I

(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

WRITTEN QUESTION E-1663/94
by Alexandros Alavanos (GUE)
to the Commission
(1 September 1994)
(95/C 36/01)

Subject: Recovery programme for Olympic Airways

The Greek Government has drawn up a recovery programme for Olympic Airways which it intends to submit to the Commission in order to secure authorization for State subsidies for the Greek national airline.

Does the Commission not consider that the company's workers should be involved in the formulation of the programme and give their assent to the final proposals, so as to create a favourable climate between the social partners in which the programme can be effectively implemented with the support of the workers?

Does the Commission not consider also that the recovery programme should specify the causes for the present crisis and attribute responsibility, to ensure that the same problems do not recur and that the company once again operates on a sound basis?

Answer given by Mr Oreja
on behalf of the Commission
(20 October 1994)

On 27 July 1994 the Commission decided to authorize Greek State subsidies for Olympic Airways. The decision was made following an in-depth examination by the Commission on the company's re-capitalization and restructuring programme which was put forward in July 1993 and completed in May 1994. The Commission was of the opinion that the programme would restore the Company's viability by eliminating the two main difficulties encountered by Olympic Airways: crippling debts, on the one hand, and operating costs which were too high, on the other. Whatever the case, as far as the cause of the company's difficulties is concerned, it was not for the Commission to determine or attribute individual responsibility.

That said, the Commission believes that the involvement of company personnel in formulating the objectives of the restructuring programme and permanent and satisfactory social dialogue are probably indispensable conditions for the recovery of Olympic Airways. As part of the State aid inquiry, contact was made with the company's union leaders. The Greek authorities and company directors are entirely responsible for organizing social dialogue and for explaining to all staff the objectives of and justifications for the policy pursued.

The Commission expects that, as the restructuring programme is implemented, especially its social aspects, the competent authorities will ensure full compliance with Community labour law.

WRITTEN QUESTION E-1664/94
by Mihail Papayannakis (GUE)
to the Commission
(1 September 1994)
(95/C 36/02)

Subject: Liquid fuels storage plant at Tsingeli in the Bay of Sourpi (Province of Magnesia)

On 14 July 1993 the regional authorities of Magnesia decided to grant the company Kaoil a licence to build a

liquid fuel storage plant at Tsingeli near the Bay of Sourpi. Given that:

1. The licence was granted in breach of Directive 85/337/EEC [1], because of the failure to publish the environmental impact assessment which would have enabled citizens to give their opinion and make proposals to the relevant department of the Ministry for the Environment and Public Works,

2. No study has been conducted to assess the accident hazard of the installations, in breach of Directive 82/501/EEC (Seveso Directive) [2], bearing in mind that the seven tanks to be installed have a capacity of 9 900 cubic metres,

3. No study has been carried out into the risks of transporting petroleum products, despite the well-known threat posed by the transport and unloading of such products, particularly to the marine environment,

4. The project would violate the Barcelona Convention on the Protection of the Mediterranean Sea Against Pollution, particularly Article 8 concerning pollution from land-based sources which requires Greece to 'take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea area caused by ... coastal establishments',

5. The Gulf of Volos is a closed gulf which already suffers from serious pollution problems, without needing its environment to be subjected to any further strain (the regional plan for Almiros and Evxinoupolis refers to the need for 'protection of the Bay of Sourpi which has a direct influence on the quality and purification of the waters of the Gulf of Volos', as well as mentioning 'the protection of the highly fertile soils of the plain of Almiros-Evxinoupolis', (*Official Journal of the Greek Government No 376* of 21 April 1986),

6. The construction of these tanks in the Bay of Sourpi will be a serious blow to tourism and to a whole range of activities directly linked to the tourist sector and the sea,

7. According to the Greek Ornithological Society, Tsingeli is the site of an important aquatic biotope and one of the 11 migration grounds for wild swans and other aquatic fowl in Greece.

Will the Commission say what steps it intends to take to ensure that the Greek authorities observe national and Community legislation and what firm measures it intends to take in order to put an immediate stop to this illegal project?

---

[1] OJ No L 175, 5. 7. 1985, p. 40.
[2] OJ No L 230, 5. 8. 1982, p. 1.

Answer given by Mr Paleokrassas on behalf of the Commission

(21 October 1994)

The Commission has already asked the Greek authorities for further information on what measures have been taken to ensure compliance with Community law which, according to the Honourable Member, has been infringed as far as the liquid fuel storage plant at Tsingeli is concerned.

This involves primarily Directive 85/337/EEC under which Member States are obliged to carry out environmental impact studies on projects listed in the annexes and to make the results of such studies available to the authorities responsible for the environment and to the public. With the case in point it would appear that this latter consultation has not taken place.

With regard to the seven tanks, which have a capacity of 9 900 cubic metres and which can hold a maximum amount of inflammable substances of between 5 000 an 50 000 tonnes, they are subject to Directive 82/501/EEC on major-accident hazards of certain industrial activities.

Under Article 7 of this Directive the Greek authorities have to organize 'inspections or other measures of control proper to the type of activity concerned'.

Similarly, in keeping with the Barcelona Convention and in particular its protocol on the protection of the Mediterranean Sea against pollution from land-based sources and given that Greece is a Contracting Party to this Convention, it is up to the Greek authorities to take all the necessary measures.

WRITTEN QUESTION E-1667/94
by Mihail Papayannakis (GUE)
to the Commission
(1 September 1994)
(95/C 36/03)

Subject: Regional development programme and soil protection

Article 7 of Regulation (EEC) No 2081/93 [1] stipulates that measures financed from the Structural Funds must be compatible with Community environment policy.

Greece's regional development programme contains no firm measures for the disposal of solid waste and for soil protection, two serious environmental problems in the country, despite the fact that the Community legislation on this question has been in force since before Greece's accession to the Community.

Will the Commission say how it intends to ensure that appropriate measures are taken to deal with this problem?

(1) OJ No L 193, 31. 7. 1993, p. 5.

Answer given by Mr Millan on behalf of the Commission

(18 October 1994)

Under the Community support framework (CSF) for Greece for 1994-1999, the operational programme for the environment and the 13 multi-fund operational programmes for the Greek administrative regions contain measures to deal with the problems referred to by the Honourable Member. These include the establishment of new tips, measures to re-cycle solid waste and a programme to reduce soil erosion (measure 3.3 in the operational programme for the environment).

WRITTEN QUESTION E-1677/94
by Nel van Dijk (V)
to the Commission
(1 September 1994)
(95/C 36/04)

Subject: Construction of the A73 on the east bank of the River Maas (Meuse)

The Netherlands Government has decided to build the A73 on the east bank of the River Maas (Meuse). According to the environmental impact assessment, this is the most environmentally damaging variant. Among other factors, it will destroy a large part of the badger habitat in the Netherlands. It will also cost half a billion guilders more than building the road on the west bank.

1. Does the Commission agree that environmental impact assessments are of use only if their findings are respected when a project is implemented?

2. Does the above decision accord with the Directive on environmental impact assessments, and can it therefore be implemented?

3. Is the decision in accordance with the habitat Directive, in view of the effects on the badger population?

4. If the decision contravenes either or both of the Directives, will the Commission prohibit the construction of this variant?

Answer given by Mr Paleokrassas on behalf of the Commission

(3 November 1994)

1. Article 8 of Council Directive 85/337/EEC (1) on the assessment of the effects of certain public and private projects on the environment requires the information gathered pursuant to the Directive to be taken into consideration in the development consent procedure.

2. The importance to be attached to the environmental factors which are relevant to the development consent decision is a matter for the Member State concerned. The Member State must decide, on the basis of the environmental information collected as part of the EIA procedure, whether to grant development consent for the project and what mitigation measures to require.

3. The Commission will write to the Member State concerned to request further information on the project so that it can consider whether the decision to proceed with the project is in contravention of Council Directive 92/43/EEC (2) on the conservation of natural habitats and of wild fauna and flora.

4. The Commission will consider whether any action is required under Council Directive 92/43/EEC when it has more information on the project.

(1) OJ No L 175, 5. 7. 1985.
(2) OJ No L 206, 22 7. 1992, p. 7.

WRITTEN QUESTION E-1703/94
by Laura González Álvarez (GUE)
to the Commission
(1 September 1994)
(95/C 36/05)

Subject: Failure to carry out environmental impact assessments of public works on the island of Minorca

No environmental impact assessments have been carried out in connection with two public works projects on the island

of Minorca, according to the local news media and reports made available to the general public. The projects in question, which are to be carried out under the auspices of the Ministry of Public Works, Transport and the Environment of the Kingdom of Spain, involve:

— the construction of a winter harbour for sports craft in Maó,

— and a programme for the building of seaside promenades and the re-generation of beaches, by using sand taken from the sea bed.

The latter project may cause serious harm to beds of Posidonia seaweed which are considered as being of Community interest within the meaning of the Directive on habitats, No 92/43/EEC [1].

The infringement of Directive No 85/337/EEC [2] on environmental impact is, if anything, more serious, given that Minorca is considered a biosphere reserve by Unesco, and that the project in question therefore represents an effort to apply sustainable development criteria along the lines of those laid down in the fifth EU action programme on the environment and sustainable development.

In view of the above projects, what measures will the Commission take to enforce Community law and uphold its environmental policy on the island of Minorca?

[1] OJ No L 206, 22. 7. 1992, p. 7.
[2] OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mr Paleokrassas on behalf of the Commission

(26 October 1994)

Under the terms of Royal Decree 1131/88 which transposed Directive No 85/337/EEC into Spanish law, marinas such as the one which is to be built in Mahon on the island of Minorca are subjected systematically to an environmental impact assessment before being authorized.

The Commission has therefore asked the Spanish authorities for informantion on what steps have been taken to ensure compliance with this law in the instance of the port of Mahon.

Additionally, if the construction of seaside promenades and the regeneration of beaches do not fall within the scope of the aforementioned Directive, their impact on the environment will have to be considered in the analysis of the direct and indirect effects of the project in question.

WRITTEN QUESTION E-1760/94
by Winifred Ewing (ARE)
to the Commission
(1 September 1994)
(95/C 36/06)

Subject: Health and safety in the workplace

What proposals is the Commission currently looking at to improve health and safety in the workplace?

Answer given by Mr Flynn on behalf of the Commission

(5 October 1994)

The Commission communication on safety, hygiene and health protection at work [1] outlines the main areas of activity between 1994 and 2000.

One of the top priorities is to ensure that proposals on health and safety currently being examined by the Council are adopted in 1994 and 1995; there are proposals for Directives dealing with health and safety in the transport sector [2], physical agents [3], chemical agents [4], transport facilities for workers with reduced mobility [5] and work equipment (amendement) [6].

[1] COM(93) 560 final.
[2] OJ No C 325, 2. 12. 1993. OJ No C 294, 30. 10. 1993.
[3] OJ No C 77, 18. 3. 1993. OJ No C 230, 19. 8. 1994.
[4] OJ No C 165, 16. 6. 1993. OJ No C 191, 14. 7. 1994.
[5] OJ No C 15, 21. 1. 1992.
[6] COM(94) 56 final.

WRITTEN QUESTION E-1783/94
by Hiltrud Breyer (V)
to the Commission
(1 September 1994)
(95/C 36/07)

Subject: Viability of lignite mining in East Germany

1. How does the Commission assess the competitivity of East German lignite?

2. How will it be affected by the proposed CO_2/energy tax? How heavily would lignite be taxed if the CO_2/energy tax were introduced?

3. The Laubag company's operating plan for further lignite mining in Niederlau fails to make full provision for measures to remedy the ecological impact, the implication being that the balance must be met by the Government. What view does the Commission take of this form of indirect subsidy?

4. What view does the Commission take of German Government plans to exempt lignite from the CO_2/energy tax?

5. Does the Commission consider that an environmental impact assessment encompassing the planning phase should have been carried out under German mining law, in respect of open-cast mining operations continuing beyond the year 2000?

6. What view does the Commission take of the emerging monopoly in the East German lignite/energy sector?

Answer given by Mr Oreja on behalf of the Commission

(19 October 1994)

1. Due to more favourable conditions of the deposits, the lignite of the new Länder can, like the lignite from the Rhine area, be produced at signifciantly lower costs than German hard coal which, for the proportion which is used for electricity generation, has to be subsidized by DM 7 000 million each year. As the restructuring and adaptation of production to the market economy is largely completed, lignite can now also be produced in the new Länder without any subsidies and is therefore a competitive primary energy source for electricity generation, even at an international level.

