Cresson on behalf of the Commission**

*(10 December 1997)*

The Commission takes note of the fact that in its draft proposal for the revision of the curriculum of the first two years of secondary school the Italian ministry of Education has not introduced the teaching of geography.

The Commission refers the Honourable Members to Article 126 of the EC Treaty which defines the action of the Community in the field of education as 'fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems'.

The revision of the curriculum, the choice of subjects and their distribution over the years of schooling are all domains under national competence.

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(98/C 187/32) **WRITTEN QUESTION E-3551/97**

**by Gianni Tamino (V) to the Commission**

*(12 November 1997)*

*Subject:* Experiments on embryos

The media have widely reported that an English biologist, Jonathan Slaek, has produced headless frogs by means of manipulation during the development of the embryo. This method makes it possible to develop embryos containing only certain organs. As Slaek himself states, it is hoped to extend this method to mammals, including human beings, so as to obtain a kind of 'organ factory' through the use of cloning.

Given that many researchers in various European states have said that similar experiments are being conducted in their laboratories, will the Commission state in what research centres such experiments are taking place and whether such research work is compatible with the Convention on human rights and biomedicine, as adopted by the Council of Europe in November 1996 and signed by nine EU Member States (Denmark, Finland, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain and Sweden), and generally with EU law and EP resolutions?

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

*(30 January 1998)*

The Commission is aware of the media attention being given to the experiments referred to by the Honourable Member.

This type of research in no way forms part of the Community framework research and technological development (TRD) programmes that are either in progress (4th Framework Programme) ([1]) or awaiting a decision (5th Framework Programme) ([2]). The Commission feels that this type of research is incompatible with basic ethical principles.

These principles are covered by Article 6 of the proposed 5th Framework Programme, and by a reference in Article 10 of the proposal for a decision on the rules governing participation in research activities (Article 130J).

(1) OJ L 117, 8.5.1990.
(2) COM(97) 142 final.

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(98/C 187/33)

**WRITTEN QUESTION E-3552/97**

**by Gianni Tamino (V) to the Commission**

*(12 November 1997)*

*Subject:* Funding under Regulation 1318/93/EEC in Italy and sales of Colorado meat

Further to my previous questions E-4101/96 (1) and E-0970/97 (2) on the subject of EU funding for advertisements to promote the consumption of beef and veal in Italy, which have been condemned by the Italian self-regulatory authority for advertising standards, a member of the AEEP/EASA (European advertising standards association), I wish to point out that the Rome edition of the 'Corriere della Sera' newspaper of 21 October 1997 contained a page of advertising from the 'GF Commercio Carni' company, a signatory to the aforementioned notices together with the 'Consorzio Italiano Macellatori', which refers to the EEC mark obtained and their compliance with the 'Pregiata Qualità Bovina' certified quality standard. It also states that 'in a constant bid to improve quality, we have included among our most prestigious products Colorado 'American beef''.

Does the Commission consider it acceptable to extend funding to companies which, in the same advertisement, pride themselves in having obtained the EEC mark and in selling non-European — indeed American — meat?

What is the total amount granted by the Commission to 'GF Commercio Carni' and 'Consorzio Italiano Macellatori'?

(1) OJ C 217, 17.7.1997, p. 62.
(2) OJ C 45, 10.2.1998, p. 11.

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

*(10 December 1997)*

The page of advertising to which the Honourable Member refers does not form part of any promotion campaign funded by the Community.

It is purely commercial advertising by a company which sells both high-quality meat which meets the Community criteria and meat of other origins.

The Commission is sending the decision on the Community's financial contribution to 1997 programmes to promote high-quality beef to the Honourable Member and to Parliament's Secretariat direct.

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(98/C 187/34)

**WRITTEN QUESTION E-3553/97**

**by Jan Sonneveld (PPE) and Jan Mulder (ELDR) to the Commission**

*(12 November 1997)*

*Subject:* Small producers of generic plant-protection products in the European Union

Can the Commission provide substantiated answers to the following questions:

1. Is it aware that as a consequence of Council Directive 91/414/EEC (1), smaller European producers of generic plant-protection products are experiencing great difficulties, since they neither have access to the required data that are necessary for securing approval of the plant-protection products produced by them, nor are they able to refer to data already known to larger producers owing to obstruction by the latter, and cannot afford the very high research costs involved in deriving such data?

2. Is it aware that larger producers are taking advantage of this situation and are likely to recover their monopoly or oligopoly on the Community market in protection products, including generic ones?
3. Is it aware that the smaller producers are prepared, provided that they are still admitted to the re-evaluation programme, to pay a reasonable fee for the right to refer to the studies already completed by the bigger producers?
4. Does it not take the view that, as regards the active substance in future lists, all producers should be compelled to cooperate, so that only one dossier would need to be submitted for each active substance?
5. Does it agree that an independent body could arbitrate in that process?
6. Does it agree that such a system would prevent waste of resources and maintain competition?
7. Is it aware that detailed plans for such a system have been drawn up by smaller producers and that such a system has worked to the complete satisfaction of all parties for some years now in the United States?

(1) OJ L 230, 19.8.1991, p. 1.

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

*(5 January 199!)*

The Commission is fully aware of the extensive requirements in Directive 91/414/EEC with regard to the delivery of data necessary for the evaluation of pesticide active substances and of plant protection products, and with regard to the protection of these data to the benefit of the companies that submitted these data.

Plant protection products are known as products with high potential risks for human health and the environment. It is normal therefore that they are extensively tested for all known possible effects they may have in relation to human and environmental safety. This implies the presentation of detailed study reports by the industry concerned on each of the multiple safety aspects which need to be addressed.

Given the high costs of many of the required study reports, the Council, in adopting Directive 91/414/EEC, provided for an extensive regime of protection of the data to the benefit of those companies which financed the studies concerned. In this way companies are encouraged to bring forward the required data with the consequence that new or existing products for which these studies demonstrate that the current high safety requirements for human health and the environment are satisfied for the products concerned, can come to the market or remain on the market to the benefit of Community agriculture.

Council Directive 91/414/EEC, in its Article 13(7), provides, with regard to data requested with a view to inclusion of an active substance in Annex I to the Directive, the principle of encouraging data holders to cooperate in the provision of data. In line with this principle, Commission Regulation (EEC) No 3600/92, laying down the detailes rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Council Directive 91/14/EEC concerning the placing of plant protection products on the market [1], provided that all notifiers for active substances have to take all reasonable steps to present collective dossiers. For many, but regrettably not all, active substances this led to the formation of task forces where several companies worked together for a collective dossier. For those cases where the presentation of collective dossiers was not realized, the Commission, by its Regulation (EC) No 1199/97 of 27 June 1997 amending Regulation (EEC) No 3600/92 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market [2], provided that the notifiers concerned can, at an early stage, obtain information on the studies for which protection is claimed. In this way these notifiers can take any steps to bring forward adequate data, if need be, by producing the studies independently or in co-operation with other notifiers.

The Commission is willing to consider, in the framework of a future proposal for amendment of the basic Directive 91/414/EEC, the possibility for reviewing the provisions in question, taking into account the experience gained with the current provisions, and also considering any proposals organizations representing the industries concerned may bring forward.

(1) OJ L 366, 15.12.1992.
(2) OJ L 170, 28.6.1997.

(98/C 187/35) **WRITTEN QUESTION E-3561/97**

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

*(13 November 1997)*

*Subject:* Engine and engine-room noise requirements

Why can my three simple questions not be answered with a 'yes' or a 'no'?

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

*(8 January 1998)*

The short reply to the three earlier queries by the Honourable Member (written question No 2009/97 (1)) is no, because there is no question of 'authorisation' by the Commission.

The Commission in its earlier reply provided the information requested by the Honourable member on the legal obligations pertaining to Denmark and the measures contained in the Directives to protect workers. In its reply to his written question No 2620/97 (2), the Commission gave the Honourable Member further technical information to assist in appreciating the legal situation.

(1) OJ C 391, 23.12.1997.
(2) OJ C 102, 3.4.1998, p. 74.

(98/C 187/36) **WRITTEN QUESTION E-3562/97**

**by Allan Macartney (ARE) to the Commission**

*(13 November 1997)*

*Subject:* French lorry and fishing-boat blockades — compensation for affected road hauliers still not forthcoming

Compensation for road hauliers who were adversely affected by the blockades carried out by French lorry drivers and fishing boats is still urgently awaited. Given the importance of compensation to the survival of the road haulage firms affected, does the European Commission intend to take positive action to secure an immediate response from the French authorities?

Further, is the Commission aware of any steps the French Government has taken recently to ensure that the Prefectures dealing with the claims are doing so in an expeditious and efficient manner?

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

*(20 January 1998)*

As the Honourable Member will know, the Commission has no legal authority to intervene in compensation cases arising from the blockades in France since compensation arrangements are established and governed by national law.

However, the French authorities have been reminded both in writing and in personal interventions by the responsible members of the Commission of the need to ensure appropriate compensation for those road hauliers directly affected.

The French authorities have also agreed to provide a detailed report to the Commission on how claims are progressing. Moreover, prior to a meeting convened by the Commission on 23 September 1997 with representatives of road hauliers whose compensation claims were still outstanding, a French delegation met the Commission to set out how their authorities were dealing with the claims. The Commission has subsequently also indicated to the French authorities the nature of complaints received regarding processing of compensation claims, asking them to take these into account and report on progress.

The French authorities indicated that they had issued three circulars to Prefectures setting out how such claims were to be processed. A team had also been set up within the Ministry of the Interior to ensure that any problems with processing claims within the Prefectures could be resolved.

The Commission will continue to make representations, taking into account the undertakings given publicity by members of the French Government to their counterparts in other Member States.

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(98/C 187/37)

**WRITTEN QUESTION E-3578/97**

**by Klaus Lukas (NI) to the Commission**

*(13 November 1997)*

*Subject:* The euro and price transparency

The introduction of the euro will result in a marked increase in price transparency throughout Europe. Normally, improvements in price transparency have an impact on competitiveness and on trade and production flows.

In this connection, what is the Commission's assessment of the introduction of the euro and its impact on employment?

How does the Commission intend to assess the requirement for a two-year membership of the EMS and what fluctuation margins are considered 'normal' in this context? (Can the Commission provide the relevant percentage fluctuations?)

**Answer given by Mr de Silguy on behalf of the Commission**

*(23 January 1998)*

The establishment of economic and monetary union (EMU) and the introduction of the euro will increase price transparency in the internal market. For consumers and enterprises it will be easier to compare prices of goods and services displayed in different Member States. This should lead to an increase of competition between producers and greatly facilitate trade inside the euro area.

The increase of competition, the reduction of transaction costs for cross border transactions and the creation of an integrated euro area capital market with the prospect of low interest rates will improve the conditions for investment in Europe. The single currency is therefore one of the main elements in the strategy of the Community to improve European competitiveness and to create the necessary conditions for long-lasting, non-inflationary growth and for employment creation.

As the establishment of EMU implies a single monetary and exchange rate policy inside the euro area, the link between wage settlements and employment will become more stringent. National monetary or exchange rate policies will no longer be able to accommodate wage and price developments which are not in line with the macroeconomic framework in Europe.

Concerning the convergence criteria 'exchange rate stability' it should be noted that Article 109 j (1) of the EC Treaty refers to 'the observance of the normal fluctuation margins provided for by the exchange rate mechanism of the European Monetary System, for at least two years, without devaluing against the currency of any other Member State'.

In August 1993, the ministers and the central bank governors of the Member States decided to widen temporarily the obligatory marginal intervention thresholds of the participants in the exchange rate mechanism of the European monetary system (EMS) to ± 15% around the bilateral central rates. At the same time, they reaffirmed their support for the procedures and criteria laid down in the EC Treaty with respect to the attainment of a sufficient degree of convergence in order to allow the realisation of EMU.

The Commission will base its assessment of this criterion on these bases when recommending in March 1998 the list of Member States which will have reached a high degree of sustainable convergence.

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(98/C 187/38)

**WRITTEN QUESTION E-3598/97**

**by Ernesto Caccavale (UPE) to the Commission**

*(13 November 1997)*

*Subject:* Misuse of cooperation funds

In 1993 approximately LIT 6 billion was allocated by DG VIII to CESTAS, an Italian NGO based in Bologna, for urgent health work in Angola.

There is still no evidence of CESTAS working in Angola, although it would seem that in 1993 and 1994 a large amount of expenses for extravagant 'fact-finding' missions in that tormented country were authorized by the directors of the NGO for its members.

Furthermore, it seems that the NGO had a number of problems with the Cape Verdean authorities (in Africa) in 1994 and 1995, since it allegedly failed for months to administer a project to combat AIDS, which was also commissioned and financed by the Commission's DG VIII.

Can the Commission:

1. shed light on these events without delay;
2. consider the possibility of suspending any funding which proves to have been wrongfully granted;
3. organize careful on-the-spot checks to ascertain whether EU funding is being used properly and efficiently;
4. assess whether there have been instances of 'favouritism' on the part of DG VIII and/or casual management by the officials responsible for on-the-spot checks?

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

*(8 January 1998)*

The Commission rejects any allegation that it shows favouritism in granting funds to NGOs for implementing development cooperation.

It systematically evaluates the merits of projects and programmes presented by European NGOs, notably as regards their compatibility with the development strategies of the countries concerned, before any financing decision is taken. It closely monitors project execution both at headquarters and in the delegations, with continued funding depending on strict implementation of the project even in sometimes difficult conditions.

On-the-spot project evaluation and supervision missions are carried out professionally and independently of the local authorities and NGOs concerned. Financing is suspended immediately if any irregularity is discovered. The last tranche is granted only on the basis of an implementation report and verification that expenditure has been made as planned in keeping with the rules on the utilisation of the funds.

The final tranche of the Cestas health project in Angola has not yet been paid. The Commission established that the NGO was having difficulties implementing the project in this strife-riven country. The NGO was asked to reorient the project and the measure has been extended.

As regards the Cestas project in Cape Verde, the health ministry complained about the delay in the supply of equipment. The dispute was settled in 1993 following an evaluation mission. The Cestas project came to an end in 1994 once all the services forming part of the contract had been performed. It is now being continued directly with the health education unit of the relevant ministry.

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(98/C 187/39)

**WRITTEN QUESTION E-3604/97**

**by Franz Linser (NI) to the Commission**

*(13 November 1997)*

*Subject:* Trans-European networks

Preparations for enlargement to the East appear to have led to a shift in TEN priorities in an East-West direction. Attention was drawn to this fact at the European Transport Conference held in Helsinki from 23 to 25 June 1997.

The Brenner base tunnel project has again been classified as a priority TEN project by the EU.

Can the Commission rule out the possibility of

1. any changes being made to the planned schedule or
2. preparations for enlargement to the East leading to changes in the financial planning?

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

*(16 January 1998)*

The München-Verona rail project (Brenner axis) forms part of the High-Speed rail / combined transport project Berlin — Nürnberg / München — Verona which is included in the list of the 14 transport projects to which the 1994 Essen European Council attached particular importance.

No change or shift has been made in these priorities and as far as the Commission is aware, there is no reason to expect that preparations for enlargement should affect either the timing or financing plan for this project.

From the outset, the Member States involved in this project agreed to upgrade the Brenner axis in such a way that sufficient capacity will be available to meet demand at all times.

For the Austrian Inn Valley section, the technical studies for the upgrading of the line to four tracks are progressing well and preliminary work on sub-sections will start in 1998.

For the planned Brenner base tunnel, the States involved have already carried out comprehensive technical and economic feasibility studies which have significantly contributed to the decision making process. In December 1997 the Commission, together with the Transport Ministers involved, approved a series of measures related to the forthcoming launch of the next phase of project preparation.

The financing of all TENs projects is the responsibility of the Member States involved and, in any event, the Community contribution cannot legally exceed 10% of the costs of any project. To date, all feasibility and technical studies on the project referred to by the Honourable Member have been carried out according to plan, both in terms of time and content. This is also expected for the further technical studies and works on the Austrian Inn Valley section.

The European Community has granted financial assistance from the trans-European transport network budget for feasibility and technical studies undertaken to date and the Commission also contributes to co-ordinating the co-operation of the Member States concerned in the gradual preparation and implementation of the Brenner project. In addition, in this context, it supports investigations into the possibility of a public-private financing and development partnership for the implementation of the Brenner base tunnel.

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(98/C 187/40) **WRITTEN QUESTION E-3607/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(13 November 1997)*

*Subject:* Commission communication on the impact of the introduction of the euro on capital markets (COM(97) 0337)

On the subject of fixed capital markets, one of the possibilities suggested in this document for redenomination of existing debt would be to work on the basis of a fixed minimum denomination with cash compensatory payments (the ‘top-down’ method).

Does the Commission intend to draw up a more detailed working document on this method?

(98/C 187/41)

**WRITTEN QUESTION E-3608/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(13 November 1997)*

*Subject:* Commission communication on the impact of the introduction of the euro on capital markets (COM(97) 0337)

On the subject of fixed capital markets, one of the possibilities suggested in this document for redenomination of existing debt would be to work on the basis of a fixed minimum denomination with cash compensatory payments (the 'top-down' method).

The document states that one drawback of compensatory payment — an essential part of a 'top-down' redenomination — is the variations in the cash flow generated by coupon payments and in the maturity value of the bond.

Can the Commission explain, in general terms, why it considers such variations would be harmful?

**Joint answer**
**to Written Questions E-3607/97 and E-3608/97**
**given by Mr de Silguy on behalf of the Commission**

*(13 February 1998)*

In the Commission communication on the impact of the introduction of the euro on capital markets [1], a number of methods for the redenomination of debt are examined. The two main methods examined are called 'top-down' and 'bottom-up'. The communication expresses a preference for the 'bottom-up' method. According to this method, redenomination would not alter the total volume of securities issued and the potential for rounding differences would be reduced to insignificant amounts.

According to the 'top down' approach the original issue is broken down into a number of 'pieces' with identical minimum denominations. Each of these minimum denominations is redenominated using the conversion factor and rounded to the nearest cent. The new total amount of the issue is then calculated by multiplying the minimum denomination in euro by the number of 'pieces'. This new total is likely to be different, because of rounding differences, from the direct conversion of the total amount of the issue. The difference would have to be accounted for through compensatory payments.

The compensatory payments would be necessary to avoid the possibility of artificially generating or destroying stock. This cash payment would expose either the issuer or the investor to reinvestment risk. As a consequence of such compensatory payments, the cash flow generated by coupon payments and in the maturity value of the bond would be slightly modified. This could have implications for the related derivative instruments since the hedges set up prior to redenomination are based on the exact expected cash flows generated by coupon payments and in the maturity value. If such cash flows are modified, even if the amounts are very small, they would no longer correspond to the related derivatives operations. If a 'top down' approach is chosen, it should be implemented in a way to avoid the potential problems. However, as mentioned above, the potential disruption would only appear in case of outstanding derivative contracts related to the denominated bond.

Detailed examples to illustrate the 'top down' method are included in the Commission communication (page 12 of the English version).

[1] COM(97) 337 final.

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(98/C 187/42)

**WRITTEN QUESTION P-3616/97**

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

*(10 November 1997)*

*Subject:* Implementation of Regulation 3577/92

The Commission report to the Council on the implementation of Regulation 3577/92 [1] states in paragraph 5.5 that the Commission is consequently of the opinion that the terms for manning vessels with crews from the state of registration should apply on a certain date (to be decided later) to the entire EU market in domestic maritime cabotage. A similar arrangement with some exceptions is advocated for regular ferry lines.

Will the Commission say:

1. Is such an amendment to Article 3 of Regulation 3577/92 — which will in practice reduce the number of Community workers in ships' crews — in keeping with the Commission's guidelines for increasing employment?

2. Has it failed to consider the particular consequences for islands which supply a large number of seamen, and notably Greek seamen, islands which it is supporting on the basis of the Treaty of Amsterdam?

3. Has it failed to consider the safety problems that will arise owing to the existence of mixed crews on passenger vessels and car ferries, in the light of the tragic accidents that have occurred for a number of reasons within the European Union? Is it willing to accept such a responsibility?

4. Why does the report refer to 'crew' while Article 3 of the Regulation refers to 'manning' of the vessel?

5. Finally, has the Commission any specific proposals for amending Article 3 of Regulation 3577/92, and if so what are they? Does it intend to support the principle of the 'host state' which would be in line with the principles of combating unemployment and promoting employment and growth in the European Union?

(1) OJ L 364, 12.12.1992, p. 7.

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

*(10 December 1997)*

As the Honourable Member is aware, Council Regulation (EEC) No 3577/92 lays down rules for the application of the principle of freedom to provide services to maritime transport within Member States, and is not designed as a specific measure to promote employment. However, in the report referred to by the Honourable Member the Commission has taken into account the sensitive employment situation in the island regions. The Commission has therefore suggested a specific provision for regular passenger and ferry services in island cabotage, which will allow Member States to protect the employment of Community seafarers. Considering that the major share of seafarers'jobs in cabotage is concentrated in this sector, the Commission takes the view that the suggested approach is in line with its employment policy. Moreover, it should be recalled that for the specific case of the Greek islands an additional derogation of five years has been granted by the Regulation to allow more time for adaptation to liberalisation.

The Commission is aware of the possible safety problem that the co-existence of heterogeneous crews on board passenger and ferry vessels may pose. However, Council Directive 94/58/EC on the minimum level of training of seafarers (1), allows Member States to require that a common working language is established and recorded in the ship's logbook. In addition, the legislation allows that a certain percentage of the crew, in particular those nominated on muster lists to assist passengers in emergency situations, must have communication skills that are sufficient for that purpose and which may consist, inter alia, in speaking the language or languages appropriate to the principal nationalities of passengers carried on a particular route. The Commission is also currently preparing a framework Directive on safety conditions for the operation of regular ferry and high speed passenger craft services in the Community.

Article 3 of Regulation (EEC) No 3577/92 dealing with manning covers all aspects relating to the crew. In the report, these terms are intended to have the same meaning. In particular, when assessing the number of jobs involved in the passenger and ferry services and cruise activities, the cabin crew and catering personnel have been taken into account as part of the crew.

There is no concrete proposal for an amendment of Regulation (EEC) No 3577/92 as yet.

(1) OJ L 319, 12.12.1994.

(98/C 187/43)

**WRITTEN QUESTION E-3621/97**

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

*(13 November 1997)*

*Subject:* Working conditions of airline crew members

Is the Commission aware of the controversy raging in almost all of the Member States — Italy in particular — regarding the working conditions of airline crew members (pilots, flight engineers and cabin staff)?

Those concerned maintain that their working conditions have become particularly stressful owing not least to increasingly fierce competition between airlines over recent years, which has resulted in a heavier workload for staff. Research carried out by Professor Scano indicates that this is seriously weakening crew members' immune systems, increasing their vulnerability to infections (tropical diseases in particular).

Given the above, does the Commission intend to take action in support of air crews?

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

*(21 January 1998)*

As the Honourable Member is probably aware the civil aviation sector is excluded from Council Directive No 93/104/EEC of 23 November 1993 concerning certain aspects of the organisation of working time [1].

The Commission is currently engaged in preparing proposals to regulate working time and rest periods in this sector. Current initiatives are based on the responses to the Commission white paper of July 1997 on sectors and activities excluded from the working time Directive. Proposals should be adopted by the Commission by summer 1998.

However, Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work [2] requires employers, within the context of their responsibilities, to take the measures necessary for the safety and health protection of workers. One of the general principles of prevention on which the employer has to base the implementation of these measures is 'developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors related to the working environment' (Article 6.2(g)).

The Directive has been transposed by Italy and it is for the Italian authorities to decide how it should be put into practice.

The Commission has identified the prevention of stress at work as an important health and safety issue, and intends to develop guidelines on stress at work, which take into account the recommendations of the 'Report on work-related stress' produced by its tripartite advisory committee for safety, hygiene and health protection at work and which is sent directly to the Honourable Member and to Parliament's Secretariat.

The Commission believes these actions are also suitable for application to specific industries or occupations.

(1) OJ L 307, 13.12.1993.
(2) OJ L 183, 29.6.1989.

(98/C 187/44)

**WRITTEN QUESTION E-3624/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Austria

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Austria requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/45)

**WRITTEN QUESTION E-3625/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Belgium

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Belgium requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/46)

**WRITTEN QUESTION E-3626/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Denmark

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Denmark requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/47)

**WRITTEN QUESTION E-3627/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Finland

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Finland requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/48)

**WRITTEN QUESTION E-3628/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in France

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether France requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/49) **WRITTEN QUESTION E-3629/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Germany

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Germany requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/50) **WRITTEN QUESTION E-3630/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Greece

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Greece requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/51) **WRITTEN QUESTION E-3631/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Ireland

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Ireland requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/52) **WRITTEN QUESTION E-3632/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Luxembourg

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Luxembourg requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/53)

**WRITTEN QUESTION E-3633/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in the Netherlands

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether the Netherlands requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/54)

**WRITTEN QUESTION E-3634/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Portugal

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Portugal requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/55)

**WRITTEN QUESTION E-3635/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in the United Kingdom

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether the United Kingdom requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/56)

**WRITTEN QUESTION E-3636/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Spain

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Spain requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

(98/C 187/57)

**WRITTEN QUESTION E-3637/97**

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

*(13 November 1997)*

*Subject:* Guarantees required in respect of participation in the employment initiative in Sweden

As has already been pointed out in earlier questions, the Italian authorities' decision to require non-profit-making undertakings to provide bank guarantees in order to participate in employment initiatives has proved costly and punitive for undertakings which obviously have difficulty in providing financial guarantees of their own.

Given that such matters are subject to different regulations in the various Member States of the Union, would the Commission state whether Sweden requires non-profit-making undertakings (and, in general, firms in the cooperative, mutual and non-profit sector) to provide financial or bank guarantees and, if so, on what terms?

**Joint answer**
**to Written Questions E-3624/97, E-3625/97, E-3626/97, E-3627/97, E-3628/97, E-3629/97, E-3630/97, E-3631/97, E-3632/97, E-3633/97, E-3634/97, E-3635/97, E-3636/97 and E-3637/97**
**given by Mr Papoutsis on behalf of the Commission**

*(30 January 1998)*

The Commission has no information on the obligation imposed by Member States on non-profit organisations to provide a bank guarantee in order to gain access to funding under the various Community programmes. This is a matter of national law.

As regards the granting of subsidies under the Employment initiative, it is up to the national authorities which sign the agreements with the project promoters to require bank guarantees in accordance with the national rules in force. In Austria, Germany, Greece, Portugal and Spain, such guarantees are not normally required from potential promoters to gain access to the Employment initiative.

While it is true that the provision of a bank guarantee may be an additional burden, particularly for enterprises operating in the context of the social economy, it is nonetheless true that this is essential when the consequences of failing to fulfil a contractual obligation may exceed the debtor's financial means.

The Financial Regulation applicable to the general budget of the European Communities of 21 December 1977 ([1]), as last amended ([2]), requires the provision of security by contractors when very large contracts are awarded or when subsidies are granted for the performance of projects involving high sums. However, the majority of non-profit associations are rarely affected by this obligation, given the small scale of the projects they propose.

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([1]) OJ L 356, 31.12.1977.
([2]) OJ L 240, 7.6.1995.

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(98/C 187/58)

**WRITTEN QUESTION E-3638/97**

**by Christof Tannert (PSE) to the Commission**

*(13 November 1997)*

*Subject:* EU-wide recognition of training in special needs teaching and social work professions in Berlin

The Berlin Senate is planning to introduce legislation on State recognition of special needs teaching and social work professions in Berlin (the Social Professions Recognition Act — SozBAG). The intention is change the training of social workers and special needs teachers (currently comprising three years of study plus practical training) by halving the period of practical training from the current 12 months to six, for a transitional period lasting at most until 31 December 2006.

Will the Commission state whether there will still be EU-wide recognition of training in special needs teaching and social work professions in Berlin, in view of the planned reduction in the period of training, entailing practical training lasting 12 months rather than six?

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

*(6 January 1998)*

The Honourable Member's question refers to a similar situation to that raised in Written Question E-1936/97 ([1]). The recognition of diplomas for special needs teachers and social workers, in the Member States in which these professions are regulated, is governed by the Community Directives which introduced the general system for the recognition of diplomas. Depending on the level of the studies covered by the diplomas, the relevant Directives are either Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration ([2]), or Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC ([3]).

Each Member State remains free to determine the level of qualifications required in order to work as a special needs teacher or social worker within its territory. The Directives did not harmonise training, but established a recognition system under which a diploma providing access to a given profession in a Member State must be recognised for the purpose of exercising the same profession in another Member State, despite differences between education and training systems. The relevant diploma is covered by the recognition arrangements established by Directive 92/51/EEC. That Directive provides that, in the event of substantial differences in duration or content between the training acquired by the migrant and the training required in the host Member State, the authorities in the host Member State may impose a compensatory measure (adaptation period or aptitude test). In certain cases, therefore, having regard to the duration of the new German diploma and the duration required in the host Member State, the application of one of these compensatory measures may be justified.

([1]) OJ C 21, 22.1.1998, p. 122.
([2]) OJ L 19, 24.1.1989.
([3]) OJ L 209, 24.7.1992.

(98/C 187/59)

**WRITTEN QUESTION E-3639/97**

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

*(13 November 1997)*

*Subject:* Primates as laboratory animals

Would the Commission please detail its interpretation of Article 7(3) second paragraph of Directive 86/609/EEC ([1]) ('Experiments on animals taken from the wild may not be carried out unless experiments on other animals would not suffice for the aims of the experiment') and explain how it proposes to cover this provision in the draft Community Policy Statement on the use of primates as laboratory animals?

([1]) OJ L 358, 18.12.1986, p. 1.

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

*(19 December 1997)*

The Honourable Member queries the use of non-human primates as laboratory animals and the interpretation of Article 7(3), second paragraph of Directive 86/609/EEC on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes. Article 164 of the EC Treaty states that the Court of justice shall ensure that in the interpretation and application of the EC Treaty the law is observed and therefore interpretation of the law falls to the Court of justice.

Subject to this, however, it appears to the Commission from Articles 7(3), 19(4) and 21 of the Directive that one of the premises upon which the Directive is based is the use of bred animals for experiments.

Pursuant to Article 7(3), first paragraph of that Directive, the choice of species shall be carefully considered and, where necessary explained to the authority, when an experiment has to be performed. In a choice between experiments, those which use the minimum number of animals, involve animals with the lowest degree of neurophysiological sensitivity, cause the least pain, suffering, distress or lasting harm and which are most likely to provide satisfactory results, shall be selected.

According to Article 7(3), second paragraph, experiments on animals taken from the wild may not be carried out unless experiments on other animals would not suffice for the aims of the experiment.

Pursuant to Article 19(4), in user establishments, only animals from breeding or supplying establishments shall be used unless a general or special exemption has been obtained under arrangements determined by the authority and bred animals shall be used whenever possible.

According to Article 21, non-human primates which are to be used in experiments shall be bred animals unless a general or special exemption has been obtained under arrangements determined by the authority.

It appears from these provisions that experiments in the context of the Directive on non human primates, which are taken from the wild, may only be carried out when there is no choice between experiments to use animals with a lower degree of neurophysiological sensitivity; when experiments on non-human primates which are not taken from the wild, would not suffice for the aims of the experiments; and where a general and special exemption has been obtained under arrangements determined by the authority.

It follows that a Member State which allows an experiment to be carried out on non-human primates taken from the wild, which, considering the aims of the experiment, could also be carried out on other animals than non-human primates taken from the wild, would infringe Article 7(3), second paragraph of the Directive. Similarly, experiments carried out on non-human primates taken from the wild, in the absence of scientific evidence that, considering the aims of the experiment, an experiment on non-human primates not taken from the wild, would not suffice, would be contrary to Article 7(3), second paragraph of the Directive.

As regards the question of the Honourable Member on how the Commission proposes to cover Article 7(3), second paragraph, of Directive 86/609/EEC, in the draft Community policy statement on the use of non-human primates as laboratory animals, the Commission would like to refer to the answer given to his written question E-3641/97 ([1]).

([1]) OJ C 158, 25.5.1998, p. 166.

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(98/C 187/60) **WRITTEN QUESTION E-3640/97**

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

*(13 November 1997)*

*Subject:* Experimentation on wild animals

Would the Commission please detail the steps which it, and Member States, are currently taking to ensure that wild-caught primates are not used for experimentation when other animals would 'suffice for the aims of the experiment'?

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

*(18 December 1997)*

It is the responsibility of the Member States to ensure that the provisions of Directive 86/609/EEC concerning the protection of animals used for experimental and other scientific purposes ([1]) are adhered to in their territory. An exemption to use non-purpose bred animals can be obtained 'under arrangements determined by the authority' (Article 19(4) of the Directive) and it is at the discretion of the Member States that the applicant sufficiently justifies that 'other animals would not suffice for the aims of the experiment' (Article 7(3)).

The responsibility of the Commission is to examine that the Directive has been correctly transposed and applied by the Member States. With regard to the provisions relating to the use of non-purpose bred animals, defined in Articles 7(3), 19(4) and 21, the Commission has opened four infringement proceedings which partly cover either one or more of the above mentioned Articles. Only one of these relates to a wrong application, the others concern technical aspects of the implementation in national legislation.

([1]) OJ L 358, 18.12.1986.

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(98/C 187/61) **WRITTEN QUESTION E-3642/97**

**by Clive Needle (PSE) to the Commission**

*(13 November 1997)*

*Subject:* The rise in the incidence of tuberculosis

The World Health Organization has just published a worrying and unprecedented report on the rise in the incidence of tuberculosis. This specifies a number of developing countries plus Latvia, Estonia and the Russian Federation as 'hot spots' where tuberculosis is resistant to antibiotics and treatment is described as 'therapeutic anarchy'.

Clearly this has implications for several aspects of EU policy and practice in the context of its public health competence as established in Article 129 of the Treaty on European Union.

Will the Commission therefore set out urgently its approach to tacking tuberculosis with particular reference to the potential applicants for EU membership, given concerns that public health is insufficiently addressed in the Agenda 2000 proposals?

(98/C 187/62) **WRITTEN QUESTION E-3643/97**

**by Clive Needle (PSE) to the Commission**

*(13 November 1997)*

*Subject:* The rise in the incidence of tuberculosis

The World Health Organization has just published a worrying and unprecedented report on the rise in the incidence of tuberculosis. This specifies a number of developing countries plus Latvia, Estonia and the Russian Federation as 'hot spots' where tuberculosis is resistant to antibiotics and treatment is described as 'therapeutic anarchy'.

Clearly this has implications for several aspects of EU policy and practice in the context of its public health competence as established in Article 129 of the Treaty on European Union.

Will the Commission therefore set out urgently its approach to tacking tuberculosis with particular reference to assistance for health programmes in states receiving PHARE?

(98/C 187/63) **WRITTEN QUESTION E-3644/97**

**by Clive Needle (PSE) to the Commission**

*(13 November 1997)*

*Subject:* The rise in the incidence of tuberculosis

The World Health Organization has just published a worrying and unprecedented report on the rise in the incidence of tuberculosis. This specifies a number of developing countries plus Latvia, Estonia and the Russian Federation as 'hot spots' where tuberculosis is resistant to antibiotics and treatment is described as 'therapeutic anarchy'.

Clearly this has implications for several aspects of EU policy and practice in the context of its public health competence as established in Article 129 of the Treaty on European Union.

Will the Commission therefore set out urgently its approach to tacking tuberculosis with particular reference to assistance for health programmes in developing countries?

**Joint answer**
**to Written Questions E-3642/97, E-3643/97 and E-3644/97**
**given by Mr Flynn on behalf of the Commission**

*(20 January 1998)*

The Honourable Member refers to a recent World Health Organisation (WHO) press release on the appearance of 'sensitive areas' where it has become practically impossible to protect the population from drug-resistant strains. The press release is based on a study entitled 'Anti-Tuberculosis Drug Resistance in the World', which cites cases of multi-resistant bacillary tuberculosis (MR-TB) in a large number of countries on all continents. The affected areas on the European continent are primarily the countries of eastern Europe (Russia, Latvia, Estonia).

In this field, the Commission has, since 1996, been providing funds for the establishment of a European tuberculosis surveillance network, known as EuroTB. This network extends beyond the Member States. The data collected cover 49 countries in the WHO European region, including the 15 Member States. The network operates in close cooperation with the WHO and the International Union against Tuberculosis and Pulmonary Diseases.

In addition, and in order to take better account of the problem of multiple resistance, EuroTB has since 1997 also been collecting and analysing data on resistance to tuberculosis treatment.

With regard to the particular problem of countries applying for membership of the Community, the Commission has carried out a preliminary assessment of the state of health and of the health system as part of the preparation for accession. Initial findings bear out the Commission's concern at the resurgence of communicable diseases in a number of applicant countries, and the problems which may arise from this situation not only for those countries but also for the Community.

The Commission intends to include in the accession partnerships which it is currently preparing measures which could be taken to improve the situation with regard to these communicable diseases in the applicant countries.

Although the Commission funds no specific programme to combat tuberculosis in the developing countries, it makes a significant contribution, through the many health programmes which it supports, to combating this major public health problem being faced by many of the developing countries.

It does this by supporting various types of projects, which include projects for developing primary health care and for supporting health districts, programmes aimed at improving the availability of and access to essential medicines, of which tuberculosis treatments form an integral part, and preventive measures targeting the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS). HIV/AIDS is in fact one of the causes of the resurgence of tuberculosis, particularly in sub-Saharan Africa. By acting to reduce the spread of the HIV/AIDS epidemic it is therefore possible to reduce the incidence of tuberculosis linked to that epidemic.

For the African, Caribbean and Pacific countries, funds committed under the seventh European Development Fund to these various types of projects total almost ECU 270 million. Substantial amounts have also been made available for such areas in the countries of the Mediterranean, Asia and Latin America.

(98/C 187/64) **WRITTEN QUESTION E-3659/97**

**by María Izquierdo Rojo (PSE) to the Commission**

*(19 November 1997)*

*Subject:* Car-free cities

Does the Commission believe that there are good grounds for the claim that 'the Club of car-free cities' and its schemes 'are only a pretext for some of its leading figures to go on one trip after another'; 'the project represents a waste of local authority money which merely provides several local authority leaders with a splendid opportunity to go on their travels, and has nothing new to teach us'?

Given that such claims are damaging the good name which the car-free initiative enjoyed in Granada, what arguments would the Commission bring forward in this connection?

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

*(23 January 1998)*

The car free cities network numbers some 60 local authorities from throughout Europe which are committed to reducing the volume of traffic and promoting environmentally friendly modes of transport in urban areas. This network, partly financed by the Commission, enables cities to pursue these aims notably through facilitating, both at technical and political levels, the exchange of experience and transfer of know-how, identifying and highlighting possible solutions for sustainable mobility and disseminating good practice. This sort of activity requires some degree of travel for cities' representatives. From information available to the Commission, less than 12% of the total budget of car free cities has been allocated in 1997 to travel and accommodation expenditures.

Car free cities seeks to bring those responsible for urban mobility into contact with each other. This is the principal aim of six working groups, which deal with key urban transport themes. The working group activities are backed up by the organisation of larger events, such as seminars and conferences involving local authorities both at the political and technical level.

The success of the network is demonstrated by the number of projects developed in cities. These are either the direct result of a transfer of experience and know-how or are the fruits of collaboration of a number of car free cities members. The network, which now collaborates on a regular basis with the Commission, has enabled achievements in terms of a reduction in the use of the private car, improvements in air quality, a more rational use of energy and improvements in quality of life in a number of cities.

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(98/C 187/65) **WRITTEN QUESTION E-3679/97**

**by Patricia McKenna (V) to the Council**

*(19 November 1997)*

*Subject:* State repression in Burma

On 28 October 1997 several arrests were made as members of the National League for Democracy (NLD) tried to hold a meeting in an office in the Mayangone township on the outskirts of the Burmese capital, Rangoon. The activists had planned to hold a meeting with their leader Aung Saan Suu Kyi but the security forces set up barricades to prevent them from gaining access to her.

At the time of writing, eight of those arrested are still in custody. Human rights organizations have expressed fears that they may have been tortured.

Has the Council been made aware of this incident? What action has it taken? Will it raise the ongoing incidents of suppression of peaceful activity in Burma at the next EU/ASEAN meeting? If such incidents continue, will the Council consider fresh economic sanctions against Burma?

**Answer**

*(19 March 1998)*

On 6 October 1997 the Council of the European Union decided to extend for a new period of six months the Common Position on Burma. This Position was initially adopted on 28 October 1996 (1) and contains administrative sanctions such as restricting movement of all military personnel of Burmese diplomatic missions in the European Union, bans all military equipment sales to Burma, imposes visa restrictions for members of the ruling council and their relatives as well as it suspends all high-level talks between the European Union and officials of the regime. As it is considered unlikely that the recent replacement of some members of the Burmese leadership, the dissolution of the State Law and Order Restoration Council (SLORC) and the establishment of the State Peace and Development Council (SPDC) will lead to substantial changes, the policy of the Union remains for the time-being unchanged.

This policy is well known. The Union has on many occasions issued strong public statements deploring the human rights situation and the lack of democracy in Burma. Time and again the Union has urged the SLORC to enter into meaningful dialogue with all democratic opposition parties, including the National League for Democracy who had some of its members arrested on 28 October 1997.

The Union monitors closely the developments in Burma and underlines constantly with its international dialogue partners, especially the ASEAN States, the need for reform in Burma and the important role these countries have in pressuring the rulers in Rangoon to adopt change.

The Council bodies are currently reviewing the Common Position on Burma, adopted on 28 October 1996. There is a wide consensus in favour of renewal for a further period of six months from 29 April, on which date this Common Position expires. At present, the Council does not envisage additional measures such as economic sanctions.

(1) OJ L 287/96, 8.11.1996.

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(98/C 187/66) **WRITTEN QUESTION E-3692/97**

**by Kirsi Piha (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Effect on Estonia of changes to the tasks of the PHARE programme

The European Union gives aid to the countries of Central and Eastern Europe through its PHARE programme. The Commission's guidelines regarding the PHARE programme for the next few years have changed the aid system to some extent. What effect does the Commission consider these changes will have on aid to Estonia in 1998 as compared with 1997?

(98/C 187/67) **WRITTEN QUESTION E-3699/97**

**by Kirsi Piha (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Utilization of PHARE appropriations for Estonia

The European Union aids the countries of Central and Eastern Europe through its PHARE programme. A great deal of aid has presumably been provided from this programme for the development of the countries which have applied for membership of the EU. Can the Commission provide details of the utilization of appropriations granted under PHARE in 1997 for Estonia?

**Joint answer**
**to Written Questions E-3692/97 and E-3699/97**
**given by Mr Van den Broek on behalf of the Commission**

*(21 January 1998)*

The Commission informs the Honourable Member concerning the 1997 and 1998 Phare programmes in Estonia as follows:

1. 1997 programme

   a) National programme

   The 1997 Phare-funded country operational programme of a total amount of 29.6 MECU includes the following components:

| Component | Budget in MECU |
|---|---|
| European integration including public administration reform, strengthening of statistical office, customs and third pillar | 9.4 |
| Regional development | 3.0 |
| Public sector management including health, education, language training, privatization and fiscal sector | 7.9 |
| Infrastructure including transport, environment and energy | 9.3 |

   In addition, 1.2 MECU has been committed for Tempus.

   The financing memorandum for the 1997 programme was signed in February 1997 and implementation is progressing. However, impact assessments can be made only when the individual programme components have been fully implemented.

   b) Cross-border cooperation programme

   3.1 MECU has been committed for cross-border cooperation.

2. 1998 programme

   The programming of the 1998 Phare programme will take place only in the second quarter of 1998. However, the programme will focus on the most priorities identified in the Commission's opinion on Estonia with an estimated 30% being devoted to institution building and 70% for support of specific investments in sectors such as environment, transport and agriculture.

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(98/C 187/68) **WRITTEN QUESTION E-3693/97**

**by Kirsi Piha (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Utilization of PHARE appropriations for the Czech Republic

The European Union aids the countries of Central and Eastern Europe through its PHARE programme. A great deal of aid has presumably been provided from this programme for the development of the countries which have applied for membership of the EU. Can the Commission provide details of the utilization of appropriations granted under PHARE in 1997 for the Czech Republic?

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

*(15 January 1998)*

Under the Phare national programme, the proposed country operational programme (COP) 1997 (32 MECU) received a favourable opinion of the Phare management committee on 31 October 1997. The break-down at the allocations is:

| No | | Sector operational programme/projects | Allocation MECU | |
|---|---|---|---|---|
| 9702 | | Institution building | | 18 |
| | 9702-01 | Support to public administration | 14.0 | |
| | 9702-02 | Participation in Community programmes | 3.5 | |
| | 9702-03 | Aid management support facility | 0.5 | |
| 9703 | | Civil society development | | 3 |
| | 9703-01 | Civil society development | 2.5 | |
| | 9703-02 | Social sector development by CSOs | 0.5 | |
| 9704 | | Economic and social cohesion and competitiveness | | 11 |
| | 9704-01 | Regional development | 2.0 | |
| | 9704-02 | Business support | 3.0 | |
| | 9704-03 | Labour market development | 2.0 | |
| | 9704-04 | Human resource development | 2.0 | |
| | 9704-05 | Environment | 2.0 | |
| Total | | COP 1997 | | 32 |

Another allocation of 3 Mecu has been approved for the Tempus programme.

The cross border cooperation (CBC) programme between the Czech Republic and Germany (25 MECU) was presented to the Phare management committee on 2 October 1997, and received a favourable opinion. It consists of the following measures:

| Priorities/Measures | Total cost (MECU) | Phare contribution (MECU) | Titles of 1997 Projects (only projects with total cost of about 1 MECU) |
|---|---|---|---|
| TRANSPORT | 6.43 | 4.16 | 1. Chomutov — beltway and bus station<br>2. Karlovy Vary — public transport terminal |
| TECHNICAL INFRASTRUCTURE | 5.01 | 2.82 | 3. Ostrov nad OhĺÍí — community heating, stage I<br>4. Kru né Hory West — introduction of natural gas |
| ENVIRONMENT | 33.63 | 8.14 | 5. Velký enov — wastewater treatment and sewerage<br>6. D ín — wastewater treatment and sewerage |
| ECONOMIC DEVELOPMENT | 3.52 | 2.63 | 7. ðelezná Ruda — tourist trails, stage I |
| AGRICULTURE | 2.86 | 1.99 | 8. Kru né Hory — forest regeneration |
| HUMAN RESOURCES | 3.82 | 2.29 | 9. Hejnice — international meeting centre |
| SMALL PROJECTS AND TA | 2.42 | 2.22 | 10. Small projects fund<br>11. TA, studies, instituion building |
| PROGRAMME MANAGEMENT | 0.82 | 0.75 | 12. Programme management support |
| TOTAL | 58.51 | 25.00 | |

The overall Phare budget for the Czech Republic in 1997 is therefore 60 MECU.

(98/C 187/69)

**WRITTEN QUESTION E-3695/97**

**by Kirsi Piha (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Utilization of PHARE appropriations for Hungary

The European Union aids the countries of Central and Eastern Europe through its PHARE programme. A great deal of aid has presumably been provided from this programme for the development of the countries which have applied for membership of the EU. Can the Commission provide details of the utilization of appropriations granted under PHARE in 1997 for Hungary?

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

*(21 January 1998)*

The Commission informs the Honourable Member concerning the Phare programme in Hungary in 1997 as follows:

1. The proposed country operational programme (COP) 1997 (65 MECU) was adopted at the Phare management committee meeting of 30 October 1997. The table reflects the proposed overall division of funds for the COP 1997:

| No | COP 97<br>Concentration areas | COP 97<br>(MECU) |
|---|---|---|
| 9703 | European Integration — Institution building support and acquis related state entities | |
| 9703-01 | — Training | 2 000 |
| 9703-02 | — Justice and Home Affairs | 4 000 |
| 9703-03 | — Enforcement of the acquis | 4 000 |
| 9703-04 | — Communication | 2 000 |
| 9703-05 | — Central finance and contract units (CFCU) | 1 000 |
| 9704 | Participation in Community Programmes — Economic Restructuring | 1 038 |
| 9705 | New approach to regional development | 34 000 |
| 9706 | SME development | 2 000 |
| 9707 | Infrastructure transport | 15 000 |

The total Phare support for Hungary in 1997 includes also 7 MECU for Tempus and 2.962 MECU for the participation of Hungary in three Community programmes which have been agreed in separate financing memoranda. Additionally, complementary support of 15 MECU is to provided outside the national Phare allocation, specifically to upgrade the corridor 4 rail track section with Slovenia.

2. Under the cross border cooperation programmes (CBC) 14 MECU have been allocated for cooperation with Austria in 1997. The allocation of funds is as follows:

| Priority/Project title | Total cost<br>(MECU) | Phare Contribution<br>(MECU) | Titles of projects |
|---|---|---|---|
| Regional planning and development | O.5 | 0.3 | Planning and management |
| Infrastructure | 5.8 | 3.7 | Road No 84-85, Fertõszentmiklós<br>By-pass road Zalaegerszeg<br>Road reconstruction to Sármellék Airport |
| Economic development & cooperation | 16.4 | 7.8 | Szentgotthárd Industrial Park<br>Sopron Enterprise Zone<br>Szombathely Innovation Zone |
| Human resource development | 1.3 | 0.98 | Studies and arts cooperation |
| Environment and nature protection | 1.8 | 0.9 | Sewage treatments, nature park |
| Small projects fund | O.3 | O.3 | Small projects fund |

The overall Phare budget for Hungary committed in 1997 is 104 MECU.

(98/C 187/70)

**WRITTEN QUESTION E-3701/97**

**by Raimo Ilaskivi (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Effects of the French lorry drivers' strike on foreign hauliers

The strike in the French transport sector, which seeks by political means on a large scale to influence the pay settlements of French lorry drivers, is also having significant and far-reaching effects on foreign firms which use the French road network for transit. The disturbances caused are completely irrelevant to French internal labour issues.

What has the Commission done and what does it intend to do to protect the flow of transport from other EU countries in France and to provide full compesnation for the economic damage suffered as a result?

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

*(29 January 1998)*

The Commission has no legal basis for intervening in a national dispute between employers and trade unions unless a Member State is shown to be negligent in its duty to uphold the legal freedom of movement of goods and persons as laid down in the EC Treaty. Compensation for damages also falls within national competence.

The Commission is, however, ready to cooperate with the appropriate authorities in efforts to try to secure solutions that are satisfactory for all relevant parties. To this end Commissioners wrote on several occasions to French ministers urging them to re-establish free circulation on their road network and it has approached both the French authorities and professional road transport associations to ask them to pursue progress on compensation claims. The Commission does not, however, have any legal power to establish or manage compensation arrangements or to require payment when compensation provisions have been established under the national laws of Member States.

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(98/C 187/71)

**WRITTEN QUESTION E-3702/97**

**by Marjo Matikainen-Kallström (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Reduction and harmonization of drink-driving limits in the European Union

Every year some 45 000 people die on the roads of the EU Member States and one and a half million are injured. It is estimated that alcohol plays some part in at least half of fatal traffic accidents.

The drink-driving limits vary considerably between the EU Member States. For example, in Denmark, Italy and Germany the legal limit is 0.8 ml whereas in Sweden, which has the strictest limit, it is 0.2 ml. The harmonization of the limits — which in most cases would mean the reduction of the limit — at for example the Swedish level of 0.2 ml would undoubtedly have a positive effect on road safety. Maximising the safety advantages would of course call for a widespread change in attitudes, increased effectiveness of controls and the modernization of control mechanisms.

In the light of the above, what measures does the Commission propose taking to explore the possibility of harmonizing and reducing the drink-driving limits in the various Member States? What measures does it intend to take to find out how traffic controls can be tightened in order to eradicate drunken driving more effectively?

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

*(20 January 1998)*

The Commission first put a proposal for a Council Directive to set the maximum Blood Alcohol Content (BAC) for vehicle drivers at 0.50 milligram per millilitre in 1988 (1) and it was approved by the Parliament in May 1989. At that time, however, and for most of the period since, support for such a proposal from Member States has not been broad enough to ensure progress with such Community legislation.

Recent changes in policy by some Member States have, however, encouraged the Commission to reopen the debate on the permitted maximum BAC for drivers, and last October, the Transport Council was urged to reconsider the issue. Further efforts are now being made against the background of the strategy for improving road safety and reducing road accidents and casualties that was set out in the Commission's communication on that subject in April 1997.

The Commission shares the opinion expressed by the Honourable Member that, to maximise the safety gains, legislation on drink driving needs to be accompanied by effective measures of enforcement, most of which fall under the legal responsibility of Member States.

(1) OJ C 25, 31.1.1989.

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(98/C 187/72)

**WRITTEN QUESTION E-3711/97**

**by José Barros Moura (PSE) to the Commission**

*(19 November 1997)*

*Subject:* School transport by bus in the EU

A large number of accidents occur in all the EU Member States involving school buses, in most cases because the vehicles are not up to proper safety standards.

The use of school buses with a reasonably harmonized appearance (colour, logo, etc), conforming to rigorous safety standards and thus identified with higher safety levels for primary and secondary schoolchildren, could be of positive symbolic value for the EU.

Can the Commission state:

1. whether it possesses information on Member States' practice in this field, and whether special requirements exist concerning safety checks and certification for vehicles of this type;
2. whether, in the context of the European educational dimension and the rules governing road transport and safety at work, the possibility could not be studied of turning school transport into a European symbol of safety for children and access to education?

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

*(26 January 1998)*

The Commission is naturally concerned by any accidents involving school buses but cannot on the basis of the available facts, accept the Honourable Member's assertions that 'A large number of accidents occur in all the Member States involving school buses' and that accidents involving school buses are 'in most cases because the vehicles are not up to proper safety standards'.

Of the 45 000 road fatalities that occur annually in the European Union less than one percent relate to any form of bus or coach and school transport accounts for a small fraction of all bus and coach journeys. Meanwhile, the evidence is that the overwhelming majority of all road accidents result from human error rather than because of defective standards.

In response to the Honourable Member's two specific questions. The Commission is not aware of any Member State requiring harmonised appearance and higher safety levels for vehicles used in school transport. Council Directive 96/96/EC (1) lays down requirements for roadworthiness tests on all motor vehicles, including school buses and consequently provides the type of safety check and certification mentioned by the Honourable Member.

Whilst uniquely identifiable vehicles built to special safety standards for school transport (as in the United States) could provide further safety benefits, the Commission notes that no Member State has yet chosen to take this approach in national legislation. Such an approach would clearly necessitate the creation of two fleets of buses — one exclusively for school transport and one for other purposes and may not be regarded as practical or cost-effective. The Commission will, in any event, continue to promote legislative and other changes in the effort to try to ensure high safety standards for all buses and coaches, regardless of their use.

(1) OJ L 46, 17.2.1997.

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(98/C 187/73)

**WRITTEN QUESTION E-3716/97**

**by Heidi Hautala (V) to the Council**

*(19 November 1997)*

*Subject:* Child kidnappings

From time to time, as a result of divorce or marriage breakdown, children are snatched in the EU Member States and taken to countries with different cultures. It is made particularly difficult for a Member State's authorities to act when a child is taken to a country whose legislation places the power of decision over the child with its father and his family.

There is little information available about child-snatching, and the EU Member States do not make use of each others' experience in order to get children back. Are child kidnappings monitored at Council level? How does the Council monitor compliance with the Hague Convention? How is the child's interest assessed where it is shown that compliance with the provisions of the Hague Convention will do more harm than good to the child?

**Answer**

*(23 March 1998)*

1. As it has indicated on a number of occasions, the Council attaches particular importance to matters concerning the protection of children. A number of measures have been adopted with a view to their protection.

As regards the question put by the Honourable Member, the Council would point out that all the Member States have ratified the United Nations Convention on the Rights of the Child adopted in New York on 20 November 1989. In particular, Article 11 of the Convention provides that States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

In this connection it should be noted that practically all the Member States have ratified the Convention of The Hague of 25 October 1980 on the civil aspects of the international abduction of children and all the Member States have ratified the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children concluded in the Council of Europe in Luxembourg on 20 May 1980.

In addition, all the Member States took an active part in the preparation of the Convention of 19 October 1996 concluded at the Conference at The Hague on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children, which also includes provisions on the kidnapping of children.

2. In order to follow up the progress of the ratification of those conventions by each Member State, Council bodies regularly take stock of the situation.

(98/C 187/74)

**WRITTEN QUESTION E-3718/97**

**by Stelios Argyros (PPE) to the Commission**

*(19 November 1997)*

*Subject:* Preservation of the ancient temple of Apollo Epikourios at Bassae (Phigaleia)

Bassae in Phigaleia (in the Prefecture of Ileia in the Peloponnese in Greece) is the site of the ancient temple of Apollo Epikourios which unquestionably constitutes an important part of Europe's cultural heritage.

However, this temple is now badly damaged, and immediate action is needed if it is to be saved. Its frieze is exhibited in the British Museum.

Does the Commission share this concern for the survival of this temple, and can it say:

1. whether the Greek Government has shown any interest in, or set in motion any procedure for, the return of the frieze to its place of origin, so that it can be exhibited in its natural setting?
2. whether the Greek Government has submitted — or intends to submit in the immediate future — within the framework of the Community Support Framework (either in the Regional Operational Programme for the Peloponnese or as part of section 3 of the Regional Operational Programme for Tourism and Culture) a proposal for funding the construction of a museum next to the temple to house all or part of the frieze and other architectural features which are at present scattered over the surrounding area?

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

*(7 January 1998)*

The Commission acknowledges the importance of the protection conservation of the ancient temple of Apollo Epikourios at Bassae, Greece. It is with this preoccupation in mind that in the framework of its action in favour of the European architectural heritage in 1984, the Commission supported with ECU 33 000 conservation works carried out at the temple in the period 1984-1985.

Furthermore, and in the context of the framework Community support (CCA) 1994-1999 and under the operational programme (0P) for western Greece (sub programme 2, measure 3) the Regional development fund cofinances the project 'Protection of the temple of Epikourios Apollon' with the amount of 1.6 MECU. However, no request has been submitted for the construction of a museum either under the regional operational programme or under the CCA operational programme for 'Tourism-culture'.

As to whether the Greek authorities have shown any interest or set in motion any procedures for the return of the temple's frieze by the British museum to its place of origin, the Commission has no competence to intervene. It is the exclusive responsibity of the two Member States concerned to deal with the issue. However, the Commission is not aware of any motion or request on behalf of the Greek authorities for the return of the temple's frieze by the British museum.

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(98/C 187/75)

**WRITTEN QUESTION E-3722/97**

**by Gianni Tamino (V) to the Commission**

*(21 November 1997)*

*Subject:* Law on environmental impact assessment in the Province of Bolzano, Italy

The Commission has had to call Italy to account on a number of occasions for failure to comply with the European Directive on environmental impact assessment in the law of the province of Bolzano. This dispute has still not been settled.

In the province attention is currently focused on the Bolzano provincial council's decision to carry out substantial rebuilding work on the airport of Bolzano, which until now has been used only for small private planes, in order to turn it into a regional airport handling scheduled flights linking Bolzano its catchment area with a number of important Italian and European cities and open it up to the profitable charter flight market, in view of the development of tourism, which is now extremely important for the economy of the whole region.

The council has decided not to carry out any kind of environmental impact assessment for this project, which has provoked protests from the local population. An appeal against this decision was upheld by the regional administrative court, but was subsequently suspended by the State Council in Rome. A second appeal was upheld by the administrative court, but was also rejected by the State Council.

Is it possible that the work needed to convert the small and little-used airport of Bolzano for the operation of scheduled flights need not be subjected to an environmental impact assessment, not least in view of the fact that it is located in the district of San Giacomo, which is densely populated?

Is it possible that the supporters of the project are unaware of the noise and pollution which would result if the project is completed?

Can the Commission clarify once and for all what provisions the law on environmental impact assessment in the province of Bolzano should contain to comply with European legislation?

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

*(16 January 1998)*

On the basis of the elements provided by the Provincia Autonoma di Bolzano, it appears that, in compliance with Community law and in particular with Directive 85/337/EEC ([1]) on the assessment of the effects of certain public and private projects on the environment (EIA), the proposed enlargement of Bolzano airport, which falls within Annex II of the directive, has been submitted to an impact study to verify the environmental consequences. On 17 January 1997, the 'Agenzia provinciale per la protezione dell'ambiente e la tutela del lavoro — Ufficio Valutazione Impatto ambientale' of the Provincia Autonoma di Bolzano, relying on the above mentioned study, expressed its positive opinion on the project.

As for the failure of the general legislation on EIA in the Provincia Autonoma di Bolzanowith to comply with Community law, the Commission is currently pursuing infringement proceedings against Italy (Article 169 of the EC Treaty). Deficiencies addressed include lack of regulation for some kinds of project listed in the Annex II of the Directive 85/337/EEC and a lack of provisions regarding the supply of information to citizens.

([1]) OJ L 175, 5.7.1985.

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(98/C 187/76) **WRITTEN QUESTION E-3733/97**

**by Yves Verwaerde (PPE) to the Commission**

*(21 November 1997)*

*Subject:* Celebration of 100 years of cinema

Would the Commission inform me of the support given by the European Union, in financial terms, to celebration of 100 years of cinema and provide me with a breakdown of the appropriations granted for this purpose?

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

*(13 February 1998)*

In accordance with the Council Resolution of 5 November 1993 ([1]) calling on the Commission to continue and expand its activities to commemorate the 1995 centenary of the cinema, particularly as part of its action in support of film festivals, a call for proposals was published for 'European Commission support for projects to mark the centenary of the cinema' ([2]). This generated almost 300 applications for financial support which a board

of independent experts sifted through in January 1995. Support was focused on a few large-scale, high-impact projects. It was implemented through heading B3-2011 of the 1995 budget ('European dimension of the audiovisual industry'). The list of projects selected is being sent direct to the Honourable Member and to Parliament's Secretariat.

Events relating to the centenary had already been financed in 1994 as part of the support for film festivals, with ECU 62 491 being granted (heading B3-2011).

(1) OJ C 85, 22.3.1994.
(2) OJ C 258, 15.9.1994.

(98/C 187/77)

**WRITTEN QUESTION E-3747/97**

**by Roberta Angelilli (NI) to the Commission**

*(21 November 1997)*

*Subject:* Urban pilot projects

The information agency of the AICCRE (the Italian Association for the Council of European Local and Regional Authorities), called Europea Regioni, reports (internal note No 30 of 19 September 1997) a comment concerning the urban pilot projects for the economic and social development of disadvantaged urban districts. As everyone knows, these projects form part of the innovative measures envisaged under Article 10 of the ERDF. According to the note, the Commission has received more than 500 aplications in this connection, out of which 26 urban pilot projects have been selected, including, for Italy, those proposed by the cities of Turin, Naples, Brindisi and Milan.

Can the Commission say:

1. whether other Italian cities, in particular Rome, have submitted applications for funding;
2. if so, why they were excluded?

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

*(19 December 1997)*

Out of a total of 503 projects presented to the Commission following its call for proposals for urban pilot projects [1] under Article 10 of the Regulation concerning the European regional development fund [2], 119 were submitted by Italian cities, including 3 from organisations in Rome. This high level of interest from Italy was reflected in the approval of 4 Italian cities out of the 26 selected for the Community as a whole.

The assessment of all the projects was undertaken with detailed care and rigour, with assistance from external experts. The evaluation process sought to ensure that all projects were fairly assessed. The emphasis throughout was based on the criteria outlined in the call for proposals:

— that the cities face problems common to a number of cities;
— that the proposals are innovative and have a demonstrative character;
— that there is a strong partnership between the public sector and other socio-economic partners;
— that the actions proposed would have a positive employment impact.

With such a high response, it is not possible to give details for specific cities but, within the budgetary constraints, only the very best projects could be selected.

(1) OJ C 319, 30.11.1995.
(2) OJ L 193, 31.7.1993.

(98/C 187/78)

**WRITTEN QUESTION P-3755/97**

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

*(17 November 1997)*

*Subject:* Kurds and political asylum

The Kurds are neither bandits nor infiltrators and the refugees who have been arriving in Italy (those of Kurdish origin, at least) have created problems at international level as regards political asylum. We cannot ignore the fact that the men in question, who are being assailed and pursued in a secret war which (unfortunately for them) has little impact on civilian society, are oppressed (often violently) and cannot live peaceably on either Iraqi, Iranian, Syrian or Turkish territory.

If the Kurds do not deserve refugee status, who does deserve it?

No international organization is willing to take the initial step, even on purely humanitarian grounds — a shameful situation which Europe should be the first to remedy.

Given that Europe needs to give some consideration to the meaning, in a civilized society, of political asylum and to the need to accommodate new arrivals and find work for them within the EU Member States, and since, following the conclusion of the Schengen agreements, Puglia must now be regarded as a European, rather than an Italian border, could the Council and the Commission ensure that the serious problem of the Kurds vis-à-vis Europe is dealt withj as a matter of urgency, with the immediate involvement of the UN Security Council?

It should be borne in mind that ignoring the 'Kurdish question' is likely to make matters worse, by causing the Kurds to flee to other European countries or by provoking a dangerous armed conflict on a distrastrous scale which will be impossible to control.

(98/C 187/79)

**WRITTEN QUESTION E-3927/97**

**by Giampaolo D'Andrea (PPE), Pierluigi Castagnetti (PPE), Antonio Graziani (PPE), Gerardo Bianco (PPE) and Maria Colombo Svevo (PPE) to the Council**

*(10 December 1997)*

*Subject:* Illegal immigration

In recent times there has been a huge increase in the number of illegal immigrants, most of them Kurds, attempting to enter the EU through Italy in what amounts to an exodus from areas in the grip of ethnic conflicts, where, there can be no doubt, human rights are being trampled underfoot.

What action does the European Union intend to take with a view to both stemming the flow and helping to ensure respect for the rights of such ethnic minorities, thus enabling them to lead a life of dignity?

(98/C 187/80)

**WRITTEN QUESTION P-0109/98**

**by Guido Viceconte (UPE) to the Council**

*(23 January 1998)*

*Subject:* Mass landings of refugees on the south-western coasts of the European Union

Over recent months the Union's Mediterranean coasts have been invaded by thousands of refugees from Albania and Turkey.

Appropriate action has been taken by the Italian authorities to take such refugees in on a temporary basis and process any asylum applications in compliance with the Schengen rules.

As became clear at the technical meeting held just recently between police chiefs, such migratory pressures cannot but increase in the future, given the demographic and economic situation in the countries around the south-west Mediterranean area. The important political issues raised, the supranational dimension, the involvement of criminal networks and the fact that the situation will deteriorate in the future make it necessary for the Union to take urgent, concerted action with a view to organizing an appropriate response on EU territory and at the same time formulating a policy aimed at removing the political, social and economic causes of the problem at source.

How exactly does the Council intend to tackle these urgent issues?

Does it intend to speed matters up and introduce ad hoc measures to share out responsibility for the burden currently borne by Italy?

**Joint answer**
**to Written Questions P-3755/97, E-3927/97 and P-0109/98**

*(19 March 1998)*

As a response to the recent arrival of an increasing number of ethnic Kurds of Iraqi and Turkish nationality, as well as a small but growing number of migrants of other nationalities using the same transit routes, the Council adopted on 26 January 1998 a comprehensive EU Action Plan regarding different aspects of the recent influx of migrants from Iraq and the neighbouring region.

Although this influx of migrants is a significant problem for the Member States of the European Union, requiring enhanced cooperation in combating illegal immigration and in tackling the involvement of organised crime, the Council does not overlook the political and humanitarian aspects of the problem, to which the Honourable Members referred in their questions.

Appropriate action is undertaken at EU level, for the purpose of improving the analysis of the political, economic and humanitarian situation in the region. In this connection, a close dialogue is taken forward with UNHCR, in the framework of the Action Plan, to obtain further information about the humanitarian situation and to explore the role which UNHCR can play in the region in helping to deal with asylum-seekers, including in the possible development of regional solutions. The Action Plan also includes monitoring the needs of the Iraqi people, with a view to humanitarian assistance both at EU and bilateral levels, as well as continuing the dialogue with the countries in the region to emphasise the need for improved access to Northern Iraq by UN agencies and NGOs.

In addition, the Council is aware of the fact that substantial numbers of these migrants are properly recognised as refugees under the 1951 United Nations Convention relating to the Status of Refugees or granted some other form of status in Member States for humanitarian reasons. In this respect, it has to be pointed out that recognition in individual cases of refugee status within the meaning of the Geneva Convention, like the provision of other forms of protection on humanitarian grounds, are decisions that lie with Member States. This being the case, the Council fully recognises the importance of ensuring that humanitarian considerations continue to be given proper weight and that Member States' obligations to provide protection in accordance with international law continue to be honoured. This recognition is an essential component of the Action Plan, and is without prejudice to the need to ensure that the procedures for seeking and granting asylum and other forms of protection are not open to abuse by those who have no need of such protection.

The Council is currently working towards rapid and effective implementation of the Action Plan.

The Council does not at the moment envisage the adoption of ad hoc measures to share out responsibility for the burden borne by individual Member States with respect to this influx of migrants. It has to be pointed out, however, that the Council has adopted two instruments concerning burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (Council Resolution of 25 September 1995, OJ C 262 of 7.10.1995, p. 1, and Council Decision of 4 March 1996, OJ L 63 of 13.3.1996, p. 10). In addition, the question of burden-sharing among Member States is included in the Commission Proposal for a Joint Action concerning Temporary protection of displaced persons (OJ C 106 of 4.4.1997, p. 13), which is currently under review by the competent working group of the Council.

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(98/C 187/81) **WRITTEN QUESTION E-3761/97**

**by Patricia McKenna (V) to the Council**

*(24 November 1997)*

*Subject:* Arrest of human rights activist in South Korea

Suh Jun-Sik, one of the organizers of the recent Sarangbang Human Rights Film Festival, was arrested by South Korean police on 4 November 1997.

He had previously served a prison sentence on charges relating to his peaceful work for human rights. His latest arrest warrant referred to the film festival he had organized, accused him of 'benefitting' North Korea and of failing to report regularly to the police under the terms of his previous release.

Five others had previously been detained during the film festival, shown in Seoul in October, after the organizers refused to submit their films for government censorship.

Can the Council outline what action it is taking on the case of Suh Jun-Sik and to defend freedom of expression in South Korea?

**Answer**

*(19 March 1998)*

The Council shares the Honourable Member's concern about respect for human rights. The case to which she refers in her question – and all other cases of alleged lack of respect for individual human rights – deserve the closest attention. The case could, if substantiated, of course be raised in the ongoing contacts the Union has with the South Korean government.

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(98/C 187/82) **WRITTEN QUESTION E-3762/97**

**by Allan Macartney (ARE) to the Commission**

*(21 November 1997)*

*Subject:* Disposal of OP Sheep Dip and pollution of ground water

With reference to Commission letter P1242/90 (DGXI), what proceedings, if any, have or are being taken by the European Commission against the United Kingdom for breaching the Ground Water Directive?

In particular, is any action being taken which concerned specifically Scotland and the use of OP sheep dip resulting in pollution of ground water?