This competitiveness can clearly be documented by the 1993 figures; in Germany the contribution of lignite to the total electricity generation was, at 28,1 % (or 66 million tonnes coal equivalent (tce)), by far higher than the contribution of German hard coal, which only reached 16,9 % (or 39,6 million tce).

2. It is important to highlight that the proposed CO_2 energy tax would have a general effect on the use of lignite and not only on lignite from the new Länder.

According to the proposal for a Directive ([1]) and assuming a CO_2 energy tax level of ECU 0,7 per gigajoule and ECU 9,4 per tonne CO_2, the tax on lignite used for electricity generation would be about ECU 0,13 per gigajoule higher than for hard coal. Compared to other factors influencing competitiveness, such as the fluctuation of exchange rates, transportation costs and international prices for imported coal, or the high level of subsidies for domestic hard coal, the influence of the CO_2 energy tax can be considered as relatively small.

Lignite would be charged at a rate of about ECU 0,47 per gigajoule higher than gas in the year 2000, according to the Commission proposal. This reflects the lower carbon content of natural gas. Nevertheless, it is difficult to foresee the influence of a CO_2 energy tax on the competitiveness of the new Länder lignite industry, as this tax differential would only be applied by the year 2000. According to Commission forecasts, lignite would remain competitive with oil and gas in the year 2000 in the electricity generation sector, even with the implementation of the current proposal. This is due to the fact that international coal prices are expected to remain at a relatively low level, compared with other fuels, and that the differentiation against lignite only concerns the carbon part of the tax.

3. In connection with the privatization of the formerly State-owned enterprises by the 'Treuhandanstalt', the Commission has decided not to consider the public funding for work to overcome environmental damage, caused before unification, as State aid to the companies concerned ([2]). This approach has been confirmed, in general terms, in the Commission's guidelines on state aid for environmental purposes ([3]). Beyond that, the Commission has no information that the German authorities intend to grant subsidies in order to overcome the effects of ecological damage which might occur due to future lignite mining in the Niederlausitz area. However, all State aid which might be granted in the future will have to be examined on a case by case basis, as is the situation for all other industries, according to the regulations in force.

4. The Commission proposal consists of a broadly-based market incentive to limit CO_2 emissions and improve energy efficiency, which covers all energy products. If specific products are exempted, market distorsions will arise, as exempted products will receive a clear competitive advantage. Moreover, such exemptions will then be difficult to eliminate in the future. However, the Commission will only be able to comment fully on this question after the introduction of a CO_2 energy tax, since essential characteristics such as the final level of the tax or possible authorized tax exemptions still have to be discussed within the Council and the Parliament.

5. According to Directive 85/337/EEC, an assessment of the environmental impact is important if a project could have a significant impact on the environment, by virtue of its nature, location or scale. However, Member States have a margin of discretion for projects concerning the extraction of lignite by open-cast mining (Annex II, point 2e, of the Directive), in deciding when these criteria are fulfilled. The time span for the excavation therefore is only one element, among others, which has to be considered.

6. The competitive structure of the lignite industry in the new Länder has to both be seen in a historical and in an

industry-specific perspective. It could be argued that the two companies Mibrag and Laubag enjoy a *de-facto* monopoly for the extraction of lignite in their areas. However, this situation originated from before the unification; in addition, it is typical in this kind of operation, as can be seen from the other large lignite producers within the Community. In the case of the companies mentioned above the Commission is closely monitoring the activity of the 'Treuhandanstalt' in its privatization efforts, in line with the Community's competition regulations. The sale of Mibrag to a multinational consortium has been completed and was approved by the Commission under the Merger Regulation [4]. The privatization of Laubag is not yet completed and the Commission is monitoring it in order that it may be fully assessed when the necessity arises.

[1] COM(92) 226 final.
[2] See 21st Report on Competition Policy, Point 249.
[3] OJ No C 72, 10. 3. 1994.
[4] See Article 6.1(B) of decision IV/M/402 PowerGen/NRG/Morrison Knudsen/Mibrag of 27. 6. 1994; OJ No C 189, 12. 7. 1994 and Press Release IP/94/58631 of 28. 6. 1994;

WRITTEN QUESTION E-1787/94

by Ursula Schleicher (PPE)

to the Commission

(1 September 1994)

(95/C 36/08)

Subject: Dancing bears

Is the Commission aware of the cruel methods used to train dancing bears in Member States of the European Union?

In which Member States of the European Union are dancing bears still trained to provide popular entertainment?

Answer given by Mr Paleokrassas on behalf of the Commission

(28 October 1994)

According to information available to the Commission, brown bears are no longer trained to dance in the Community.

The last Member State to have dancing bears was Greece: with help from the Commission (the Life-Arctos Programme which was introduced in the last two years) the last specimens were confiscated and are at present being cared for in a special centre in Florina.

WRITTEN QUESTION E-1804/94

by Arie Oostlander (PPE)

to the Commission

(1 September 1994)

(95/C 36/09)

Subject: Equivalence of 'Fachschulingenieur' and 'Fachhochschulingenieur' diplomas

Following German re-unification the Government of the Federal Republic has made the 'Fachschulingenieur' diploma of the former GDR equivalent to the 'Fachhochschulingenieur' diploma of the Federal Republic. Only citizens of the former GDR can benefit from this ruling. Workers or persons who have completed a course of engineering at advanced secondary level from other Member States of the European Union are not covered by these arrangements.

How do these arrangements relate to the Directive on a general system for the recognition of higher-education diplomas (89/48/EEC [1])? In particular, does this constitute discrimination on the ground of nationality?

[1] OJ No L 19, 24. 1. 1989, p. 16.

Answer given by Mr Vanni d'Archirafi on behalf of the Commission

(10 October 1994)

In order to rely upon Council Directive 89/48/EEC on a general system for the recognition of higher education diplomas awarded on professional education and training of at least three years' duration, a Community national must hold either a 'diploma' within the meaning of Article 1(a) or evidence of one or more formal qualifications within the meaning of Article 3(b). The 'Fachhochschulingenieur' qualification, which is awarded upon successful completion of a post-secondary course of at least three years' duration at an establishment of higher education and which shows that the holder has the professional qualifications required for the pursuit of a regulated profession is clearly a 'diploma' for the purposes of Directive 89/48/EEC. The final subparagraph of Article 1(a) contains a provision relating to so-called 'alternative routes': is provides that any qualification awarded by a competent authority of a

Member State, if it is awarded on successful completion of education and training received in the Community and recognized by a competent authority in that Member State as being of an equivalent level and if it confers the same rights in respect of the taking up and pursuit of a regulated profession in that Member State shall be treated as a 'diploma' for the purposes of the Directive. If these conditions are met, i.e. if the 'Fachschulingenieur' qualification, awarded in the former GDR is recognized by the competent German authorities as being as an equivalent level to that of the 'Fachhochschulingenieur' and if it confers the same rights, for example with regard to the use of a professional title, it must be treated as a 'diploma' for the purposes of the Directive and holders of the qualification are entitled to rely upon the terms of the Directive to obtain recognition in other Member States.

If the provisions of national law in question limit the right to obtain equivalence with the 'Fachhochschulingenieur' qualification to those holders of a 'Fachschulingenieur' qualification who possess German nationality, there is a breach of Article 6 EC Treaty which forbids discrimination on grounds of nationality. The Commission will accordingly be asking the German authorities to supply it with the text of the provisions cited by the Honourable Member in his question.

WRITTEN QUESTION E-1809/94

by Cristiana Muscardini (NI)

to the Commission

(1 September 1994)

(95/C 36/10)

Subject: Provisions in force at the EC Court of Justice in respect of leave in connection with elections

The provisions in force at the Court of Justice governing leave in connection with elections appear to severely penalize officials from more distant places. For example, they put those who come from the Luxembourg border (60 km) on the same footing as those who come from Como or Aoste (600 km). They eat into the holiday entitlement of officials because they compel them to use up leave to carry out their electoral duties as they do not take account of the travelling time needed. They do not grant travelling time if a weekend precedes leave taken before an election. Moreover, elections involving a second ballot are not taken into account when calculating the amount of leave.

In view of these considerations, can the Commission draw up Regulations giving officials who go and vote in their countries of origin compensation for the leave they have not had as a result of carrying out their electoral duty?

Answer given by Mr Van Miert on behalf of the Commission

(16 November 1994)

The provision governing special leave for elections in the Court of Justice — and the other Community institutions — are as follows:

(a) One day's special leave is granted and other staff members who travel to vote in the elections listed below if the election takes place on a working day:

- — general (legislative) elections;
- — elections to the European Parliament;
- — presidential elections;
- — referendums;
- — elections in the German Länder, autonomous regions in Spain, regions in Italy and other regions with similar status;
- — local elections.

(b) Entitlement to travelling time depends on the distance between the place of employment and the place of voting as follows:

- — from 50 to 600 km: 1 day
- — from 601 to 900 km: 1,5 days
- — from 901 to 1400 km: 2 days
- — from 1401 to 2000 km: 2,5 days
- — over 2000 km: 3 days

(c) Special leave and travelling time [1] are given only on production of documentary evidence of having voted. They will not be given where postal votes or voting through diplomatic or consular representatives are possible, provided this does not jeopardize the right of officials and other staff to exercise their voting rights in the event of other elections.

(d) If there are two rounds of voting, officials and other staff who travel for both rounds are entitled to travelling time for both. To be given travelling time, staff must go in person to the appropriate department with proof of having voted, both between rounds and after the second round. If they fail to do so until after the second round, they will be given travelling time once only.

(e) Travelling time will be divided in two, half being added to the beginning of absence from work (outward journey), the remainder to the end (return journey). If special leave is preceded and/or followed by a short period of annual leave, travelling time (outward and/or return journeys) will be added to the beginning and end of the combined absence. Moreover, if the total absence (including travelling time) is preceded and/or followed by a weekend, it will be assumed that the journey (outward and/or return) was made over the weekend, unless evidence to the contrary is produced by the person concerned.

(f) If special leave is preceded or followed by a period of annual leave of 10 days or more, only half the travelling time normally allowed in connection with special leave will be granted.

Under these provisions, officials who wish to exercize their right to vote in their country of origin despite having the option of voting in their place of emplomentare not entitled to special leave.

The Commission — and the other institutions — feel that the above provisions give officials ample opportunity to exercise their right to vote freely.

(1) Travelling time is awarded even if the elections take place on a Sunday or a holiday.

WRITTEN QUESTION E-1833/94
by Mihail Papayannakis (GUE)
to the Commission
(1 September 1994)
(95/C 36/11)

Subject: Forest road near Viki (Kambia)

The competent Greek authorities are planning to build a forest road near Viki in the Kambia district of Chios. Bearing in mind that:

1. the whole Kambia district (from the Village of Viki to Agiasmata in the west) is an important biotope for certain rare species of bird of prey such as Bonelli's eagle and the buzzard, which are protected under Directive 79/409/EEC (1) and which will disappear if the road is built;

2. the environmental impact study required by Directive 85/337/EEC (2) has not been carried out;

3. if the road is built the landscape and the character of the region will be altered, and

4. the Ecology and Environment Group of Chios objects strongly to the planned project,

what will the Commission do, using the powers available to it, to prevent damage to the environment in this case and what specific steps will it take given that the abovementioned activity infringes Directives 79/409/EEC and 85/337/EEC?

(1) OJ No L 103, 25. 4. 1979, p. 1.
(2) OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mr Paleokrassas
on behalf of the Commission
(26 October 1994)

Forest roads like the one to be built between Viki and Kampia do not fall within the scope of Directive 85/337/EEC; Annexes I and II set out the types of road (motorways, express roads and others) which are subject to an environmental impact study under the terms of Articles 2 and 4 of the aforementioned Directive.

The biotope to which the Honourable Member refers has not been designated by the Greek authorities as a special protection area under the terms of Directive 79/409/EEC on the conservation of wild birds.

Nor is it included in the inventory of areas of great importance for the conservation of wild birds in the Community.

WRITTEN QUESTION E-1836/94
by Nel van Dijk (V)
to the Commission
(1 September 1994)
(95/C 36/12)

Subject: Promoting cycling as a sustainable mode of transport

At the moment, a group of young people are cycling across Europe to draw attention to the need for a sustainable policy. They are doing so because integration of environmental considerations into other fields of policy such as transport and trade, is still totally inadequate, although the EC's environmental policy continues to develop.

Will the Commission promote a policy of working towards sustainable transport by providing subsidies for studies into possible ways of substituting bicycles for cars in urban transport?

Will the Commission reallocate to the bicycle industry a proportion (at least 10 %) of the research and development funding currently channelled to the motor vehicle industry, so that it, too, has the benefit of fresh resources to make far-reaching improvements to the century-old basic design of the bicycle and so render this environmentally sound mode of transport more attractive to the general public?

Answer given by Mr Oreja on behalf of the Commission

(28 October 1994)

The White Paper, 'the future development of the common transport policy — a global approach to the construction of a Community framework for sustainable mobility', published on 2 December 1992 [1], set out the Commission's policies and priorities on transport into the next century.

In this paper, the Commission fully accepts the positive role that can be played by both cycling and walking. Encouragement and promotion of safe public transport and support for local initiatives in favour of cyclists and pedestrians to make a contribution to the quality of the urban environment are therefore priorities for the common transport policy in the year to come.

In recent years the Commission has funded studies of bicycle safety and the carriage of bicycles on train, has contributed towards the preparation of a good practice guide on cycling in cities and has also contributed to the administrative costs of several Velo-City conferences.

[1] COM(92) 494 final.

WRITTEN QUESTION E-1849/94
by Florus Wijsenbeek (ELDR)
to the Commission
(6 September 1994)
(95/C 36/13)

Subject: Possible postponement of Betuwe line

1. Is the Commission aware of the recently published trade figures which show that the movement of goods between the Netherlands and Germany is set to increase considerably over the next few years?

2. Does the Commission appreciate that improvements to transport links between the two countries are therefore essential?

3. Can the Commission confirm that the construction of the German link to the Betuwe line is not beset by any significant problems and will therefore not be delayed, but that, on the Dutch side, it is likely that the decision on the route of the Betuwe line will be deferred?

4. Is the Commission aware that it now appears that the line will not even reach the German frontier?

5. Can the Commission confirm that all the necessary measures, including an EIA and a crossborder key planning decision, were taken in advance, full account being taken of the need for public consultation?

6. Does the Commission intend to bring pressure to bear on the Netherlands Government to prevent further delays and ensure that the required link is in place as soon as possible?

— If so, when?

— If not, why not?

Answer given by Mr Oreja on behalf of the Commission

(31 October 1994)

On the basis of forecast traffic trends, the importance of the transport connections between the Netherlands and Germany is fully acknowledged by the Commission. For this reason a number of links between the two countries have been included in the different modal Trans-European Networks (TEN) outline plans, as well as in the recent proposal for a Parliament and Council Decision 'on Community guidelines for the development of the Trans-European Transport Network' [1].

The Commission has been informed that a review of the alignment of the Betuwe line project has proved necessary, notably in the light of environmental constraints. This is currently under way. However, the Commission is not aware of any decision to modify the project as it was presented to the European Council in Corfu further to its inclusion in the first layer of the priority transport infrastructure projects identified by the Christophersen Group.

The Commission will certainly monitor the application of all procedures required by Community law, notably with respect to environmental impact assessment and public tendering. The procedures required by national legislation are monitored by the national authorities.

The role of the Community in transport infrastructure policy is to provide general guidelines for the development of the networks and to identify projects of common interest in the framework of these guidelines. The implementation of projects is up to the authorities of the Member States concerned. The Commission does not intend to intervene in the relevant Member States' own decision-making processes

unless actions which might infringe Community law are brought to its notice.

(1) OJ No L 305, 10. 12. 1993.

WRITTEN QUESTION E-1866/94
by Maartje van Putten (PSE)
to the Commission
(6 September 1994)
(95/C 36/14)

Subject: Illegal working practices in the clothing industry

The Netherlands Government has tightened up the Law on Employers' Liability, so that, even in the illegally operating sections of the clothing industry, a contractor may be held liable for the payment of taxes and employees' insurance contributions payable by a sub-contractor in respect of work contracted out. The unilateral introduction of measures by EU Member States unintentionally results in illegally operating clothing factories moving to neighbouring countries.

1. Can the Commission draw up a survey of the policy on illegal working practices in the clothing industry in the other Member States?
2. What possibilities does the Commission see for coordinating the various Member States' policies on the basis of the Maastricht Treaty and its communication of February 1994 (1)?
3. Are there any prospects for drawing up a European Directive on employers' liability?

(1) COM(94) 23 final.

WRITTEN QUESTION E-1870/94
by Maartje van Puten (PSE)
to the Commission
(6 September 1994)
(95/C 36/15)

Subject: Illegal working practices in the clothing industry

Rough estimates indicate that there are 800 illegal clothing workshops in the Netherlands employing a total of between 10 000 and 12 000 people. According to the estimates, the Netherlands Government is losing Fl 100—200 million annually in contributions and taxes due from the illegally operating sections of the clothing industry. Illegally operating workshops are believed to be moving to neighbouring countries as a result of the tightening up of Dutch legislation and stepping up of investigative work.

1. Is the Commission aware of the transfer of illegally operating workshops from the Netherlands to Belgium or elsewhere in the European Union?
2. Does the Commission have grounds for expecting the numbers of illegally operating workshops in the European Union to decrease or increase in the foreseeable future?

Joint answer to Written Questions E-1866/94 and E-1870/94 given by Mr Flynn on behalf of the Commission
(30 November 1994)

The Commission is well aware of the scale of illegal operation of clothing factories in the various Member States. Indeed, as part of the social dialogue for the textile/clothing sector, the social partners have considered this problem at some length.

In this connection, the social partners updated in 1993 a report entitled 'Underground economy and illegal working practices', which had been published in 1990 by the Commission. One of the chapters of this report is devoted to the measures taken in the Member States to combat illegal working.

By its very nature, this problem is difficult to quantify, and it is therefore impossible to make a forward study of it.

The Commission does not have any information about factories operating illegally in the Netherlands moving to neighbouring Member States.

Furthermore, the question of illegal working was placed on the agenda for a meeting organized by the Council, from which it emerged that most of the Member States consider that this question is a matter of subsidiarity.

WRITTEN QUESTION E-1868/94
by Maartje van Putten (PSE)
to the Commission
(6 September 1994)
(95/C 36/16)

Subject: Integration of developing countries in the international trading system

In its communication of June 1994 (1) on integration of developing countries in the international trading system, the Commission proposes that special incentive arrangements should be incorporated into the GSP, with the aim of promoting social progress and environment-friendly policies. In addition to the social and environmental clause, the incentive arrangements also include provisions relating to intellectual property, the extent to which markets need to be opened up to satisfy IMF criteria and the fight against drugs.

1. Given its stated intention to make the GSP simpler and more transparent, is the Commission not concerned about a proliferation of procedures and rules?

2. How are the criteria to be established? Are they to be established in consultation with the beneficiary countries?

3. In view of their special position and lack of resources, will the Least Developed Countries be able to benefit adequately from the incentives if other beneficiary countries can more easily take advantage of the new measures?

(1) COM(94) 212 final.

WRITTEN QUESTION E-1869/94
by Maartje van Putten (PSE)
to the Commission
(6 September 1994)
(95/C 36/17)

Subject: Integration of developing countries in the international trading system

In its communication of June 1994 on the integration of developing countries in the world trading system, the Commission proposes in particular that aid be given in the context of the GSP to the setting up of producer organizations which can establish direct commercial links with importers in the Community, thus paving the way towards better social and environmental conditions.

When developing its proposal, will the Commission take account of Parliament's reports on fairness and solidarity in North-South trade (PE 152.325/fin. and PE 206.396/fin.)?

Is the Commission considering introducing and safeguarding a quality mark for fair trade products, as recommended in the Langer report (PE 206.396/fin.), on the basis of which fair and equitable trade may enjoy preferential treatment?

Joint answer to Written Questions E-1868/94 and E-1869/94 given by Mr Marín on behalf of the Commission
(21 October 1994)

In its communication of 1 June 1994, the Commission laid down the principles to be followed in the application during the next ten-year period of the Generalized Scheme of Preferences (GSP).

Subsequently the Commission adopted, on 7 September 1994 (1), its proposal for the first triennial scheme to be implemented with effect from 1 January 1995, and this is currently before the Council for its approval, following the opinion of the Parliament. This proposal has fully transcribed into a legal proposal the principles laid out in the communication of June.

Amongst the various provisions in the proposed scheme, there are incentive clauses on social and environmental policies. These clauses would be implemented as a supplement to the general GSP to take into account the extra costs incurred by beneficiary countries to implement such advanced policies.

The criteria on which these clauses have been based are, for the social clause, the application of the International Labour Organization (ILO) Conventions, in particular, the standards relating to the freedom of association and the right to organize and to bargain collectively, and standards relating to the minimum age for admission to employment. For the environmental clause, the criteria set are those objectives set out in international conventions on the environment and in Agenda 21. Initially, the incentive arrangements would apply to tropical wood products from forests which are sustainably managed in conformity with the International Tropical Timber Organization (ITTO) standards.

The implementation of these new incentive clauses would not, in itself, create new procedures, as it is more an extension of the existing procedures. Once a beneficiary country had declared that it complied with the criteria laid out in the ILO conventions and expressed its desire to take advantage of these clauses, the control would be on the basis of a statement made on the Preferential Certificate of Origin endorsed by the exporting beneficiary country's authorities and would be applied and controlled in a similar way to that required by the rules of origin.

The special incentive regime for helping countries to fight against drugs would not be based on the same mechanism, as the Commission has simply proposed to continue the existing special regime. Concerning intellectual property rights, the Commission has not proposed a specific clause on this subject in the first operational scheme. This will be considered in the next operational scheme which will begin in 1998.

It is envisaged that the least-developed countries would benefit from a total exclusion of duties under the proposed GSP scheme (as is currently the case). Accordingly, they already receive, and will continue to receive, a treatment which is the most favourable possible. For that reason, the least-developed countries will not take particular advantage of the social clause. This is coherent with the basic concept of a positive social clause, which is that the promotion of social progress is first obtained by a minimum level of economic development. Therefore, as the least-developed countries have obviously not achieved this minimum level, they first need to get the best treatment possible in the basic GSP.

Within the context of the GSP, the Commission is not intending to introduce, at this stage, a quality mark for 'fair trade' products, in order to benefit from further preferences.

Nevertheless as stated in the communication of 1 June 1994, the Commission is in favour of using other cooperation

instruments for the promotion of equitable trade, a concept which the Commission is favouring greatly. In that context, the report of Mr Langer on this subject, has raised strong interest in the Commission.

(1) COM(94) 337.

WRITTEN QUESTION E-1880/94
by Rolf Linkohr (PSE)
to the Commission
(6 September 1994)
(95/C 36/18)

Subject: Environmental impact assessment for the TGV Méditerranée

Can the Commission guarantee that the French authorities are complying with Community legislation, in particular the Directives on the conservation of wild birds (Directive 79/409/EEC) (1), the conservation of natural habitats (Directive 92/43/EEC) (2) and the need to carry out environmental impact assessments (Directive 85/337/EEC) (3), during the planning and construction of the route for the TGV Mediterranée?

(1) OJ No L 103, 25. 4. 1979, p. 1.
(2) OJ No L 206, 22. 7. 1992, p. 7.
(3) OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mr Paleokrassas
on behalf of the Commission
(10 November 1994)

The Commission has received several complaints concerning the TGV Méditerranée project. On the basis of the information given, it contacted the French authorities to check that Community law was being correctly applied, in particular the following Directives: 79/409/EEC on the conservation of wild birds, 92/43/EEC on the conservation of natural habitats and 85/337/EEC on environmental impact assessment.

WRITTEN QUESTION E-1881/94
by Alexandros Alavanos (GUE)
to the Commission
(6 September 1994)
(95/C 36/19)

Subject: Crude oil pipeline to the Méditerranean

The Commission will no doubt be aware of plans to lay a pipeline to transport crude oil to the Mediterranean. Among the various proposals that have been put forward, there is a scheme for a pipeline to be laid between the Crimean Peninsula and Alexandroupolis, passing through the port of Burgas. If this plan goes ahead, the pipeline will be far shorter than if any alternative scheme is adopted, and approximately a third of the price. Are the Commission and the European Investment Bank aware of this proposal? If so, how do they view it?

Answer given by Mr Oreja
on behalf of the Commission
(31 October 1994)

In general, the Commission, with its policy of ensuring security of supply, keeps very close track of the problems of transporting oil in the region concerned.

It was indeed informed of the plan to build a pipeline to transport crude oil from the Bulgarian port of Burgas to Alexandroupolis in Greece.