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

*(15 January 1998)*

The complaint registered under Commission file P1242/90 has been pursued under file reference 90/5242. Following supplementary correspondence with the british government under Article 169 of the EC Treaty, the Commission has decided that a reasoned opinion should be sent to the United Kingdom. This decision is currently in the course of execution.

The Commission considers that the legislative transposition in the United Kingdom (including Scotland) of Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances ([1]) is inadequate, in particular because prior authorization and investigation of disposal is not required in all the situations provided for in the Directive. Furthermore, it appears to the Commission that there has been inadequate application of the requirements of the Directive in relation to sheep dip disposal (including in Scotland).

([1]) OJ L 20, 26.1.1980.

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(98/C 187/83) **WRITTEN QUESTION E-3764/97**

**by Cristiana Muscardini (NI), Gastone Parigi (NI) and Amedeo Amadeo (NI) to the Commission**

*(21 November 1997)*

*Subject:* Uniform safety standards for treatment in hyperbaric chambers

Eleven people died in a tragic incident in the hyperbaric chamber at the Galeazzi Institute in Milan. Although health matters are the responsibility of the Member States, the Maastricht Treaty has afforded some possibility for the Union to wield influence. Will the Commission therefore draw up a Directive stipulating that no patients may be admitted to any hyperbaric chamber in the Union unless they have first taken off their own clothes and put on overalls or some other garment appropriate for the treatment to be administered? Will it likewise make provision in the Directive to lay down uniform Community-wide safety standards for all hyperbaric medicine centres?

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

*(21 January 1998)*

The hyperbaric chambers used in hospitals in order to treat certain pathologies in atmospheres at high pressure and, in general, heavily enriched with oxygen are 'medical devices' within the meaning of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices ([1]), and are therefore covered by that Directive.

The Directive contains technical requirements that are to be met if the products concerned are to be placed on the market and in service. They are classified as being for high-risk use and in this case the Directive provides for mandatory certification by an independent third party (notified body) in respect of the device's design and manufacture.

The health and safety protection requirements to be met cover the familiar relevant aspects of the safe use of hyperbaric chambers and, in particular, the risk of fire or explosion during normal use, the hazards associated with compatibility with other medical devices under an oxygen-rich atmosphere, together with the need to provide users with information on their use, and the precautions to be taken.

Moreover, hyperbaric chambers are subject to protection requirements relating to the hazard arising from pressure. These are covered by a Parliament and Council harmonising directive (97/23/EEC) of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment ([2]). That Directive will take effect in November 1999. In the meantime the hazard arising from pressure will be covered by the provisions of national law.

Finally, the Commission has asked the European Standardisation Committee (CEN) to prepare a standard dealing with the 'compatibility of medical equipment with oxygen'.

Beyond the safety aspects linked with the design and manufacture of hyperbaric chambers, including the instructions for their use, the Member States should ensure that the competent authorities take the necessary practical action in order to ensure that there are proper conditions of use and that precautions are taken by the persons exposed to the risks, including those concerning clothing and any objects introduced by such persons.

([1]) OJ L 169, 12.7.1993.
([2]) OJ L 181, 9.7.1997.

(98/C 187/84)

**WRITTEN QUESTION E-3769/97**

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

*(21 November 1997)*

*Subject:* Restrictions on practice of the profession of lawyer

Will the Commission serve formal notice on the Italian Government, which, disregarding Community Directives, is refusing de facto to grant mutual recognition of diplomas and obstructing the freedom to provide services, with the result that foreign nationals are prohibited from opening an office and cannot satisfy the conditions for entry on the rolls and the procedure for recognizing diplomas cannot be completed?

In one paradoxical case, Giovanni Clemente was registered as a lawyer in Saarland after he moved to Germany. However, he was struck off the rolls in Sanremo, and the authorization to practise obtained from a Saarbrücken court was consequently withdrawn.

What will the Commission do to ensure that Italian members of the legal profession can make use of the facilities existing in other countries?

What will it do to enable foreign nationals to practise as lawyers in Italy?

What will it do to simplify the jumble of rules and formalities entailed in the procedure for recognition of diplomas?

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

*(6 January 1998)*

Community law comprises a number of rules designed to guarantee and facilitate free movement for lawyers, the main ones being Directive 77/249/EEC to facilitate the effective exercise by lawyers of freedom to provide services ([1]), Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration ([2]), and the relevant provisions of the EC Treaty, in particular Articles 52 and 59 on the freedom to provide services and the right of establishment, as interpreted in a long line of decisions by the Court of Justice. This body of rules will be supplemented by the Parliament and Council Directive to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained ([3]).

If the single market is to function properly, however, Member States' rules and practices must comply with Community law. The Commission takes the view that several aspects of Italy's legislation and administrative practices concerning the freedom to provide services and the right of establishment of lawyers are incompatible with Community law, and it has therefore sent the Italian authorities a letter of formal notice. This is the first stage in infringement proceedings under Article 169 of the EC Treaty.

The Commission has, for example, drawn the Italian Government's attention to the fact that the rule whereby lawyers wishing to become or remain a member of an Italian bar must reside in an Italian judicial district constitutes an undue obstacle for lawyers from other Member States wishing to practise in Italy without giving up their establishment in their home Member State and also for Italian lawyers wishing to establish themselves in another Member State on the basis of their membership of an Italian bar. The Commission has therefore called on Italy to bring its rules into line with Community law and, pending the formal amendment of those rules, to ensure that its authorities handle individual cases in accordance with Community law.

The Commission has also urged Italy to take the necessary steps to ensure that the Community rules on the recognition of lawyers' qualifications are effectively and correctly applied in that country.

Further developments will depend on the Italian authorities' response.

([1]) OJ L 78, 26.3.1977.
([2]) OJ L 19, 24.1.1989.
([3]) Not yet published.

(98/C 187/85) **WRITTEN QUESTION E-3781/97**

**by Reimer Böge (PPE), Lutz Goepel (PPE), Agnes Schierhuber (PPE), Honor Funk (PPE), Christa Klaß (PPE), Hedwig Keppelhoff-Wiechert (PPE) and Xaver Mayer (PPE) to the Commission**

*(21 November 1997)*

*Subject:* Directive 91/628/EEC on the protection of animals during transport, hygiene problems in connection with the use of staging points for breeding animals

The veterinary and health requirements governing the transport of breeding animals are quite rightly much stricter than those relating to the transport of slaughter animals. Nevertheless, the feeding and staging points must be used by both breeding and slaughter animals in the same way.

On the basis of Directive 95/29/EC ([1]) amending Directive 91/628/EEC ([2]), the Commission has put forward Community criteria 'to be met by staging points with regard to the reception structure, feeding, watering, loading, unloading and where necessary housing of certain types of animal as well as the health requirements applicable to such staging points' (amended wording of Article 13(2) of Directive 91/628/EEC). By means of Regulation 1255/97 of 25 June 1997 the Council approved these implementing provisions, but adopted an additional statement drawing attention to the health problems in connection with breeding animals.

Can the Commission state:

1. whether the health requirements are sufficient to ensure that there is no danger whatsoever of diseases being transmitted from slaughter to breeding animals during periods spent in the feeding and staging points?

2. whether the implementing provisions for Directive 91/628/EEC also take account of the fact that during the transport of animals it is not so much the journey itself, but rather the unloading and loading at the staging points, which exposes the animals to increased stress?

3. what arrangements already exist, or whether the Commission is considering their introduction, whereby the transport vehicles could be equipped with watering or, possibly, feeding equipment — taking full account of the rules governing the protection of animals during transport and the restrictions on the length of journeys — in order to keep the additional unloading and loading at the feeding and staging points to a minimum? In this way, the problems raised in the preceding questions could at least be reduced.

([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**

*(3 February 1998)*

1. Community criteria to be met by staging points have been defined in Council Regulation (EC) No 1255/97 ([1]). This text, following the principles of previous Community legislation in the area of the welfare of transported animals, did not differentiate between breeding animals and those transported for other purposes. The hygiene requirements for staging points are set at a high level in order to prevent spreading of disease. There is also nothing in the legislation which would prevent operators from establishing staging points which only received certain categories of animals.

2. The Commission is fully aware that, during loading and unloading, animals can suffer stress. However, stress and physical discomfort are also caused by leaving closely packed livestock on a stationary lorry. It is also difficult to feed and water the animals on a lorry, and impossible to replace soiled bedding material.

In respect of pigs only, following a request from the Council, the Commission is preparing a proposal for a Council decision which would allow operators transporting these animals, in particularly welfare-friendly conditions, the option of allowing them to remain on the lorry at a staging point.

3. Under provisions introduced by Directive 95/29/CE of 29 June 1995 amending Directive 90/628/EEC concerning the protection of animals during transport, journey times in basic vehicles shall not exceed eight hours. The text makes provisions for transport in up-graded vehicles, for periods depending on the species and age of the animals, of up to 28 hours. This text does not provide any derogation from the requirement for unloading once the applicable maximum period has been reached. The Commission has already proposed to the Council detailed standards for the up-graded lorries.

(1) OJ L 174, 2.7.1997.

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(98/C 187/86)

**WRITTEN QUESTION E-3790/97**

**by Ian White (PSE) to the Commission**

*(26 November 1997)*

*Subject:* Rubbish treatment plant at Casares

Has the Commission considered the scale, siting and methods of rubbish treatment for the proposed plant at Casares (Malaga), Andalucia, Spain, in the light of the alternative Environment Impact Assessment supplied to it by concerned residents, which forecasts the serious pollution of water courses from leachates of the proposed dump?

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

*(16 December 1997)*

A petition regarding a proposed waste management plant in Casares, Spain was formally transmitted to the Parliament and forwarded to the Commission under reference No 1026/96 in 1996.

By letter of 30 July 1997 the Commission requested further information from the Spanish authorities concerning the above petition. The Commission requested information regarding the measures foreseen to ensure that waste going to the waste treatment plant and dump at Casares will be disposed of without danger to human health and the environment, taking into account applicable Community legislation, such as Directive 75/442/EEC on waste (1) as amended by Directive 91/156/EEC (2) and Directive 89/369/EEC on the prevention of air pollution from new municipal waste incineration plants (3). The Commission has not yet received a reply from the Spanish authorities.

As mentioned by the Honourable Member, the Commission received documents from local residents. The Commission will consider these documents together with the answer from the Spanish authorities when this answer is available.

(1) OJ L 194, 15.7.1975.
(2) OJ L 78, 26.3.1991.
(3) OJ L 163, 14.6.1989.

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(98/C 187/87)

**WRITTEN QUESTION E-3793/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French road blockade: damage assessment procedure

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

Hitherto, the French authorities have not intervened to put an end to any of the blockades carried out by French lorry drivers, which are regularly accompanied by violent attacks on lorries transporting fruit and vegetables from Spain. But they did promise that they would in any case pay damages to those affected.

Despite this promise, only 737 (26.8%) of the 2 749 British, Spanish, German Portuguese and Belgian claims submitted since last September have been processed, and only 124 of them accepted (4.51%). Of the 500 claims made in the French courts by Spanish citizens, only 1 has been accepted.

The French authorities claim that the slowness with which these court decisions are reached reflects the fact that the French legal system only allows courts to accept claims for damages when there is documentary proof of damage to vehicles or their cargoes, and such proofs are difficult to provide. This means that there is no real possibility of calculating the enormous cost of cargoes being blocked at the frontier, even when the cargoes have not suffered from physical violence.

Does the Commission intend to put in hand an assessment system which would provide an objective evaluation of the damages suffered and allow the parties concerned to be effectively compensated?

(98/C 187/88)

**WRITTEN QUESTION E-3794/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French road blockades: examining the damages

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

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Does the Commission intend to undertake any in-depth examination of the cost to European economies which by these road blockades represent?

(98/C 187/89)

**WRITTEN QUESTION E-3795/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French road blockades: speeding up compensation

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

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Despite this promise, only 737 (26.8%) of the 2 749 British, Spanish, German Portuguese and Belgian claims submitted since last September have been processed, and only 124 of them accepted (4.51%). Of the 500 claims made in the French courts by Spanish citizens, only 1 has been accepted.

Does the Commission intend to take any steps to ensure that the French authorities provide effective and rapid compensation to those who have suffered losses?

(98/C 187/90)

**WRITTEN QUESTION E-3796/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French road blockades: current initiatives for social legislation

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

During the strike begun by French lorry drivers on 3 November 1997, various countries requested the French Government to take effective action to guarantee the free market, by setting up corridors for lorries to cross the country. The French Government, referring to the lack of European harmonization in the field of social legislation, refused.

What stage have the legislative initiatives in the social field, which would prevent obstacles to the freedom of persons or goods, currently reached?

(98/C 187/91)

**WRITTEN QUESTION E-3797/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French road blockades: a gap in social legislation

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

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Is there really a legal vacuum in the social field which could constitute an obstacle to the goals of the European Union?

(98/C 187/92)

**WRITTEN QUESTION E-3798/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French road blockades: measures against the French Government

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European

Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

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What measures does the Commission intend to take to oblige the French authorities to guarantee respect for Community rules?

(98/C 187/93)

**WRITTEN QUESTION E-3799/97**

**by José García-Margallo y Marfil (PPE) to the Commission**

*(26 November 1997)*

*Subject:* French Road Blockades: Legal wherewithal to protect the Single Market

The road blockades set up by French lorry drivers are starting to turn into a regular event, which contravenes the Community rules on competition by preventing the freedom of movement of goods within the European Union. The damage done to intra-European trade is very considerable, and has led to protests from Spain, the UK, Germany and the Netherlands. In concrete terms, Spanish hauliers' organizations calculate that every day of the blockade cost Spanish road-haulage undertakings over PTA 2 500 million.

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Does the European Union have at its disposal the legal wherewithal which would allow it to oblige the French Govenment to intervene in order to ensure the freedom of movement of goods in the Internal Market?

**Joint answer**
**to Written Questions E-3793/97, E-3794/97, E-3795/97,**
**E-3796/97, E-3797/97, E-3798/97 and E-3799/97**
**given by Mr Kinnock on behalf of the Commission**

*(30 January 1998)*

The Commission has no legal basis for intervening in a national dispute between employers and trade unions. Indeed, the Commission recognises that the right to strike is specified as a fundamental social right in the 1989 Community Charter on the social rights of workers (point 13).

As guardian of the Treaties, the Commission takes care to ensure that the free movement of goods and persons is not subject to unjustified impediments which would seriously disrupt the functioning of the internal market. However, unless a Member State is shown to be negligent in its duty to uphold the legal freedom of movement of goods and persons as laid down in the Treaty, the Commission cannot act.

Compensation for damages also falls within national competence and whilst the Commission is greatly concerned about the difficulties registered by hauliers, it is not in a position to secure change.

The Commission does not envisage undertaking a study on the costs to European economies of the road blockades. It is, however, always ready to co-operate with the appropriate authorities in efforts to secure solutions that are satisfactory for all relevant parties. As a result, on several occasions Commissioners wrote to French ministers urging them to make every effort to ensure free circulation on their road network. In addition, the Commission has approached both the French authorities and the professional road transport associations to ask them to pursue progress on compensation claims.

The social aspects of road transport within the Community are governed by Regulation (EEC) No 3820/85 on driving times and rest periods for drivers ([1]), by Council Directive 88/599/EEC on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 and Regulation(EEC) No 3821/85 on recording equipment in road transport ([2]). In addition certain issues remain under national legislation. The diversity of current rules and enforcement practices throughout the Community gives rise to significant differences in competition.

Consequently, the White Paper on sectors and activities excluded from the Working Time Directive ([3]) outlined the Commission's intention to make a proposal in early 1998 for amendments to Regulation (CEE) No 3820/85 in order to include in this legislation the concept of working time by adding provisions on loading and unloading and other activities carried out by drivers. Its overall aim would be to harmonise both the rules and the enforcement systems.

([1]) OJ L 370, 31.12.1985.
([2]) OJ L 325, 29.11.1988.
([3]) COM(97) 334 final.

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(98/C 187/94) **WRITTEN QUESTION E-3800/97**

**by Gianni Tamino (V) to the Commission**

*(26 November 1997)*

*Subject:* Use of laser guns in European cities to 'control' wild birds

On 28 January 1997, in reply to Written Question E-3175/96 ([1]) on the use of laser guns to control starlings in the city of Modena, the Commission stated that it was awaiting a report on the application by the Italian Government of the derogations to Council Directive 79/409/EEC ([2]) for the years 1995, 1996 and 1997.

In a document entitled 'Gas 1918 ... Lasers 1990s?', the International Red Cross states that this type of gun will be the weapon of the future and that, owing to the characteristics of these portable guns, their low cost and their offensive capabilities, they could also become the weapons used in future by terrorist groups and organized criminal gangs.

On 12 May 1997, the Italian Ministry of the Interior wrote to the Prefecture and the Police Headquarters of Modena in connection with the use of laser guns, stating that these weapons must be used outside and at some distance from populated areas ... the danger zone must be defined, marked out and evacuated, using posters carrying warnings of the dangers of laser guns ... the laser beam must not be directed at people's eyes ... the rays must not be beamed at targets with a reflective surface (such as glass) ... any observers or spectators must use protective goggles and must not be allowed to look at the laser beam through magnifying optical instruments ... adequate safety distances between the laser beam and observers or spectator must be imposed ... .

It appears, however, that the Modena Consorzio di solidarietà sociale, the body which carried out the measures in the city of Modena, conducted some fifty operations in one year (1996 to 1997) to limit the numbers of starlings, in a series of weekly operations, lasting approximately fours hours each, from 9 p.m. to 1 or 1.30 a.m., in the squares and tree-lined avenues most heavily populated by these birds (Piazza Mazzini, Piazza Matteotti, Piazza Dante, Viale V. Emanuele, Viale Gramsci, Viale Verdi, Viale Berengario, etc.), without taking any of the precautions laid down by the Ministry of the Interior, i.e. without ensuring the safety of the residents or the users, and that this took place during the months of July, August, September, October and November, i.e. the months in which the residents of the neighbourhoods concerned (densely populated areas in the centre) can often be found, even late at night, out in the street or at their windows, i.e. close to reflective glass surfaces. Moreover, the Consorzio itself states that this laser equipment has already been used regularly to remove unwanted birds, e.g. starlings, pigeons, sparrows, turtle-doves, gulls, etc., from cities in both France and Spain.

Will the Commission pass on the information referred to in paragraphs 1 and 2 of its answer of 28 January 1997?

Will it state whether, in the light of this new information, it considers that the directives referred to in the previous written question have been infringed and whether these laser guns have been used in other countries in breach of the Community directives?

(1) OJ C 186, 18.6.1997, p. 41.
(2) OJ L 103, 25.4.1979, p.1.

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

*(16 December 1997)*

In its reply to the earlier Written Question No 3175/96 by the Honourable Member and Mr Ripa di Meana on the same subject, the Commission pointed out that, in accordance with Article 9 of Council Directive 79/409/EEC (1), a report was due from the Italian authorities.

This report, covering the period 1995-1996, was finally submitted at the end of May 1997 and its analysis has been recently completed. The report does not mention the action cited by the Honourable Member. For this reason, the Commission will ask the Italian authorities for complementary information.

The information supplied by the Member States to the Commission does not include any reports of the use of laser guns not in conformity with the provisions of Directive 79/409/EEC.

If employees of the Modena Consorzio de solidarietà sociale have been required to use dangerous equipment such as laser guns without adequate protection, this should be brought to the attention of the Italian authority responsible for control and supervision, as provided for in Article 4(2) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (2), namely the Labour Inspectorate for the area concerned.

(1) OJ L 103, 24.5.1979, as amended on the accession of Austria (OJ L 1, 1.1.1995).
(2) OJ L 183, 29.6.1989.

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(98/C 187/95)

**WRITTEN QUESTION E-3801/97**

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

*(26 November 1997)*

*Subject:* Equivalence of qualifications

In view of the fact that EU borders were opened in 1993 for qualifications and that some countries, particularly Italy, award qualifications on completion of studies which are not recognised in other EU Member States, will the Commission state whether or not it intends to request the Member States to bring about the equivalence of qualifications so that mobility of labour can finally be achieved in Europe?

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

*(6 January 1998)*

The Commission would refer the Honourable Member to its answer to her Written Question E-85/95 (1).

(1) OJ C 190, 24.7.1995.

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(98/C 187/96)

**WRITTEN QUESTION E-3803/97**

**by José Apolinário (PSE) to the Commission**

*(26 November 1997)*

*Subject:* The FIFG and tourism

In view of the Commission's reply to my question E-2036/97 ([1]) on the breakdown of ERDF activity by Member State, can the Commission provide me with the same information with regard to the FIFG, namely the sums assigned to tourism within the various operational programmes in each of the Community support frameworks in each of the Member States?

([1]) OJ C 391, 23.12.1997, p. 151.

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

*(27 January 1998)*

Assistance from the Financial Instrument for Fisheries Guidance (FIFG) is strictly limited to fisheries projects. Tourism projects are covered by the European Regional Development Fund.

(98/C 187/97)

**WRITTEN QUESTION E-3804/97**

**by José Apolinário (PSE) to the Commission**

*(26 November 1997)*

*Subject:* European Social Fund and tourism

In view of the Commission's reply to my question E-2036/97 ([1]) on the breakdown of ERDF activity by Member State, can the Commission provide me with the same information with regard to the European Social Fund, namely the sums assigned to tourism within the various operational programmes in each of the Community support frameworks in each of the Member States?

([1]) OJ C 391, 23.12.1997, p. 151.

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

*(30 January 1998)*

The Commission is sending direct to the Honourable Member and to Parliament's Secretariat a table containing the information requested.

(98/C 187/98)

**WRITTEN QUESTION E-3805/97**

**by José Apolinário (PSE) to the Commission**

*(26 November 1997)*

*Subject:* EAGGF — Guideline and tourism

In view of the Commission's reply to my question E-2036/97 ([1]) on the breakdown of ERDF activity by Member State, can the Commission provide me with the same information with regard to the EAGGF — Guideline, namely the sums assigned to tourism within the various operational programmes in each of the Community support frameworks in each of the Member States?

([1]) OJ C 391, 23.12.1997, p. 151.

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

*(19 January 1998)*

The promotion of rural and on-farm tourism is one measure part-financed by the Guidance Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) in most operational programmes under Objectives 1 and 5(b), in the Leader Community Initiative and also where included in improvement plans under Article 6(1)(b) of Council Regulation (EEC) No 950/97 of 20 May 1997 on improving the efficiency of agricultural structures ([1]).

However, tourism operations are contained in subprogrammes combining several measures (diversification and rural development in particular), so it is not possible to identify the appropriations intended for tourism or provide a quantitative breakdown by Member State.

([1]) OJ L 142, 2.6.1997.

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(98/C 187/99) **WRITTEN QUESTION P-3806/97**

**by Roberto Mezzaroma (UPE) to the Commission**

*(17 November 1997)*

*Subject:* Construction of the Messina Bridge

Is the Commission in a position to report on the future construction of the bridge across the Strait of Messina, and indicate in particular:

1. how much funding the EU has allocated to it and for how many years;
2. whether a project has been drawn up and, if so, by which consultancy; the cost of the project and the project's financial backers;
3. whether the project carries proper guarantees for the construction of the bridge, from the environmental and geological points of view and from the point of view of links between the continent and Sicily;
4. whether the instructions issued by the EU have been complied with;
5. which firms will take part in the competition for tenders to carry out the project?

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

*(30 January 1998)*

The Community has not committed any funds for the development of the Messina Strait bridge.

Concerning the procedures for the awarding of the design and execution of the work, the Italian authorities have informed the Commission that they are subject to the approval of a new law. The preliminary design have been awarded to the company called Stretto di Messina S.p.A; according to law No 1158 of 17 December 1971 and to interministry decree No 3437 of 27 December 1985.

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(98/C 187/100) **WRITTEN QUESTION E-3811/97**

**by Hilde Hawlicek (PSE) to the Commission**

*(26 November 1997)*

*Subject:* Customs discrimination against camcorders with input sockets

European amateur film and video makers are placed at a disadvantage in their creative activities. For customs purposes in the EU camcorders equipped with input sockets are treated like normal video recorders. In order to avoid these customs disadvantages,the manufacturers omit important connections from the equipment. As a result amateur video makers do not have the possibility of using the newest processing technologies. It is anyway unlikely that an amateur video maker would contemplate recording programmes with a camcorder.

As camcorders are not produced anywhere in the EU, and fully equipped machines can therefore not be purchased. and as there is thus a danger of increased illegal imports of such machines, the Commission is asked:

Why are camcorders with input sockets treated for customs purposes like normal video recorders?

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

*(30 January 1998)*

Before 1 January 1996 video-camcorders were classified in CN code 8521 10 31 of the combined nomenclature (based on the nomenclature as set out in the annex to the international convention on the harmonized commodity description and coding system (HS)), a heading which covers video recording and reproducing apparatus. Thus, video-camcorders which always have plugs for the recording of television programmes were classified as video recorders and received the tariff treatment accorded to such products (14%) in conformity with the Community's common customs tariff.

When the HS nomenclature was modernized on 1 January 1996 the text of heading 8525 was expanded to cover 'still image video cameras and other video camera recorders'. This amendment regrouped the different types of apparatus, including those capable of recording programmes from a television receiver — the camcorders. It was acknowledged that this amendment for certain contracting parties, including the Community, entailed the transfer of camcorders from heading 8521 to heading 8525. Thus, it can be confirmed that camcorders are classifiable in CN code 8525 40 99.

When a product is transferred from one heading to another, the commitment by the Community to provide the tariff treatment follows the heading. Consequently camcorders continue to be subject to the 14% duty rate. Unilateral duty rate reductions for consumer electronic products, including video-camcorders, are not envisaged. Indeed such products were explicitly excluded from the information technology (IT) agreement whereby a number of countries, including the United States, Japan and the Community, agreed to eliminate the tariffs on IT products.

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(98/C 187/101) **WRITTEN QUESTION E-3829/97**

**by Wilfried Telkämper (V) to the Commission**

*(28 November 1997)*

*Subject:* Implementation of the Habitats Directive with regard to the Söllingen airport site

What measures are the authorities of the German Länder required to take under the Habitats Directive when this has not yet been transposed into national law but where there is a site of several hundred hectares which fulfils the conditions for conservation under the Directive (e.g. in the form of 'habitat types of Community interest')? Under what circumstances can the Land authorities refrain from taking the measures provided for, and who decides whether such measures must be taken or can be dispensed with?

What procedure should be followed in respect of areas eligible for habitat conservation where there are conflicting plans by the Federal Government, the Land and the local authorities, and what are the legal consequences for habitat conservation where planners disregard the required procedures and

— the habitats still exist but plans exist which would involve their destruction?

— the habitats have been destroyed?

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

*(20 January 1998)*

The Commission is aware that the Söllingen airport site was discussed in the parliament (Landtag) of Baden-Württemberg and that the responsible authorities stated that there are no sites of similar importance for the conservation of sedo-scleranthetea habitat types in that German state. The Commission is currently investigating the matter further in the light of a complaint.

As matters stand, it would seem that the site in question has an importance which may lead the German authorities to select it for inclusion in the national list of sites required to be proposed under Article 4(1) of Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna [1]. However, no complete national list has yet been proposed for Germany (as the complete list was due in June 1995, the Commission has launched a general infringement procedure) and this site does not appear on the partial list which Germany has already provided. The ultimate inclusion of this site in either the national list or the subsequent list of sites of Community importance is therefore uncertain.

In these circumstances, it is difficult for the Commission to advise the Honourable Member on the implications of Directive 92/43/EEC for the site in question, particularly in the absence of specific case-law of the European Court of Justice. However, the following observations may be of assistance.

The site protection provisions of Directive 92/43/EEC, which are set out in Article 6, in general only apply from the time a site appears on the list of sites of Community importance, which is not the case here. An exception arises where the Commission invokes Article 5 of the Directive, in which case the provisions of Article 6(2) of the Directive apply pending a Council decision. Where there is as yet no Community list and where Article 5 of the Directive has not been invoked, competent authorities may nonetheless need to take account of Article 5 of the EC Treaty, which inter alia provides that Member States shall abstain from any measure which could jeopardize the attainment of the objectives of the EC Treaty. The destruction of important nature conservation sites without adequate prior consideration may give rise to questions of compliance with Article 5 of the EC Treaty if the effect would be to frustrate the achievement of the objectives of Directive 92/43/EEC.

Other Community legislation may also be relevant. The significance of the site may necessitate a project environmental impact assessment pursuant to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [2]. The significance may also bring into play Article 4 of the Convention on the conservation of European wildlife and natural habitats. This requires contracting parties (which include both Germany and the Community [3]) in their planning and development policies to avoid or minimize as far as possible the deterioration of endangered natural habitats. In the Commission's view, compliance with such provisions should help ensure that the objectives of Directive 92/43/EEC are not compromised in advance of the establishment of the Community list.

(1) OJ L 206, 22.7.1992.
(2) OJ L 175, 5.7.1985.
(3) Council Decision 82/72/EEC concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats, OJ L 38, 10.2.1982.

(98/C 187/102) **WRITTEN QUESTION E-3831/97**

**by María Sornosa Martínez (GUE/NGL) to the Commission**

*(28 November 1997)*

*Subject:* Pego-Oliva Wetland

The Pego-Oliva Wetland has already been brought to the attention of the Commission through Written Question E-1387/96 [1] presented by this Member. This area is the second most important wetland in Valencia and has been declared a special protection area (SPA), in accordance with Directive 79/409/EEC [2] on wild birds. Since 1992, LIFE — Nature has financed measures to conserve its natural wealth. Last year the Commission was informed of the works being carried out by the Pego Municipal Council, which were presumably illegal. It contacted the relevant authorities to inform them that it would suspend its funding of LIFE if the irregularities continued and it recently sent Commission representatives to visit the area.

1. What conclusions were reached by the Commission after this visit?

2. What measures does the Commission intend to take to ensure that the Community regulation is complied with?

3. Is the Commission prepared to initiate infringement proceedings for non-compliance with Article 169 of the EC Treaty, and, if these proceedings have already begun, can the Commission specify what stage they are at?

4. Will the funds from the Community support framework 94-99 for Spain be used in this area in accordance with the principles of conservation of natural resources as provided for in Directive 92/43/EEC (3) on the conservation of natural habitats?

(1) OJ C 356, 25.11.1996, p. 33.
(2) OJ L 103, 25.4.1979, p. 1.
(3) OJ L 206, 22.7.1992, p. 7.

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

*(2 February 1998)*

1. According to information at the Commission's disposal following the visit made to this area in September 1997 and reports received from the Valencian administration, the following are the main points of action implemented to ensure the conservation of this wetland:

— the institution of legal proceedings by the director of the Park against the mayor of Pego. The Valencian Generalitat has directly intervened in the proceedings through the legal services of the Presidency, whose job it is to assist the director;

— the drawing up of a decree by the Consejería de Medio Ambiente (regional ministry for the environment), ordering the cessation of all activity in the wetland;

— a judicial decision to also prohibit all activity in the wetland and notification to the Civil Guards (rural police) to monitor its enforcement.

Actions contrary to this pronouncement which have taken place after the implementation of the above have been referred to the judge. Since June 1997, at least 6 companies or persons have been subpoenaed.

The director of the natural park also contacted the Civil Guards on 4 November 1997 aboout illegal works carried out in the wetland.

2. The Commission believes that, up until now, the Spanish authorities have taken the appropriate measures to prosecute illegal action in this wetland to ensure the conservation of this special protection area for birds. The Commission is closely monitoring how the situation develops. In the event that it believes that the measures necessary to combat illegal action within this wetland are no longer being implemented, it will make the appropriate decisions to ensure that Community legislation is complied with.

3. These measures may include the freezing of LIFE-Nature co-financing and the initiation of a complaints procedure against Spain.

4. The Commission will do all within its means to ensure that financing under the Community support framework 1994-1999 is used in compliance with Community directives, and in accordance with the principles of the conservation of natural resources and sustainable development, not only in this particular wetland, but also in Spain as a whole.

The Commission, which jointly implements and manages programmes that the Member States develop on an operational level in the form of projects, is always attentive to difficulties which may arise as the projects are being carried out.

In this instance, the Commission will place its technical assistance at the disposal of the Spanish authorities, should they need it in order to better ensure the conservation of this natural habitat area.

(98/C 187/103) **WRITTEN QUESTION E-3832/97**

**by Jean-Pierre Bébéar (PPE) to the Commission**

*(28 November 1997)*

*Subject:* The Evin Law and restrictions on freedom of movement

I thank the Commission for its recent response to my Written Question E-2105/97 ([1]).

Unfortunately, however, I must point out that the Commission's reponse was not satisfactory. In addition, I would like it to clearly set out its current position by answering the following questions:

1. If the Commission applied the methodology proposed in the Green Paper, how does it explain the fact that in the majority of countries, where alcoholic beverage producers are not prevented from sponsoring sporting events, there is a similar level of protection for public health as there is in those countries which have imposed a total ban?
2. More generally, when the same methodology is applied, can the assessment of the proportionality of the restriction imposed differ in each of the Member States?
3. Can the Commission therefore confirm that, in this case, the principle of proportionality was applied in the assessment of the restriction imposed in the Member State involved?
4. Moreover, given the fact that the Green Paper advocated more transparency and Parliament called for more coordination in its opinion, can the Commission state whether it has held discussions with the Member States, and more specifically, their national health authorities on topics relating to the advertising of alcoholic drinks, and does it plan to inform Parliament of these discussions?
5. Finally, could new developments in this complaint, such as more detailed information or a breakdown in negotiations between the complainant and the Member State, enduce the Commission to reconsider this important issue, in the form of an assessment of new cases that are likely to arise in the future?

([1]) OJ C 82, 17.3.1998, p. 29.

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

*(3 February 1998)*

The Honourable Member requests clarification on an earlier answer to his Written Question E-2105/97 regarding the reported closure of an infringement case concerning the ban of a cross-border sponsorship for the 1998 World Cup in France by an alcoholic beverage producer following the application of the French loi Evin.

The proportionality assessment methodology proposed in the green paper on commercial communications ([1]) is due to be adopted early next year in a communication by the Commission. It is therefore not appropriate to discuss the application of this methodology, or for that case any of the other proposals made in that text, to a case which was examined by the Commission earlier this year.

Regarding the case at hand, as noted in its previous reply, the Commission considered the restriction to be proportional. According to the case-law of the Court of justice, in the present state of Community law, in which there are not common or harmonised rules governing in a general manner the advertising of alcoholic beverages, it is for the Member States to decide on the degree of health protection they wish to afford their citizens and on the way that protection is to be achieved, provided that they do so within the limits set out by the Treaty. However, at the behest of the Parliament, the Commission considers that sponsorship services should be given due consideration in its proposed follow-up communication on commercial communications. This will allow for discussions on this issue with all the Member States as suggested by the Honourable Member.

As regards the Honourable Member's last question, the plaintiff has not lodged another complaint following the closure of the case referred to and therefore the Commission has no reason to review this specific restriction at the current time.

([1]) COM(96) 192.

(98/C 187/104)

**WRITTEN QUESTION E-3833/97**

**by Hedy d'Ancona (PSE) to the Commission**

*(28 November 1997)*

*Subject:* Council Regulation (EC) 1292/96 and the supply of emergency food aid to Ethiopia via Euronaid

Why does the Commission, while cooperating with the Netherlands organisation Novib and the local NGO REST, maintain local representation by the European agency although food provision and purchasing by REST seemed very successful in recent years, as is shown by the study Novib/REST Internal Food Purchase Policy, an Independent Evaluation Report by the Institute of Social Studies (April 1997)?