The Commission believes that such a project could help meet the growing need for means of trnsporting oil from the Black Sea to the Mediterranean.

It should be noted that the Commission recently sponsored a conference in Greece for the countries bordering on the Black Sea and the Member States concerned by this problem.

WRITTEN QUESTION E-1911/94
by José Happart (PSE)
to the Commission
(6 September 1994)
(95/C 36/20)

Subject: Beef and veal

What is the situation on the beef and veal market?

How many tonnes of meat are currently being held in storage?

What quantity does that represent per Member State where the stocks are held, in terms of location and volume?

Answer given by Mr Steichen
on behalf of the Commission
(26 October 1994)

A balance between supply and demand has been re-established on the beef and veal market since 1993, due mainly to a significant decrease in production (about 7 %) in that year.

Apart from structural factors linked to the production cycle and the increasing productivity of dairy cows (as the quota scheme places a ceiling on milk production the number of dairy cows, and thus the production of calves, is falling year by year), the trend can be explained by the introduction, as a result of the CAP reform, of a set of measures to control production, i.e. limits on imports of calves and young cattle, the introduction of quotas and a density factor for the grant of subsidies and the establishment of weight limits for carcases eligible for intervention.

The result has been a very significant fall in the amount of unsold public stocks, which dropped from a record high of 1 089 000 tonnes equivalent carcase weight on 1 January 1993 to 230 000 tonnes at the end of August 1994. Public intervention has halted since mid-July 1993 for young cattle and since mid-November 1993 for adult cattle, and the decommitments have been facilitated by the Commission's highly active disposal policy.

More than 90 % of the total quantity of 230 000 tonnes is stored in Ireland (150 000 tonnes) and the UK (61 000 tonnes). The remainder is shared between Italy (9 000 tonnes), Denmark (6 000 tonnes), Germany (3 000 tonnes) and France (1 000 tonnes).

WRITTEN QUESTION E-1915/94

by Glyn Ford (PSE)

to the Commission

(6 September 1994)

(95/C 36/21)

Subject: Hydrogen sulphide emissions

To reduce sulphide emissions, which are created at varying levels by different makes of car and catalytic converters, will the Commission introduce standards at EU level to prescribe maximum limits for sulphur content of unleaded petrol, thereby encouraging reduction of possible pollutants at source?

Answer given by Mr Paleokrassas on behalf of the Commission

(21 October 1994)

The Commission is aware that catalytic converters in petrol driven cars can lead to emissions of hydrogen sulphide. While the odour from this release is very unpleasant, only small quantities of hydrogen sulphide are emitted and at these low concentrations no effects on human health are expected.

However, the Commission is concerned about the possible effect of sulphur in unleaded petrol on the performance of the catalytic converter with regard to carbon monoxide, total hydrocarbons, nitrogen oxides and benzene. Within the context of the European auto-oil programme, the role of sulphur in European cars equipped with catalytic converters is therefore being examined. The results of the programme will have an impact on the proposed legislation on measures to reduce vehicle pollution for the year 2000. If the results of the auto-oil programme demonstrate the need to reduce sulphur content, one of the related benefits would also be a reduction in the unpleasant odour from the small quantities of hydrogen sulphide emitted.

WRITTEN QUESTION E-1917/94

by Josu Imaz San Miguel (PSE)

to the Commission

(6 September 1994)

(95/C 36/22)

Subject: Drift nets

At its sitting of 17 December 1993 Parliament proposed a ban on the use of drift nets. It also proposed that where a Member State submits a reasoned request the Commission should be able to authorize their use within the 12 mile limit subject to regulations to be established on a case-by-case basis.

The recent incidents between Community fishermen in connection with the use of such nets and the evidence presented and allegations made by fishermen, inspectors and the Commission itself concerning the infringement by the French fishing fleet of Community Regulations in force concerning the use of drift nets to catch Atlantic bonito, and the aggravating issue of the manifest failure of the French authorities to carry out the obligatory controls in order to ensure that no vessel carries or uses nets totalling more than 2,5 km in length, as required by current Community law, add weight to Parliament's initiative of December 1993 as the only viable means of avoiding infringements of Community Regulations and of international commitments made by the Commission.

Can the Commission therefore say what measures it intends to adopt in order to implement as a matter of urgency the proposals put forward by Parliament in December 1993, and what guarantees it can give in the meantime to ensure that no vessel carries or uses nets totalling more than 2,5 km in length, as required by current Community law?

Answer given by Mr Paleokrassas on behalf of the Commission

(13 October 1994)

The Commission has done everything possible to ensure correct application and full implementation by the national control authorities of Community Regulations limiting the length of driftnets to 2,5 km.

Commission fishery inspectors acting as independent observers have been continuously present on board Member States' patrol vessels.

The level of control in this fishery this year is without precedent; up to eight Member State patrol vessels simultaneously monitored tuna fishing on the high seas.

The Commission's proposal [1] concerning any future use of driftnets will be considered by the Council, as will the opinion of the Parliament before the Council decides.

[1] COM(94) 131 final.

WRITTEN QUESTION E-1918/94
by Caroline Jackson (PPE)
to the Commission
(6 September 1994)
(95/C 36/23)

Subject: EU grant to Babymilk Action Coalition

Can the Commission confirm that it has, within the last two years, given a grant to the Babymilk Action Coalition which campaigns actively against baby food and baby milks, and, if so, does the Commission not fear that such grants create a precedent whereby other lobbyists may obtain EU funding effectively to campaign against the interests of companies trading in the EU?

Answer given by Mr Marín on behalf of the Commission

(9 November 1994)

The Commission's support to the activities of non-governmental organizations (NGOs) involved in development includes the co-financing of activities to raise public awareness of development issues. The co-financing criteria allow for activities designed to inform and educate sectors of the public in the Member States on subjects concerning developing countries. In 1993 a three-year project was accepted for co-financing with a group of NGOs comprising Baby Milk Action Coalition (UK), Wemos (NL) and Aktionsgruppe Babynährung (D) for such activities on the question of the implementation of the WHO code on the marketing of breast-milk substitutes in order to protect breast-feeding and infant health in developing countries. The NGOs' attention has been drawn to the Commission's policy on campaigning concerning individual companies: such activities are excluded from this and from any other project concerning infant foods as well as from projects concerning other sectors of industry within the Community. The NGOs' contractual obligations require them to report to the Commission on the use made of both Community and matching funds in order to ensure that they are used in conformity with the terms of their contract. The industry has been informed about these conditions. The Commission will closely follow this matter.

WRITTEN QUESTION E-1925/94
by Johanna Maij-Weggen (PPE) and Petrus Cornelissen (PPE)
to the Commission
(12 September 1994)
(95/C 36/24)

Subject: Approval of government support for Air France

1. Can the Commission confirm that it has approved a capital injection of FF 20 billion into Air France by the French Government?

2. Is the Commission aware that the French Government has been giving Air France considerable financial support each year since 1991?

3. Does the Commission believe that this approval can stand the test of criticism up to the level of the European Court of Justice and, if so, on what grounds?

4. Can the Commission indicate how it will monitor the support measure and if it will ensure, throught the appointment of an independent consultant, for example, that the monitoring will be impartial?

5. How can the Commission prevent the injection of capital into Air France from setting a precedent? How will it compensate other airlines that have financed their restructuring from their own resources for the government support received by Air France?

6. What guarantees does the Commission have that Air France will not use the government support for its fare policy at the expense of other carriers?

Answer given by Mr Oreja on behalf of the Commission

(31 October 1994)

1. On 27 July 1994, the Commission adopted a Decision by which it declared that the aid of FF 20 billion in favour of Air France to be granted in three instalments during the period of 1994/1996 in order to allow for its restructuring, was compatible with the common market under Article 92(3)(c) EC Treaty, subject to the respect of certain conditions, which ensure that the aid will not adversely affect trading conditions to an extent contrary to the common interest. This decision has been published in the *Official Journal of the European Communities* [1].

It should also be pointed out that, on that same date the Commission concluded that the subscription of FF 1,5 billion by the Caisse des Dépôts et Consignations-Participations (CDC-P) to the bonds issued by Air France was to be regarded as aid which besides having been granted in breach of Article 93(3) EC Treaty, was incompatible with the common market, and therefore should be repaid. This Decision has been published in the *Official Journal of the European Communities* [2].

2. Besides the abovementioned Decisions, the Commission adopted in November 1991 and July 1992 two Decisions by which it decided that:

(a) a FF 2 billion increase in the capital of Air France by the French Government, and

(b) the FF 1,25 billion subscription to ORA (bonds redeemable into shares) of Air France by the Banque Nationale de Paris and FF 2,6 billion subscription to ISDI (subordinated bonds of undeterminated duration) by an international consortium of banks were to be regarded as normal financial operations which did not involve any elements of State aid under Article 92(1) EC Treaty, in the light of the market economy investor principle.

3. The Commission adopted its Decisions of 27 July 1994 strictly following the procedure provided under Article 93(2) EC Treaty, thus enabling all interested parties to submit their observations. Both Decisions are extensively reasoned and explain the reasons why the Commission authorizes under certain conditions FF 20 billion aid, and why the FF 1,5 billion subscription of the CDC-P cannot be declared compatible with the common market. The Commission therefore believes that both in terms of substance and procedure they fully comply with Community law.

4. As regards the FF 20 billion aid to Air France, Article 2 of the Decision provides that in order to ensure that the amount of the aid remains compatible with the common market, the payment of the second and third instalments of the aid shall be subject to the respect of all the conditions and commitments received from the French authorities, and significantly to the effective implementation of the restructuring programme.

The Commission has to monitor the scheme. To that effect, the French Government will submit to the Commission at least eight weeks before the payment of the second and third instalments of the aid in 1995 and 1996 a report on the progress of the restructuring programme.

The Decision also provides that the Commission will appoint an independent consultant to help it to carry out its assessment.

5. The Commission made its approval conditional upon the respect by the French Government of a number of stringent commitments to prevent the aid from negatively affecting the competitive position of Air France's competitors within the EEA. Most of these conditions restrict Air France's commercial freedom with regard to its fleet, the supply of seats and its price behaviour on European routes. They also address certain issues in connection with Orly airport, and require the French Government not to interfere in the management of Air France for non-commercial reasons, and not to use the aid to acquire other air-carriers. All of these conditions constitute, in the Commission's view, an adequate compensatory justification for the granting of the aid, in order to ensure that it does not adversely affect trading conditions to an extent contrary to the common interest.

The Commission Decision is in line with the general approach of the Commission with regard to State aids in the aviation sector, as laid down in new draft guidelines which the Commission has sent for information to all Member States and which will also be sent, after their adoption, to Parliament.

6. One of the conditions of the Decision is that Air France will refrain from being price leader on the routes between the EEA. This condition will avoid the aid being used to implement an illegal price policy to the detriment of Air France's competitors.

---

[1] OJ No L 254, 30. 9. 1994.
[2] OJ No L 258, 6. 10. 1994.

WRITTEN QUESTION E-1926/94
by Wilfried Telkämper (V)
to the Commission
(12 September 1994)
(95/C 36/25)

Subject: Progress of bridge construction between Scotland and the Isle of Skye

According to my information, construction work has now begun on the bridge between the Isle of Skye and Scotland, despite the fact that not all the objections concerning the incomplete EIA have been dealt with by the courts. The threat to the local otter population associated with the construction of the bridge has led to appeals being made to the Commission and Parliament over the past year.

1. Has the Commission contacted the British Government about these objections?

2. To what extent does the British Government acknowledge problems in carrying out the EIA?

3. Will the Commission continue to monitor this case?

Answer given by Mr Paleokrassas
on behalf of the Commission
(17 October 1994)

The Commission considers that the procedures followed by the British authorities met the requirements of Directive 85/337/EEC [1] on the assessment of the effects of certain public and private projects on the environment.

Construction of the Skye Bridge was not started until after the completion of the environmental impact assessment as required by the Directive. The fact that it commenced before completion of the British statutory appeal processes is a matter of national law and leaves no grounds on which the Commission can intervene or address the national authorities.

The implications for the otters of the Skye Bridge were not a matter of Community competence at that time.

In June 1994 the Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna [2] entered into force and introduced an obligation for Member States to establish a system of strict protection for otters among other species, prohibiting deterioration or destruction of breeding sites or resting places. Depending on a number of factors this provision might be relevant, but the Commission lacks detailed information on this matter.

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

WRITTEN QUESTION E-1936/94
by Edward Kellett-Bowman (PPE)
to the Commission
(12 September 1994)
(95/C 36/26)

Subject: 'Taxe uniforme'

Will the Commission investigate the legality under European Community law of the 'taxe uniforme', which is a tax levied against all British ferry passengers who enter French ports by ferry, and whether, by not levying the 'taxe uniforme' on Channel Tunnel passengers, this tax discriminates against ferries?

Answer given by Mr Oreja
on behalf of the Commission
(31 October 1994)

The Commission is of the opinion that the tax in question, which is an application of the principle of charging infrastructure costs to users, should be examined in the context of the non-discrimination and the proportionality rules, as well as those related to the internal market, including absence of formalities at internal borders and free movement of goods and passengers.

Decree No 94-420 of 18 May 1994 of the French Government, published in the *Official Journal of the French Republic* of 28 May 1994, which modifies the tax rates on passengers of ships visiting or leaving French ports, is not incompatible with any of these principles.

The Commission does not think that a discrimination in transport arises if a tax on transport users is not envisaged to apply to the Channel Tunnel, given the different nature of the services and terminals involved and the operator's status as a privately owned company.

WRITTEN QUESTION E-1938/94

by Luis Sá (GUE)

to the Commission

(12 September 1994)

(95/C 36/27)

Subject: Criteria for assessing Member States' compliance with their obligations

It has frequently been the case that the incorporation of Directives into national law has remained a matter of transcription alone, without actual effects.

This is particularly so as regards the environment. One may cite as examples the Directives on the evaluation of surface fresh water quality and the re-cycling of solid waste; in neither case is there any evidence that action has been taken to change the situation in reality.

Can the Commission state:

1. what criteria it employs to determine whether legislation has been implemented, and what means it employs to ensure that there are actual effects;

2. what procedure it intends to adopt where it establishes that the legislation has not been implemented in fact?

Answer given by Mr Paleokrassas on behalf of the Commission

(11 November 1994)

Under the terms of the Treaty establishing the European Community the Commission has to ensure that Member States meet all the obligations arising out of Community legislation. To this end, the Commission has various powers, including the infringement procedure as set out in Article 169 of the Treaty.

To assess compliance with the obligations arising out of Community Directives, the Commission first of all checks that the Member States have adopted and notified the national measures required for their implementation; secondly, the Commission verifies the compatibility of these national measures with Community legislation and judges whether they allow the Member States fully to meet the obligations incumbent on them as a result of the Directives; and finally, the Commission ensures that these national measures are actually implemented in practice.

It is mainly individual complaints, written and oral questions or petitions from MEPs submitted to the Commission which highlight inadequate implementation of Community law in the Member States. These are the main sources of information for the Commission on the insufficient or even the non-implementation of Community Directives.

The procedure, in brief, is as follows:

— the Commission informs the complainant that his letter has been recorded in the Commission complaints register and at the same time asks the Member State concerned for the necessary information to assess the complaint. Once the facts of the matter have been established, the Commission takes a formal decision in the year following receipt of the complaint. At this stage there are two possibilities:

  — either the Commission does not find any infringement of Community law and so shelves the procedure and informs the complainant; the latter may then put forward new facts or arguments which may result in a new procedure;

  — or the Commission decides to proceed in accordance with Article 169 of the Treaty establishing the European Community and sends a formal letter to the Member State in question.

For further information on Commission procedures and its means of ensuring actual implementation of Community directives by the Member States, the Honourable Member is referred to the annual report on monitoring the application of Community law, which is sent to the Parliament and contains details of all these procedures.

WRITTEN QUESTION E-1940/94

by Luis Sá (GUE)

to the Commission

(12 September 1994)

(95/C 36/28)

Subject: Situation of the Community institutions and terms and conditions of employment of their officials

While the view is frequently heard that the Community institutions are overstaffed, the contrary opinion also exists that the human resources available are insufficient, despite the recourse had to the national administrations for the implementation of Community legislation and Decisions.

Certain aspects of the terms and conditions of Community officials have also been criticised on various occasions, in particular as regards salary levels and other aspects.

In view of the above, can the Commission state:

1. how it views the present situation with respect to the above aspects;

2. what studies, if any, are being carried out in this area, and on the basis of what criteria?

Answer given by Mr Van Miert on behalf of the Commission

(8 November 1994)

The Honourable Member is referred to the Commission's reports to the Council and Parliament on:

— 'Recruitment requirements in the Community institutions' [1],

— 'Application of Annex VII to the Staff Regulations' [2].

As a target-oriented administration, the Commission is bound to remain modest in size. But having analysed its departments' needs in the face of its increasing workload, it launched a multiannual plan — which is still running — to rebuild its human resources base from its insufficient level.

It is the Commission's view that the remuneration of European Community officials was fixed in accordance with their living and employment conditions at the 1991 negotiations which culminated in the Council Decision on the method of adjustment of remunerations (Annex XI to the Staff Regulations) and the temporary contribution (Article 66a of the Staff Regulations).

The method was negotiated for the period to 30 June 2001, and until that date it applies all adjustments of remuneration, including basic remuneration, family and other allowances.

[1] SEC(92) 2520.
[2] SEC(93) 2116.

WRITTEN QUESTION E-1942/94

by Laura González Álvarez (GUE), Alonso Puerta (GUE) and María Sornosa Martínez (GUE)

to the Commission

(12 September 1994)

(95/C 36/29)

Subject: Environmental damage to the Guadiana river (Badajoz, Spain)

The Guadiana river, which is the main natural haven in the city of Badajoz, is currently endangered by work being carried out on an 850-metre stretch of its course through the city. This scheme for re-developing the left bank of the river will cause irreparable ecological damage in what is a nesting area for protected birds (the little egret, the bittern and the night heron) under Directive 79/409/EEC [1].

Article 2 of Directive 85/337/EEC [2] on the assessment of the effects of certain public and private projects on the environment requires the Member States to adopt all necessary measures to ensure that projects likely to have significant effects on the environment (such as the present one) are made subject to an assessment with regard to such effects.

1. What representations does the Commission intend to make to the Spanish authorities to ensure the correct application of Directive 79/409/EEC and 85/337/EEC?

2. Can the Commission state whether this redevelopment scheme affecting the left bank of the Guadiana river in its course through Badajoz is being co-financed from the European Regional Development Fund (ERDF) within an operational programme for Badajoz?

[1] OJ No L 103, 25. 4. 1979, p. 1.
[2] OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mr Paleokrassas on behalf of the Commission

(15 November 1994)

Since the re-development scheme affecting the left bank of the river Guadiana (Extremadura) was the subject of an environmental impact assessment and the public concerned had the opportunity to express its opinion in accordance with the provisions of Council Directive 85/337/EEC of 27 June 1985 concerning the assessment of the effects of certain public and private projects on the environment, the provisions of this Directive have not been infringed.

The Commission would confirm that the project in question is not being co-financed by the European Regional Development Fund.

WRITTEN QUESTION E-1944/94

by Carmen Fraga Estévez (PPE) and Miguel Arias Cañete (PPE)

to the Commission

(12 September 1994)

(95/C 36/30)

Subject: Biological stoppage period in the Moroccan fishing ground allocated to the black hake fleet

The Community's black hake fishing fleet operating in the Moroccan fishing ground is faced with a severe problem, in that July and August, the two months set aside in the fisheries agreement for the biological stoppage period, are not in fact the most suitable months for this purpose; the black hake reproduces during the winter months, which would therefore be the most suitable period for suspending activity.

Does the Commission not consider it desirable to request Morocco, via the joint committee, to change the months allocated for the biological stoppage period, with a view to actually achieving the stated objectives of protection and recovery of stocks?

Answer given by Mr Paleokrassas on behalf of the Commission

(13 October 1994)

At the January 1994 meeting of the joint committee, in view of the way stocks have been developing, available scientific data and the major socio-economic importance of certain fisheries, the Community asked the Moroccan authorities to adjust or reduce the biological stoppage period for certain categories, in particular for trawlers fishing for black hake.

Morocco has not yet responded positively to this request.

The Commission is willing, at the request of the Member States concerned, to submit to Morocco at the next joint committee meeting in January 1995 a proposal for changes to the months during which biological stoppage applies.

WRITTEN QUESTION E-1946/94
by Joaquín Sisó Cruellas (PPE)
to the Commission
(12 September 1994)
(95/C 36/31)

Subject: The Cohesion Fund in Spain

The Commission has warned the Spanish Government that it risks not receiving some 40 % of the sum allocated to Spain under the Cohesion Fund for the present year unless it submits investment programmes relating to the environment.

In view of this warning, how many projects has the Spanish Government submitted in the environmental field?

What is the budgetary allocation for each of these projects, and what are the objectives involved?

In what region or regions are the individual projects to be implemented?

Answer given by Mr Schmidhuber on behalf of the Commission

(18 October 1994)

The Spanish Government has submitted a great many projects concerning the environment which the Commission is examining.

The amount of assistance requested for the projects is sufficient to achieve an appropriate balance in 1994 between projects for the environment and those for transport in accordance with Council Regulation (EC) No 1164/94 [1] setting up the Cohesion Fund. The measures mainly concern the management of the water supply, its purification and quality control, soil erosion, waste management and improvement of the urban environment.

A list of projects approved by the Commission is being sent direct to the Honourable Member and to Parliament's Secretariat.

The Commission cannot answer the question concerning the regional distribution of projects since the aim of the Fund is not regional development but the reinforcement of economic and social cohesion between Member States. There are no regional statistics on Cohesion Fund action. The Commission has other financial instruments available for regional development (Structural Funds).

---

[1] OJ No L 130, 25. 5. 1994.

WRITTEN QUESTION E-1950/94
by Joaquín Sisó Cruellas (PPE)
to the Commission
(12 September 1994)
(95/C 36/32)

Subject: The Somport tunnel

A number of reports have appeared in the Spanish and French press stating that the Commission has frozen financial aid to the construction of the Somport tunnel, following an appeal to it by the ecological group 'Mountain Wilderness'.

Is it true that the Community financial aid earlier granted to the construction of the Somport tunnel has now been frozen?

If so, on what grounds has the Commission provisionally suspended aid?

As construction work has begun on the tunnel on both sides of the Pyrenees, and given that it is essential that its completion should not be subject to any delays, in view of its importance for communications between the Iberian Peninsula and France, when does the Commission expect the joint funding arrangements to be reactivated?

Answer given by Mr Oreja on behalf of the Commission

(10 November 1994)

At present, there is no evidence to suggest that Community financing for the construction of the Somport tunnel and its access route has been frozen. In fact, the support granted amounts to ECU 29 million and is divided between Spain

(ECU 15 million) and France (ECU 14 million); the first instalment of 40 % was paid in 1991. The second instalment is due when 70 % of the work has been carried out.

However, following the new investigation prior to declaration of the project's public interest, the Commission received a number of complaints about the inadequate assessment of the effects of the project on the environment. Given these allegations, the Commission asked the French authorities for details regarding the implementation of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. In the meantime building work on the Somport tunnel and its access route was declared to be of public interest by decree of 18 October 1993. The response of the French authorities has been examined in-depth. Since some aspects of the case warrant more detail and more information and given that Community texts other than Directive 85/337/EEC have to be taken into consideration in this matter, the Commission has once again requested information from the French authorities.

Further payments of Community funds for the construction of the Somport tunnel and its access route are naturally dependent on the conclusions of the appraisal of complaints about this project. The Commission attaches particular importance to compliance with Community Regulations and procedures as regards the authorization of projects which could have a significant impact on the environment and will not make any further payments without having received the necessary assurances.

WRITTEN QUESTION E-1953/94

by Lucio Manisco (GUE)

to the Commission

(12 September 1994)

(95/C 36/33)

Subject: Abuse of dominant position by Fininvest-R.T.I.

On 16 February 1994 Adusbef (an Italian consumer body) submitted to the Italian Monopolies and Mergers Commission and, for information, to the European Commission a complaint alleging abuse of a dominant position in the field of broadcasting, publishing and advertising by the Fininvest-Berlusconi-R.T.I. Group.

1. Can the Commission explain why it has so far not acknowledged receipt of this complaint?

2. Can the Commission say what steps it intends to take, as a matter of urgency, on the abuse of a dominant position referred to in the Adusbef complaint?