(98/C 187/105)

**WRITTEN QUESTION E-3834/97**

**by Hedy d'Ancona (PSE) to the Commission**

*(28 November 1997)*

*Subject:* Council Regulation (EC) 1292/96 and the supply of emergency food aid to Ethiopia via Euronaid

How does the Commission explain, in view of the earlier recognition of the need to build up the capacity of local NGOs with regard to food security (Council Regulation 1292/96) ([1]), the condition laid down in 1996 that food purchasing in Ethiopia with financial support from the European Union can only be carried out through the European organisation Euronaid?

([1]) OJ L 166, 5.7.1996, p. 1.

(98/C 187/106)

**WRITTEN QUESTION E-3835/97**

**by Hedy d'Ancona (PSE) to the Commission**

*(28 November 1997)*

*Subject:* Council Regulation (EC) 1292/96 and the supply of emergency food aid to Ethiopia via Euronaid

What steps is the Commission taking to comply with Council Regulation (EC)1292/96 ([1]), which recognizes the importance of building up the capacity of local NGOs in order to improve food security?

([1]) OJ L 166, 5.7.1996, p. 1.

(98/C 187/107)

**WRITTEN QUESTION E-3836/97**

**by Hedy d'Ancona (PSE) to the Commission**

*(28 November 1997)*

*Subject:* Council Regulation (EC) 1292/96 and the supply of emergency food aid to Ethiopia via Euronaid

How does the Commission explain the serious delay in reaching a decision on proposals by NGOs for food purchasing in order to provide emergency aid in Ethiopia?

**Joint answer**
**to Written Questions E-3833/97, E-3834/97, E-3835/97 and E-3836/97**
**given by Mr Pinheiro on behalf of the Commission**

*(30 January 1998)*

The questions raised by the Honourable Member concern the food-aid and security operations which have been carried out since 1995 on behalf of Ethiopia, in particular the Tigray region, and the joint study by the Netherlands Organisation for International Development Cooperation (NOVIB) and the Relief Society of Tigray (REST) entitled Internal Food Purchase Policy, an Independent Evaluation Report 1997. The Commission has studied this report closely and cannot concur with its conclusions, which reflect the views of its authors only.

Ethiopia had an extremely good harvest in 1995, thanks to good rainy seasons and the Community-backed economic reform policies for food security, which resulted in increased production.

While the country as a whole has produced a surplus, certain regions — notably Tigray — are in deficit; the most vulnerable populations, whose purchasing power is inadequate or non-existent, should continue to receive assistance.

In agreement with the Ethiopian authorities, the Commission decided to buy locally a total of 110 000 tonnes of cereal. 75 000 tonnes went to boost the capacities of the Emergency Food Security Reserve (EFSR) and were bought directly by the Commission. 35 000 tonnes were destined for the food-security programmes implemented by the Tigray organization REST and were bought by Euronaid, as is its role, at the Commission's request and in agreement with the Ethiopian authorities.

Today, as in November 1995, there are no European or Ethiopian NGOs in Ethiopia who can buy locally and transport these quantities of cereal. The Commission, represented by its delegation, encourages cooperation projects between European and Ethiopian NGOs to strengthen the latter's ability to plan and manage food-security projects. To help them successfully carry out such operations, a seminar was held to train Ethiopian NGOs on the project cycle management model used by the Commission for development programmes and projects. The Commission will directly finance REST's food security programmes for 1998 under the new Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and management and special operations in support of food security, which came into effect in July 1996. In this context, REST will receive the help of a technical assistant.

Article 9(2)(b) of this Regulation provides that NGOs having their headquarters in one of the recipient countries are entitled to Community aid in support of food-security operations.

Article 9(2)(c) of the Regulation clearly states that one of the conditions of eligibility for Community aid is that a European NGO must be present in the recipient country. Without a physical presence in Ethiopia enabling it to monitor the food situation in Tigray and the programmes run by REST, for which it wishes to act as agent in Europe, the NGO NOVIB is clearly not eligible for food-security and aid operations.

The Commission is not aware of lengthy delays in the decision-making processes on NGO proposals concerning the purchase of foodstuffs.

A preliminary study of funding applications submitted by NGOs is made by the Commission delegation in Ethiopia. A maximum period of one month is requested from the date of the official submission of the project. This period allows the document to be studied and discussed with the NGO and its merit to be assessed on the ground. The NGOs are aware of this procedure.

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(98/C 187/108)

**WRITTEN QUESTION E-3842/97**

**by Enrique Barón Crespo (PSE) to the Commission**

*(5 December 1997)*

*Subject:* Ericsson SA in Spain

Prompted by the liberalization of the EU telecommunications market, the multinational company Ericsson is planning to divide up its production activities in Spain and transfer 1545 employees from the company where they work to another company which is in a fragile economic situation and is not covered by any agreements with workers.

Given that Telefonaktiebolaget LM Ericsson is a European multinational, will the Commission say:

1. whether the provisions of the directive on the information and consultation of workers (European Works Council) have been observed?

2. whether the Community legislation on this matter has been observed?

**Answer given by M. Flynn on behalf of the Commission**

*(4 February 1998)*

In the absence of detailed information, the Commission cannot judge whether the multinational group Ericsson has respected Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees [1], in the framework of the restructuring operation mentioned by the Honourable Member.

The Commission does not intervene in operations of this kind unless it turns out that Community rules have been ignored or have not been properly transposed by the Member States. It is first and foremost the job of the national authorities to ensure compliance with the relevant national rules and, hence, with any Community provisions that may apply to the cases in question.

(1) OJ L 254, 30.9.1994.

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(98/C 187/109) **WRITTEN QUESTION E-3844/97**

**by Kirsi Piha (PPE) to the Commission**

*(5 December 1997)*

*Subject:* Exceptional authorization granted by the EU to Finland on the import of alcohol

Finland has obtained an exceptional authorization to limit its imports of alcohol from the EU area until the end of 2003, when imports should comply with the standards applying in the rest of the EU. In Finland there is still a fierce political debate about whether it is right that the EU should dictate the quantity of alcohol imported into Finland. The present government, however, has probably committed itself to complying with the agreement it has made with the EU. Does the Commission intend to follow up the measures aimed at dismantling the import restrictions in Finland, and if so, how?

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

*(2 February 1998)*

Finland has not in fact obtained a derogation permitting it to limit imports of alcohol from the Community until the end of 2003. Under Council Directive 96/99/EEC of 30 December 1996 amending Directive 92/12/EEC on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products [1], it has, however in common with Denmark and Sweden obtained a derogation regarding alcoholic drinks carried in the baggage of travellers coming from the Community. Under the derogation, once certain allowances are exceeded, Finland may charge excise duty on such goods even though they are destined for the personal use of the traveller concerned.

The Community is not therefore in any sense ‘dictating the quantity of alcohol imported into Finland’. Indeed, Finland is free to dispense with the derogation and grant travellers their full rights at any time. As regards the dismantling of the restriction, under the Directive Finland is committed progressively to remove its restrictions before the 2003 deadline, and before 30 June 2000, the Commission must report on the matter to the Council and Parliament.

(1) OJ L 8, 11.1.1997.

(98/C 187/110)

**WRITTEN QUESTION E-3850/97**

**by Jean-Pierre Bébéar (PPE) to the Commission**

*(5 December 1997)*

*Subject:* BSE — industrial use of tallow

The European Commission Decision 97/534/EC [1] of 20 July 1997 seeks to prohibit the use in the countries of the European Union of 'materials presenting risks as regards transmissible spongiform encephalopathies' of bovine, ovine or caprine origin, with effect from 1 January 1998.

In the European Union companies manufacture oleochemical products based on tallow products intended for use, for example, in textile softeners, paint additives, printing inks or emulsifiers for road asphalt.

Decision 97/534/EC c call into question all the authorizations and approvals of these products as far as the clients are concerned.

Would it be possible, while still protecting public health, to make the Commission decision more specific as regards imports from third countries for the production of non-pharmaceutical and non-cosmetic by-products?

(1) OJ L 216, 8.8.1997, p. 95.

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

*(5 February 1998)*

Commission Decision 97/534/EC of 30 July 1997 on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies prohibits, from 1 April 1998 onwards, the use in the Community for any purpose of specified risk material. The Decision defines 'specified risk material' as:

a) the skull, including the brain and eyes, tonsils and spinal cord of:
   - bovine animals aged over 12 months,
   - ovine and caprine animals which are aged over 12 months or have a permanent incisor tooth erupted through the gum;

b) the spleens of ovine and caprine animals.

The effect of this Decision on Community tallow production is that slaughterhouse waste used as raw material will not contain the above tissues, but these tissues do not form a significant proportion of the raw material. In addition, fallen stock would not be available for tallow production, but these carcases constitute a very small proportion of the raw material. The effect of Decision 97/534/EC on the production of tallow in the Community will, therefore, be negligible.

As far as imports from third countries are concerned, the Decision only requires that products for food, animal feed, medical, pharmaceutical and cosmetic purposes be certified free from specified risk materials. It does not affect tallow products for industrial use.

However, the Commission is aware of the concern in some quarters, referred to by the Honourable Member, that the wording of the Decision could give rise to different interpretations. Accordingly, the Commission intends, in the course of amending the Decision in the light of new scientific advice, to take the opportunity to clarify the text to make it clear that it does not apply to products which carry no health risk.

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(98/C 187/111)

**WRITTEN QUESTION P-3851/97**

**by Rijk van Dam (I-EDN) to the Commission**

*(21 November 1997)*

*Subject:* Freedom of religion in Morocco

In answer to my Written Question E-3136/97 [1] the Commission stated that it was not in a position to confirm reports of the illegal expulsion of two Christians from Morocco. Nonetheless, various organizations including

the 'Jubilee Campaign', 'Open Doors' and the American news service 'Compass Direct' have specifically confirmed the event. The organization 'Jubilee Campaign' has even drawn my attention to a third case of arrest and expulsion. It concerns an Egyptian Christian, Tharwat Yousef Malek Khali, who was expelled from Morocco on 30 March 1997 because he had sought out other foreign Christians to hold services of prayer with them.

1. Can the Commission indicate how it checked the reports on Morocco and why it cannot confirm the cases referred to above when three independent organizations are able to do so?

2. Will the Commission make enquiries of the Moroccan authorities concerning the two cases previously raised and the third case of Tharwat Yousef Malek and will it urge the authorities to protect the rights of these people and to guarantee that they can return without hindrance?

3. Will the Commission convey to the Moroccan authorities the concern about the fact that Christians are being arrested and expelled without trial and in conflict with Moroccan legislation and fundamental human rights?

(1) OJ C 117, 16.4.1998, p. 154.

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

*(16 January 1998)*

The Commission notes the additional reports referred to by the Honourable Member concerning the practice of Christianity in Morocco.

For information concerning what action the Council and the Commission can take in this respect, the Honourable Member is referred to the answer given by the Commission to written question E-1759/96 from Mr van der Waal (1).

(1) OJ C 345, 15.11.1996.

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(98/C 187/112)

**WRITTEN QUESTION E-3855/97**

**by Carlos Robles Piquer (PPE) to the Commission**

*(5 December 1997)*

*Subject:* The future of science parks in the European Union

As some of the science parks scattered around Europe begin to review their achievements and future prospects, those responsible for running the parks are expressing the view that there is a lack of balance between what the parks offer and what is expected of them by many of the companies they are designed to serve. It sometimes seems that the whole basic model for science parks needs to be redefined.

Does the Commission feel that the time is right to suggest a joint review of the future of science parks, which would also take account of experience and assessments from outside the Community?

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

*(28 January 1998)*

For several years, the Commission has been keeping a close eye on the development of technology parks as part of its Innovation Programme and regional policy. Technology parks are designed to promote technological innovation and serve as support structures for regional economic development.

In the last fifteen years or so, these structures have multiplied throughout the European Union and have now attained a certain maturity, although there are considerable variations between regions. As the Honourable Member rightly points out, the concept is still evolving in response to technological progress, especially in the information and communication technologies. For example, we are currently witnessing the emergence of multi-centre or 'virtual' parks.

Technology parks are grouped into national associations which regularly organise forums where the members can compare notes on development, the structures which have been created and the tools which are available to the businesses concerned.

Furthermore, the International Association of Science Parks, which brings together a large number of parks in Europe and other parts of the world, organises useful forums for reflecting on the future of technology parks, and the Commission maintains a keen interest in their deliberations.

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(98/C 187/113)

**WRITTEN QUESTION E-3857/97**

**by Carlos Robles Piquer (PPE) to the Commission**

*(5 December 1997)*

*Subject:* Failure to fill the position of director of the Institute for Prospective Technological Studies in Seville (IPTS)

At the end of 1996 Mr Herbert J. Allgeier left the position of director of the IPTS which he had held since August 1994. Almost one year later, no new director of the centre has been appointed, a fact that is all the more disturbing given the newness of this specialized body of the JRC (Joint Research Centre), which was set up in Seville in September 1994 and given a mandate by Commissioner Edith Cresson one year later following the appointment of the new Commission. When does the Commission intend to fill this vacancy?

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

*(22 January 1998)*

During its 1367th meeting, which was held on 16 December 1997, the Commission decided to appoint Mr Cadiou to the post of Director of the JRC's Institute for Prospective Technological Studies in Seville.

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(98/C 187/114)

**WRITTEN QUESTION E-3859/97**

**by Kirsi Piha (PPE) to the Commission**

*(5 December 1997)*

*Subject:* Decentralization of Parliament's activities

The Court of Justice of the European Communities found in France's favour that the European Parliament should hold 12 part-session weeks per year in Strasbourg. This decision was taken in spite of Parliament's known opposition and is based on an interpretation of the decisions of the Council of Ministers.

The European Union was originally founded as a group of six countries which decentralized its activities to different parts of its territory, to Brussels, Luxembourg and Strasbourg. Now, however, the Union has enlarged to include 15 Member States, and still more members will join in future. Under present-day conditions then, this decentralization, which is very costly to the taxpayer, is no decentralization at all but — to an even greater degree — a centralization.

What action does the Commission propose to take with a view to bringing about either a decision in principle that all MEPs work should be carried on in one place (i.e. Brussels) or a proper decentralization reflecting the EU's current composition? For example, the Northern dimension might be taken into account by building a debating chamber for Parliament in Oulu (northern Finland) for a few part-sessions a year, and this alternative would be just as sensible as the current practice.

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

*(15 January 1998)*

The matters referred to by the Honourable Member do not fall within the competence of the Commission. The seat of the Parliament was fixed by the governements of the Member States at the Edinburgh European Council in December 1992. This decision has recently been confirmed by the decision of the Court of justice referred to by the Honourable Member.

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(98/C 187/115) **WRITTEN QUESTION E-3865/97**

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

*(5 December 1997)*

*Subject:* Maghreb-Europe gas pipeline

The opening of the Maghreb-Europe gas pipeline is a historical milestone for Andalusian industry. This link could usefully be incorporated in the European Energy Charter, in the interests of greater geopolitical stability in the region's economic relations.

What action is the Commission in a position to take to incorporate this aspect into the European Energy Charter?

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

*(21 January 1998)*

The Energy Charter Treaty is a legally binding instrument, which imposes obligations on governments to protect foreign investment and to ensure open trade in energy materials and products. It does not contain any reference to a particular project. It would not, therefore, be possible to make a reference to the Maghreb-Europe gas pipeline in the Energy Charter Treaty.

Nevertheless, the Commission considers the Energy Charter Treaty as a point of reference for its Mediterranean policy. Consequently, in November 1996, the Commission organized a briefing session on the Energy Charter Treaty for the Mediterranean countries.

The countries of the Maghreb have participated from the very beginning as observers during the negotiations of the Energy Charter Treaty. To date, none of them has become a contracting party to the Energy Charter Treaty, but they have observer status in the Energy Charter Conference.

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(98/C 187/116) **WRITTEN QUESTION E-3867/97**

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

*(5 December 1997)*

*Subject:* Olive oil exports

Olive oil exports are now subject to the limits imposed by the GATT agreements on refunds, which are to be reduced by 20% in volume and 36% in value, on a cumulative basis, by the year 2000.

What measures does the Commission envisage to offset these losses and support the opening-up of new export markets?

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

*(7 January 1998)*

The GATT agreements provide for an export quota with Community refunds of 145 000 tonnes, to be reduced to 115 000 tonnes in 2000. Under the rules, the Commission is responsible for managing the quota and ensuring that the Uruguay Round agreement is properly implemented.

The Commission does not agree with the Honourable Member that these restrictions are causing a loss of market share. Indeed, only exports with refunds are restricted. The most recent data show that despite this quota, the level of refund necessary to export has fallen from ECU 40/100 kg at the beginning of the 1996/97 marketing year to ECU 18.50/100 kg at the end of the current marketing year. This shows that markets in non-member countries will pay a price which does not require large refunds.

The Community helps to open up new markets through the promotion policy of the International Olive Oil Council, which is mainly financed by the Community's promotion fund.

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(98/C 187/117) **WRITTEN QUESTION E-3871/97**

**by Amedeo Amadeo (NI) to the Commission**

*(5 December 1997)*

*Subject:* Competitiveness of European industry

With reference to the Commission Communication benchmarking — implementation of an instrument available to economic actors and public authorities (COM(97) 153 final), in measuring the competitiveness of the general reference framework, will the Commission take account of the regional dimension, which makes it possible to identify more effectively factors influencing competitiveness in various sectors, such as support for innovation, human resources development, and dissemination and use of information technologies?

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

*(30 January 1998)*

The Commission believes that benchmarking of framework conditions can take place at a number of different levels, including at Community, national and regional level. At the same time, it must be recognised that many policy areas affecting competitiveness, in particular as regards the regional dimension, are the responsibility of Member States.

It is for this reason that Member States are playing the lead role, with the close co-operation of the Commission, in the implementation of the pilot projects in the areas of financing of innovation, development of human resources and diffusion and utilisation of information technologies.

In the case of economic and social cohesion, it is already the case that regional development programmes co-financed by the Community in principle contain quantified targets based on analysis of inter-regional differences in economic performance and competitiveness. The effectiveness of the programmes ex post is then assessed against the quantified targets established initially.

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(98/C 187/118) **WRITTEN QUESTION E-3884/97**

**by Amedeo Amadeo (NI) and Spalato Belleré (NI) to the Commission**

*(5 December 1997)*

*Subject:* Motor vehicles intended for the transport of dangerous goods

The Commission has submitted a proposal for a European Parliament and Council Directive relating to motor vehicles and their trailers with regard to the transport of dangerous goods by road and amending Directive 70/156/EEC in respect of the type-approval of motor vehicles and their trailers (COM(96) 555 final — 96/0267 COD) [1].

There is no doubt as to the value of the Commission's proposal to regulate the approximation of laws on the type-approval of motor vehicles and their trailers, by amending Directive 70/156/EEC (2) and introducing a new specific directive on the type-approval of motor vehicles and their trailers with regard to the manufacture of vehicles intended for the transport of dangerous goods by road.

Bearing in mind that in the meantime the Council has already adopted more than 36 specific directives on the type-approval of vehicles in category N, will the Commission also include the question of type-approval for vehicles intended for the transport of dangerous goods?

(1) OJ C 29, 30.1.1997, p. 17.
(2) OJ L 42, 23.2.1970, p. 1.

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

*(21 January 1998)*

The Commission confirms that the objective of the proposed directive is to establish the technical requirements for motor vehicles and their trailers intended for the transport of dangerous goods by road.

Compliance with all the relevant technical requirements of this directive will ensure free circulation for commercial vehicles (category N) and their trailers (category O) within the internal market of the Community.

Furthermore, when a vehicle type obtains an approval in accordance with this directive, Member States could not refuse it to be sold, registered or entered into service for reasons relating to its construction.

The above directive will be one of the separate directives linked to the framework by Directive 92/53/EEC of 18 June 1992 amending directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (1).

(1) OJ L 225, 10.8.1992.

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(98/C 187/119)

**WRITTEN QUESTION E-3885/97**

**by Amedeo Amadeo (NI) and Spalato Belleré (NI) to the Commission**

*(5 December 1997)*

*Subject:* Motor vehicles intended for the transport of dangerous goods

The Commission has submitted a proposal for a European Parliament and Council directive relating to motor vehicles and their trailers with regard to the transport of dangerous goods by road and amending Directive 70/156/EEC in respect of the type-approval of motor vehicles and their trailers (COM(96) 555 final — 96/0267 COD) (1).

Directive 94/55/EC (2) transposed into Community law the provisions of the ADR agreement, including the rules on the manufacture of vehicles transporting dangerous goods by road. However, this directive does not stipulate that the construction characteristics of vehicles intended for the transport of dangerous goods should be accepted by the Member States. For this purpose, a specific directive needs to be adopted within the framework of European type-approval to guarantee free movement of vehicles within the Union on the basis of harmonized construction characteristics.

Will the Commission, and in particular DG VII, ensure that the benefits provided by the directive under consideration, Directive 94/55/EEC and Directive 96/86/EC (3) amending the latter, are not nullified by differing provisions on vehicle manufacture introduced by the competent authorities or other organizations?

(1) OJ C 29, 30.1.1997, p. 17.
(2) OJ L 319, 12.12.1994, p. 7.
(3) OJ L 335, 24.12.1996, p. 43.

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

*(29 January 1998)*

The Commission agrees that the requirements of Directive 94/55/EC as amended by Directive 96/86/EC of 13 December 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, are sufficient to guarantee the free circulation of vehicles within the Community when transporting dangerous goods but not the registration of such vehicles in a Member State.

In fact the above mentioned Directive does not contain harmonised technical prescriptions concerning the construction of such vehicles allowing them to be type-approved and registered in another Member State.

In order to ensure the free circulation and the registration of the base vehicle in the Community the Commission has presented to the Parliament and to the Council a proposal for a Directive relating to the type approval of motor vehicles and their trailers to be used for the transport of dangerous goods.

Once this proposal is adopted, all vehicles fulfilling the requirements of the directive will be granted a Community type approval that will give them the right to be registered in each Member State.

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(98/C 187/120)

**WRITTEN QUESTION E-3889/97**

**by Marlene Lenz (PPE) to the Commission**

*(5 December 1997)*

*Subject:* Transposition in Italy of Council Directive 91/439/EEC of 29 June 1991

What action will the Commission take to ensure the immediate transposition in Italy of Council Directive 91/439/EEC of 29 July 1991 [1], in accordance with which a conversion of driving licences is no longer required within the countries of the European Union?

A German citizen who acquired 'residenza' (in Pantasina near Imperia) in January 1997, and who subsequently re-registered his vehicle in Italy with the appropriate authorities in Imperia, has been told to exchange his German driving licence for an Italian licence within one year.

When he inquired whether the abovementioned directive had already been transposed in Italy, he had the impression that the Italian authorities were not even aware of if.

[1] OJ L 237, 24.8.1991, p. 1.

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

*(29 January 1998)*

Council Directive 91/439/EEC of 29 July 1991 on driving licences came into effect on 1 July 1996. Italy transposed this Directive into national law on 8 August 1994 (Gazzetta Ufficiale, Serie Generale 193 del 19.8.1994, pp. 13-34).

However, it appeared from correspondence between the national authorities in Rome and the local offices responsible for the implementation of the above-mentioned legislation that the transposition into Italian law was not in conformity with some of the provisions of Directive 91/439/EEC. This was confirmed by a number of complaints from citizens. In particular, since 1 July 1996 the main principle of mutual recognition of driving licences issued by Member States has been restricted by the Italian authorities to driving licences that are in conformity with the model specified in Annex I of Directive 91/439/EEC. This means that holders of a driving licence issued by another Member State before 1 July 1996 and not in conformity with Annex I of the Directive, were still required to exchange their licence within the period of a year after having taken up normal residence in Italy.

Following several unsuccessful requests to the Italian authorities that they correctly apply the Directive, the Commission sent a letter of formal notice to the Italian authorities on 29 July 1997. Italy replied by letter of 31 October 1997 and announced it would adapt its legislation to bring it in line with Directive 91/439/EEC. In view of the numerous complaints from people living in Italy, the Commission intends to follow this issue carefully and will continue its infringement procedure while awaiting the coming into effect of amended provisions bringing the application of the Italian legislation into line with Directive 91/439/EEC.

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(98/C 187/121)

**WRITTEN QUESTION E-3891/97**

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

*(11 December 1997)*

*Subject:* Organizations responsible for the management of EAGGF Guarantee Section spending

Will the Commission provide detailed information about the organizations (payment, certification and coordination bodies) authorized in each Member State in accordance with Council Regulation (EC) 1287/95 ([1]) and Commission Regulation 1663/95 ([2]) to manage EAGGF Guarantee Section spending, and say in particular which product they have been authorized to manage, what is their legal basis and whether they have a technical service or have entrusted other bodies with the technical controls?

([1]) OJ L 125, 8.6.1995, p.1.
([2]) OJ L 158, 8.7.1995, p.6.

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

*(21 January 1998)*

The detailed information requested on the payment certification and coordination bodies set up under Article 4(1) of Regulation (EEC) No 729/70 of the Council of 21 April 1970 on the financing of the common agricultural policy ([1]) and Articles 1, 2 and 3 of Regulation (EEC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the European agriculture guidance and guarantee fund (EAGGF) -guarantee section, is forwarded direct to the Honourable Member and to Parliament's Secretariat. The position shown has been confirmed by Member States as correct as at 1 May 1997. The data is planned to be revised and updated following the accounts clearance decision for the 1997 financial year in April 1998.

All paying agencies rely on technical services either in house or by delegation to other national authorities. As a general rule the physical controls pertinent to claims for export refunds are performed by the customs authorities. The delegation of technical services for other measures follows the national administrative structures adopted by each Member State. All technical services — in house or delegated — must comply with the relevant accreditation criterion which is set out at point 4 of the annex to Regulation (EEC) No 1663/95.

The Commission has already evaluated the performance of all major paying agencies against the accreditation criteria set out in the annex to Regulation (EEC) No 1663/95 and has obtained improvements where deficiencies have been noted. This process continues by means of direct visits on-the-spot and by means of the annual audit reports which are submitted by certifying bodies, and evaluated by the Commission, with any problems identified pursued as necessary.

([1]) OJ L 94, 28.4.1970.

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(98/C 187/122)

**WRITTEN QUESTION E-3892/97**

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

*(11 December 1997)*

*Subject:* Discrimination against Romanies in the Czech Republic

In recent months there have been a number of disturbing reports concerning the widespread discrimination against Romanies in the Czech Republic, many of whom find themselves illegitimately deprived of Czech citizenship. What steps will the Commission take to pressurize the Czech Government into recognizing the rights of these groups?

Does the Commission agree that the satisfactory resolution of this problem must constitute a fundamental precondition to the Czech Republic's entry into the European Union?

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

*(2 February 1998)*

Inn its opinion on the Czech Republic's application for membership of July 1997, the Commission concluded that the Czech authorities should address, among other issues, the situation of Roma in their country. In the opinions on a number of other applicant countries the Commission drew similar conclusions.

The Community assists the associated countries to prepare for membership through its pre-accession strategy, in which the Phare programme plays a central role. This programme contains a number of projects which specifically address human rights questions and the situation of minorities, including Roma.

The Commission will continue to closely follow the situation concerning human rights and minorities in each of the associated countries. In the case of the Czech Republic this implies also a close monitoring of the programme adopted by the Czech government on 29 October 1997 to improve the situation of Roma. At the same time the Commission will continue to assist these countries in addressing effectively the short-comings in these areas identified in the opinions through the Phare programme.

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(98/C 187/123) **WRITTEN QUESTION E-3893/97**

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

*(11 December 1997)*

*Subject:* European Union forestry strategy

A range of national programmes exists for extending public ownership of forests and subsidizing private owners with a view to achieving sustainable maintenance of forests. The goal is to significantly increase Europe's forestry reserves.

However, we should remember that despite these good intentions, in many countries these protected forests are left to survive as best they can, since the conservation legislation provided for them is old and out of date. For that reason, the new Community forest strategy should provide incentives not only for publicly and privately owned forests, but also seek to update legislation on the conservation of protected forests at Community level.

What is the current stage of consolidation with regard to the Community forestry strategy and what are the current plans for developing the future of the Community's forests, both public and private, with regard to the conservation and extension of the area under trees?

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

*(13 January 1998)*

The Commission attaches a great deal of importance to conserving and protecting the forest resources of the Community and it would like to assure the Honourable Member that this concern will play a central role in its proposals for the future forestry strategy.

It is worth pointing out, however, that legislation on forests and woodland falls within the competence of the Member States.

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(98/C 187/124) **WRITTEN QUESTION E-3894/97**

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

*(11 December 1997)*

*Subject:* Commission promotion of specific studies

Specific studies are extremely important in providing back-up for individual Community policies, based as the latter are on their results. Such studies, are frequently drawn up, on the basis of specific selection criteria, by bodies or groups outwith the Commission.

There is a need for a guide to the studies drawn up on behalf of the Commission and their availability so that commercial undertakings and individuals can make use of their results.

What are the criteria for having studies of specific subjects drawn up by bodies or persons from outwith the Commission? Who can make use of the results of such studies? Does the Commission think it would be appropriate to centralize the carrying out, archiving and availability of such studies in a European Institute for Community Studies?

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

*(30 January 1998)*

The Honourable Member is right in saying that many studies are produced outside the Commission. The main reason for this is the need to draw on outside experts in specific areas requiring a high level of technical or scientific knowhow which the Commission does not possess.

Up to now, there has been no inventory of studies produced by the Commission. However, since September 1997 the ADAM database has provided a certain amount of information concerning the studies undertaken by the Commission. This base, which is accessible to all European (and other) citizens via the Europa server, gives the title and a summary of each study followed by the conclusions reached, the name of the department responsible and other useful information. The data contained in the base relate to studies produced after 1987.

On 8 February 1994, in its concern to show openness to the European public, the Commission adopted Decision 94/90/ECSC/EEC/Euratom on public access to Commission documents [1]. According to that decision, any natural or legal person may apply to the Commission for access to any of its documents, including any study it may have commissioned. Access will be granted unless the document concerned is covered by one of the exceptions made to protect certain public or private interests or to ensure the confidentiality of the Commission's proceedings.

In view of the foregoing, the Commission does not see any need for a 'European Institute for Community Studies' at present.

(1) OJ L 46, 18.2.1994.

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(98/C 187/125) **WRITTEN QUESTION E-3899/97**

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

*(11 December 1997)*

*Subject:* Rai International and protection of information

In order to ensure that news and programmes reach the Italian community living overseas, Italian television has for some time been operating an Italian-language service which broadcasts programme schedules originally produced in the studios in Rome.

However, the essential requirements of balance and pluralism which should be the hallmark of public service broadcasting are not met in these programme and, as they are broadcast overseas, they escape the control of the parliamentary watchdog committee.

Will the Commission intervene with a directive laying down standards of objectivity, balance, independence and pluralism for public service broadcasters?

Will the Commission also put forward a directive to protect Community viewers from the distortions of biased information and guarantee them independent, pluralist news coverage?

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

*(3 February 1998)*

Community law makes no provision for 'internal pluralism' in television services, as this is, theoretically, a matter for the Member States.

The Protocol on the system of public broadcasting annexed to the Treaty of Amsterdam confirms the competence of the Member States to confer, define and organise the public service remit for broadcasting, such as that entrusted to Radio Televisione Italiana (RAI).

In the absence of any appropriate legal basis in the EC Treaty, and without prejudice to its position as regards the need for measures such as those mentioned by the Honourable Member, the Commission is not at this stage planning to propose that Parliament and the Council adopt any legislative acts on this matter.

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(98/C 187/126)

**WRITTEN QUESTION E-3903/97**

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

*(11 December 1997)*

*Subject:* Special measures for island regions

The Amsterdam Intergovernmental Conference adopted a special declaration on island regions of the European Union which states: 'The Conference recognises that island regions suffer from structural handicaps linked to their island status, the permanence of which impairs their economic and social development. The Conference accordingly acknowledges that Community legislation must take account of these handicaps and that specific measures may be taken, where justified, in favour of these regions in order to integrate them better into the internal market on fair conditions.'

On 16 May 1997 the European Parliament adopted Resolution B4-0375/97 ([1]) calling for an integrated policy adapted to the specific needs of island regions of the European Union. On the basis of the above and given the great importance of the development of island regions for Greece, will the Commission say what it intends to do to help implement the demands set out in the Amsterdam Declaration and the European Parliament resolution referred to above?

([1]) OJ C 167, 2.6.1997, p. 249.

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

*(13 February 1998)*

The Treaty of Amsterdam will introduce new provisions into the EC Treaty to take account of the particular situation of islands:

— Article 130a will be amended and will henceforth include an explicit reference to islands;

— a declaration on island regions will be annexed to the Treaty, recognising that they suffer from permanent structural handicaps which impair their economic development and require specific measures to integrate them better into the internal market.

The Commission has always shared the desire of the island regions for a coherent approach to this question. Indeed, during the current programming period, the majority of the large islands in the Community are eligible under Objective 1 of the Structural Funds. During the period 1994-99, the Structural Funds are expected to contribute almost ECU 7 billion to implement programmes in these regions. These amounts are being used to part-finance transport infrastructure, support selected fields in the primary or secondary sectors, improve the environment, develop quality tourism and stem the flight from the land by improving living conditions for those living in the countryside.

Current legislation is particularly favourable to the remote Greek islands which are handicapped by distance because the Community contribution there can amount to 85% of the total cost of the measures applied instead of 75% in the Objective 1 regions.

With regard to the situation of the Greek islands during the forthcoming programming period, the Commission would point out that the Structural Funds programmes are drawn up in partnership with the Member States, which submit their regional development plan to the Commission. This means that the documents adopted reflect the choices and priorities initially fixed by each Member State.

The statistics currently available to the Commission (average GDP in 1992-94) do not suggest that the Greek islands will cease to be eligible under Objective 1. In addition, under the draft Regulations that the Commission is now preparing, the remote Greek islands which are handicapped by distance would continue to enjoy a higher rate of part-financing from the Community.

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(98/C 187/127) **WRITTEN QUESTION E-3905/97**

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

*(11 December 1997)*

*Subject:* Malpensa airport

Malpensa airport is one of the European Union's top priority projects. Unfortunately, Malpensa still lacks adequate infrastructure for links with Milan, the most important city in Northern Italy and a city which leads Europe in economic terms. Mr Burlando, the Italian Minister of Transport, is reported to have decided that, as from next October, Milan's Linate airport should only be used for internal flights whilst all flights to the European Union should depart from Malpensa. At any time during working hours, the journey to Malpensa from the centre of Milan takes approximately one and a half hours and costs some LIT 200 000 by taxi.

Will the Commission:

1. ask the Italian Government to ensure that Malpensa is fit to operate before setting a date for an increase in air traffic at this airport?
2. Intervene to ensure that flights from Linate airport linking Milan with the rest of the Union, especially Brussels, are not cancelled since, if flights from Milan to Rome, the capital of Italy, are continued then flights from Milan to Brussels, the capital of Europe, should also be continued?

(98/C 187/128) **WRITTEN QUESTION E-3956/97**

**by Cristiana Muscardini (NI), Amedeo Amadeo (NI) and Carlo Secchi (PPE) to the Commission**

*(12 December 1997)*

*Subject:* Milan Malpensa Airport

Malpensa is one of the Union's main priority projects.

Regrettably, however, there are still no proper connection facilities linking the airport to the foremost northern Italian metropolis, Milan, a city which provides an economic bridgehead to Europe. The Italian Minister of Transport, Mr Burlando, has apparently ruled that Milan Linate Airport should be used from October 1998 for domestic flights only and all flights to European Union destinations should depart from Malpensa Airport. The journey from Malpensa to central Milan, at any time during normal working hours, takes about an hour and a half, and the taxi fare costs approximately LIT 200 000.

1. Will the Commission therefore call on the Italian Government to make Malpensa feasible to use before it takes any decision to increase the volume of traffic at that airport?