Answer given by Mr Van Miert on behalf of the Commission

(28 October 1994)

1. On 16 February Adusbef filed an 'esposto' with the 'Garante della Concorrenza e del Mercato' against the Fininvest group alleging an abuse of a dominant position by the latter. A copy of this 'esposto' was sent for information to the 'Garante per la Radiodiffusione e l'Editoria', to the 'Ministro delle Poste e delle Telecommunicazioni' and to the Commission's Directorate-General for Competetion.

Since the Commission received a copy of the 'esposto' for information only, without any action by the Commission being requested, the Commission did not find it necessary to react to the letter.

2. The Commission does not intend to take any urgent measures, since there are no sufficient grounds for finding an infringement of the Community competition rules.

A possible abuse of a dominant position of the Fininvest group (especially predatory pricing for advertising) alleged by a large number of complainants was as early as 1992 the subject of proceedings before the 'Garante della concorrenza e del mercato' and before the 'Garante per la Radiodiffusione e l'Editoria'. However, as appears from the latter's decision of 7 May 1992, abusive practices were never proved despite the two authorities' comprehensive investigations. In particular, the complainants — among them Fininvest's most important competitors in the print media market — were not able to provide any concrete evidence for the alleged practices or to substantiate their complaints.

In the absence of substantiated and detailed indications of a possible infringement, the Commission does not think it appropriate to take any urgent measures or to carry out investigations with a view to fishing for evidence. The use of the power of investigation with which the Commission is entrusted is appropriate only when there are sufficient elements to justify particular steps, which in the Commission's opinion is not the case here.

WRITTEN QUESTION E-1954/94

by Leen van der Waal (EDN)

to the Commission

(12 September 1994)

(95/C 36/34)

Subject: 'Europe against AIDS' campaign

In May 1994 'Europe against AIDS' launched, in cooperation with the Commission, a summer AIDS prevention campaign to back up the Member States' information campaigns in this sphere.

This campaign focuses entirely on technical aspects: those who take the right precautions do not run any risks. The premise is obviously the achievement of free sexual morals.

Did the Commission not consider it appropriate to make its support conditional on the campaign pointing out that the best protection against AIDS is fidelity within marriage between husband and wife in accordance with God's commandments?

Answer given by Mr Flynn on behalf of the Commission

(21 November 1994)

The Commission did make a financial contribution to a summer campaign to provide the people of the Community with information on HIV/AIDS prevention methods but is not expected to take a stand on moral principles or religious beliefs. Nevertheless, the principle of fidelity to which the Honourable Member refers is relevant and is implicit in the information provided during the campaign in question. Such information is not, in any event, designed to promote free sex.

WRITTEN QUESTION E-1962/94
by Christine Oddy (PSE)
to the Commission
(12 September 1994)
(95/C 36/35)

Subject: 1992 guidelines for State aids granted to SMUs

How many notifications of State aids for SMUs has the Commission received since it published its guidelines in 1992?

How many complaints of State aids for SMUs has it received since 1992?

What is the breakdown by country for notifications and complaints?

Answer given by Mr Van Miert on behalf of the Commission

(26 October 1994)

Between 19 August 1992, the date the SME aid guidelines were published, and 31 July 1994 the Commission approved 109 schemes or individual awards of assistance for small and medium-sized enterprises. In 103 cases the planned aid had been notified and in the other five it had not. The schemes varied widely in size and spatial coverage. The figures do not include aid for SMEs under schemes serving other purposes such as regional development, R&D, the environment and energy conservation, job creation, training, or particular sectors of industry such as tourism, agriculture or transport. Nor are schemes co-financed by the Community Structural Funds included. A breakdown of the figures by Member State and year is given below. For further details the Honourable Member is referred to the Commission's Twenty-second and Twenty-third Reports on Competition Policy.

The Commission cannot give figures for the number of complaints specially relating to aid for SMEs. While some complaints do relate to aid granted to smaller companies, it is not always possible to identify them as SMEs. Complaints levelled specifically at aid schemes for SMEs are rare.

Member State	1992 (19 August—31 December)	1993	1994
Belgium	1	8	8
Denmark	—	1	—
Germany	6	14	7
Greece	—	—	—
Spain	2	19	5
France	—	1	1
Ireland	1	—	—
Italy	2	8	—
Luxembourg	—	—	—
Netherlands	—	—	—
Portugal	—	3	1
United Kingdom	10	6	4
Total	22	60	26

WRITTEN QUESTION E-1968/94
by Christine Oddy (PSE)
to the Commission
(12 September 1994)
(95/C 36/36)

Subject: Methyl bromide and the ozone layer

Is the Commission aware that a large body of scientific opinion challenges the link between methyl bromide and the depletion of the ozone layer?

Does the Commission support the inclusion of methyl bromide on the Montreal Protocol of prescribed substances?

Answer given by Mr Paleokrassas on behalf of the Commission

(12 October 1994)

The Commission is not aware of any scientific body of opinion which would question the fact that methyl bromide is a chemical which contributes to the depletion of the ozone layer.

Such a classification was established using, among other sources, the information contained in the methyl bromide science and technology and economic synthesis report of the United Nations, dated 25 June 1992. The classification was then formalized during the negotiations for the second amendment to the Montreal Protocol, that took place in Copenhagen in November 1992.

Therefore the international consensus, as expressed in the Montreal Protocol, is that methyl bromide does contribute to the depletion of the ozone layer and should, consequently, be subject to production and use restrictions. The Community as a Contracting Party to the Montreal Protocol takes the same view.

Furthermore before proposing or agreeing to controls, within the Community, on the production and consumption of any chemical the Commission seeks the views of experts from the Member States.

WRITTEN QUESTION E-1976/94
by Alex Smith (PSE)
to the Commission
(12 September 1994)
(95/C 36/37)

Subject: Euratom-US nuclear cooperation agreement

What negotiations have taken place between the Commission, on behalf of the EU under the provisions of Article 226 of the Treaty on European Union, and the United States Government on the update and extension of the Euratom-US Nuclear Cooperation Agreement?

Answer given by Mr Oreja on behalf of the Commission

(31 October 1994)

Negotiations between Commission and US officials in accordance with Directives of the Council approved in December 1991 and in accordance with Article 101 Euratom Treaty (Article 226 EC Treaty is not relevant in this context) have taken place since April 1992.

The existing EU-US cooperation agreement which dates back to the late 1950s, has been the basis for fruitful co-operation in the use of nuclear energy and extensive trade in nuclear items for more than three decades. The agreement expires at the end of 1995. Both the US and the Community wish to maintain a close cooperation.

The negotiations have reached a large measure of agreement but a number of key issues, resulting from differing operational or legal approaches, remain to be resolved.

During the last session, the negotiating teams were able to clarify their positions on the main issues and to make progress in other areas. On the subjects not yet resolved, mutual problems were discussed and ideas exchanged on how to solve them. The two negotiating teams will continue to explore actively the possibilities of solving the remaining difficulties.

Further negotiations are expected to take place later this year. Both sides recognize the importance and priority of reaching agreement as early as possible in 1995.

WRITTEN QUESTION E-1978/94
by Glyn Ford (PSE)
to the Commission
(12 September 1994)
(95/C 36/38)

Subject: Seat belts in coaches

In the light of growing public concern, particularly by parents of schoolchildren, is the Commission proposing to require the fitting of seat belts in coaches and minibuses?

Answer given by Mr Bangemann on behalf of the Commission

(17 October 1994)

On a number of occasions in recent years the Commission has attempted to introduce proposals to require the fitting of seat belts in all seating positions of buses and coaches (except those with places specifically designed for standing passengers) by amendments to the three relevant Directives (77/541/EEC — seat belts; 76/115/EEC — belt anchorages; 75/408/EEC — strength of seats). On each occasion, however, there has been insufficient support from Member States when the subject has been raised at meetings of the motor vehicles working group. The principal reasons for the lack of support from Member States were that, in general,

the whole question of bus and coach safety should be addressed and, in particular, the technical requirements for seat belts should be thoroughly examined.

The Commission reported to the Internal Market Council of 10 March 1994 upon its overall approach to enhance the safety of bus and coach passengers. A new Directive would be prepared covering the requirements for the construction of buses and coaches, including aspects such as roll-over strength and the number and size of exits. A research programme would be undertaken to examine the technical requirements for seat belts. This programme has now started and results will be available by the end of the year. On the basis of the findings of this research the Commission will present, at the earliest possible opportunity, proposals to amend the Directives concerned.

It should be pointed out, however, that these Directives relate to the type approval of new vehicles and that until mandatory whole vehicle type approval for buses and coaches comes into effect, Member States are not obliged to enforce these Directives nationally. Under the terms of the EC Treaty, however, they must allow free circulation of vehicles manufactured elsewhere in the Community that comply with the requirements of the Directives.

WRITTEN QUESTION E-1980/94
by Hiltrud Breyer (V)
to the Commission
(12 September 1994)
(95/C 36/39)

Subject: Saarbrücken Airport development prospects

What view does the Commission take of the development of Saarbrücken Airport, bearing in mind its proximity to neighbouring European airports such as Stuttgart, Basel, Strasbourg, Nancy-Metz, Luxembourg, Hahn and Frankfurt, and especially as regards the connection of Saarland to the TGV/ICE network and extension of the Saarbrücken-Luxembourg motorway?

Does the Commission think the use of money from European funds for the expansion of Saarbrücken Airport is justified?

Answer given by Mr Oreja
on behalf of the Commission
(31 October 1994)

In the framework of the proposal for a Parliament and Council Decision on Community guidelines for the development of the trans-European transport network, which was adopted by the Commission on 29 March 1994 [1], Saarbrücken airport has been included in the trans-European airport network as an accessibility point and therefore qualifies as an airport of common interest in accordance with Article 129 EC Treaty.

The objective of the guidelines for the trans-European airport network is to ensure that airport capacity can meet present and future demand, while taking due account of capacity, safety and environmental requirements. In order to achieve this objective priority actions have been defined for each type of component so as to ensure the development of the network.

In the case of accessibility points such as the Saarbrücken airport, only projects aiming at the enhancement of existing capacity or at the enhancement of airport safety and security would be eligible. Indeed, the density of the existing network is sufficient to respond effectively to the growth in demand for air transport over the next ten years. For the development of new capacity priority is to be given to airports defined as Community or regional connecting points, so as to provide the trans-European airport network with a solid core of airport capacity. In the case of Saarbrücken the neighbouring airports of Luxembourg, Frankfurt and Stuttgart (Community connecting points) and Strasbourg and Bâle-Mulhouse (Regional connecting points) provide sufficient capacity to cope with growing demand in the area.

The European regional development fund does not participate in the financing of the extension of Saarbrücken airport.

---

[1] COM(94) 106 final.

WRITTEN QUESTION E-1982/94
by Hiltrud Breyer (V)
to the Commission
(12 September 1994)
(95/C 36/40)

Subject: Development plan No 441.11.00, 'Business park to the north of Saarbrücken-Ensheim Airport'

Is the Commission aware that there are plans for a business park on farmland to the north of Saarbrücken-Ensheim Airport, and that the environmental impact assessment required by EC-EIA 2.5 and German law is not going to be carried out?

What will the Commission do to ensure that the environmental impact assessment does take place before development work begins?

Answer given by Mr Paleokrassas on behalf of the Commission

(26 October 1994)

Plans for business parks like the one to be built to the north of Saarbrücken-Ensheim Airport do not fall within the scope of Directive 85/337/EEC [1].

To overcome this loophole the Commission has included this type of plan in the proposal for an amendment it recently forwarded to Parliament and the Council [2].

(1) OJ No L 175, 5. 7. 1985.
(2) COM(93) 575.

WRITTEN QUESTION E-1995/94
by Ole Krarup (EDN)
to the Commission
(19 September 1994)
(95/C 36/41)

Subject: Bridge between Denmark and Sweden

A court case is currently under way in Denmark concerning the significance to the planned bridge over the Øresund between Copenhagen and Malmö of Council Directive 85/337/EEC [1] of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment. It appears from the decision of 1 July 1994 that the Danish Government which, since it is commissioning construction, is a party to the case, takes the view that the project has not been finally agreed in the sense that a choice still has to be made between a number of projects, so that the impact on the marine environment cannot yet be assessed. In view of the fact that, three years after adoption of the Law on Civil Engineering Projects (Law No 590 of 19 August 1991), a project has still not been 'finally agreed', would the Commission please state to what extent any bridge construction project may be regarded as agreed 'in detail' pursuant to Law No 590 of 19 August 1991.