2. Will it take steps to ensure that flights from Milan Linate Airport to other Union destinations, especially Brussels, are not discontinued, given that flights from Milan to Brussels (the capital of Europe) are just as important as those from Milan to Rome (the capital of Italy)?

**Joint answer**
**to Written Questions E-3905/97 and E-3956/97**
**given by Mr Kinnock on behalf of the Commission**

*(29 January 1998)*

1. Council Regulation (EEC) No 2408/92 on access for Community air carriers to intra-Community air routes [1] allows a Member State to regulate the distribution of traffic between the airports within an airport system, provided that such regulation is without discrimination on grounds of the nationality or identity of the air carrier, and otherwise respects the general principles of Community law. The Commission, acting at the request of a Member State or on its own initiative, examines such national traffic distribution rules and decides whether the Member State may continue to apply them.

Furthermore, under the Commission's decision of 15 July 1997 authorising the State aid granted to Alitalia, the Italian authorities undertook not to give Alitalia priority over other Community companies. This principle also applies to the application or amendment of rules for the distribution of traffic within the same airport system.

The Commission is in contact with both the Italian authorities and airlines operating out of Linate, to ensure that the criteria for the Milan traffic distribution rules and the envisaged date of their implementation comply with the requirements of Community law described above.

2. On the wider question of access to Malpensa, both the Commission and the European Investment Bank have consistently stressed the need for adequate access to Malpensa 2000. Assurances were given by the Italian authorities about the timely completion of the remaining essential road access works, followed by progressive inauguration of rail access facilities, at a meeting between those authorities, Commission representatives, the airport management, and other interested parties in October 1997. It was also reported at that meeting that the matter of taxi operations and fares to and from Malpensa has been taken up by the Lombardy regional government, and that legislation is pending on the whole question of public transport access.

[1] OJ 240, 24.8.1992.

(98/C 187/129) **WRITTEN QUESTION E-3906/97**

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

*(11 December 1997)*

*Subject:* Structural Funds for Tuscany and breach of anti-seismic legislation

Tuscany is widely believed to be a region which receives generous Community funding. Nevertheless, there are major failures in the efforts to combat unemployment and stimulate industrial development — two of the objectives receiving funding. One example of this is a factory (for making high-precision machinery) on which construction began 14 years ago but which is still not able to begin production because the Regional Civil Engineer has not certified it as being in breach of anti-seismic legislation. For the past 14 years, political and bureaucratic posturing by the Regional President, who refuses to order the firm constructing the factory to comply with the legislation, and the Mayor of the Commune of Pisa, who has declared the factory a danger to the public and to private individuals, has made it impossible to begin production and hire labour.

1. Can the Commission state the total amount of Community funding allocated to Tuscany for industrial development and job creation?

2. Does the Commission not agree that the public authorities should cooperate in pursuing the sole aim of serving the public interest by promoting compliance with anti-seismic legislation and boosting employment?

3. Can the Commission say what procedures are followed to carry out checks on the use of Community funds in Tuscany, in view of the fact that, for apparently incomprehensible reasons, the Region of Tuscany has, for the past 14 years, failed to open a factory which could immediately recruit workers and begin production?

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

*(21 January 1998)*

The region of Tuscany should receive over 500 MECU in aid from the Community's structural funds during the period 1994-1999 to assist its declining industrial areas, rural areas and the development of human resources.

Implementation of the programmes concerned is followed up by monitoring committees on which there are Commission representatives. With regard to financial control, Member States are required to verify on a regular basis that the operations financed have been properly carried out. Commission officials may carry out on-the-spot sample checks.

As for the factory in Pisa mentioned by the Honourable Member, the Commission does not have specific knowledge of the matter. It seems highly unlikely, however, given that Pisa only became eligible for Community assistance in January 1994, that the project in question would have received Community funding. In any case the political and bureaucratic problems mentioned by the Honourable Member are essentially a matter for the relevant Italian authorities.

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(98/C 187/130) **WRITTEN QUESTION E-3911/97**

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

*(11 December 1997)*

*Subject:* Seveso directive

For requirements relating to the protection of the environment and the safety of establishments the directives

— of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC) (1),

— of 24 September 1996 concerning integrated pollution prevention and control (96/61/EC) (2) and

— of 9 December 1996 on the control of major-accident hazards involving dangerous substances (96/82/EC) (3)

are of fundamental importance.

The last two of these directives must be implemented by the Member States by 1999 at the latest. During the discussions this has prompted a number of views giving rise to the following questions to the Commission have been put forward.

Directive 96/61/EC requires the installations it governs to be so operated that all appropriate preventive measures are taken against pollution, in particular through application of the best available technology, and that the necessary measures are taken to prevent accidents and limit their consequences (Article 3(a) and (e)).

Are Directives 96/61/EC and 96/82/EC to be so implemented by the Member States that installations governed by both directives must incorporate the best available technology in order, inter alia, to prevent accidents and limit their consequences and that this must be demonstrated by operators in the safety report required by Article 9 of Directive 96/82/EC?

(1) OJ L 175, 5.7.1985, p. 40.
(2) OJ L 257, 10.10.1996, p. 26.
(3) OJ L 10, 14.1.1997, p. 13.

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

*(26 January 1998)*

The Seveso II Directive (Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances) makes no explicit mention of 'best available technology'. However, Article 5 of the Directive requires operators to take all measures necessary to prevent major accidents and to limit their consequences for man and the environment.

Meanwhile, the definition of 'best available techniques' in Article 2(11) of the IPPC Directive refers to 'the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole'. The definition does not exclude emissions and impact on the environment resulting from a major accident.

Annex IV, point 11 to the IPPC Directive also specifies that considerations to be taken into account generally or in specific cases when determining best available techniques, bearing in mind the likely costs and benefits of a measure and the principles of precaution and prevention, include the need to prevent accidents and to minimise the consequences for the environment.

Thus for installations which are covered both by the IPPC Directive and by the Seveso II Directive, 'best available techniques' too must be taken into account in preventing accidents and limiting their impact.

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(98/C 187/131)

**WRITTEN QUESTION E-3912/97**

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

*(11 December 1997)*

*Subject:* Seveso directive

For requirements relating to the protection of the environment and the safety of establishments the directives

— of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC) (1),

— of 24 September 1996 concerning integrated pollution prevention and control (96/61/EC) (2) and

— of 9 December 1996 on the control of major-accident hazards involving dangerous substances (96/82/EC) (3)

are of fundamental importance.

The last two of these directives must be implemented by the Member States by 1999 at the latest. During the discussions this has prompted a number of views giving rise to the following questions to the Commission have been put forward.

Article 14 of Directive 96/61/EC requires the Member States to ensure that the operator of an installation governed by the directive complies with all the conditions of the relevant permit. Article 18 of Directive 96/82/EC requires systematic inspection by the Member States' competent authorities of the establishments governed by the directive.

When meeting the inspection requirements of Article 18 of Directive 96/82/EC, are the Member States also required to comply with Article 13 of Directive 96/61/EC where installations are governed by both directives? Does the wording of Article 18(2) of Directive 96/82/EC — 'the programme shall entail at least one on-site inspection made by the competent authority every twelve months of each establishment covered by Article 9' — mean that such inspections may be conducted only by an authority of the Member State in question, or is it also permissible for inspections to be conducted by private organizations or an economic entity of the operator itself?

Must on-site inspections by the Member States' authorities pursuant to Article 18(1) include an on-site examination of the technical facilities and organization of the establishment concerned, or may the authority confine itself to an examination of appropriate documents, especially the safety report, and an on-site inspection of the administrative and social buildings? What measures is the Commission taking to ensure that the Member States develop and apply uniform standards in respect of the scale of the inspection programmes referred to in Article 18(2)(a)? Are the reports referred to in Article 18(2)(b) of Directive 96/82/EC to be regarded as a subject on which information is exchanged within the meaning of Article 19(1)?

(1) OJ L 175, 5.7.1985, p. 40.
(2) OJ L 257, 10.10.1996, p. 26.
(3) OJ L 10, 14.1.1997, p. 13.

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

*(29 January 1998)*

Article 18 of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso II) obliges the Member States to make sure that the competent authorities set up a system of inspections or other control measures appropriate to the installation concerned.

This generally worded provision allows the competent authorities a certain leeway in fulfilling their obligations. It is therefore quite conceivable for a competent authority not to carry out the inspections itself but to transfer them to independent, private surveillance bodies. However, the competent authority must in such cases itself make sure that the objectives of the inspection as referred to in Article 18 of the Seveso II Directive are met.

The inspections or other control measures must allow a regular, systematic examination of the operational, organisational and management systems at the installation. On-site inspections therefore cannot be confined to the inspection of various documents or simply of the administrative and social buildings. However, it is permissible for individual inspections to concentrate on specific aspects, such as the organisation of the installation.

To ensure that the provisions of Article 18 are applied by the Member States in a consistent manner, the Commission, in agreement with the Member States, set up a technical working party in 1997, i.e. long before the Seveso II Directive is due to become mandatory in February 1999, to draw up guidelines for inspections and inspection systems and to put forward proposals for cooperation and an exchange of information between the Member States in this field.

For installations covered by the provisions of both the Seveso II Directive and the IPPC Directive, the inspections pursuant to Article 18 of the Seveso II Directive and the reconsideration and updating of permit conditions pursuant to Article 13 of the IPPC Directive may be carried out jointly. As already indicated, this considerably eases the procedure and can also help to save costs not only for the operator but also for the supervisory authorities.

The information in the inspection reports to be drawn up in accordance with Article 18(2)(b) may be exchanged as provided for in Article 19(1) so long as current legislation does not require it to be treated confidentially.

(98/C 187/132)

**WRITTEN QUESTION E-3914/97**

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

*(11 December 1997)*

*Subject:* Seveso directive

For requirements relating to the protection of the environment and the safety of establishments the directives

— of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (85/337/EEC) ([1]),

— of 24 September 1996 concerning integrated pollution prevention and control (96/61/EC) ([2]) and

— of 9 December 1996 on the control of major-accident hazards involving dangerous substances (96/82/EC) ([3])

are of fundamental importance.

The last two of these directives must be implemented by the Member States by 1999 at the latest. During the discussions this has prompted a number of views giving rise to the following questions to the Commission have been put forward.

Article 13(4) of Directive 96/82/EC requires safety reports to be made available to the public. However, it rules that the operator may ask the competent authority not to disclose certain parts of the report, in which case it itself makes an amended report available to the public.

Is Article 13(4) to be implemented in accordance with the directive on the freedom of access to information on the environment (90/313/EEC)?

When Article 19(4) of Directive 96/82/EC is implemented with respect to the possibilities for restricting access to safety reports, are the provisions of Directive 90/313/EEC regarding the restriction of access therefore to be observed?

May an operator request that, as 'parts', whole sections of reports concerning the items referred to in Annex II to Directive 96/82/EC are not disclosed to the public, or are the 'parts' to which public access may be denied only individual items of information for which the operator can prove or substantiate a need for protection?

([1]) OJ L 175, 5.7.1985, p. 40.
([2]) OJ L 257, 10.10.1996, p. 26.
([3]) OJ L 10, 14.1.1997, p. 13.

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

*(26 January 1998)*

The provisions of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances (Seveso II) regarding information to be given to the public are to be implemented in agreement with Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment ([1]), which lays down general rules on the freedom of access to information on the environment held by the authorities and the basic conditions under which such information is to be made available. The two Directives do not contradict, but rather complement each other.

Article 13(4) and Article 20 of the Seveso II Directive stipulate that the Member States must ensure that not only safety reports are made available to the public, but that, in the interest of openness, all information received pursuant to the Directive should be made available upon request to any natural or legal person.

The freedom of access to information is limited by the need for protection on grounds of industrial or trade secrets, personal privacy, public security or national defence and when there is a need for confidentiality of the information because of ongoing investigations or legal proceedings.

The confidentiality of information may concern whole parts of a safety report or just individual items of information. The exact material concerned must be referred to by the operator of an installation in each specific instance.

The rules on the confidentiality of information also apply to the reports on the implementation and application of the Seveso II Directive which the Commission is obliged to publish every three years under Article 19(4).

(1) OJ L 158, 23.6.1990.

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(98/C 187/133) **WRITTEN QUESTION E-3915/97**

**by Ria Oomen-Ruijten (PPE) to the Commission**

*(11 December 1997)*

*Subject:* Psycho-organic syndrome

In the painting and decorating and carpet sectors in particular and also in car repair businesses and the printing sector harmful solvents are still being used. Use of these solvents can lead to POS (psycho-organic syndrome), an illness which can cause memory loss and chronic fatigue.

1. To what extent is the European Commission aware of the problem of psycho-organic syndrome?

2. Does it consider that the use of harmful solvents must be stopped and that the companies which still use these substances must be required to replace the harmful solvents with non-harmful alternatives?

3. Does it agree that for both environmental and health reasons a European approach to this problem is needed?

4. What does the Commission intend to do and what are the possibilities for taking action against POS at European level?

5. Is it willing to undertake research into the development and consequences of psycho-organic syndrome and to assist the victims of this illness?

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

*(30 January 1998)*

1. The Commission is aware of the use of the term 'organic-psycho-syndrome' (OPS) in certain Member States. OPS is not specifically mentioned in the European schedule of occupational diseases which is annexed to the Commission Recommendation 90/326/EEC concerning the adoption of the above mentioned European schedule [1]. However, Annex I to this Recommendation contains diseases caused by several solvents, such as the homologues of benzene.

2. The Commission believes that in principle every substance should be treated individually and a decision made whether replacement or controlled use with proper information on safety and health is the procedure to be followed.

The new proposal for a Council directive on chemicals [2] currently undergoing second reading in the Parliament requires that substitution shall be undertaken to avoid the use of a hazardous chemical agent by replacing it with a chemical agent or process less hazardous to workers' safety and health where this is technically possible.

In addition the Honourable Member will be aware of the considerable body of legislation on classification packaging and labelling of dangerous preparations placed on the market which provides information to users on safety and health.

3. This approach is already Commission policy, in relation to all chemicals placed on the market.

4. and 5. The Commission is keeping under review the European schedule of occupational diseases. In 1998 it envisages a study of the data deriving from scientific and technical progress, and based on epidemiological analysis. As part of this review new occupational diseases could be considered.

As far as the question of assistance to victims is concerned this remains the responsibility of Member States.

(1) OJ L 160, 26.6.1990.
(2) OJ C 375, 10.12.1997.

(98/C 187/134) **WRITTEN QUESTION E-3916/97**

**by Marianne Thyssen (PPE) to the Commission**

*(11 December 1997)*

*Subject:* Ruling of the WTO panel on hormones

At the conference on food law organised on 3 and 4 November 1997 jointly by the Commission and the European Parliament one of the speakers maintained that the European Community had lost the hormone case before the WTO panel because of poor drafting of the relevant European legislation.

In particular, it had been impossible to use the argument that European consumers did not accept hormones being fed to animals reared for human consumption because no reference was made to this non-acceptance in the preamble of the directive concerned.

Can the Commission agree with this view?

Does the Commission not think there is an urgent need to review European food legislation and if necessary to adapt the wording in order to prevent such problems in future?

Has the Commission already taken action on this matter or does it intend to do so?

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

*(2 February 1998)*

The panel of the World trade organization (WTO) charged with examining the Community measures concerning the use of hormones for growth promotion purposes in livestock farming issued its report on 18 August 1997. The Community appealed the report to the WTO appellate body, which issued its report on 16 January 1998.

The line of argument mentioned by the Honourable Member, concerning the impossibility to invoke European consumers' non-acceptance of the use of hormones because such non-acceptance was not mentioned in the preamble of the relevant directive, does not appear as such in the report of the panel. The panel ruled that a reference should have been made in the preamble of the names of the scientists and the scientific studies on which the import prohibition was based. However, the WTO appellate body has now reversed this finding of the panel.

(98/C 187/135) **WRITTEN QUESTION P-3917/97**

**by José Apolinário (PSE) to the Commission**

*(28 November 1997)*

*Subject:* Measures eligible for funding under INTERREG II C

Following the resolution which was unanimously adopted by Parliament at its sitting of 20 November 1997 (resolution B4-0932/97) and the Commission's answer to my question H-853/97 ([1]), which is clearly a purely technical answer, is the Commission considering submitting an amendment to the eligibility criteria for expenditure under the INTERREG II C initiative so as to allow for intervention in Spain and Portugal in the event of storms and floods (as is possible in certain EU Member States) and not just in respect of drought?

([1]) European Parliament debates (November 1997).

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

*(19 January 1998)*

The Commission does not envisage amending the eligibility criteria for expenditure under the Community initiative Interreg II C, for three reasons.

Firstly, the objective of the Interreg II C initiative is to support transnational cooperation in the field of spatial planning. Measures and actions to be promoted must have a structural or preventive character and be justified by the economic development of the area concerned. It has not been envisaged to use funding under Interreg II C to provide support in the case of natural hazards or catastrophes.

Secondly, Interreg II C was adopted by the Commission in May 1996 and its guidelines were published in July 1996 ([1]). For the period 1997-1999 no allocation was made for either Spain or Portugal for flood prevention since no such request was made by those Member States. The proposals for operational programmes were submitted to the Commission in the first half of 1997. The Portuguese drought programme was approved on 29 September 1997 and the Spanish programme should be approved in the coming months. It should be noted that, whereas the flood programmes are joint transnational programmes, the drought programmes have a national character.

Finally, existing drought programmes can contribute (although only indirectly) to improving water management and therefore also to flood prevention to the extent that they support, among other actions, the hydrological study of river catchment areas, studies on water resources and the ecological balance of specific areas, the development of strategies, planning actions and measures on land use and sustainable hydrological management.

([1]) OJ C 200, 10.7.1996.

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(98/C 187/136) **WRITTEN QUESTION P-3919/97**

**by Edouard des Places (I-EDN) to the Commission**

*(28 November 1997)*

*Subject:* Situation of the dried vegetables branch of the agri-foodstuffs sector

According to the regulation setting out the arrangements for aid to vegetable growing, aid is granted in respect of vetches (Vicia sativa), ref. No 07 13 90 90 in the Common Customs Tariff published in the Official Journal of the European Communities on 19 September 1996 ([1]). This heading of the Common Customs Tariff comprises other 'dried leguminous vegetables, shelled, whether or not skinned or split' in a chapter on edible vegetables for human consumption.

However, vetches are clearly a forage plant intended exclusively for animal consumption, as is confirmed by the fact that they included in the Customs Tariff under heading 12 14 'Swedes, mangolds, fodder roots, hay, lucerne (alfalfa), clover, sainfoin, forage kale, lupines, vetches and similar forage products, whether or not in the form of pellets'. They are consequently covered by heading No 12 14 90 99 and not by No 07 13 90 90.

The current significant increase in the cultivation of dried leguminous vegetables in Europe has resulted in the MGA set out in the regulation being considerably exceeded, and it is clear that the areas under vetch are to blame for this.

Given that there are no vetches covered by heading 07 13 90 90, it seems illogical to justify a reduction of aid in respect of lentils and chickpeas on the grounds that the MGA has been exceeded as a result of the cultivation of vetch.

Does the Commission propose to make the wording of the regulation on dried vegetables more precise so as to clarify this situation which severely penalises producers and processors in the dried vegetables branch of the agri-foodstuffs sector?

(1) OJ L 238, 19.9.1996.

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

*(6 January 1998)*

Vetches eligible for production aid are defined in Article 1 of Council Regulation (EC) No 1577/96 introducing a specific measure in respect of certain grain legumes (1). Eligible vetch species are Vicia sativa L and Vicia ervilla Wildd, which fall within CN (combined nomenclature) code ex 07 13 90 90 'other'. The Commission will study the classification of these two species of vetch in detail and, if necessary, propose an amendment to the legislation.

(1) OJ L 206, 16.8.1996.

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(98/C 187/137)

**WRITTEN QUESTION E-3922/97**

**by Paul Lannoye (V) to the Commission**

*(11 December 1997)*

*Subject:* Pesticide movements

The Commission's policy on pesticides is unclear. The European Parliament is not in a position to monitor movements of pesticides (in terms of quantity or quality) sold or provided under the policies of DG I, III and VIII in particular. The calls for tender put out by these directorates-general are often not drawn up with the desired technical precision to guarantee transport, handling, storage and use under satisfactory conditions.

Does the Commission call on consultancies, independent experts or universities, or does it intend to do so, in respect of the purchase of pesticides, given the complex nature of the technical specifications which must be used to define the subject of the tender, draw up a proper technical annex, study the tenders, check the quality and conformity of the purchases and supervise the storage, application and management of residues in the country of destination, in particular in the case of grants or other types of aid from the Commission?

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

*(18 February 1998)*

Two years ago, the Commission launched an initiative to examine its tender procedures for pesticide supply together with options for promoting an integrated pest management approach (IPM). Two documents, i) progressive pest management and ii) the latest tender document which was used recently in Rwanda, are sent direct to the Honourable Member and to Parliament's Secretariat.

The initiative on progressive pest management represents the first results of a study carried out to address the problems of pesticides in the wider sense and the implementation of an integrated pest management approach which will gradually be introduced into agricultural projects and programmes.

The tender dossier recently used in Rwanda for the procurement of pesticides in the coffee sector is the result of discussions and consultations and represents a significant tightening up of the Commission procedures in this area. This document is in the process of being further modified to take into account the additional concern about the toxicity of the solvents used in pesticide formulation. It will also contain a fuller proposition for the training of pesticide users in the field.

Pesticide producers have favourably received the Rwanda tender dossier and have also been involved indirectly in the discussions on pesticide control and IPM. It is now the intention of the Commission to formulate an official Commission approach both on pesticide procurement and IPM by the end of this year.

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(98/C 187/138)

**WRITTEN QUESTION E-3923/97**

**by Hedwig Keppelhoff-Wiechert (PPE) to the Commission**

*(11 December 1997)*

*Subject:* Help for school pupils under the Comenius programme

The EU's Comenius programme offers European schools a number of possibilities for cooperation. Comenius builds on the experiences gained in the Member States' various pilot projects, which were developed to reinforce the European dimension in education. Action 1 provides help for schools which are working together on a 'European education project'. Unfortunately, however, the success of this programme is being held back by certain regulations.

1. Whereas during the pilot phase, schools were free to use the funds allocated to them according to their needs, including for travel by pupils, this is now expressly prohibited. What is the Commission's reason for this?

2. Is the Commission aware that many projects may collapse because of this decision, as the financial burden cannot be borne by the pupils?

3. How does the Commission explain, on the other hand, its funding of travel costs for school heads?

4. Does the Commission envisage the possibility of allowing schools which are involved in a project to make their own decisions on the use of the funding made available to them?

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

*(29 January 1998)*

The objective of the Comenius chapter of the Socrates programme is to allow as many school pupils as possible to benefit from the possibilities offered by European cooperation. In view of the necessarily limited resources available under Socrates, it is not possible to finance pupil mobility. In some countries, the demand expressed by schools is already well in excess of the available resources, which is why it is not possible to continue funding pupil mobility as from the transition from pilot phase to programme. The concept of a European education project consists in allowing pupils from several Member States participating in the programme to work together regularly for at least one school year. Teachers and pupils must therefore set up means of communicating — particularly electronic means — as regularly as possible during the school year. The absence of pupil mobility requires a real pedagogical effort on the part of teachers, in order to make projects attractive and give them life by enhancing their subject matter compared with projects centred around a traditional exchange of pupils.

Community financial aid may be used to fund mobility for teachers and heads of establishments involved in European education projects, to allow them to develop a common work programme and enhance the subject matter of the project. It is precisely because the available resources are insufficient to finance pupil mobility that it is important for teachers to meet in order to give projects a genuine European dimension by allowing their pupils to benefit from the results of teachers' work in the partner countries.

It is important for the Commission, in agreement with the Member States participating in the programme, to lay down procedures for the use of Community financial assistance by schools, so as to ensure optimum use of Community funds and a certain measure of coherence of activities in the Member States. As European education projects involve cooperation between several schools in several Member States, it is necessary to establish common basic rules.

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(98/C 187/139)

**WRITTEN QUESTION E-3925/97**

**by Graham Mather (PPE) to the Commission**

*(11 December 1997)*

*Subject:* Religious slaughter of sheep in France

In recent years, distressing images of the religious slaughter of sheep in fields in France have been witnessed by television viewers across the Union. Allowing this to occur is clearly contrary to the spirit of the Amsterdam Treaty which contains a protocol on the protection and welfare of animals. Therefore while enforcement of animal welfare laws is a matter for the French authorities, the Commission has an obligation to oversee this enforcement.

1. What monitoring procedures does the Commission have in place to keep track of the uncontrolled slaughter of sheep in France?

2. Is the Commission satisfied with the measures that have been taken in France thus far and with their implementation?

3. By what means is the Commission seeking to ensure rigorous protection of animals against slaughter of this kind in its current negotiations with the French authorities on this issue?

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

*(2 February 1998)*

Article 14 of Directive 93/119/EC laying down certain requirements for the protection of animals at the time of slaughter and killing [1] states that Commission experts may make on-the-spot checks in so far as this is necessary to ensure uniform application of the Directive but, as for all animal welfare legislation, the implementation and the day-to-day enforcement is in the hands of the authorities of the Member States.

Ritual slaughter must, according to the above mentioned Directive, take place in an abattoir and must comply with other Community public health, animal health and welfare requirements.

The Commission is not satisfied about the fact that France has permitted, in certain circumstances, the practice of ritual slaughter outside slaughterhouses. Therefore the Commission is preparing a request to the French authorities to confirm that next year this ritual slaughter will be organized completely according to the Community rules concerned.

If this confirmation is not supplied, the Commission will open the infringement procedure provided for under Article 169 of the EC Treaty.

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(1) OJ L 340, 31.12.1993.

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(98/C 187/140) **WRITTEN QUESTION E-3928/97**

**by Giampaolo D'Andrea (PPE), Pierluigi Castagnetti (PPE), Antonio Graziani (PPE), Gerardo Bianco (PPE) and Maria Colombo Svevo (PPE) to the Commission**

*(12 December 1997)*

*Subject:* Illegal immigration

In recent times there has been a huge increase in the number of illegal immigrants, most of them Kurds, attempting to enter the EU through Italy in what amounts to an exodus from areas in the grip of ethnic conflicts, where, there can be no doubt, human rights are being trampled underfoot.

What action does the European Union intend to take with a view to both stemming the flow and helping to ensure respect for the rights of such ethnic minorities, thus enabling them to lead a life of dignity?

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

*(10 February 1997)*

The Conclusions of the Luxembourg European Council referred to the massive influx of immigrants, in particular from Iraq (1). The Council was requested to prepare and implement an action plan which would also take account of the causes of the influx, of which humanitarian aspects and human rights are an integral part. The plan will outline external relations measures to be taken by the European Union and will also contain a justice and home affairs component, covering in particular the asylum and immigration aspects.

The Commission is actively involved in drawing up the action plan in all the bodies concerned. In 1997 it presented two proposals relating to this matter which are still under study in the Council. In March 1997, it presented a proposal for joint action on the temporary protection of displaced persons, on which Parliament was consulted (2); this would provide an appropriate legal framework for people in need of temporary international protection. In July 1997, it presented a proposal for a joint action introducing the Odysseus programme of training, exchanges and cooperation in the field of asylum, immigration and crossing of external borders (3), on which Parliament was also consulted, under which targeted measures both between Member States and transit countries can be set up.

(1) Para. 64.
(2) OJ C 106, 4.4.1997.
(3) OJC 267, 3.9.1997.

(98/C 187/141) **WRITTEN QUESTION E-3929/97**

**by Florus Wijsenbeek (ELDR) to the Commission**

*(12 December 1997)*

*Subject:* Freight freeways for the transport of goods by road

Is the Commission aware that there are at present 16 European countries with 50 different sets of rules concerning bans on driving and that these bans mean that shipping and transport firms incur considerable costs?

Is the Commission of the opinion that a lot of the existing bans often have a discriminatory effect, and that they may constitute an obstacle to the freedom of movement of goods in the European Union?

If so, will the Commission make efforts to ensure the creation of harmonized rules concerning driving bans at EU and European level, with agreements to prevent the undesirable proliferation of regional and national schemes?

Does the Commission also agree that the driving bans, and the recent blockades, may have a very detrimental effect on European industry and that this is why it is necessary to establish a network of European freeways for road transport (E-ways) by analogy with the European freeways for the transport of goods by rail?

If so, does the Commission intend to submit, in the near future, proposals for European freeways for the transport of goods by road?

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

*(28 January 1998)*

The Commission is aware of the problems resulting from uncoordinated driving bans affecting road haulage on trucks throughout the Union as highlighted in the Honourable Member's question and has reported its concerns to the Council.

The Commission, consequently intends to bring forward a legislative proposal in the spring of this year with the purpose of setting clear and common rules that should be respected when Member States apply driving bans.

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(98/C 187/142) **WRITTEN QUESTION P-3932/97**

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

*(4 December 1997)*

*Subject:* Catchment area of the rivers Lis and Sciça (Portugal)/Cohesion Fund

Cleaning up the catchment area for the rivers Lis, Lena, Sciça and others is a high priority in a region with serious environmental problems.

This has been recognized by the local authorities and central government, and an application has therefore been submitted to the Cohesion Fund for investment totalling Esc 7 billion to be used to clean up this complex hydrological network.

Can the Commission say when the application was submitted, what stage has been reached and if it is possible to give some indication as to the timetable for evaluating the application and reaching a decision?

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

*(6 January 1998)*

On 20 November 1997 the Commission received a request for part-financing by the Cohesion Fund of the first phase of an integrated pollution control project for the catchment area of the Lis and Seiça rivers, promoted by the association of municipalities of Alta Estremadura, in the regions of Pinhal Litoral and Médio Tejo (districts of Leiria and Santarém).

The application includes several subprojects which involve building or adapting six waste-water treatment plants and approximately 200 km outfall pipeline before 31 December 1999.

The Commission will examine this application on the basis of the technical and economic assessment of the project, the amounts available from the Cohesion Fund for Portugal and the priorities defined by the Commission and the Member State.

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(98/C 187/143) **WRITTEN QUESTION P-3933/97**

**by Sören Wibe (PSE) to the Commission**

*(4 December 1997)*

*Subject:* Incorrect veterinary certificates

The Swedish National Food Administration has analysed 569 consignments of meat imported from EU Member States, 75% of which were covered by veterinary certificates stating the meat to be salmonella-free. Samples were taken from 57 of the consignments covered by veterinary certificates, and twelve of them were found to be infected with salmonella, including seven out of the eight sampled consignments from France.

It is a minimum requirement that veterinary certificates issued in a Member State should be correct. In a debate on 19 November 1997, the Council asked the Commission for action to be taken on this matter. Can a Member State introduce routine checks on consignments of meat from other Member States if serious errors such as those referred to above are occurring? Can Sweden take steps to restrict the free movement of foodstuffs so as to protect the Swedish public against infection with salmonella?

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

*(19 January 1998)*

With regard to intra-Community trade in products of animal origin such as fresh meat, checks at origin, checks on arrival at destination and action to be taken if products fail checks are regulated by Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([1]).

Checks at origin are regulated by Article 3 of the Directive. This article specifies that Member States must ensure that only products which have been obtained and checked in accordance with Community rules for the destination in question are intended for trade. In that respect, the requirements laid down for fresh meat deliveries to Sweden were indeed integrated into Community legislation by the Treaty of Accession.

Checks at destination are regulated by Articles 5 to 8 of the Directive. Article 5(1)(a) sets out the principle that those checks are to be carried out by non-discriminatory spot-check. Article 7(1)(b) sets out what must happen to products when they do not fulfil the requirements set by Community legislation and in particular requires authorisation from the Member State of origin for their return. In addition, Article 8 in this case obliges the Member State of destination to contact the competent authorities of the Member State of dispatch without delay. If the Member State of destination fears that such measures are inadequate, it must try together with the Member State of dispatch to find ways and means of remedying the situation, if appropriate by means of an on-the-spot inspection. If the above measures fail, Article 8 states that the Member State of destination must inform the Commission which can then initiate an inquiry.

It is the responsibility of the Swedish authorities to implement the procedures described above. With regard to the matter raised by the Honourable Member, namely the discovery in Sweden of carcasses infected with salmonella despite guarantees from the consignors in the form of special certificates, it is difficult for the Commission to adopt a final position at the moment since there may be various reasons for this situation, such as deficiencies in checks at origin, contamination during transport and handling or incompatibility between the inspection methods.

Under the conditions of the internal market the Commission believes that it is important to implement the checks provided for by Community law before the adoption of unilateral measures by a Member State. This rule also applies to protection against salmonella.

([1]) OJ L 395, 30.12.1989.

(98/C 187/144) **WRITTEN QUESTION P-3934/97**

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

*(4 December 1997)*

*Subject:* BSE — classification of Member States into differing risk areas

Can the Commission indicate how, in its opinion, the Member States of the European Union should be classified, on the basis of the IOE criteria, into BSE-free regions, low risk regions and high risk regions?

In the Commission's view, what shortcomings are there in those Member States which, on the basis of the IOE standards, are classified as low risk areas and could therefore be viewed by the Commission as zero risk areas?

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

*(19 January 1998)*

Chapter 3.2.13 of the International office of epizootics (IOE) code, dealing with bovine spongiform encephalopathy (BSE), refers to three categories of countries: those free from BSE, those with a high incidence of the disease and those with a low incidence. It does not classify countries on the basis of risk.

The incidence of BSE in a country is not synonymous with the risk of BSE. The incidence is determined by the accuracy of detecting and reporting disease, whereas the risk of becoming infected or of transmitting BSE is determined by measures taken to prevent or eliminate infection. Thus, a country in which inadequate measures have been taken to prevent the use of infected feed and which has no effective surveillance for BSE may have reported no cases, but may present a greater risk than a country which has reported a few cases but has taken effective measures to deal with them.

The scientific veterinary committee, in its opinion of 21 October 1996, stated that it 'considers any risk from BSE to be much lower in other Member States than in the UK, but it is not zero'. All Member States are at liberty to submit evidence to the Commission if they seek to demonstrate that they have a particularly favourable position in regard to risk from BSE. Several have already done so and their submissions will be examined by the appropriate scientific committee.

The Commission cannot take a position with respect to the situation in any individual Member State until it has received the scientific advice. As a first step, the Scientific steering committee is presently preparing a harmonised list of criteria against which all submissions will be evaluated.

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(98/C 187/145) **WRITTEN QUESTION E-3936/97**

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

*(12 December 1997)*

*Subject:* Food hygiene

Now that the Commission has reorganized responsibility for food safety in response to Parliament's pressure after the BSE crisis, does it not agree that it is time for the long-awaited proposal for a Framework Directive on Food Hygiene to be drawn up? If so, when does the Commission intend to submit it?

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

*(27 January 1998)*

The Commission wishes to remind the Honourable Member of the existence of Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs [1]. Article 1(1) of this Directive 'lays down the general rules of hygiene for foodstuffs'.

In accordance with Article 1(2) of the Directive in question, the Commission is looking into ways and means of making this Directive and the more specific rules which apply to some categories of foodstuffs more coherent. This work should be completed in the course of 1998.

(1) OJ L 175, 19.7.1993.

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(98/C 187/146) **WRITTEN QUESTION E-3937/97**

**by Gordon Adam (PSE) to the Commission**

*(12 December 1997)*

*Subject:* Player transfer restrictions imposed by the British Ice Hockey Association Ltd (BIHA) and the International Ice Hockey Federation (IIHF)

The British Ice Hockey Association Ltd, as the governing body of the sport of ice hockey for the United Kingdom, under the authority of the international Ice Hockey Federation of which it is a member, imposes a range of fees for the registration of players from Ice Hockey Associations other than those from the United Kingdom in addition to the fees which are charged for the registration of United Kingdom players.

The fee for players from other European Union countries is increased depending upon the country with which they have first registered.

The BIHA also asks for an International Transfer Card (ITC) fee which varies depending on the charge levied by the country of origin of the player.

Are the fees imposed compatible with the Treaty of Rome, since they restrict young people from other European Union countries from playing recreational and professional ice hockey in the United Kingdom?

Does the Bosman case have implications for sports other than football, and in particular for ice hockey?

(98/C 187/147) **WRITTEN QUESTION E-3950/97**

**by Gordon Adam (PSE) to the Commission**

*(12 December 1997)*

*Subject:* Player transfer restrictions imposed by the British Ice Hockey Association Ltd. (B.I.H.A.) and International Ice Hockey Federation (I.I.H.F.)

The British Ice Hockey Association Ltd., as the governing body of the sport of Ice Hockey for the United Kingdom, under the authority of the International Ice Hockey Federation of which it is a member, imposes a range of fees for the registration of players from Ice Hockey Associations other than those comprising the United Kingdom, which are in addition to those fees which are charged for the registration of United Kingdom players.

The fee for players from other European Union countries is increased depending upon the country with which they have first registered.

The B.I.H.A. also asks for an International Transfer Card (I.T.C.) fee which varies depending on the charge levied by the country of origin of the player.

Are the fees imposed within the scope of the Treaty of Rome, since they restrict young people from other European Union countries from playing recreational and professional ice hockey within the United Kingdom?

Does the Bosman case have implications for other sports in addition to football, and in particular to ice hockey?

**Joint answer**
**to Written Questions E-3937/97 and E-3950/97**
**given by Mr Flynn on behalf of the Commission**

*(30 January 1998)*

Following the information provided to the Commission by the Honourable Member, the Commission considers that special fees imposed on ice hockey players who are not members of the United Kingdom ice hockey association when they are recruited by a British club amount to a discrimination contrary to the EC Treaty.

Where such ice hockey players wish to practise ice hockey as a professional activity, the transfer fee and the registration fee would constitute obstacles to free movement of workers and would directly contravene Article 48 of the EC Treaty, in line with the Bosman ruling. Furthermore, when hockey is played as a non-professional activity, either by a family member of a European worker or by a European citizen residing in the United Kingdom, the fee for non-British players may also constitute a discrimination against European citizens and may contravene the EC Treaty.

Finally, the Commission wishes to confirm that the Bosman ruling does not only concern professional football, but also any professional or semi-professional sports activity.

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(98/C 187/148) **WRITTEN QUESTION E-3943/97**

**by Marjo Matikainen-Kallström (PPE) to the Commission**

*(12 December 1997)*

*Subject:* Degrees awarded by 'cowboy' universities

In Europe more and more degrees are being awarded by 'cowboy' universities which make empty promises about providing recognized academic qualifications. Recent discussions have centred on certain UK universities which, owing to a funding crisis, have had to tempt 'correspondence course students' from round the world. The majority of European universities are recognized, high-quality educational establishments, but some of them have no official place in any country's education system.

In view of the above, how does the Commission intend to take action against these 'cowboy' universities in the EU in order to prevent their activities from jeopardizing the objective of mutual recognition of degrees in the EU Member States? How does the Commission intend to prevent these 'cowboy' universities from issuing worthless degrees and certificates whose substance contravenes national legislation, e.g. in Finland the University Degrees Regulation?

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

*(12 February 1998)*

Article 126 of the EC Treaty states that 'The Community shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.'

It follows from this that the validation of a Member State's diplomas and educational establishments is a matter for the national authorities. In theory, each Member State has mechanisms for preventing the proliferation of diplomas that are not officially approved or are of dubious quality.

Any citizen wanting information on the status of educational establishments located in his or her own Member State or in other Member States may contact one of the National Academic Recognition Centres (NARIC), which form a Community network created on the initiative of the Commission. A list containing the details of these Centres has been sent direct to the Honourable Member, as well as to the European Parliament's Secretariat.

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(98/C 187/149)

**WRITTEN QUESTION P-3945/97**

**by Roberta Angelilli (NI) to the Commission**

*(4 December 1997)*

*Subject:* State aids to undertakings in deprived urban areas

In October 1996 the Commission adopted a new reference framework for state aids to undertakings in deprived urban areas. Under the previous system, the Member States had been unable to take full account of the wide range of social and economic problems obtaining in the outlying areas of Europe's major cities. The ceiling for such aid was set at 26% net of investment and ECU 10 000 for each new job created. The Commission's intention was to help boost employment in outlying areas, where unemployment rates are generally high.

Despite the fact that the Commission called on the Member States to take advantage of this new legislative framework, which is valid for five years and provides for specific aid programmes, the Italian Government has as yet — more than a year since the framework's adoption — failed to adopt all the measures required to initiate such programmes.

Given the above, would the Commission state:

1. its views on the Italian Government's tardiness in applying the new European rules, given in particular that they are valid for only five years from 1996?

2. which Member States have, pursuant to the Commission communication, already initiated aid programmes for outlying areas of major cities?

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

*(13 January 1998)*

As the Commission indicated to the Honourable Member in its answer to Written Question No P-2628/97 ([1]), the guidelines on state aid for undertakings in deprived urban areas ([2]), adopted by it on 2 October 1996, lay down rules for identifying urban districts which can be classed as deprived urban areas eligible for state aid subject to certain conditions and ceilings which, if met, allow the aid to be considered compatible with the common market. Those rules are intended as clarification for Member States, not as an invitation to grant aid. It is the Member States which are responsible for taking decisions to grant aid and, if they do so, they are required to inform the Commission of any such plans they may have and to obtain its approval.

It is the Commission's understanding that only France has so far proceeded to grant this aid.

([1]) OJ C 82, 17.3.1998, p. 117.
([2]) OJ C 146, 14.5.1997.

(98/C 187/150)

**WRITTEN QUESTION E-3946/97**

**by Johannes Swoboda (PSE) to the Commission**

*(12 December 1997)*

*Subject:* Freedom of expression for the Open Society Institute, Croatia

According to newspaper reports, the Open Society Institute, Croatia, has come under heavy pressure from President Tudjman or the government (International Herald Tribune, 25 November 1997, p. 6, 'Tudjman's Vendetta').

How true is this information, and what will the Commission do to improve freedom of expression and action for this and other institutes?

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

*(19 January 1998)*

The Commission shares the Honourable Member's concerns, and those of the Council of Europe and international human rights organisations, about respect for freedom of expression and association in Croatia. The Commission considers that the Croatian government's recent legislative and judicial actions against civil society and human rights organisations, such as the Open society institute, as well as against independent media, create serious obstacles to the development of a pluralist democracy and to safeguarding human rights.

Respect for human rights is one of the conditions for the development of improved relations between Croatia and the Community. Indeed, freedom of expression and of association are specifically mentioned in the Council conclusions of 29 April 1997 setting out the conditions for the development of bilateral relations with the countries covered by the Community's regional approach towards South-Eastern Europe. Croatia's attitude towards non-governmental organisations promoting human rights and freedom of expression is relevant in this context.

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(98/C 187/151) **WRITTEN QUESTION E-3953/97**

**by Marjo Matikainen-Kallström (PPE) to the Commission**

*(12 December 1997)*

*Subject:* Applications for support under regional and research programmes

In my question of 17 September 1997 to the Commission (E-2961/97) [1] I called for a reduction in bureaucracy in the EU's research policy and regional policy. Having received the Commission's reply, I should like to ask a further question.

What are the most common reasons for projects being rejected?

[1] OJ C 134, 30.4.1998, p. 44.

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

*(27 January 1998)*

The principal criteria against which project proposals are evaluated in the research and technological development (RDT) programmes of the Community are scientific and technical excellence, innovativeness, transnational collaboration (European added value), cost effectiveness, the competence of the proposers and perspectives for disseminating and exploiting results. In addition, each specific programme sets out in its work programme the criteria essential for achieving its particular objectives. Because of limitations on available funding and significant competition for such funds, failure to meet the required standard for any of these criteria (which are all made public) will generally result in a proposal being rejected. The commonest reasons for failure of proposals in most programmes are insufficient scientific and technical quality innovativeness.

Information on the most common reasons for rejecting RDT projects within structural funds programmes would need to be ascertained from the Member States themselves since they apply their own specific procedures to the selection of projects in the context of monitoring committees. Project selection criteria will similarly vary in the light of the particular priorities of the programme concerned.

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(98/C 187/152) **WRITTEN QUESTION E-3957/97**

**by Johanna Maij-Weggen (PPE) to the Commission**

*(12 December 1997)*

*Subject:* Human rights in Burma

The Netherlands Minister for Foreign Affairs, Mr Van Mierlo, informed the Netherlands Lower Chamber that he intended to request consideration at EU level of the judgment on 15 August by which the Burmese trade union executive member Mr U Myo Aung Thant was condemned to life imprisonment for smuggling explosives. In the same trial three further Burmese human rights activists were condemned to 10 year terms in prison. These judgments were handed down after a trial behind closed doors.

Has the Commission already received the request from the Netherlands Minister and what can and will the Commission undertake with regard to these judgments which, according to human rights organizations and the International Association of Trade Unions, are based on faulty evidence and a dishonest trial?

What is the Commission's view in general on the human rights situation in Burma? Does it consider that the situation is deteriorating?

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

*(23 January 1998)*

The Commission is not yet cognizant of the letter mentioned by the Honourable Member. It will in any event be for the Member State concerned to raise this matter as part of the CSFP consultations which are usually held in cases of this kind.

The Commission has raised individual cases or lists of prisoners of conscience on appropriate occasions with various governments. This is also done, on a regular basis, by the Member States whenever high-level contacts with the governments in question allow for this.

There are no high-level contacts with the Burmese junta formerly known as State Law and Order Restoration Council (SLORC) which would allow the Union to have a substantial dialogue with Burma. Several attempts by the Union to enter into a critical dialogue with Burma have failed so far because of the absence of willingness on the Burmese side to have such a dialogue.

A common position on this subject was adopted by the Council on 23 October 1996 forbidding any political contact with the SLORC. The common position has twice been extended for a period of six months.

The possibilities for raising the issue of prisoners of conscience are therefore limited to declarations or démarches by the Union, as well as to the ongoing work of the United Nations (UN) human rights commission and the general assembly where the Commission regularly gives full support to the initiatives taken to denounce human rights violations in Burma and to request improvement of the human rights situation in general.

The Commission will of course bear in mind the case brought to its attention by the Honourable Member and will be most happy to use the first opportunity it has to draw specific attention to the case of U Myo Aung Thant.

Regarding the overall situation in Burma, the Commission shares the view of the UN special rapporteur that despite a few positive signs the overall situation in Burma has not improved. This absence of progress remains of grave concern to the Commission.

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(98/C 187/153) **WRITTEN QUESTION E-3960/97**

**by Johanna Maij-Weggen (PPE) and Rijk van Dam (I-EDN) to the Commission**

*(12 December 1997)*

*Subject:* Law on freedom of religion in Belarus

Is the Commission aware that the government of Belarus has published a proposal for a law amending the current law on freedom of religion which runs the risk of placing far-reaching restrictions on the freedom of religion, worship and religious professions?

Is the Commission aware that this law would have the following effects:

(a) the formation of church institutions, such as synods, would be hindered and restricted and public evangelistic activities would be prohibited;

(b) meetings for bible study would be subject to registration and only permitted after approval by the authorities;

(c) a church grouping would not be allowed to have fewer than 25 members and 'destructive denominations and organizations' would be prohibited all on the basis of an assessment by an administrative body.

Is the Commission also aware that the government of Belarus has set up a state committee for religious affairs and does it know what are the tasks and powers of this state committee?

What restrictive measures with regard to cooperation between the EU and Belarus are currently in force and is the Commission prepared to strengthen these measures if religious freedom is thus restricted in Belarus?

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

*(26 January 1998)*

The Commission is aware of the intention of the government of Belarus to amend the current law on freedom of religion. As the amendments are still in preparatory stage, no detailed information is yet available.

Whereas the Constitution of Belarus provides for freedom of religion, worship and proselytism, several restrictions to religious freedom and religious professions have already been observed in Belarus. A July 1995 cabinet of ministers directive sharply limited the activity of foreign religious workers and was interpreted as a means of enhancing the position of the orthodox church, whose head is closely associated with the President, with respect to the faster-growing roman catholic and protestant churches. The President granted the orthodox church special tax and other financial advantages which other denominations do not enjoy, and declared that preservation and development of orthodox christianity is a 'moral necessity'. In 1996, Belarus state radio stopped broadcasting Sunday mass from the catholic church of St. Simon and St. Helena in Minsk; on the basis of a new law on the activities of clergymen, Belarusian authorities refused to register an important number of foreign catholic priests.

Freedom of religion is part of the European Convention of human rights. Observed restrictions to freedom of religion and the possible adoption of a new law which would further limit freedom of religion in Belarus have to be judged against the declared will of Belarus to become a full member of the Council of Europe.

Scope for cooperation between the Community and Belarus has been reviewed since November 1996. The conclusion of the Partnership and cooperation agreement and the Interim agreement has been suspended, the main bulk of the Tacis programme has been halted; Member States' bilateral assistance programmes have been scaled down; bilateral contacts have been reduced to a minimum. Although the Community remains committed not to isolate Belarus, current violations of human rights and democratic principles, including of religious freedom, do not allow for any progress in the development of bilateral relations.

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(98/C 187/154)

**WRITTEN QUESTION E-3966/97**

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

*(12 December 1997)*

*Subject:* Limit values for baby food

Can the Commission state whether there are any new scientific findings and assessments at EU and international level with regard to defining limit values for baby food such as lindane? If so, what are they?

What conclusions does the Commission draw from the current state of scientific discussion?

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

*(6 February 1998)*

The scientific committee for food (SCF) was asked to re-examine its earlier 'opinion on Lindane in baby foods' expressed on 23 September 1994. At its meeting on 10 November 1997, the SCF was informed orally that the 'Joint food and agricultural organization/ world health organization (FAO/WHO) meeting on pesticide residues' (JMPR) had re-evaluated lindane at its meeting of 22 September — 1 October 1997 and had substantially lowered the acceptable daily intake (ADI). The committee arrived at a consensus that its previous opinion could no longer be assumed to be valid but was unable to draft a new opinion since the underlying data for the reduction of the ADI were not available. Meanwhile the secretariat of the SCF has been informed that the JMPR opinion on lindane will be published in February or March 1998. The Commission has recently requested the SCF to advise it whether, in the light of the data presented to the JMPR, the presence of lindane at a level of 0.03 milligram per kilogram (mg/kg) of baby food poses a risk to public health and on the maximum level of lindane in such products that could be considered to be acceptable from the public health point of view. The committee concluded on 15 January 1998 that 'a maximum level of lindane of 0.02 mg/kg in foods intended for infants and young children could be considered to be acceptable from the public health point of view'. The SCF's opinion of 15 January 1998 is available via Internet.

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(98/C 187/155)

**WRITTEN QUESTION E-3970/97**

**by James Nicholson (I-EDN) to the Council**

*(15 December 1997)*

*Subject:* Ahn Jae-Ku

Ahn Jae-Ku was arrested in June 1994 and charged under South Korea's National Security Law. He was sentenced to life imprisonment in November 1994. Human Rights groups claim that Ahn Jae-Ku has been imprisoned for the non-violent exercise of freedom of expression and association and that he is being held in below standard conditions.

Given that South Korea has ratified several international treaties and conventions guaranteeing human rights, what is the Council's opinion on the imprisonment of Ahn Jae Ku?

**Answer**

*(17 March 1998)*

The Council attaches great importance to the strict adherence to human rights by all countries. Those countries which have signed international conventions and treaties guaranteeing human rights have publicly committed themselves to uphold these rights.

The Council is aware that arrests are made under the National Security Law of South Korea. The Council has repeatedly raised its objections to this law which can be seen as a reflection of the historically tense situation on the Korean Peninsula. The Council hopes that a solution may be found following the start of the Four-Party talks in Geneva.

The Council has no specific opinion regarding the imprisonment of Ahn Jae Ku, given that it has not received information about charges or about the conditions of his imprisonment.

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(98/C 187/156) **WRITTEN QUESTION E-3971/97**

**by Paul Lannoye (V) to the Commission**

*(12 December 1997)*

*Subject:* Air safety and quality of life in urban and semi-urban environments

At the moment, a number of European airports are used for the training of young pilots. Some of these airports are situated near large conurbations and have also been established in semi-urban areas that are heavily populated.

Does the Commission intend to call on the Member States of the European Union to introduce measures that will end training flights in civil transport aircraft above these areas, particularly at weekends?

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

*(23 February 1998)*

Pilot training is undertaken at many aerodromes, and at airports where pressures on capacity by commercial air transport operations permits.

Training and testing programmes normally continue throughout the career of a professional air transport pilot and much of it is now undertaken on advanced similator technology which is less expensive than training on aircraft and also permits training in dealing with realistically simulated situations which would be too dangerous to rehearse in flight.

The regulation of flying training procedures at and around airports is at present the exclusive responsibility of the Member States. Local authorities do sometimes restrict aircraft movements at predominantly training-oriented airfields, under their powers to regulate land use; but the prohibition of flight over certain areas is generally regulated at the technical level by national aviation authorities.

Given the principle of subsidiarity, the Commission does not currently propose to intervene in this area.

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(98/C 187/157) **WRITTEN QUESTION E-3973/97**

**by Anneli Hulthén (PSE) to the Commission**

*(12 December 1997)*

*Subject:* Illegal use of hormones in meat production

The media regularly report the illegal use of hormones in meat production in the EU. How does the Commission regard these reports, and, if they are true, do not such occurrences reduce the Community's credibility in its dispute with the USA on hormones?

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

*(2 February 1998)*

The uncovering of a certain number of cases of illegal use of growth hormones, duly reported in the media, is the outcome of a serious attempt by the Member States to guarantee European consumers hormone-free meat and proof of that attempt's effectiveness. This cannot harm the Community's credibility as regards the United States.

The implementation by Member States of surveillance measures required under Directive 96/23/EC on measures to monitor substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (1), together with severe penalisation of offenders, should in the medium term result in a big drop in the number of cases of illegal use of these banned substances.

(1) OJ L 25, 23.5.1996.

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(98/C 187/158)

**WRITTEN QUESTION E-3974/97**

**by Anneli Hulthén (PSE) to the Commission**

*(12 December 1997)*

*Subject:* Warning system for dangerous products

Within the European Union there is a system for the exchange of information on dangerous products, RAPEX. Unfortunately there is no obligation to report dangerous products discovered on the market, nor their names. Does the Commission regard this as a satisfactory situation for consumers? If not, what does it contemplate doing to improve the situation?

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

*(27 January 1998)*

The Community system for the rapid exchange of information on dangers arising from the use of consumer products (RAPEX), set up by Council Decision 84/133/EEC and now integrated into Directive 92/59/EEC on general product safety (1), is a general and horizontal early warning and monitoring system designed to help Member States in handling urgent situations.

Its essential aim is to provide information on all available details of the product, the danger involved, and the measures decided by the notifying Member State, to public authorities responsible for the protection of their citizens in order to allow them to take immediate and appropriate action when a grave and immediate risk arising from a consumer product has been detected by one of them.

The measures adopted and notified through the system often consist in the publication of warnings or in other arrangements to ensure that those who might be exposed to a risk from a product are informed in good time of such a risk. The measures adopted or decided by Member States against a dangerous product are administrative decisions which normally are published also at the national level.

Nevertheless, the Commission agrees that the system needs to be revised in order to improve its efficiency and to introduce more transparency in its functioning. This is one of the elements to be considered when defining the proposals for the modification of Directive 92/59/EEC that the Commission will present in the second half of next year.

(1) OJ 228, 11.8.1992.

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(98/C 187/159)

**WRITTEN QUESTION P-3976/97**

**by Xaver Mayer (PPE) to the Commission**

*(9 December 1997)*

*Subject:* Sale of propolis (bee glue)

Propolis is described in the medical literature as a natural substance used to boost the body’s own immune system. It is used as a raw material in the manufacture of medicines.

In Germany propolis preparations are subject to the law on pharmaceuticals as regards their manufacture, marketing and sale. For this reason they can be sold only by pharmacists.

1. Can the Commission say in which European Union countries propolis can be bought directly from bee-keepers?

2. Are the different approaches consistent with the rules of the single market?

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

*(14 January 1998)*

The Commission has no information concerning the regulation of the sale of propolis by bee-keepers in the different Member States.

The supply of medicinal products within the meaning of Article 1 of Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to proprietary medicinal products [1] to the public continues to be a matter for the Member States and there exists no Community legislation in this field. This gives Member States the possibility to maintain provisions in accordance with Articles 30-36 of the EC Treaty that restrict the supply of medicinal products to the public to pharmacies and to interdict any other form of supply to the public on their territory.

[1] OJ 22, 9.2.1965.

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(98/C 187/160) **WRITTEN QUESTION E-3986/97**

**by Georges Berthu (I-EDN) to the Council**

*(15 January 1998)*

*Subject:* Euro bank notes — distinctive national symbols

At its meeting on 3 December 1996 the Council of the European Monetary Institute (EMI) decided that both sides of Euro bank notes were to be identical in all countries and were to be devoid of any distinctive national symbols. This position amounts to settling, in a roundabout way, a crucial question: if the bank notes are indistinguishable from one country to another, it will be virtually impossible to 'uncouple' a country in the event of a serious crisis threatening the survival of the system. In certain borderline cases, therefore, the risks of complete collapse would be increased.

Does the Council not agree that in adopting this political position — which is frequently presented as a definitive decision in European documents — the EMI Council has exceeded the terms of Article 109f(3) of the Treaty which only gives it the power to supervise the 'technical preparation' of the future bank notes?

(98/C 187/161) **WRITTEN QUESTION E-3987/97**

**by Georges Berthu (I-EDN) to the Council**

*(15 January 1998)*

*Subject:* Euro bank notes — distinctive national symbols

The position adopted by the EMI Council on 3 December 1996 prohibiting distinctive national symbols on the future European bank notes does not appear to have been the subject of a proper democratic debate. The Dublin European Council (13 and 14 December 1996) seems merely to have been 'informed' of it, but there is no sign in its conclusions of explicit approval or even of a mere mention of this specific point.

Although this total lack of democratic supervision is, and though it may seem, provided for by the Treaty itself, unlike the arrangements made for the future coins, does the Council not agree that on such an important point the Member States should be involved in the decision in some way? Is it conceivable that there should be a complete lack of parliamentary supervision at any level?

(98/C 187/162)

**WRITTEN QUESTION E-3988/97**

**by Georges Berthu (I-EDN) to the Council**

*(15 January 1998)*

*Subject:* Euro bank notes — distinctive national symbols

On 3 December 1996 the EMI Council decided that the future euro bank notes were not to bear any distinctive national symbols.

Can the Council explain the substantive reasons why this solution was adopted for bank notes and the apparently opposite reasons which led it to impose the opposite solution for coins?

(98/C 187/163)

**WRITTEN QUESTION E-3989/97**

**by Georges Berthu (I-EDN) to the Council**

*(15 January 1998)*

*Subject:* Euro bank notes — distinctive national symbols

On 3 December 1996 the EMI Council decided that the future euro bank notes should not bear any distinctive national symbols.

This position, which is supposed to have been adopted in accordance with Article 109f(3) of the Treaty, is presented sometimes as definitive and sometimes as provisional. According to the latter hypothesis, it is argued that according to Article 105a(1), the European Central Bank (ECB) has the exclusive right to authorize the issue of bank notes within the Community. The ECB would therefore, when it has been set up, need to confirm the EMI decision.

However, this interpretation of Article 105a(1) is deemed by many to be too extensive since it amounts to including in 'the issue of bank notes', which relates to monetary policy, the question of distinctive national symbols, which is a profoundly different matter. Does not the Council agree that such an interpretation would be too extensive? Furthermore, would it not amount to having a serious matter of principle decided by a non-democratic body, viz. the ECB?

(98/C 187/164)

**WRITTEN QUESTION E-3990/97**

**by Georges Berthu (I-EDN) to the Council**

*(15 January 1998)*

*Subject:* Euro bank notes — distinctive national symbols

On 3 December 1996 the EMI Council decided that the future euro bank notes should not bear any distinctive national symbols. If it is true that this matter falls well outside the task of 'technical preparation of ECU bank notes' (Article 109f(3)), and if it is also true that it is quite distinct from the monetary concept of 'the issue of bank notes' (Article 105a(1)), does the Council not agree that it would be appropriate to find another legal basis for it? Might it not be argued that this decision falls under Article 109l(4), which provides that 'the Council shall ... also take the other measures necessary for the rapid introduction of the ECU (Euro) as the single currency of (the) Member States'?

Indeed, would this not be the only interpretation which would make it possible to preserve Member States' control over an eminently political decision?

**Joint answer**
**to Written Questions E-3986/97, E-3987/97, E-3988/97, E-3989/97 and E-3990/97**

*(19 March 1998)*

It ensues from the allocation of powers provided for under the Treaty that the European Central Bank alone is empowered to authorize the issue of banknotes in euro, also as regards aspects relating to their presentation (Article 105(a) of the Treaty and Article 16 of the Protocol to the Statute of the European System of Central Banks and of the European Central Bank).

At its meeting in Dublin on 13 and 14 December 1996, the European Council welcomed the designs for the euro banknotes presented to it by the European Monetary Institute.

The final decisions on the matter will be taken by the European Central Bank once it has been set up in accordance with the Treaty.

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(98/C 187/165) **WRITTEN QUESTION P-3994/97**

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

*(11 December 1997)*

*Subject:* Introduction of rules on the catching and breeding of the common eel

When is a proposal to be submitted for rules on the catching and breeding of the common eel (Anguilla anguilla)?

Can the Commission also indicate the content of any repopulation programmes involved?

Are there any plans to introduce an export ban to stabilize the European market?

(98/C 187/166) **WRITTEN QUESTION E-4001/97**

**by Rijk van Dam (I-EDN) to the Commission**

*(14 January 1998)*

*Subject:* Eel fisheries in Europe

A group of researchers (EC Concerted Action AIR A94-1939) recently described the size and condition of eel stocks in Europe. In their final report they conclude that the situation in Europe with regard to eels is grave. One reason for this is that the migration of elvers from the sea is declining sharply. The researchers also point out that elver fishing takes up 97% of all young eels as soon as they have reached European waters, mostly for sale to China.

1. Does the Commission share the view that the situation in Europe with regard to eels gives cause for concern?

2. Does it agree that the international character of the problem calls for coordinated measures at European level?

3. Does it share the opinion that the large scale removal of elvers to third countries is a threat to eel stocks in Europe?

4. If so, is it willing in the near future to restrict the sale of elvers to third countries and to encourage the placing of elvers in European waters?

**Joint answer**
**to Written Questions P-3994/97 and E-4001/97**
**given by Mrs Bonino on behalf of the Commission**

*(30 January 1998)*

The Commission is aware of the valuable and growing contribution of the eel cultivation sector to European aquaculture and of the importance of the eel fisheries in Member States. The dependence on supplies of juvenile eels caught in the wild will remain for so long as it continues to be impossible to complete the life cycle of this species in captivity. Juvenile eel is also used for stocking purposes and is important for the commercial fisheries.

Glass eels are caught as they migrate up rivers on the final leg of their migration from the Sargasso Sea. The competence of managing glass eel fisheries has up to now lain primarily with Member States and a range of national control measures exist, depending on the traditional patterns of exploitation and use. Five Member States ban commercial fishing for glass eels and elvers, while a regional ban exists in a sixth Member State. In the southern Member States where there is a tradition of consuming smaller eels, glass eel fishing is permitted but controls are applied to fishing gear, open season or fishing and dealing licences.

A recently completed report on management of the European eel (concerted action of the agricultural and agro-industry research programme (AIR) A94-1939) has shown that returns of glass eels have fallen. This is a matter of concern and the Commission in September 1997 requested the International Council for the exploration of the sea (ICES) to provide advice on possible management actions to ensure a sustainable development of the eel fisheries within the Community. This advice should be provided in 1998 and any possible proposal on management measures, including restocking, will be deferred until then.

The Commission will, on the basis of the analyses mentioned above and any other assessment data necessary, take any action it deems appropriate to restrict exports of elvers from the Community. World Trade Organisation rules would have to be respected.

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(98/C 187/167) **WRITTEN QUESTION E-4013/97**

**by Patricia McKenna (V) to the Commission**

*(14 January 1998)*

*Subject:* Dublin's light railway system, Luas

What amount of EU funds has been allocated to financing preparatory work on the Ballymun line of the Luas, Dublin's planned light railway system?

How much has the EU allocated so far on preparatory work on the entire Luas project?

Does it intend to allocate any further funding for such preparatory work in the foreseeable future?

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

*(6 February 1998)*

Under the Transport operational programme (1994-1999) it is proposed to cofinance 216 MECU of expenditure on the LUAS project at an aid rate of 65% (i.e. a European regional development fund grant of 140 MECU). Furthermore, following the recent mid term review (MTR) of the Irish Community support framework (CSF) it was agreed to allocate an additional 10 MECU towards financing preparatory work on the third LUAS line to Ballymun.

The most recent figures available on this project relate to expenditure up to 5 October 1997. Up to this date, total cofinanced expenditure of 20.471 MECU has been incurred with respect to preparatory work on the entire LUAS project, of which 0.045 MECU relates to the Ballymun line. An additional figure of 0.082 MECU non cofinanced expenditure relates to preparatory work on the extension to Sandyford.

Following the MTR, it has been agreed that the CSF monitoring committee will make a definitive decision on this project in the spring of 1998. Until this time therefore, when the project is to be reviewed and a decision taken, preparatory planning and design work on the LUAS project will continue to be financed.

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(98/C 187/168) **WRITTEN QUESTION E-4017/97**

**by Niels Sindal (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Stowaways

What action is the Commission proposing to take as regards the problems concerning the treatment of stowaways on vessels in European waters?

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

*(27 February 1998)*

The Commission is aware of the problem of stowaways, both in the framework of maritime transport policy and of questions which are currently dealt with under Title VI of the Treaty on European Union.

As the proposal on a convention on the monitoring of persons crossing the external frontiers of the Member States [1] was not adopted by the Council, there are no binding legal provisions on this matter.

When the Treaty of Amsterdam comes into force, questions relating to the crossing of external borders will come under the first pillar, specifically Article 73(2)(a) on the rules and procedures to be applied by Member States when carrying out checks on persons crossing external borders, with the proviso that, during a transitional period of five years following the entry into force of the Treaty of Amsterdam, the Council shall act unanimously on a proposal from the Commission or on the initiative of a Member State and after consulting the European Parliament.

Compatibility and consistency with international maritime law must be sought. Specific international rules on stowaways on ships have been established. In this framework, a draft legal instrument aimed at combating illegal immigration by sea routes has been submitted by Italy to the International Maritime Organisation. The Commission is cooperating with the IMO on this matter.

(1) OJ C 128, 9.5.1994.

(98/C 187/169) **WRITTEN QUESTION E-4023/97**

**by Panayotis Lambrias (PPE) to the Commission**

*(14 January 1998)*

*Subject:* Psychiatric care in Greece

The guarantee of a high level of health care is one of the aims of the European Union which was strengthened by the Amsterdam Treaty. In Greece, certain shortcomings are becoming apparent in the psychiatric care system, including the discouragement of the private treatment of patients. To be exact, while the cost of treatment in private sector institutions is set at Drs 14 000, private clinics may not charge more than Drs 7 000 per day, which is leading to the collapse of private clinics. This is in spite of the fact that 50% of psychiatric patients are treated in clinics which are under threat of closure, a threat which has already been carried out in some cases. Will the Commission say what measures it can and will take to reform the mental health sector in Greece?

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

*(25 February 1998)*

The question of health care, including mental health care, remains the responsibility of the Member States. This will not change when the Amsterdam Treaty is ratified.

The Honourable Member should therefore address his question to the Greek authorities.

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(98/C 187/170)

**WRITTEN QUESTION E-4028/97**

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

*(14 January 1998)*

*Subject:* Landmines and EU aid

Does the Commission welcome the UK decision to review the levels of its development funding to recipient countries which do not 'sign up' to the Ottawa agreement on landmines?

Would it, therefore, not be appropriate for the Commission to recommend that the EU should adopt similar discrimination against recipients of EU development assistance which continue to produce and export landmines?

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

*(2 February 1998)*

The Commission welcomes measures by Member States that help overcome the tragic consequences of the irresponsible and indiscriminate use of anti-personnel landmines in many developing countries, and which encourage adherence to the Convention to ban anti-personnel landmines which was opened for signature in Ottawa on 3 December 1997.

It was delighted to see so many developing countries sign the Convention on 3 and 4 December 1997.

It must, however, stress that the Community's development policies do not make aid conditional on a country's stance on anti-personnel landmines.

That being said, the Development Ministers, in the Council resolution of 22 November 1996 concerning an integrated and coordinated approach to tackling anti-personnel landmines, naturally excluded countries selling, producing and stockpiling anti-personnel landmines from mine-clearance programmes, except for research projects in the anti-personnel landmines field, relief activities and measures directly benefiting vulnerable communities.

Extending this resolution to the whole of the Community's development policy could be discussed at the talks on future relations with the developing countries to encourage them to stop producing, stockpiling, trading in and laying anti-personnel landmines.

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(98/C 187/171)

**WRITTEN QUESTION E-4029/97**

**by Caroline Jackson (PPE) to the Commission**

*(14 January 1998)*

*Subject:* Securing of lorry loads

Does the Commission believe that there is a case for European legislation governing the securing of lorry loads generally, or does the Commission believe that, while such EU legislation exists for dangerous goods, it can be left to national authorities to introduce and implement such general safety measures for the securing of lorry loads as they deem necessary according to national law?

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

*(30 January 1998)*

There are limitless ways to load vehicles and an infinite number of types and shapes of objects to load on to vehicles. The Commission consequently considers that Community legislation on this matter would either be so general to cover all options as to be of little effective value, or so detailed as to require thousands of pages of law. The Commission does not, therefore, intend to compile proposals for such legislation.

The Commission is not aware of grounds for questioning the adequacy of national legislation on the securing of loads on lorries and there are no current plans for Commission action on this matter. Naturally, there is continuing need for proper application and effective enforcement of the national laws that are relevant to such matters.

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(98/C 187/172) **WRITTEN QUESTION E-4030/97**

**by Bryan Cassidy (PPE) to the Commission**

*(14 January 1998)*

*Subject:* Producer responsibility obligations (packaging waste) regulations, UK 1996

Does the Commission agree that the UK should be taken before the European Court of Justice in order to test whether the UK packaging regulations constitute a barrier to free trade in the EU?

(98/C 187/173) **WRITTEN QUESTION E-4034/97**

**by Bryan Cassidy (PPE) to the Commission**

*(14 January 1998)*

*Subject:* Producer responsibility obligations (packaging waste) regulations, UK 1996

Does the Commission agree that the producer responsibility obligations (packaging waste) regulations which implement Directive 94/62/EC [1] into UK law, exclude non-UK based companies and that this in practice constitutes a barrier to free trade in the EU?

(1) OJ L 365, 31.12.1994, p. 10.

**Joint answer**
**to Written Questions E-4030/97 and E-4034/97**
**given by Mrs Bjerregaard on behalf of the Commission**

*(23 February 1998)*

The Commission is able to inform the Honourable Member that it is currently examining the implementing measures notified by the United Kingdom in respect of the Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste [1]. The Honourable Member can be assured that the Commission will take appropriate action should the full examination reveal any barriers to free trade. In this regard, the Commission would be pleased to receive any further details from the Honourable Member concerning the alleged barrier to trade.

(1) OJ L 365, 31.12.1994.

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(98/C 187/174) **WRITTEN QUESTION E-4040/97**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Candidates for European City of Culture

Which cities have so far submitted their candidacies for nomination as European City of Culture from the year 2000?