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

Answer given by Mr Paleokrassas on behalf of the Commission

(3 November 1994)

The Commission received in 1991/92 a number of complaints alleging that Directive 85/337/EEC was not complied with before the Danish Parliament passed a bill on the 14 August 1991 for construction of a permanent link across the Øresund.

Article 1, paragraph 5 states that the Directive shall not apply to projects the details of which are adopted by a specific act of national legislation, since the objectives of this Directive, including that of supplying information, are achieved through the legislative process.

In examining the complaints the Commission took into consideration the question of whether the abovementioned bill did comply with the requirements in Article 1, paragraph 5. This question was thoroughly discussed with the Danish authorities who declared that the explanatory memorandum in the bill was binding on the Danish Government, that changes in the project would be presented for the Danish Parliament if these changes went beyond the preconditions for the Parliament's adoption of the bill and that the Danish Parliament would be involved in further decisions as described in the explanatory memorandum.

The bill and later the act empowered in paragraph 15 the Minister for traffic to lay down the final routing of the fixed link. In connection with the adoption in the Danish Parliament [1] the Minister for traffic committed the Danish Government to hold hearing before the final elaboration of the link, the access roads and laying down of the objectives for the environment (paragraph 4 of the bill). Those hearings would be held under the principles contained in Directive 85/337/EEC.

Based on those commitments the Commission decided not to pursue this matter any further and closed the complaint files in November 1992.

(1) Tilføjelse til tillægsbetænkning over forslag til lov om anlæg af fast forbindelse over Øresund, afgivet af Trafikudvalget den 13 august 1991.

WRITTEN QUESTION E-1996/94
by Carmen Díez de Rivera Icaza (PSE)
to the Commission
(19 September 1994)
(95/C 36/42)

Subject: Liability of suppliers of services

Can the Commission state whether it intends to submit the Directive concerning the liability of suppliers of services in the near future? If so, on what date?

Answer given by Mrs Scrivener on behalf of the Commission

(13 October 1994)

On 23 June 1994 [1] the Commission adopted a communication to the Council and Parliament on new directions on the liability of suppliers of services. This Communication implies withdrawal of the proposal for a Directive of 1990.

The Commission will continue its work on three fronts:

— improvement of consumer information

— preparation of texts specific to certain sectors where a special need may be identified

— support for initiatives in regard to access to justice.

(1) COM(94) 260 final.

WRITTEN QUESTION E-2001/94
by Carmen Díez de Rivera Icaza (PSE)
to the Commission
(19 September 1994)
(95/C 36/43)

Subject: Medallus and desertification in the Mediterranean basin

Can the Commission supply further information on this project?

Answer given by Mr Ruberti
on behalf of the Commission
(19 October 1994)

The Commission has published four brochures on the Medalus Programme.

Copies of these brochures are being sent direct to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION E-2002/94
by Carmen Díez de Rivera Icaza (PSE)
to the Commission
(19 September 1994)
(95/C 36/44)

Subject: Common port policy

What plans does the Commission have for integrating a common port policy into the common transport policy, in response to the repeated requests made in this connection by the European Parliament?

Answer given by Mr Oreja
on behalf of the Commission
(20 October 1994)

The common transport policy seeks to promote balanced and sustainable development and mobility in the Community. It puts heavy emphasis on those provisions of the Treaty which concern the development of trans-European networks and economic and social cohesion. It also requires full attention to be paid to action which will protect the environment.

The Commission's initiatives for the port sector are fully in line with this policy. Its proposal for Community guidelines for the development of a trans-European transport network includes an element for ports. This sets out requirements for specifying projects of common interest in ports and in relation to ports. It includes specific objectives relating to strengthening cohesion with islands and remoter regions and to supporting the principle of sustainable mobility by promoting short sea shipping. Short sea shipping is one of the most environmentally friendly modes of transport, and the Commission is following a programme for fostering its development.

WRITTEN QUESTION E-2017/94
by Hugh McMahon (PSE)
to the Commission
(22 September 1994)
(95/C 36/45)

Subject: Disabled people's access

Could the Commission please state what steps it is taking to improve environmental access for disabled people to Commission buildings?

Answer given by Mr Van Miert
on behalf of the Commission
(14 November 1994)

When the Commission rents new buildings it requires the owners to monitor and conform to the relevant Belgian standards and at all events to provide suitable access for disabled people. The Commission checks that these requirements are met.

When requested, Commission departments take action in respect of the rented premises in general and, whenever necessary, in the case of particular forms of disability.

In 1993, a study of access to buildings for disabled people was made and a list of work to be done was drawn up. The work has continued throughout 1994 and is now nearing completion.

WRITTEN QUESTION E-2019/94

by Mihail Papayannakis (GUE)

to the Commission

(22 September 1994)

(95/C 36/46)

Subject: Coastal fishing vessels

Many coastal fishermen in Greece are protesting that when they refit their vessels the Ministry responsible grants them a licence to operate using an engine with a maximum of 15 horsepower. However, for a vessel which can be up to 6 metres in length between perpendiculars and 8 metres overall, this level of power means that the engine burns out in a very short time, and in bad weather there could be a serious risk of accident, since a ship with such a small engine is virtually unmanoeuvrable. In answer to these complaints, the Ministry pleads Community restrictions. It should be pointed out that those who do not refit their vessels and have powerful engines (often 90 HP or more) are not considered to be in breach of regulations, while those who wish to refit their old vessels are.

1. Are such restrictions actually in force?

2. Does the Commission consider them to be practicable, reasonable and suitable for the operation of coastal fishing vessels in order to guarantee the safety of fishermen, or is it necessary to amend the provisions concerned?

3. Would it be useful to check on the way these provisions are implemented in Greece?

Answer given by Mr Paleokrassas on behalf of the Commission

(31 October 1994)

Certain small fishing vessels must have their engines replaced for safety reasons accepted by both the Greek and Community authorities. However, this operation must be carried out in compliance with the objectives of the multi-annual guidance programmes which fix, per fleet segment, increases in tonnage and power between 1992 and 1996.

1. The Community rules on structural measures do not restrict the engine power of individual vessels.

2. However, the Commission may, under certain circumstances, recommend such measures with a view to the conservation of fishery resources. Indeed, such measures have been taken by some Member States for certain fisheries. As far as safety is concerned, each Member State is responsible for assessing, in the light of the provisions of international conventions and existing rules, and particularly the Community Directives on safety, whether restrictions on power undermine compliance with those rules. With regard to the implementation of the multi-annual guidance programmes, the Commission does not object to a programme involving the replacement of engines in a fleet segment made up of small vessels with more powerful engines provided that the increase in power is offset, if the programme so requires, by reductions in the total number of vessels in the segment.

3. The Commission naturally agrees with the Honourable Member that it is useful to verify the procedures for implementing the Community Directives on safety on board vessels, particularly with regard to the installed power, and will check whether Greece is applying those Directives properly.

WRITTEN QUESTION E-2023/94

by Jannis Sakellariou (PSE)

to the Commission

(22 September 1994)

(95/C 36/47)

Subject: European identity card for use in emergencies

Does the Commission have any plans to introduce, in the foreseeable future, a European identity card for use in emergencies? If not, why not?

Answer given by Mr Bangemann on behalf of the Commission

(16 November 1994)

The Commission has been active in developing the concept and the information content of the European emergency health card. A paper version of it was adopted by a Council resolution dated 29 May 1986 ([1]). The implementation of the resolution in Member States has been however slower than expected (see communication from the Commission ([2])). The Commission suggested in this document a computerized health card for use in emergency, but there has not so far been interest among Member States to follow up this suggestion.

Nevertheless, under the RTD Third Framework Programme, the concerted action 'Eurocards' has been established by the Commission to promote interoperability of healthcare cards and harmonisation of solutions across Europe. A pilot field trial on emergency cards is monitored by the concerted action in four Member States (Spain, France, Ireland, Italy).

In this context consideration is also being given to the means by which the information relevant for an emergency card can be combined with essential administrative information in a new electronic version of the current E111 form.

Within this framework, the co-ordination efforts of the Commission have led to a published consensus amongst national experts on technologies and on data content of the administrative and emergency card. This work might provide the necessary assistance for Member States aiming at implementation. It should be clear however that the full value of using a European computerized emergency card is obtained only if everybody carries it and the electronic information in the card can be read wherever an emergency case is received.

(1) OJ No C 184, 23. 7. 1986.
(2) SEC(89) 1628.

WRITTEN QUESTION E-2026/94
by Jannis Sakellariou (PSE)
to the Commission
(22 September 1994)
(95/C 36/48)

Subject: Disrimination against nationals of other EU countries in exercising their right to vote in the European elections in Germany

According to Article 8b(2) of the Treaty establishing the European Community, since the Maastricht Treaty on European Union came into force every citizen of the Union has been entitled to vote and to stand as a candidate in elections to the European Parliament. According to Directive 93/109/EEC (1) this takes due account of the principle of non-discrimination between citizens of the Union and is intended to ensure 'that all citizens of the Union, whether or not they are nationals of the Member State in which they reside, can exercise in that State their right to vote and to stand as a candidate in elections to the European Parliament under the same conditions'.

The implementation of voting rights for citizens of the Union in Munich is being carried out without eligible EU citizens who satisfy the formal requirements (age, length of residence in the host country) being personally informed. EU citizens are included in the electoral register only once they have collected and delivered the relevant application form in person.

This means that, unlike German voters, EU citizens who are eligible to vote must take the initiative themselves in order to

1. be informed of the election date, and

2. be included in the electoral register, which requires up to two visits in person to the relevant offices.

What steps does the Commission intend to take in view of this blatant discrimination?

(1) OJ No L 329, 30. 12. 1993, p. 34.

Answer given by Mr Vanni d'Archirafi on behalf of the Commission
(20 October 1994)

1. Article 8b(2) of the EC Treaty gives all Union citizens, whether or not nationals of the Member State of residence, the right to vote and to stand as candidates there in elections to the European Parliament under the same conditions as nationals.

However, the right established by Article 8b(2) to participate in elections to the European Parliament in the Member State of residence does not replace the right to vote and to stand as candidate in elections in the home Member State. Directive 93/109/EEC laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament respects that freedom of choice afforded to citizens of the Union by enabling those not having the nationality of the Member State of residence to exercise their right to vote therein if they have expressed the wish to do so (Article 8(1) of the abovementioned Directive).

When expressing the wish to vote, it is necessary at the same time to choose the Member State where the right will be exercised. As elections to the European Parliament are elections to a single institution, voting twice, once in the Member State of residence and once in the home Member State, cannot be allowed. Article 8 of the Act concerning the election of the representatives of the Assembly by direct universal suffrage (Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976) specifically provides that no one may vote more than once.

Consequently, the Commission does not share the opinion of the Honourable Member that the need to express the wish to vote can be regarded as discrimination against a citizen of the Union. On the contrary, the need to express that wish flows from a citizen's right to decide independently the extent to which he wishes to benefit from the integration rights offered by the Treaty.

2. The right to take part in elections to the European Parliament as a non-national resident is an innovation. For that reason, Directive 93/109/EEC provides that Member States inform non-national Union citizens of their rights in good time. All the Member States conducted information campaigns before the elections on 9-12 June 1994. The methods used varied considerably, both between Member States and sometimes even within a single Member State.

The Commission will be carrying out a more detailed assessment for the report it is required to submit by

31 December 1995 to Parliament and the Council under Article 16 of Directive 93/109/EEC.

WRITTEN QUESTION E-2029/94
by Mihail Papayannakis (GUE)
to the Commission
(22 September 1994)
(95/C 36/49)

Subject: Misappropriation of public land and illegal construction work

A department of the Technical Chamber of Thrace has alleged that private individuals are carrying out large-scale work, in an area of some 250 ha along the coastal zone of the prefecture of Xanthi (community of Avdira) with the aim of converting it into building plots and selling them for the construction of holiday homes. The relevant services of the Perfecture of Thrace (such as the State Land Company) describe this area as the former seashore.

Given that:

1. Almost the whole region in question is protected under the Ramsar Convention;

2. According to studies commissioned by the Ministry of the Environment, Regional Planning and Public Works on land usage, this region consists of wetlands,

will the Commission say whether it intends to ask the relevant Greek authorities to put an end to all work being carried out in this area and to request that the studies on land use in the coastal area of the prefecture which contains rare wetlands should be completed?