(98/C 187/175) **WRITTEN QUESTION E-4041/97**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(14 January 1998)*

*Subject:* European City of Culture: the criteria

Does the Commission intend to produce a proposal laying down criteria to ensure that the Council of Ministers of Culture of the European Union designates the city or cities which will hold the title of European City of Culture from the year 2000?

**Joint answer**
**to Written Questions E-4040/97 and E-4041/97**
**given by Mr Oreja on behalf of the Commission**

*(6 February 1998)*

The Commission would refer the Honourable Member to the Commission proposal for a European Parliament and Council decision establishing a Community initiative for the European City of Culture event, and in particular Articles 2 and 3 of the decision ([1]).

([1]) OJ C 362, 28.11.1997.

(98/C 187/176) **WRITTEN QUESTION E-4043/97**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Release of Cuban dissidents

Has the Commission made representations of any kind to the Cuban authorities to secure the release from prison of Cuban citizens Marta Beatriz Roque, René Gómez, Vladimiro Roca and Rélix Bonne, who have been imprisoned merely for joining groups of internal political dissidents in Cuba?

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

*(29 January 1998)*

The European Union made two official representations in July 1997, through the Presidency's representative in Havana, to request the release of the four dissidents mentioned by the Honourable Member. These representations were supported by the Commission and made on its behalf under the Union's common foreign and security policy.

In recent communications with the Cuban authorities, the Commission representatives made it clear that release of the four dissidents and, more generally, a change in the authorities' repressive attitude towards fundamental rights of expression and association are essential if the Union is to consider stepping up its cooperation with Cuba.

(98/C 187/177) **WRITTEN QUESTION E-4044/97**

**by Jesús Cabezón Alonso (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Postponement of the ban on drift nets

For what reasons has the Commission postponed submission of a new proposal to ban drift nets or gill nets for catching tuna?

Why has Commissioner Bonino gone back on her promise to submit a proposal before the end of 1997?

Is the Commission aware that its 1994 proposal is being stonewalled by the Commission?

Why has the Commission accepted and concurred with the Council's opposition?

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

*(27 January 1998)*

The Commission has undertaken to find the best way of unblocking the driftnet issue in the Council, together with the Presidency of the Council and the Member States concerned.

The proposal has not been blocked in the Council by the Commission — which has indicated its wish to find a solution on several occasions — but because a qualified majority has not so far emerged. The UK Presidency has said that it will submit a compromise proposal to the Council and the Commission hopes that a fair and lasting solution can be found on this basis. It will lend the Presidency all its support in this regard.

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(98/C 187/178) **WRITTEN QUESTION E-4046/97**

**by Ernesto Caccavale (UPE) to the Commission**

*(14 January 1998)*

*Subject:* Breach of the rules on European public contracts

In the context of the procedure for the award of public contracts under the Lomé Convention, the Italian company ITAMSIDER, which had been awarded a contract in Mauritania, duly supplied certain materials to that country. However, Mauritania, despite having received the material according to due form, has refused to ask the Commission to make the corresponding payment, adducing unsubstantiated and unproven allegations of technical unsuitability.

This refusal was in reality motivated by the fact that ITAMSIDER refused, as a matter of principle, to pay the bribe which was asked of it as a condition for supplying the Commission with the documents required for the funds concerned to be released.

The local representative of the Commission held an expert hearing — of a summary nature and not allowing for representation of both sides — which was subsequently declared to have been irregular by the Court of First Instance in Luxembourg (judgment of 25 June 1997, first section, T-7/96).

The Court of First Instance did not, however, take into consideration the recording of a telephone conversation which established beyond all doubt that the representatives of the Mauritanian company had asked for a bribe.

It should be clear from the above that the Italian company was obliged to react to behaviour of an unethical nature. There appears, however, to be no possibility of taking out legal proceedings in Mauritania, since such attitudes would seem to be a matter of ‘usual practice’ in that country.

The circumstance that such behaviour can go unpunished can only be considered detrimental to the correct functioning of the Community institutions.

In view of the above, can the Commission state:

1. what means of redress are available in such cases, given that the procedures instituted by DG XX to bolster action against fraud and to protect the Community’s financial interests seem to be completely ineffective in the face of behaviour such as that described;

2. what its position is on this matter as a whole, and what measures it intends to take to offer more secure guarantees to Community enterprises?

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

*(23 February 1998)*

The Commission would inform the Honourable Member that the general specifications for works, supplies and service contracts financed by the European Development Fund (EDF) include provisions on corruption and fraud in the performance of those contracts.

The Commission has always been prepared to examine complaints which firms wish to bring to its attention in connection with the execution of contracts financed by the EDF, about compliance with those provisions and — more generally — any case of corruption in connection with contracts financed by the Community.

The Commission would point out to the Honourable Member that, in the specific case to which he refers in his Written Question, no fact has been brought to the attention of the Commission, either by the firm or by the government of the State concerned, from which it can be concluded that the line taken by the firm is justified. And that was, furthermore, the position taken by the Commission in proceedings before the Court of First Instance.

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(98/C 187/179)

**WRITTEN QUESTION P-4051/97**

**by Monica Baldi (UPE) to the Commission**

*(15 December 1997)*

*Subject:* The insurance company Fondiaria Assicurazioni

The insurance group Fondiaria Assicurazioni is reorganizing the company in Italy, with a proposed 2 000 job cuts over 5 years, 900 dismissals, a large-scale reduction in the number of managers and employees and a drastic cut in agents' commission.

Insurance agents, forced to choose between giving up their jobs and working for next to nothing, chose the former, thereby causing the unexpected closure of agencies in Italy and endangering the jobs of the employees in those agencies.

This regrettable situation involves thousands of agents, more than 10 000 employees and assistants and millions of policy-holders, with extremely adverse effects not only on employment but also on the whole insurance sector.

In the space of barely three months 39 managers have been dismissed and 240 000 policies have been cancelled, which is equivalent to 5% of the whole group's portfolio. All this has caused unacceptable inconvenience to customers, who have been unexpectedly deprived of the services to which they were entitled.

Can the Commission say:

1. what steps it intends to take, in the light of the recent decisions taken at the special Employment Summit held in Luxembourg on 20 and 21 November last, to safeguard the hundreds of workers who will suddenly find themselves without a job;
2. what steps it intends to take to ensure that the enormous wave of lay-offs or closures does not further aggravate the already difficult employment situation in the sector and the situation of the families affected;
3. what it intends to do to avoid adverse effects not only in the field of employment but also in the insurance sector?

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

*(30 January 1998)*

The introduction of an 'employment' chapter in the new Treaty adopted in Amsterdam in June 1997, as well as the conclusions of the recent extraordinary European Council in Luxembourg, are designed to strengthen coordination of national employment policies through the definition of common guidelines.

This new procedure allows the Member States to reconsider the employment situation each year in a global, integrated approach which embraces healthy macroeconomic policies, a smoothly functioning single market and the taking into account of the employment factor in all the Community policies.

However, employment policy is a matter for the Member States, as are measures to prevent and tackle unemployment. In the context of its employment system, Italy has at its disposal a whole raft of instruments to prevent and protect persons whose jobs are at risk. Basically these are social shock absorbers, which are currently being rationalised. These mechanisms are increasingly being combined with 'active measures' in the framework of sectoral agreements, allowing beneficiaries to participate in vocational retraining programmes so as to make it easier for them to find jobs again.

In its conclusions of 21 November 1997, the European Council urged that particular attention be paid to sectors undergoing major industrial change. It invited a high-level expert group under the Commission's authority to analyse the future of industrial change in the Community and to study the best ways of coping with it in order to ensure that the economic and social impact is compatible with the principles of the EC Treaty. A first report will be presented to the Council after consultation of the social partners with a view to its transmission to the Cardiff European Council.

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(98/C 187/180) **WRITTEN QUESTION P-4053/97**

**by Phillip Whitehead (PSE) to the Commission**

*(15 December 1997)*

*Subject:* Imports of dangerous Chinese fireworks

In an answer to Written Question E-0102/95 ([1]) the Commission dismissed the possibility of a European proposal addressing the issue of firework safety. The argument was that public safety could be efficiently ensured through the General Product Safety Directive. Since that time, there has been an increase in the incidence of accidents and casualties associated with the use of the explosive Chinese mortar fireworks. This suggests that the Product Safety Directive is failing to guarantee consumers the level of safety which they may reasonably expect (that the product is safe for the purpose it can reasonable be expected to perform).

Does the Commission believe that the entry of these fireworks into the Community represents:

1. a failure of controls at the point of entry to ensure conformity of products to basic safety standards? If so, what action does the Commission propose to take to improve the safety checks on imports?

or

2. a more general inadequacy of the General Product Safety Directive to ensure firework safety? If so, would the Commission reconsider its position on legislation to ensure the safety of fireworks?

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([1]) OJ C 145, 12.6.1995, p. 28.

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

*(21 January 1998)*

The Commission remains of the opinion that it is not necessary to propose any action for specific regulation of fireworks at Community level.

The Commission is concerned about accidents arising from the use of fireworks, particularly if these have increased recently? but the level and seriousness of accidents depends largely on the local customs for public use of fireworks, which differ widely among Member States. All Member States enforce safety regulations on fireworks which fit their local customs. The Commission considers that a Directive on fireworks would not be more effective in preventing accidents than these national safety regulations.

This means that the safety of fireworks originating in a third country (such as China) should be controlled by Member States, according to their own regulations, before they can be marketed in the Community. The enforcement of these controls is a matter for Member States RATHER than the Commission.

The Commission does not believe that the General product safety Directive ([1]) is failing consumers in this regard. This Directive does not specifically regulate fireworks, but does contain guidance for national authorities aimed at the prevention of accidents. There is evidence that prevention and information campaigns by national or local authorities can also play an effective role in reducing the number of accidents, particularly if these precede a period when fireworks are heavily used (such as New Year).

([1]) OJ L 228, 11.8.1992.

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(98/C 187/181) **WRITTEN QUESTION E-4056/97**

**by Yiannis Roubatis (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Sanctions against Iraq and their impact on Iraq's population

It is recognized that the policy of imposing sanctions against Saddam Hussein's regime in Iraq is having tragic effects on the population of the country and, in particular, the children who are suffering from malnutrition and a shortage of drugs.

Given that it is doubtful whether sanctions have achieved the expected results, while the population is in a situation that no civilized state can tolerate, will the Commission say:

1. what its position is on the above issues, and
2. whether it intends to take any measures to relieve the afflicted population and especially the children who are suffering malnutrition and a shortage of drugs?

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

*(4 Februay 1998)*

The embargo against Iraq has always allowed for medicines and foodstuffs to be exported to Iraq, with certain restrictions between August 1990 and May 1991. As of May 1991, medicines and foodstuffs could be exported, in principle, in unlimited quantities to Iraq, depending on the willingness of the Iraqi government to spend its reserves on the import of these goods.

In order to alleviate the suffering of the people, the Community has since 1991 provided humanitarian aid to Iraq with over 200 MECU, initially almost exclusively for the Kurdish controlled North. The Community 1997 programme of 22 MECU was equally split between the Kurdish North and areas controlled by the government of Iraq. About 2 MECU of this financing is towards medical supplies for the Kurdish population provided through non-governmental organisations (NGOs). The Commission has allocated 10 MECU for financing 1998 operations.

In contrast to Central and South Iraq, experts who have visited Northern Iraq assess the overall humanitarian situation as satisfactory. Food distribution seems to be reasonably efficient and under-nutrition is not a significant problem as previously reported. The supply of medical items is still unsatisfactory, mostly due to the distribution system. NGOs and Kurdish authorities are looking into ways of improving distribution channels.

Under the first two phases of the United Nations (UN) oil-for-food resolutions (10 December 1996 / 4 December 1997) Northern Iraq (3 million people) has been allocated 470 MECU of which 70 MECU for the health sector (comprising 50 MECU of medical supplies and 19 MECU for rehabilitation of health facilities) 200 MECU for food and a further 13.5 MECU for nutrition.

In view of the far larger amounts under the oil-for-food provisions, the Community's future assistance will depend upon the efficiency of the implementation of the oil-for-food arangement and the possibility of increasing oil sales and subsequent purchases of medicines and foodstuffs. A proposal to increase Iraqi oil sales is under consideration by the UN Secretary general for presentation to the UN Security council.

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(98/C 187/182)

**WRITTEN QUESTION E-4060/97**

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

*(14 January 1998)*

*Subject:* Proposed merger of Objectives 2 and 5b

The Commission has proposed merging the existing Objectives 2 and 5b into a new single Objective 2 for the period post-2000 devoted to reconversion of industrial, rural, urban and fishing-dependent regions

Can the Commission confirm that there will be separate ring-fenced financial allocations for each strand of the new Objective and that each strand will ensure programme funding for the full seven years of the next financial perspective? Will the Commission assure me that transitional arrangements for former Objective 2 and 5b regions are the same as those for Objective 1?

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

*(5 February 1998)*

The Commission proposes in Agenda 2000 ([1]) that the new objective 2 'should assist areas undergoing economic change (in industry or services), declining rural areas, crisis-hit areas dependent on the fishing industry or urban areas in difficulty'.

Each of the different types of area targeted by the new objective 2 would be identified by relevant socio-economic criteria. The Commission does not, however, consider it appropriate to introduce a rigidity of the kind which would result from separate ring-fenced financial allocations for each type of area.

As a unified objective, the planning period for the new programmes would be of the same duration for all areas covered.

The Commission proposes that transitional arrangements for ex-objective 1 regions, on the one hand, and ex-objective 2 and 5b areas, on the other, should reflect their differing circumstances. The level of financial transfers per capita to objective 2 and 5b areas is significantly lower that those for objective 1, which, as the least developed regions, are the top priority of the Community's structural policies.

Consequently, in Agenda 2000, the Commission proposes that the former objective 2 and 5b areas should enjoy 'limited financial support' during the transitional period.

([1]) COM(97) 2000 final.

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(98/C 187/183)

**WRITTEN QUESTION P-4066/97**

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

*(15 December 1997)*

*Subject:* Poison spray used on people

In the village of Orgiva in the province of Granada in the south of Spain, olive-tree plantations are being sprayed from aircraft with pesticides. The pesticide concerned is the phosphoric acid ester dimethoate.

Is the use of this phosphoric acid ester permitted under European legislation? Is it in accordance with the code of good agricultural practice to spray this agent from an aircraft not only onto olive trees but also onto the people of the village of Orgiva — men, women, children and infants — as well as any tourists incidentally present? What action will the European Commission take to put a stop to abuses of this kind?

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

*(2 February 1998)*

Dimethoate is an insecticidal active substance which was authorized for use in plant protection products in most Member States before the implementation date (25 July 1993) of Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (1), and therefore can continue to be authorized by Member States in accordance with the provisions of Article 8(3) and (4) of that Directive.

Directive 91/414/EEC provides that, in granting the authorization for such a plant protection product, the Member State must have established that the product, having regard to all normal conditions under which it may be used, has no harmful effect on human or animal health, directly or indirectly. Moreover, this Directive provides, in Article 3, that plant protection products must be used properly. Proper use includes compliance with the above mentioned safety conditions of use and also with the application of the principles of good plant protection practice.

The facts mentioned by the Honourable Member seem to indicate a practice which is not in accordance with the above mentioned provisions. The Commission will ask further information of the Spanish authorities on these facts as well as on the measures taken to ensure that the above mentioned provisions are adequately in case of spraying from aircraft.

(1) OJ L 230, 19.8.1991.

(98/C 187/184)

**WRITTEN QUESTION E-4070/97**

**by Phillip Whitehead (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Nutritional labelling

Does the Commission agree that future EU food policy — for example the possible framework directive taking the Green Paper forward — must acknowledge the importance of nutrition and the need for consumers to have access to a healthy and nutritious diet?

(98/C 187/185)

**WRITTEN QUESTION E-4072/97**

**by Phillip Whitehead (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Nutritional labelling

Does the Commission also agree that at present, inconsistent and confusing nutritional content claims like ‘light’ and ‘low fat’ make it difficult for consumers to be able to trust the validity of such claims, whereas these claims could be useful to consumers if they were more tightly controlled? Is the Commission planning to consider the control of these types of claims as part of the forthcoming nutrition labelling review?

**Joint answer**
**to Written Questions E-4070/97 and E-4072/97**
**given by Mr Bangemann on behalf of the Commission**

*(30 January 1998)*

The Commission believes that a safe and adequate supply of a great variety of foods is available today to consumers in the Community as a result of a number of Community policies, measures and activities. Correct and consistent information on food labels but also appropriate knowledge by and education of consumers are important elements which will help them to select a diet to suit their individual needs.

Nutritional claims are one important aspect of labelling and the Commission is currently evaluating the comments on this specific issue received in response to the Commission's green paper on food law ([1]) before deciding on any necessary measures.

([1]) COM(97) 176 final.

(98/C 187/186) **WRITTEN QUESTION E-4071/97**

**by Phillip Whitehead (PSE) to the Commission**

*(14 January 1998)*

*Subject:* Nutritional labelling

Given the high percentage of pre-packed foods on sale in some countries, does the Commission accept that if consumers wish to choose a healthy diet, full nutritional labelling is essential for all pre-packed foods and that labels should include information on at least: energy, protein, carbohydrate, sugars, fat, saturates, fibre and sodium?

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

*(30 January 1998)*

Under current Community legislation on nutrition labelling for foodstuffs ([1]) laid down in Directive 90/496/EEC, information on the eight elements mentioned can be given voluntarily and is compulsory in certain circumstances stipulated therein.

The Commission had raised the subject and invited comments on the revision of the nutrition labelling directive in its green paper on food law published in May 1997 ([2]). The Commission is currently evaluating these comments but has not yet reached any conclusions on the specific issue raised.

([1]) OJ L 276, 6.10.1990.
([2]) COM(97) 176 final.

(98/C 187/187) **WRITTEN QUESTION P-4080/97**

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

*(18 December 1997)*

*Subject:* Italy's finance policy and the Maastricht criteria

Under the 1998 finance act the Italian Government is preparing to introduce a new tax known as IRAP (= regional tax on production).

The significant features of this tax are that it will fall particularly heavily on natural and legal persons who employ staff and who have contracted debts (neither the wages paid to employees nor the interest incurred on debts are tax-deductible under IRAP) and that it cannot be offset against income tax.

This new tax will further increase the fiscal burden in Italy, a country which has already had to suffer one and a half years of financial juggling involving a total of 100 000 billion lire, most of it raised from additional taxes.

Does the Commission consider such a policy to be compatible with its own recommendations designed to reduce public expenditure and, consequently, the fiscal burden, particularly employment-related taxes?

Furthermore, what view does it take of the Italian Government's social security policy, which seems incapable of effectively rationalizing the accounts of the INRS (= national social security agency), despite its repeated announcements of its intention so to do?

Lastly, does the Commission believe that, in view of the above, Italy will be able to achieve and maintain the Maastricht financial and economic criteria in 1998 and beyond?

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

*(3 February 1998)*

The Italian tax reform was approved only recently and estimates of the exact financial impact of the reform across regions, categories of tax payers and sectors are extremely difficult at this stage. For the time being, the only elements available are the estimates provided by the Italian government, which show that the new system is not increasing the tax burden. As for the impact on the cost of labour, on the one hand labour is included in the base of the new tax, on the other hand the tax replaces health contributions which were also levied on the labour factor. The net effect can vary across enterprises, but does not necessarily imply an increase in labour taxation. Whereas the Commission is obviously interested in the design and in the budgetary implications of the reform, an assessment of the local tax policy of national governments does not fall within the competence of the Commission.

The Italian pension system was affected by two reforms, in 1992 and in 1995, and has been further revised in the framework of the 1998 budget law. These interventions have deeply modified the mechanisms of the pension scheme and brought under control pension expenditure in the medium-term. The ratio of pension expenditure to gross domestic product (GDP) is now likely to remain stable during the next ten years. In time, when the so-called baby-boom generation retires, further corrections may become necessary. In the short and medium-term, a more rapid transition to the new system established with the 1995 reform, would have made available more resources for improving welfare provisions in other areas in which social expenditure is well below Community standards.

The commitments contained in the convergence programme for the period 1998-2000 were positively assessed by the Commission and by the Council. The Commission is now examining the content of the budget law for 1998 in order to assess the quality of the measures adopted and the consistency with the commitments included in the convergence programme.

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(98/C 187/188) **WRITTEN QUESTION P-4081/97**

**by Lutz Goepel (PPE) to the Commission**

*(18 December 1997)*

*Subject:* EU farm structures

The Commission proposals for the further development of European agricultural policy as set out in Agenda 2000 provide, in particular, for the introduction of individual ceilings on compensatory payments on the basis of market organization. The impact of any such ceilings in the different Member States will depend heavily on the respective structural circumstances of individual farms.

In the Court of Auditors report (C 343/97) attention is drawn to the three biggest aid recipients in the five biggest Member States, which are represented as above-average subsidy recipients. This fails to provide a representative account of the number of farms with larger surface areas in the Member States as a whole. And the report on the agricultural situation in the EU (1996) provides only limited information about the initial situation in the Member States as regards larger farms.

Is the European Commission in a position to provide the European Parliament with up-to-date statistics on:

1. farms in the EU of 15 broken down by surface area as follows: under 15ha; 15-50ha; 50-100ha; 100-200ha; 200-300ha; 300-500ha; 500ha and over; and
2. current stock levels, where possible broken down by numbers per category (diary cows, bulls/oxen; sheep and goats) at the level of the Member States?

**Answer given by Mr de Silguy on behalf of the Commission**

*(13 February 1998)*

Pursuant to Council Regulation (EEC) No 571/88 of 29 February 1988 on the organisation of Community surveys on the structure of agricultural holdings between 1988 and 1997 (1), the Member States regularly carry out Community surveys on the structure of agricultural holdings. The most recent surveys were in 1989/90, 1993, 1995 and 1997, although the results for the last of these are not yet available.

The agricultural structure surveys yield information on, inter alia, farms' crops, livestock herds and labour input. This information is collected by Eurostat, which stores it in the Eurofarm data bank, analyses it for Community purposes and makes it available to users in the form of standard tables. The content of the standard tables (e.g. the breakdown by the size class of holdings) is decided on in consultation with the Member States and laid down in a Commission Decision. The distribution of both holdings and livestock herds by size class can be seen from these tables, and this information will be forwarded directly to the Honourable Member and the General Secretariat of Parliament. The size classes correspond to the Eurofarm subdivision laid down in the Commission Decision. Other breakdowns can be made available on request, although this requires special processing (the creation of an ad hoc table) in cooperation with the statistical offices in the Member States. Because of the involvement of the Member States, ad hoc tables usually take between four and six weeks to become available.

All the tabular data stored in Eurofarm and all statistical information on other agricultural and non-agricultural topics can be obtained directly from Eurostat's Brussels Data Shop.

(1) OJ L 56, 2.3.1988.

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(98/C 187/189)

**WRITTEN QUESTION E-4084/97**

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

*(16 January 1998)*

*Subject:* Mapping of indigenous territories in the Amazon region

A number of projects to map indigenous territories and protected areas in the Amazon region have been carried out on the instructions of the European Commission.

Does the European Commission share the view that the protection of indigenous peoples is an international duty? Does the Commission consider it appropriate for a map to have been created showing details of indigenous territories and protected areas — not least in the light of the new tropical forests directive?

(98/C 187/190)

**WRITTEN QUESTION E-4085/97**

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

*(16 January 1998)*

*Subject:* Mapping of indigenous territories in the Amazon region

A number of projects to map indigenous territories and protected areas in the Amazon region have been carried out on the instructions of the European Commission.

In what countries have indigenous territories and protected areas been mapped and how complete are the maps that have been produced to date? Under what framework are supplementary projects being planned and to what extent are private undertakings involved in them? Is there any connection between these mapping projects and the PPG7 pilot project?

(98/C 187/191) **WRITTEN QUESTION E-4086/97**

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

*(16 January 1998)*

*Subject:* Mapping of indigenous territories in the Amazon region

A number of projects to map indigenous territories and protected areas in the Amazon region have been carried out on the instructions of the European Commission.

What contacts exist, in connection with the mapping of indigenous territories and protected areas, between the Commission's project partners and the respective national institutions in the Amazon states concerned? How does the Commission evaluate that cooperation?

**Joint answer**
**to Written Questions E-4084/97, E-4085/97 and E-4086/97**
**given by Mr Marín on behalf of the Commission**

*(3 February 1998)*

The Community has financed numerous projects in Amazonia involving the mapping of indigenous territories, through the tropical forest budget line. These projects aim to establish the limits of indigenous territories with the primary intention of encouraging the conservation and sustainable development of tropical forests, so that such groups can chose to continue to practise their traditional ways of life wherever feasible and sustainable given competing demands from other land-users.

The Commission was invited to assist developing countries establish an accurate overall view of indigenous lands in their territories. In this context the Commission is preparing a working document on support for indigenous people in development cooperation.

The Commission has assisted the Instituto socio-ambiental (ISA) in Brazil to prepare accurate, up-to-date maps of indigenous territories in that country, and to set up a network linking similar organisations in Latin America to share experience and coordinate transboundary activities. This work is continuing in a second phase which is just getting under way, that will incorporate other geographical information such as vegetation types, into a single GIS (geographic information system). ISA has thus become the national repository of information on indigenous territories in Brazil, to the extent that government organisations such as National foundation of support to the indigenous (FUNAI), turn first to ISA for maps and to help resolve land conflict issues involving indigenous people. ISA has also got strong links with the G7 pilot programme, particularly the 'Indigenous lands' project, which has been demarcating the legal boundaries of recognised indigenous groups in the Brazilian Amazon with support from the German government and the Community (through the Rainforest trust fund).

In Brazil, ISA maintains very close contact with the government, especially FUNAI, the federal department responsible for indigenous affairs.

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(98/C 187/192) **WRITTEN QUESTION E-4088/97**

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

*(16 January 1998)*

*Subject:* Full details concerning funding for Mediterranean countries

Can the Commission provided analytical tables giving full details to date of funding for Israel, Lebanon, Syria, Jordan, Turkey, Cyprus, Malta, Egypt, Tunisia, Algeria, Morocco and Palestinian territories, if possible from the time of the first Community agreements (1977)?

Can the Commission provide full details concerning funding for each country from all sources (Community budget, horizontal measures, bilateral agreements and financial protocols, European Investment Bank and any other Community initiatives)?

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

*(17 February 1998)*

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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(98/C 187/193)

**WRITTEN QUESTION E-4091/97**

**by Peter Truscott (PSE) to the Commission**

*(16 January 1998)*

*Subject:* Funding for Hertfordshire in 1994-1997 from the Forestry Guidance Fund and from the CAP

Would the Commission please inform me of the amount of funding Hertfordshire has received from the Forestry Guidance Fund and from the Common Agricultural Policy (CAP) in 1994, 1995, 1996 and 1997?

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

*(5 February 1998)*

The Commission is unable to provide the requested information as a breakdown of expenditure on a county basis is not available to it.

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(98/C 187/194)

**WRITTEN QUESTION E-4110/97**

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

*(16 January 1998)*

*Subject:* Purification Plant in Patras

A biological purification plant for the municipality of Patras is currently under construction in the Kokkinos Mylos area of the Paralias Patron seafront. Complaints have been received from local residents concerning the environmental impact of alleged irregularities regarding the project and the environmental impact thereof.

Is the Commission aware of these allegations? Has an appropriate environmental impact survey been carried out and is any alternative solution possible?

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

*(12 February 1998)*

The Commission is financing the Patras purification plant through the Cohesion Fund (project No 94/09.61.029)-1).

According to information passed on to the Commission by the Greek authorities, an environmental impact assessment was carried out and closed by Ministerial Decision No 30339 on 20 July 1994. The issue of alternative solutions must, where appropriate, be dealt with in the framework of such an evaluation. However the decision regarding the choice of site resides with the national authorities.

The Commission has not yet received complaints concerning the project in question.

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(98/C 187/195)

**WRITTEN QUESTION E-4111/97**

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

*(16 January 1998)*

*Subject:* Enforcement of the Habitats Directive

Why is the progress on creating a network of special conservation areas [Nature 2000] so slow when Member States were expected to produce a list of protected areas to be incorporated into this network by June 1995?

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

*(4 February 1998)*

The 'Habitats' Directive, Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ([1]), sets June 1995 as the final date for Member States to submit their list of proposed sites for the Natura 2000 network.

It is therefore up to each Member State to explain why it has not met the deadline. The Commission itself has instituted infringement proceedings against the Member States for not submitting complete national lists of sites.

The 'Habitats' Directive provides for a second period of three years during which the Commission must compile a draft list of sites of Community importance from lists submitted by the Member States. The Commission intends meeting this deadline of three years.

([1]) OJ L 206, 22.7.1992.

(98/C 187/196)

**WRITTEN QUESTION E-4112/97**

**by Daniel Varela Suanzes-Carpegna (PPE) to the Commission**

*(16 January 1998)*

*Subject:* Restrictions on Spanish investment in French-registered fishing vessels

On 18 November 1997 the French Parliament adopted a new law to regulate fishing at sea which imposes requirements relating to the residence of crew members on French soil and the landing of catches at French ports, from which the majority of fishing voyages must originate.

Is the Commission officially aware of this new French law?

Does it consider the law in question to be compatible with the basic principles of Community law, in particular those relating to the freedom of establishment and the free movement of persons and goods?

In any event, could it state its opinion regarding this law in the light of recent ECJ judgments on this subject?

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

*(9 February 1998)*

The Honourable Member is probably referring to France's Law No 97-1051 of 18 November 1997 on marine fishing and seafood cultivation.

Article 6 of this Law stipulates that a fishing vessel flying the French flag is not permitted to fish on national quotas or to apply for a fishing licence unless it has a genuine economic link with the territory of the French Republic and that it is managed and controlled by a permanent undertaking located in French territory.

The Commission takes the view that this provision is compatible with Community law, as interpreted by the Court of Justice, provided that the practical application of the Law complies fully with the principles of proportionality and non-discrimination.

The Commission is not aware of any restrictions on the residence of crew members or the unloading of fishing vessels flying the French flag as referred to by the Honourable Member in his written question.

The new Law No 97-1051 on marine fishing and seafood cultivation contains no such restrictions.

If supplementary provisions were to be introduced by the French authorities, the Commission would check to ensure that they comply with Community law as interpreted by the Court of Justice.

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(98/C 187/197)

**WRITTEN QUESTION E-4115/97**

**by Yves Verwaerde (PPE) to the Commission**

*(16 January 1998)*

*Subject:* Involving civil society more closely in the EU's partnership with the ACP countries

What policy and actions does the Commission propose to pursue to encourage the participation of civil society in the ACP countries, given that civil society does not consist solely of NGOs but embraces all sectors, both public and private, where the organized population participates in the operation of society as a whole?

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

*(9 February 1998)*

Over the last 15 months the Commission has engaged in an intensive public debate on the challenges and options for a new partnership between the Community and the African, Caribbean and Pacific (ACP) states with a view to the next settlement of the revised Lome IV Convention. Resulting from this debate, the emphasis lies on the strengthening of the participation of civil society by making 'accessibility' a basic principle of the new partnership, allowing actors of the state and of civil society to be included in the dialogue on policies as well as in the participation in cooperation actions.

There is an emphasis on the political dimension of the new partnership with the respect of human rights, democratic principles, rule of law and good governance as essential elements, to allow citizens full participation in all aspects of society; to defend their interests, participate in decision making and public resource management and to develop an active and organized civil society. Widening the partnership should go beyond the current provisions of the Lome Convention to a participative partnership in decision making.

Responsibilization of the actors in decision making and management of cooperation and the strengthening of their capacities are two major Community objectives for all domains of cooperation. An accent will be put on the strengthening of democratic and participative structures and in general on the organization of economic, social and civil society's actors at the national, local or regional level.

Support will be provided for the elaboration and implementation of growth and employment strategies by the ACP states with active participation of the economic and social actors concerned. Support for the strengthening of human resources and the encouragement of dialogue between the government, business organizations and social and other organizations of civil society and the strengthening of participation and the development of a social dialogue in a more focused way between the social partners is envisaged.

The organisations of civil society and the existing social actors will be supported by strengthening socio-economic institutions, free and independent medias, putting into place a legal and regulatory environment favourable to private initiative, reinforcing political pluralism, and supporting the existence and efficiency of institutions defending human rights and programmes of civic education. Institutional support and the development of capacities and skills of the actors of partnership is envisaged in a systematic manner, particularly with regard to the representation of economic and social actors and the concertation of civil society, the training of decision makers of civil society and the establishment of training capacities.

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(98/C 187/198)

**WRITTEN QUESTION E-4122/97**

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

*(16 January 1998)*

*Subject:* Eco-label

Has the Commission undertaken surveys of consumer perceptions of the EU eco-label in each of the Member States of the European Union? Is so, what did the surveys reveal?

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

*(27 February 1998)*

The Commission has not undertaken any survey of consumer perceptions of the Community eco-label in any of the Member States.

At the current stage it appears to be premature to execute such a survey.

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(98/C 187/199)

**WRITTEN QUESTION E-4126/97**

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

*(21 January 1998)*

*Subject:* The situation at Eurocontrol

Eurocontrol is in practice losing the characteristics of an organization governed by public international law. It was established as such by a Convention signed in 1963 by several European countries, but now, owing to the revision of the texts by which it was established, day-to-day management of the organization is quite plainly going adrift.

This situation goes far beyond the need to adapt to obvious current requirements and is resulting in the organization quite simply being taken over by private companies, which is blatantly contrary to, and represents a complete break with, its traditions and its role as an international organization governed by public law.

For several years, the setting of Eurocontrol's objectives and implementation of its resources has been in the hands of external consultants and various contractors (almost 400 altogether!) who are not air traffic specialists and whose sole interest lies in producing expensive reports, which are often of no use, rather than in helping to create an integrated and coherent air traffic control and management system.

This situation has already resulted in the dismissal of many of the agency's officials and also in the accumulation of an ECU 400 million debt in five years.

Is the Commission planning to take steps to improve the situation and thus halt the destruction of an organization whose expertise and resources are being squandered for the benefit of private interests and, ultimately, at the expense of the Member States and to the detriment of the safety of European citizens?

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

*(9 February 1998)*

The Commission considers it essential for the smooth development of the Community's air liberalisation policy that European air space offers sufficient capacity to manage future traffic growth both efficiently and safely. To this end, in March 1996, the Commission adopted a White Paper on Air Traffic Management [1] in which it recommended a reorganisation of the institutional arrangements for the supply of air traffic control services.

The Commission proposed a separation of operational and regulatory functions, in which the regulatory function should be entrusted to a reorganised Eurocontrol in order that this function be executed efficiently and independently of the different interests involved. This approach was supported by the Parliament, particularly in its resolution in response to the White Paper [2].

The Commission has made every effort to influence current initiatives to revise the Eurocontrol Convention to this end and success has been achieved in that since this organisation will have increased powers and an executive that is less dependent on national interests.

Future achievement will largely depend on the Agency's ability to fulfil its new role with the desired neutrality and authority. It would, however, be wrong to conclude that the organisation will lose its international and public service character since the objective of this reform is the very opposite. Further, the Commission has proposed that the Community become a full member of this organisation and the Council has recently agreed to this. This should ensure that future developments will be in the appropriate direction.

That is also true for the control of the management of Eurocontrol. The new Convention provides for a closer control of the Agency by means of an Audit Board. However, the participation of the Community, in the main political bodies of the organisation will be a further guarantee of the necessary transparency and democratic control to avoid the deficiencies which the Honourable Member seems to fear.

(1) COM(96) 57.
(2) OJ C 33, 3.2.1997.

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(98/C 187/200)

**WRITTEN QUESTION P-4129/97**

**by Maartje van Putten (PSE) to the Commission**

*(5 January 1998)*

*Subject:* Humanitarian plight of Sierra Leone

On 7 November the World Food Programme reported that 200 000 people in Sierra Leone face starvation. It is estimated that many times this number have lost their homes and are fleeing violence in the country.

1. (a) What are the findings of the European Commission Humanitarian Office's mission in September to Guinea and the frontier with Sierra Leone?

   (b) What is the Commission's assessment of political and humanitarian developments in Sierra Leone since September?

2. (a) Does the Commission feel that there is sufficient emergency aid available for the people of Sierra Leone?

   (b) What is the part played by the EU in providing aid, and what problems have occurred?

   (c) What aid does the EU offer to countries in the region which have taken in refugees from Sierra Leone?

3. (a) Does the Commission see any prospect of the EU acting as a mediator in implementing the Conakry peace accord, in particular with regard to the agreements on laying down arms?

   (b) If not, how does the Commission envisage the accord being implemented?

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

*(29 January 1998)*

Since the signature of the Conakry peace agreement on 22 October 1997, the ceasefire between the junta in power — the AFRC (Armed Forces Revolutionary Council) and the RUF (Revolutionary United Front) — and the ECOMOG forces (Monitoring Group of the Economic Community of West African States (ECOWAS)) has been observed. Nevertheless, the situation remains unclear and extremely unstable. Negotiations between the AFRC, Liberians and Nigerians are intensifying. The Swedish ambassador to the United Nations and chair of the sanction committee has met with each party to push the agreements forward and determine the type of assistance that could be provided by the United Nations. The disarmament and demobilisation operations scheduled to begin on 1 December 1997 are at a standstill, as there is no way of implementing them as long as there is no effective peace agreement on the ground. The lack of a strong commitment to progress presages some delay in meeting the original deadlines.

Since the coup d'état, the situation of the people in Sierra Leone has deteriorated under the combined effect of increasing levels of danger and the direct and indirect effects of the embargo. The impact of humanitarian aid also depends on the conditions of access to the worst affected areas and sections of the population, but also on the means available on the spot. It is therefore vital that food and medical supplies be provided as quickly as possible. Cross-border operations are still blocked as a result of the arrangements for implementing the embargo.

At present there are no major population movements, but in anticipation of security problems some sections of families are leaving Freetown, and in rural areas there is a clear move towards the bush. Villages are being deserted while the level of risk on highways is increasing. There does not appear to be any movement of refugees towards neighbouring countries.

The Commission has been actively involved throughout the crisis by providing humanitarian aid, allocating ECU 3.7 million in 1997 (mainly in the health sector) through the International Committee of the Red Cross and other non-governmental organisations. The current problem is not the quantity but the quality of the aid provided to the people. It is important that the level of aid remain relatively low to prevent it being misappropriated and used to support the war. However, with carefully targeted programmes, the operations have a significant and positive impact on the most vulnerable population groups. Food supplies are available in Guinea but are blocked at the border. There is excellent coordination in humanitarian circles via a food aid committee set up in early 1997 at the Commission's initiative.

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(98/C 187/201) **WRITTEN QUESTION E-4132/97**

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

*(21 January 1998)*

*Subject:* Baltic fisheries policy

Will the Commission indicate what conventions or agreements on fisheries policy in the Baltic exist between the EU or EU Member States and EU partner States.

In addition to these, are there private-sector agreements covering parts of the EU fleet, in respect of waters belonging to non-EU States bordering the Baltic, of which the Commission is aware?

What ideas does the Commission have, as part of the pre-accession strategy, regarding the integration of the States bordering the Baltic or regarding the conclusion of fisheries agreements with the Baltic States, Poland and Russia?

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

*(10 February 1998)*

The Community has concluded in 1996 new fisheries agreements with Estonia, Latvia and Lithuania. These new agreements superseded the existing agreements concluded earlier by the Community, Sweden and Finland respectively. The Community is involved in a process of negotiating similar agreements with Poland and the Russian Federation. Pending the outcome of these consultations, the agreements concluded by Sweden and Finland respectively with these countries previous to enlargement are managed by the Community, pursuant to the 1994 act of accession. Fisheries arrangements on quota exchanges have been concluded on the basis of these agreements with each of the five countries for 1996, 1997 and 1998.

Private arrangements are being made outside the above mentioned fisheries agreements. The contracting parties to the International Baltic sea fishery commission (IBSFC) have agreed (fishery rule 2.1) that vessels fishing under such private arrangements should have a specific authorization for a defined fishing activity from the official authorities of the flag state and of the country where the fishing takes place. For monitoring purposes, the authorising contracting party in whose waters the fishing takes place shall also, prior to the commencement of the fishery, communicate to the IBSFC secretariat such specifications as the species, quantities, period and the name of vessels. The IBSFC circulates this information to the contracting parties.

The Commission is convinced that such regional and bilateral co-operation contributes to economic integration in general and will have positive effects on the next enlargement negotiations.

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(98/C 187/202)

**WRITTEN QUESTION E-4141/97**

**by Laura González Álvarez (GUE/NGL) and Pedro Marset Campos (GUE/NGL) to the Commission**

*(21 January 1998)*

*Subject:* Failure to provide information to European works councils

The Swiss multinational Ericsson produces technology for the most powerful sector of the world economy, telecommunications. Most if its resources are in Europe, mainly in Sweden, with its main market being the European Union.

The company has reached agreements with two United States companies for the latter to take over manufacture of all Ericsson's communications equipment worldwide. This decision may have serious consequences for thousands of European workers employed by the Ericsson Group and the imposition of this plan in Spain would involve the transfer of numerous workers to other companies. This operation offers no guarantees of industrial stability or of employment with the new company and, in addition, jeopardizes other jobs in auxiliary and service industries currently working for Ericsson in Spain.

Bearing in mind that the European works council representing workers at Ericsson was neither informed nor consulted on this decision and that trade union representatives in both countries were notified unofficially after it had been carried out:

1. Is the Commission aware of this situation?
2. Is the Commission aware that Ericsson's main global market is in the EU and that, if this policy is carried out, this multinational company will no longer be meeting the responsibilities incumbent upon it in terms of maintaining jobs and creating an industrial fabric, given the scale of the benefits it reaps in Europe?
3. Does the Commission not consider that the abandonment of industrial activities by major companies can lead to the loss of tens of thousands of jobs in a very important sector employing unskilled workers in the European Union?
4. Does the Commission consider that Ericsson has violated the right to information and consultation of workers laid down in Directive 94/45/EEC? [1] Will the Commission ensure that Ericsson complies with the directive as regards the establishment of a European Works Council and an information and consultation procedure for workers in Community-scale undertakings and groups of undertakings?

(1) OJ L 254, 30.9.1994, p. 64.

(98/C 187/203)

**WRITTEN QUESTION E-4218/97**

**by Laura González Álvarez (GUE/NGL), Pedro Marset Campos (GUE/NGL) and Alonso Puerta (GUE/NGL) to the Commission**

*(21 January 1998)*

*Subject:* Lack of information supplied to European Works Councils

Ericsson, a Swedish multinational, produces technology for the leading sector of the world economy — telecommunications. It has most of its resources in Europe, mainly in Sweden and its main market is the European Union itself.

This company has concluded agreements with two US companies whereby the latter are to take over totally the manufacture of Ericsson public communications equipment worldwide. This decision may have serious consequences for thousands of Europeans working for the Ericsson group and the implementation of the plan in Spain would mean the transfer of many workers to other companies. The operation does not ensure industrial stability or employment in the new company and, furthermore, endangers other jobs in auxiliary and service industries which now work for Ericsson in Spain.

In view of the fact that the European Works Council of Ericsson employees was neither informed nor consulted about this decision and the trade union representatives in each country received the news through unofficial channels after the decision had been implemented, can the Commission say:

1. whether it knows about this situation;
2. whether it knows that Ericsson's main world market is the EU and that after this policy is implemented there will be no coherence between the responsibilities that the multinational will have as regards maintaining jobs, generating business, etc., and the volume of profit which Europe brings it;
3. whether it considers that the abandonment of industrial activities by major companies will lead to the loss of tens of thousands of jobs in a sector of great importance to workers in the EU who are not highly qualified;
4. whether it considers that Ericsson has infringed workers' right to be informed and consulted as laid down in Directive 94/45/EEC? Can it guarantee that Ericsson will comply with this Directive on the establishment of a European Works Council or a procedure in Community-scale undertakings and groups of undertakings for the purposes of informing and consulting workers?

**Joint answer**
**to Written Questions E-4141/97 and E-4218/97**
**given by Mr Flynn on behalf of the Commission**

*(25 February 1998)*

No complaint or request for action has been made to the Commission by the interested parties concerning the facts described by the Honourable Members.

At present the Commission is carrying out a global evaluation of the transposition into national law of Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees. Infringements by firms of the rules laid down in this Directive must be assessed in the light of the national provisions transposing the Directive into national law. It is first and foremost for the national authorities to ensure compliance with these provisions.

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(98/C 187/204) **WRITTEN QUESTION P-4150/97**

**by José Barros Moura (PSE) to the Commission**

*(7 January 1998)*

*Subject:* Community funding of hydraulic projects in Spain

In view of the conditions laid down for approval of the funding of the Alqueva project, but taking into account the fact that the Commission has already financed a number of hydraulic projects, of various types and dimensions, in Spain, especially in rivers which flow into neighbouring countries, can the Commission state:

1. the nature, location and dimensions of the projects concerned, and, in particular, their water storage capacity;
2. whether, and under what conditions, deviation or 'transfusion' of watercourses was involved;
3. what were the environmental, agricultural or other consequences;
4. what were the conditions laid down by the Commission for approval of the projects;
5. what was the level of funding?

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

*(3 February 1998)*

To provide the information that the Honourable Member seeks on a large number of projects and installations would require a very extensive study that the Commission does not have the resources either to carry out itself or finance.

The Honourable Member will however find an answer to most of his questions in two documents that the Commission is sending direct to him and to Parliament's Secretariat. These constitute the Montgomery Watson report ('Water availablity under extreme conditions in the Iberian Peninsula with special reference to the Guadiana international -Spain and Portugal — river basin') published in the second half of 1996. This illustrates the problems towards resolution of which part-financing from the Community has been directed from the Structural Funds and through Cohesion Fund projects since 1993 on a national and annual basis, since the basin approach is still too recent for systematic project presentation in this way.

If after consulting these documents the Honourable Member wishes to obtain information on a specific project the Commission will undertake the research needed to obtain it.

The Commission would draw the Honourable Member's attention to the fact that many installations in Spain falling within the scope of the draft national water plan have been realised without any Community money. Nor is the Commission able, though it can of course identify projects within the Cohesion Fund ambit, to identify systematically within the programmes of the Autonomous Communities projects part-financed by the Structural Funds. It is therefore directly from the Autonomous Communities themselves as managers of these programmes that the Honourable Member will be able to find an exhaustive reply to his question.

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(98/C 187/205) **WRITTEN QUESTION P-4151/97**

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

*(7 January 1998)*

*Subject:* Community job losses due to the EU-Latvia fisheries protocol

The Commission has initialled a protocol with Latvia, within the framework of the Agreement on Fisheries Relations with that country, in which the conditions are laid down for setting up joint enterprises. In that protocol the Commission has agreed, in defiance of the clear interest of the Community, that the captain and the entire crew of fishing vessels must be citizens or permanent residents of Latvia.

This will mean that Community workers whose vessels are transferred from the Community to the Latvian fleet will lose their jobs and, further, that Community shipowners will be discouraged from setting up joint enterprises because they will no longer be able to employ a crew which is already familiar with the vessel.

The weak argument that this is a requirement under Latvian law falls by its own weight, since any law can be amended and an international agreement renders contradictory provisions at a lower level in the hierarchy, such as national legislation, null and void.

How does the Commission justify this abandonment of its responsibilities in negotiating the protocol, as has already occurred in the cases of Lithuania and Greenland?

Would it not be more reasonable, and in keeping with Community interests, for the crew to be Community citizens in proportion to the share of Community capital in the joint enterprise and for the captain to be a citizen of the same party as the major partner in the enterprise?

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

*(3 February 1998)*

On the basis of negotiating directives adopted after the 1995 enlargement, new fisheries agreements were negotiated with Latvia in April 1996 and with Estonia and Lithuania in June 1996. The establishment of joint ventures or joint enterprises (JV/JE) was foreseen as a new element to be introduced in these agreements. The protocol related to the establishment of permanent joint enterprises in Latvia was negotiated and initialled in February 1997.

Member States were present during the negotiations with each of the countries and the Commission initialled the draft protocol with Latvia in good faith and with full assistance of the Member States, in accordance with the procedure laid down in Article 228 § 1 of the EC Treaty. No reservations were filed by the Council Secretariat.

Against this background, the Commission respectfully disagrees with the Honourable Member in her assessment that it acted irresponsibly and against Community interests when it accepted the terms of Article 6 of that protocol. Under the permanent joint enterprise scheme, vessels are withdrawn from the Community register and reflagged to a third country. They are consequently subject to the legislation of that country. Latvia explicitly stated that the captain and crew on board Latvian vessels should be Latvian citizens or permanent residents, in accordance with current Latvian law and as a condition for initialling the agreement.

The Commission concurs with the Honourable Member that Community employment should be maintained wherever possible in the fisheries sector. It will therefore do its utmost in the future to negotiate terms and conditions consistent with that aim.

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(98/C 187/206) **WRITTEN QUESTION P-4153/97**

**by Antonio Tajani (UPE) to the Commission**

*(7 January 1998)*

*Subject:* Total admissible catches of bluefin tuna in the Mediterranean

According to ICCAT recommendations the total volume of catches of bluefin tuna in the Mediterranean need to be reduced by 25%. They are caught not only by the Community fleet, but also by a large number of fishing boats from third countries. In this connection the Community has just adopted or is about to adopt a series of conservation measures which concern the Community fleet exclusively and are designed to ensure that stocks of bluefin tuna in the Mediterranean are protected:

— Regulation 1075/96 ([1]), which prohibits fishing for bluefin tuna using surface-set longlines from vessels more than 24 m in length between 1 June and 31 July each year;

— a proposal to amend Regulation No 1626/94 (COM(97) 459 final ([2])), which prohibits fishing for bluefin tuna with purse seines during the month of August, prohibits the use of aircraft in support of fishing operations in the month of June and specifies the minimum sizes of fish to be landed;

— a 20% reduction in bluefin fishing, specified as one of the objectives of MGP IV, for the Italian fleet.

Since these are recent provisions it is at present impossible to estimate accurately the positive impact that such measures will have on the stocks concerned.

The Commission is now proposing (COM(97) 0598 final) to introduce a further restriction on bluefin tuna fishing in the Mediterranean, by establishing a total admissible catch (TAC) for the Community fleet.

Can the Commission therefore say:

1. on what scientific data this TAC is based, since many other non-Community fleets catch bluefin tuna and it is therefore impossible to estimate the total catches of this species;

2. whether it is aware that this measure will be highly discriminatory and will penalize the Community fleet and have repercussions on commercial competition;
3. whether it does not consider that more effective global management of fish stocks in the Mediterranean can be ensured only by the General Fisheries Council for the Mediterranean (GFCM) and that therefore that authority should be the one to identify appropriate conservation measures?

(1) OJ L 142, 15.6.1996, p. 1
(2) OJ C 337, 7.11.1997, p. 36

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

*(30 January 1998)*

The catch restrictions on bluefin tuna proposed by the Commission respond to the recommendations adopted by the International commission for the conservation of Atlantic tunas (ICCAT) in 1194, which entered into force in October 1995. These were based on the scientific work carried out in the framework of the standing committee for research and statistics (SCRS), the scientific body of ICCAT. The SCRS is constituted by scientists of contracting parties to ICCAT, and scientists from other countries are also invited to participate in the assessments.

This measure is not discriminatory for the Community, since ICCAT recommendations are binding on all contracting parties. Moreover, the General fisheries council for the Mediterranean (GFCM) endorsed in 1995 the same recommendations, and therefore these are binding on all GFCM member countries, which in practice means all Mediterranean countries. Finally, in accordance with the law of the sea, all fishing countries are obliged to collaborate with international management bodies and with coastal states in the management of these stocks.

The Commission agrees with the last statement of the Honourable Member. As pointed out above, GFCM has already endorsed ICCAT's recommendations.

(98/C 187/207)

**WRITTEN QUESTION P-4154/97**

**by Karin Riis-Jørgensen (ELDR) to the Commission**

*(7 January 1998)*

*Subject:* Monitoring of capacity limits for the MTW shipyard in east Germany

In a decision published in the Official Journal of 14 November 1997 (1) the Commission announced that the MTW shipyard in east Germany had produced 1.6% more in 1996 than the maximum authorized capacity.

The Commission has asked the yard to pay back DM 720 000, which is not 1.6% of the aid received. Instead the Commission has instructed it to reduce production in 1997 to a level 1.6% below its official capacity of 100 000 cgt.

Since the aid received was conditional on adherence to the capacity ceiling why has the Commission not demanded repayment of the aid by the MTW yard, whose 1996 production exceeded the capacity ceiling?

Why has the Commission not instructed the MTW yard to effect changes in its installations so that capacity is reduced to the approved level instead of merely demanding a cut in production?

Will the Commission make use of the possibilities open to it and generally withhold approval of future aid payments to shipyards to ensure that the requirements set by the Council and Parliament are met?

(1) OJ C 344, 14.11.1997, p. 2.

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

*(3 February 1998)*

As set out in the decision to release a first tranche of restructuring aid to MTW-Schiffswerft and Volkswerft to which the Honourable Member refers, the legal base for the assessment of the operating aid granted to the yard is Council Regulation (EC) No 1013/97 on aid to certain shipyards under restrictions [1]. Article 2 of this Regulation stipulates that if the Commission considers that the conditions attached to any authorization of aid pursuant to this Regulation have not been complied with, it may require suspension of the aid payments and/or recovery of aid. Respect of the capacity limitation is one of the conditions for the aid.

The language of the Article requires the Commission to examine the facts and circumstances related to the non-respect of a condition and to decide then whether aid payments are to be suspended or recovered. In this case the excess of the capacity limitation was detected at a relatively early stage. It related primarily to one vessel started in 1996 and delivered in 1997. It was therefore natural to require first of all a reduction of the production in 1997 to compensate for the excess in 1996. To compensate for any further advantages which the yard may have obtained by the advanced production of part of the vessel in question it was decided to reduce in addition the first tranche of the operating aid by DM 720 000. This direct reduction is in line with the rules of the Regulation as it replaces a recovery when the aid is not yet paid.

Given the origin of the capacity excess the Commission did not consider it appropriate to require changes to the installations of the yard as suggested by the Honourable Member. It is recalled that the capacity of a shipyard is not only determined by the dimensioning of key installations but equally by its work organization and production programme.

Under the provisions of the Regulation the Commission supervises the respect of the conditions set for the aid to the restructuring programmes by an intensive monitoring programme including on-site inspections with the assistance of external specialized consultants. The Commission will take action as foreseen in the relevant Community legislation in case of non compliance with the conditions.

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(1) OJ L 148, 6.6.1997.

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(98/C 187/208)

**WRITTEN QUESTION P-4165/97**

**by Alman Metten (PSE) to the Commission**

*(7 January 1998)*

*Subject:* Pinching orders with the help of government subsidies

1. Is the Commission aware of a broadcast by TV-2 in the Netherlands on 15 December 1997, in which documentary evidence was produced to show that in 1994 the French Government managed to convert an order by Vietnam Airlines for Fokker into an order for ATR, partly by cancelling half of Vietnam's outstanding debt and partly by rescheduling the other half?

2. Does the Commission not take the view that cancelling debts in exchange for orders from a nationalized industry is a form of government subsidy?

3. Does the Commission agree that this kind of behaviour also distorts competition in the single market itself, particularly when it is designed to pinch an order from a competing European Union industry, since in some sectors such as the aerospace industry orders from third countries are crucial for the health if not survival of European Union businesses (such as Fokker)?

4. What steps is the Commission willing and able to take to put an end to cowboy practices of this sort?

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

*(3 February 1998)*

The Commission is not aware of the facts referred to by the Honourable Member. It is investigating the matter with the Member States concerned in order to gather the necessary information for an assessment of the case. If it were to transpire that the firm ATR did receive state aid in the context of the order by Vietnam Airlines, the Commission would go on to examine its compatibility with the common market.

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(98/C 187/209) **WRITTEN QUESTION E-4168/97**

**by Eryl McNally (PSE) to the Commission**

*(21 January 1998)*

*Subject:* Research funding in the EU for radiotherapy damage resulting from radiotherapy treatment, and 'best practice' in other EU countries

I recently received a letter in my constituency in the UK from an organization striving to improve access to information designed to alert women to all the possible side-effects, both short-term and long-term, of radiotherapy treatment for breast cancer.

What research funding is available within the EU for research into radiotherapy damage resulting from radiotherapy treatment?

What research is being undertaken within the EU into radiotherapy damage resulting from radiotherapy treatment?

What is the 'best practice' approach taken in other EU countries with regard to radiotherapy treatment?

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

*(9 February 1998)*

Research into the side-effects of radiotherapy is supported by the Community within research area 'cancer research' of the specific research programme 1994-1998 in the field of biomedecine and health — Biomed 2 ([1]). The indicative programme allocation for all cancer research is 33.5 MECU. The bulk of cancer research funding is made available on the level of Member States.

The Commission is supporting one research project dealing with tissue damage following radiotherapy under the Biomed 2 programme. The project, with a budget of 410,784 ECU, brings together 14 research groups in Europe to develop methods by which patients most at risk of radiotherapy complications can be identified. The main aim is the individualisation of dose prescription. Tissue and blood specimens are taken before treatment begins and subjected in the laboratory to a series of tests aimed at achieving the best possible prediction of normal-tissue tolerance to radiation therapy. This approach will improve patient management by reducing risk of damage while improving on the patient treatment. One of the aims of the project is to develop 'best practice' approach which could be applied in the participating centres.

Moreover, the Commission programme 'Europe against cancer' supported several studies on quality assurance and other measures to improve the standards of radiotherapy treatment in Europe. All these studies are conducted by the European society for therapeutic radiology and oncology (ESTRO) ([2]). In 1995, a quality assurance document in radiotherapy was published in the book 'Radiotherapy and oncology' ([3]). At present ESTRO provides, with the support of the Commission, international training courses to raise the quality of education for radiotherapy in Europe.

([1]) OJ L 361, 31.12.1994.
([2]) ESTRO, Av. E. Mounier 83, 1200 Brussels — Tel.: 02/775.93.40.
([3]) Radiotherapy and oncology 35 (1995) 61-73 — Ed. Elsevier.

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(98/C 187/210)

**WRITTEN QUESTION P-4194/97**

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

*(14 January 1998)*

*Subject:* Computer-chip genetic diagnosis

1. Is the Commission aware that, in the USA, computer-chip genetic diagnosis systems are now commercially available? These enable complex genetic information necessary for the diagnosis of genetic diseases and susceptibility to be obtained in a very short space of time, without the need for extensive laboratory facilities and with a hitherto unmatched degree of accuracy.

2. Is the Commission aware that this technology enables genetic profiles to be drawn up even without detailed knowledge of molecular genetics and without qualified medical or psychological advice?

3. Is the Commission aware that, in 1997, several large European pharmaceutical companies concluded agreements with the US company Affymetrix Inc., of Santa Clara, California, relating to the use of this technology?

4. Is the Commission aware that one of these agreements also provides for the use, for research purposes, of genetic polymorphs which are linked to sensitivity to certain chemicals in the workplace?

5. Does the Commission consider that this sensitive technology should be introduced into Europe without any rules on authorization and application or on the protection of genetic information?

6. What action is the Commission intending to take in order to prevent, in particular, genetic discrimination against certain groups of people, for instance through the use of such technology by employers or insurance companies?

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

*(17 February 1998)*

1. and 2. The Commission is aware of scientific publications concerning the chip-bound diagnostic system and its possible uses. It is also aware of the ethical implications arising from such device. The importance of the issue has been enhanced by the Opinion No 6 ([1]) of the group of advisers on the ethical implications of biotechnology (GAEIB) as far as the specific case of prenatal diagnosis (PND) is concerned.

3. The Commission has no information on European pharmaceutical companies which may have concluded agreements with American companies for the use of this technology.

4. This technology can be used not only to detect sensitivity to certain chemicals and therefore prevent exposing workers to risks of toxic contamination, but also to screen out patients who are less likely to respond to drugs in order better to target patients and reduce side effects.

5. and 6. Relevant diagnostic systems may be covered by the forthcoming directive relating to in vitro diagnostic medical devices. This proposal ([2]) is currently at the stage of first reading following the co-decision procedure. The directive will regulate the performance required for such medical devices in view of their intended medical purpose. However, it will not stipulate conditions of use and possible restrictions. These aspects remain covered by national legislation.

The Commission will, however, closely follow the legal and ethical aspects of potential genetic discrimination through its research programmes.

([1]) Doc. of 20.2.96 'Ethical aspects of PND'.
([2]) OJ C 87, 18.3.1997.

(98/C 187/211) **WRITTEN QUESTION E-4220/97**

**by Maartje van Putten (PSE) to the Commission**

*(21 January 1998)*

*Subject:* Labelling of foodstuffs — legibility

The labelling directive (79/112/EEC) (1) specifies in Article 11 that the required particulars must be 'easy to understand and marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible'. In the Dutch Food and Drugs Act decision on the labelling of foodstuffs this provision is implemented using the terms easily visible and easy to read (Article 23).

1. Is it correct that when Member States implement Article 11 referred to above in their legislation they do not have to specify a minimum character size?

2. Is the Commission aware of complaints on the use of characters on labels which are too small or unclear?

3. Does the Commission consider that a minimum size should be specified for the characters used on labels which, in view of the increasing number of older consumers, would give a correct interpretation of the provision 'clearly legible'?

4. If so, is the standard set in internal guidelines for the monitoring of this provision?

(1) OJ L 33, 8.2.1979, p.1.

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

*(13 February 1998)*

The implementation of Article 11(2) of Directive 79/112/EEC, which specifies that the information to be provided on the labelling of foodstuffs must be visible and clearly legible, is the operators' responsibility.

As Article 14 of the Directive specifies, Member States must refrain from laying down requirements more detailed than those already contained in Articles 3 to 11 concerning the manner in which the particulars provided for in these Articles are to be shown. In accordance with this provision, Member States are not entitled to fix the size of the characters used on the labelling.

The monitoring authorities in the Member States are however authorised to check if the principles set out in Article 11(2) and incorporated in national law are being correctly applied. If they believe that the particulars appearing on the labelling are illegible, they are fully within their rights to request that those responsible for the labelling modify it accordingly. The Commission is not authorised to carry out such inspections.

(98/C 187/212) **WRITTEN QUESTION P-4231/97**

**by Undine-Uta Bloch von Blottnitz (V) to the Commission**

*(14 January 1998)*

*Subject:* EU subsidies to an extreme right-wing organization in southern Sweden

German newspapers have reported that a 'Society for biological anthropology, eugenics and behavioural research' has received DM 225 000 from the EU Agricultural Fund. This organization is reportedly led by Jürgen Rieger, a right-wing Hamburg lawyer said to be one of the leading figures of the extreme right in Europe. The subsidies were paid to the racist 'Society for biological anthropology, eugenics and behavioural research' because it claimed to be running an organic farm at Moholm in southern Sweden.

1. What is the Commission's view of the fact that racist organizations are receiving support from the EU's budget?

2. Can the Commission rule out the possibility that racist and/or extreme right-wing organizations are receiving support from the EU's agriculture budget or other budget headings?

3. What control mechanisms does the Commission have to make it more difficult for front organizations to obtain subsidies under false pretences? Did the controls fail in the case of the Moholm subsidies and will the Commission now scrutinize this case in greater detail to reclaim any subsidies paid in error?

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

*(2 February 1998)*

The aid to which the Honourable Member refers was presumably granted in the framework of the Swedish agri-environment programme 'Miljöprogrammet'. This programme includes a measure to support organic farming, if beneficiaries agree to fulfil certain undertakings, such as not to use pesticides.

The 'Miljöprogrammet' implements Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the country (1) in Sweden and is co-financed by the Community.

Member States implement the programmes, receive applications from individual farmers, check if the applicants fulfil the objective conditions as set out in the Regulation, make necessary controls and carry out sanctions if needed. The Commission is therefore not directly responsible for the administrative implementation of the scheme and is not systematically informed on individual aid files.

The programme was prepared and put forward by Sweden for approval and the Commission examined it to ensure its conformity with the agri-environment regulation (Regulation (EEC) No 2078/92).

(1) OJ L 215, 30.7.1992.

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(98/C 187/213) **WRITTEN QUESTION E-0012/98**

**by Philippe Monfils (ELDR) to the Commission**

*(29 January 1998)*

*Subject:* Implementation of the 'Daphne' programme

The Commission's 'Daphne' programme, launched under a budgetary item providing ECU 3 million for action to combat abuse, lays down the criteria for projects to qualify for funding.

Can the Commission provide me with a list of the projects selected, the name and addresses of the bodies responsible for these projects, and the funds allocated to each one?

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

*(26 February 1998)*

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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(98/C 187/214) **WRITTEN QUESTION P-0025/98**

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

*(15 January 1998)*

*Subject:* Situation in Algeria

Would the Commission please issue a statement on the current situation in Algeria? Would it also identify what efforts have been made, or are planned, to determine the causes of the massacres which have taken place and to promote a political solution? What has been the response of the Algerian authorities to any such initiatives?

Would the Commission also set out what financial and technical assistance is being made available to the Algerian Government by the EU and any conditions which are placed on the delivery of this assistance? Would the Commission in particular explain why no humanitarian assistance is currently being provided to the Algerian people?

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

*(4 February 1998)*

The Commission participated fully in the troika's mission to Algeria on 19 and 20 January 1998 and in the discussion on the situation in Algeria at the General Affairs Council meeting of 26 January. The Commission agrees with the Council's conclusions which answer the question put by the Honourable Member of which a copy is sent direct to the Honourable Member and the Secretariat General of the Parliament.

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(98/C 187/215) **WRITTEN QUESTION E-0047/98**

**by Mark Watts (PSE) to the Commission**

*(29 January 1998)*

*Subject:* References on correspondence

Would the Commission agree to adopt the practice of quoting references on replies to correspondence? I am sure that this would greatly assist Members to locate the appropriate papers when a reply is received.

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

*(20 February 1998)*

The Commission readily agrees that it is desirable for references to be quoted in reply to correspondence. The Commission's secretariat manual, and its dataprocessing arrangements, make provision for quoting references. Any inconvenience to the Honourable Member from a failure to quote a reference is regretted.

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(98/C 187/216) **WRITTEN QUESTION E-0074/98**

**by Stéphane Buffetaut (I-EDN) and Françoise Seillier (I-EDN) to the Council**

*(30 January 1998)*

*Subject:* New Article 13 (ex 6A) of the Draft Treaty

The new Article 13 of the Draft Treaty on European Union lays down that 'the Council ... may take appropriate action to combat discrimination based on ... sexual orientation'.

At a time when crimes of a sexual nature, particularly against children, and the sexual exploitation of human beings are justly condemned and action is being taken to combat them, particularly by the European Parliament in its recent resolutions (B4-0954, 0968, 0980 and 0990/97 of 20 November 1997; A4-0306/97 of 6 November 1997 and A4-0372/97 of 16 December 1997), does the Council consider it wise to create an imprecisely defined protected category which might be relied upon by persons who are suspected, for example, of paedophilia and who have been banned, at least temporarily, from all contact with children?

Since this same article provides for measures to combat discrimination based on sex, what were the Council's reasons for adding this new wording?

Does the Council propose to correct the imprecision of the term 'sexual orientation' in this context or to leave things as they are?

**Answer**

*(23 March 1998)*

As the Honourable Members know, the Council has no authority to amend or correct the text of the Treaties ([1]).

Nevertheless, the Council would point out that it will take measures under Article 13 which it considers appropriate, acting by unanimity after consultation of the European Parliament.

The Council firmly condemns violence against, and sexual exploitation of, children, and has taken appropriate measures under Title VI of the Treaty on European Union. These include the joint action of 16 December 1996 extending the mandate given to the Europol Drugs Unit ([2]); the joint action of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children the STOP programme ([3]), and the joint action of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children ([4]);

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([1]) The Council understands the reference made in the Written Question to the new Article13 of the draft TEU as being a reference to Article 13 of the TEC as renumbered by the Treaty of Amsterdam.
([2]) OJ L 342, 31.12.1996, p. 4.
([3]) OJ L 322, 12.12.1996, p. 7.
([4]) OJ L 63, 4. 3.1997, p. 2.

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(98/C 187/217) **WRITTEN QUESTION E-0093/98**

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

*(30 January 1998)*

*Subject:* Turkey and antipersonnel mines

In accordance with international agreements and appeals by the European Parliament Greece has decided to support the ban on the use of antipersonnel mines. Turkey, on the other hand, is showing no sign of complying and is keeping the entire area along its border with Greece mined. Furthermore, in an unprecedented act of insensitivity and sadism it is directing towards the mined area hundreds of desperate Kurdish refugees seeking to enter Greece and, from there, the rest of the EU.

What measures will the Commission take with a view to bringing Turkey into line with international agreements, with which Greece has already complied, sacrificing strategic advantages and defence requirements to humanitarian considerations?

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

*(17 February 1998)*

The Commission has been a strong supporter of the Ottawa process and, in dialogue with third countries, has encouraged adherence to the Convention to ban the use of anti-personnel landmines.

The Member States which have signed the Convention are committed to use their best endeavours to ratify it at the earliest opportunity, to take appropriate steps to comply with the objectives of the Convention pending its entry into force, and to promote universal accession.

The Community will also seek to promote, in all appropriate international fora, including the Conference of disarmament, in which Turkey is a participant, all efforts likely to contribute to the total elimination of anti-personnel landmines world-wide as well as contributing to solving the problems already caused by these weapons.

The Commission will continue to play a strong role in these activities, wherever appropriate in accordance with its responsibilities.

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(98/C 187/218)

**WRITTEN QUESTION P-0167/98**

**by David Hallam (PSE) to the Commission**

*(28 January 1998)*

*Subject:* Use of narrow country lanes by off — road '4 x 4' vehicles

Has the Commission any information on the alleged danger to many ancient country lanes in the UK from the growing use of off — road '4 x 4' vehicles for racing and sporting activities?

Is the use of off — road '4 x 4' vehicles on such roads banned in other countries such as Holland and France, and if so, in what circumstances?

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

*(27 February 1998)*

The Commission does not have the information requested.

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(98/C 187/219)

**WRITTEN QUESTION P-0195/98**

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

*(28 January 1998)*

*Subject:* Projects selected under the Rafael programme

According to 'Agence Europe' (29 December 1997), the Commission selected 92 projects for the conservation and improvement of the cultural heritage under the Rafael programme, for the financial year 1997.

Can the Commission state which of the 92 projects selected concerned Portugal, and what funds were allocated to them?

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

*(13 February 1998)*

Of the 841 projects which applied for Community financial assistance under the Raphael programme, 92 were selected and a total of ECU 9 416 121 awarded.

As the system currently stands, projects are not considered in terms of which Member State the application comes from. The basis is rather whether the project is the product of cooperation based on well-founded and effective partnership with clear evidence of a European dimension. Each project is coordinated by a professional working in the field of culture and must demonstrate participation by professionals in the arts from other Member States or Associated States.

Of the projects selected for 1997, 18 involved Portuguese professionals in the field. Of these, one is a project coordinator. The project is 'Estudo da técnica da pintura portuguesa do século XVI', submitted by the Instituto José de Figueiredo in Lisbon.

The total amount allocated is ECU 948 125.