Answer given by Mr Paleokrassas
on behalf of the Commission
(24 October 1994)

The coastal zone of Avdira (prefecture of Xanthi), is close to Lake Vistonis, Porto Lagos Lagoon, Nestos Delta and Cumburum Lagoon that Greece has classified as Special Protection Areas (SPAs), pursuant to Council Directive 79/409/EEC [1] on the conservation of wild birds. Without further details, no answer can be given about the impact of any action on the SPAs.

The Commission will ask the Greek authorities to provide it with information on the issue raised by the Honourable Member.

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

WRITTEN QUESTION E-2030/94
by Mihail Papayannakis (GUE)
to the Commission
(22 September 1994)
(95/C 36/50)

Subject: 5 % tax in favour of local government organizations and consequences for competition

In accordance with Article 26(6) of Law 1828/89 products purchased by the consumer for home consumption from patisseries, milk bars etc. (shops and cottage industries) are subject to a 5 % municipal tax, while the same products are sold by supermarkets and bakeries without the 5 % tax.

Given that:

1. Article 129a of the Treaty on European Union provides that the Community shall contribute towards establishing a high level of consumer protection;

2. The levy of this consumer tax in addition to VAT means that products in shops cost the same as products served to customers and also leads to unfair competition as regards the treatment of certain undertakings *vis-à-vis* other undertakings with which they are in competition and which sell the same products without being subject to the 5 % municipal tax;

3. The Treaty prohibits Member States from taking measures resulting in different tax regimes for domestic products;

4. 25 000 persons employed in this branch are directly affected since the SMUs and cottage industries represent 72 % of the private sector workforce in Europe and these are the undertakings that create most jobs;

5. This measure will result in unfair competition which will mostly benefit major undertakings and penalize consumers purchasing goods from patisseries and milk bars,

will the Commission say whether it intends to make representations to the relevant Greek authorities to amend this law, as part of measures to ensure equitable conditions for the development of free competition in the Greek market, so as to eliminate imbalances and obstacles to the development of free and fair competition?

Answer given by Mrs Scrivener on behalf of the Commission

(14 November 1994)

The differential charging of a municipal tax on bakery products depending on the premises where they are sold does not constitute an infringement of Community tax law.

In particular, the tax does not rank as a turnover tax — if it did, it would be prohibited by Article 33 of the Sixth VAT Directive (77/388/EEC) [1] — since it does not meet the criteria laid down for that purpose by the Court of Justice.

As regards the competition rules in the EC Treaty, these are applicable only if trade between Member States may be affected, and this does not seem to be the case in the matter raised by the Honourable Member.

The Commission is not competent in this case, therefore, to take action against the measure in question.

(1) OJ No L 145, 13. 6. 1977.

WRITTEN QUESTION E-2038/94
by Carlos Robles Piquer (PPE)
to the Commission
(22 September 1994)
(95/C 36/51)

Subject: Scope of the next Community illustrative nuclear programme

The nuclear programme for the next 40 years approved by the Japanese Commission for Nuclear Energy at the end of June focuses on meeting the country's energy needs in a post-Cold-War world in which both the demand for energy and environmental concerns are growing.

Can the Commission indicate the timescale for the next Community illustrative nuclear programme, which will apparently finally be published by the end of this year? Will this document, like the Japanese programme, cover aspects important in the long term, such as the recycling of nuclear fuel, the promotion of RTD and peace agreements in this field, particularly as regards the obligations deriving from the Non-Proliferation Treaty (NPT)?

Answer given by Mr Oreja on behalf of the Commission

(31 October 1994)

Article 40 of the Euratom Treaty states that the Commission must periodically publish illustrative programmes indicating in particular nuclear energy production targets. The illustrative nuclear programme does not have a time limit.

The next Community illustrative programme, which is currently being prepared, is planned for the end of this year. It deals with all areas connected to nuclear-based electricity production, particularly the various options for the fuel cycle, new technologies in nuclear reactors, environmental and non-proliferation considerations and safeguards for nuclear materials.

WRITTEN QUESTION E-2040/94
by Johanna Maij-Weggen (PPE)
to the Commission
(22 September 1994)
(95/C 36/52)

Subject: Threat of famine in the Horn of Africa

1. Is the Commission aware of the threat of famine in the Horn of Africa?

2. What actions have been undertaken by ECHO since the first warnings from NGOs, the FAO and the WFP concerning this imminent famine?

3. Will the fact that funds (originally destined for other programmes) were rightly made available from the EDF for emergency aid for Rwandan refugees jeopardize the aid available for the Horn of Africa, or has the Commission set aside further funds?

4. What is the Commission's opinion of the Early Warning System in view of the slow reaction by the international donor community to the early warnings?

Answer given by Mr Marín on behalf of the Commission

(4 November 1994)

The Commission follows on a continuous basis the food supply situation in the Horn of Africa and employs to this end specific food aid experts in Ethiopia, Eritrea and Sudan.

Whilst it is true to say that the Horn of Africa was threatened earlier this year by famine, the rapid and large-scale response by donors to warnings, in particular by the Community, has led to sufficient food availability in the region. To be more specific, the Community has supplied the following tonnages during 1994 to countries in the Horn:

— Ethiopia: 285 000

— Eritrea: 106 000

— Sudan: 76 000

These tonnages, which do not include bilateral allocations by Member States, represent an estimated financial commitment of ECU 120 million. As an example of the scale of the operations involved, the Community commitment to Ethiopia in 1994 alone represents 14 250 twenty tonne lorryloads of food aid.

In spite of these enormous food-aid commitments by the Community and other donors, the alarm bells started ringing in Ethiopia in the summer on an assumption rather than the reality. The assumption was that because the main harvest at the end of 1993 was poor and that the Belg rains in spring 1994 failed, then history was going to repeat itself. The famine of 1984 was preceded by the same scenario. However, in 1994 the main rains throughout the region have been above average in both quality and quanity. These rains, in Ethiopia for example, combined with an increased acreage under plough and higher than average level of fertilizer use have led to early expections of a good harvest at the year end.

Furthermore, in order to have the most efficient use of Community resources, it was agreed that ECHO would cover non-food needs arising from the drought in the Horn of Africa, namely supplementary or therapeutic feeding and medical needs. Thus ECHO has on-going programmes in Somalia (amounting to over ECU 7 million so far for 1994) as well as nutritional-medical programmes in Kenya. For Sudan, over ECU 18,5 million has been granted in 1994 for victims of the drought and war. The allocations for both Sudan and Somalia include the funding of air transport for food and other humanitarian aid, together with the personnel involved.

The Honourable Member may be assured that the crisis in Rwanda had no detrimental effect on food aid assistance in the Horn simply because these commitments had already been made before the Rwandan tragedy had occurred whereas ECHO funding for the Horn of Africa comes out of funds other than those allocated for the Rwanda crisis, such as unused past balances from EDF funds, the Commission's budget, etc. . . .

WRITTEN QUESTION E-2043/94

by Gérard Deprez (PPE)

to the Commission

(3 October 1994)

(95/C 36/53)

Subject: Interactive telecommunications in the field of health care

Is the Commission currently investigating the social impact of the wider use of data transmission systems in the medical sector?

Does the Commission not consider it necessary to give thought to the implications of any developments affecting the relationship between patients and health care personnel which might result?

What steps can it take to enable the European Union to prepare for further developments affecting the functions and areas of competence of health care specialists including those outside the medical field as such (computer interface training for example)?

Has it given overall consideration to the instruments to be used to maximize the benefits of new interactive technologies as an instrument for strengthening and improving health education and to make this instrument as widely accessible as possible?

Answer given by Mr Bangemann on behalf of the Commission

(11 November 1994)

The Commission looked at the social impact of the wider use of data transmission systems in the medical sector when it implemented the programme on 'telematic systems in areas of general interest' as part of the third research and development framework programme (1990-1994). A study on the influence of data transmission on the relationship between patients and primary health care personnel has enabled the views of the best specialists in the field from all the Member States to be collated. Another study highlighted the problems encountered by those working in the medical sector in densely populated areas and compared the options for data transmission adopted by some of the big European cities.

The change in the role and responsibilities of health care specialists started with the 'concerted action' approach in areas as important as staff training and nursing.

These activities will be pursued and intensified in the telematics application programme which is part of the

fourth research and development framework programme (1994-1998). Public health education features prominently in the working plan of the programme as one of the objectives of future applications to be subsidized by the Commission.

WRITTEN QUESTION E-2044/94
by Gérard Deprez (PPE)
to the Commission
(3 October 1994)
(95/C 36/54)

Subject: Measures to combat discrimination in the field of health care

What progress has been made in the Member States towards introducing provisions to combat discrimination, as referred to in the resolution by the Council and the Ministers of Health of 22 December 1989?

Answer given by Mr Flynn
on behalf of the Commission
(30 November 1994)

The Commission is currently financing a survey of Member State's laws, regulations and administrative provisions concerning discrimination against persons with HIV or other infections which could give rise to discrimination. The results are expected to be available by the end of 1995.

The decision of the Council and the Ministers for Health meeting within the Council, adopting a plan of action for 1991-1993 within the framework of the 'Europe against AIDS' programme ([1]), provides for measures to combat discrimination against persons infected with HIV and those close to them. Furthermore, in its proposal for a Decision of the Council and the Ministers for Health of the Member States meeting within the Council concerning the extension to the end of 1994 of the 1991-1993 plan of action within the framework of the 'Europe against AIDS' programme ([2]), on which the Council adopted a common position on 2 June 1994 ([3]), the Commission made provision for funding to enable it to study the situation concerning the implementation of the anti-discrimination provisions contained in the resolution to which the Honourable Member refers.

Finally, the Commission has submitted a proposal for a European Parliament and Council Decision adopting a five-year Community action programme on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health, which would allow it to continue its efforts to combat discrimination against persons infected with HIV and those close to them ([4]).

([1]) OJ No L 175, 4. 7. 1991.
([2]) COM(93) 453 final of 29. 9. 1993.
([3]) OJ No C 213, 3. 8. 1994.
([4]) COM(94) 413 final of 9. 11. 1994.

WRITTEN QUESTION E-2045/94
by Gérard Deprez (PPE)
to the Commission
(3 October 1994)
(95/C 36/55)

Subject: Air transport facilities for the disabled

Can the Commission give an assessment of the extent to which European airports are accessible for the disabled (layout of infrastructures, boarding facilities, information for the blind and deaf, etc.) and measures taken to resolve any problems which may arise for them during flights (removable armrests, etc.)?

Having identified their needs, can it give its views on the desirability of Community action in this field? Will it make specific proposals in this area?

Answer given by Mr Oreja
on behalf of the Commission
(19 October 1994)

The Commission is preparing a questionnaire on accessibility achieved in all forms of transport in order to establish an inventory which can be continuously updated.

Among the measures set out in the Commission's action programme on accessible public transport ([1]) are 'rules concerning all aspects of accessibility to and within airports and aircraft. These will be based on the recent recommendations of the European Civil Aviation Conference (ECAC) and will cover access to airports by rail and within airports (including between air terminals); airport design; harmonization of technical specifications for accessibility; harmonization of information; international signs; passenger information before and during flight; training of airport, airline and travel agency personnel'.

These ECAC recommendations were drawn up by the ECAC facilitation sub-group on the transport of people

with reduced mobility, with the participation of the Commission. They identified the needs of all disabled passengers and set out the recommended solutions in airports and aircraft.

(1) COM(93) 433, 26. 11. 1993.

WRITTEN QUESTION E-2049/94
by Anita Pollack (PSE)
to the Commission
(3 October 1994)
(95/C 36/56)

Subject: Methane gas emissions in UK

In the context of the EU's monitoring of greenhouse gas emissions and its Rio commitments, is the Commission happy with the fact that methane emissions from oil and gas production in the UK could double by 2005 unless action is taken? (Sorce: ENDS Report 234, July 1994)

Answer given by Mr Paleokrassas
on behalf of the Commission
(24 October 1994)

According to the British national programme sent to the Commission under the monitoring of greenhouse emissions of Decision 93/389/EEC (1) British anthropogenic methane emissions in 1990 are estimated to have been around 5 million tonnes (Mt). The main sources are landfill waste with 39 %, agriculture with 32 %, coal mining with 16 %, and gas distribution with 2 %. Offshore oil and gas production account for 2 % of total emissions.

Methane emissions from oil and gas production were estimated to be around 0,1 Mt in 1990 by the United Kingdom Offshore Operators Association from data supplied by operators on emissions in 1991 as indicated in the national programme. The data showed that the main sources of emissions were venting of gas to the atmosphere from emergencies or planned maintenance, unburnt gas from flares, and fugitive emissions from valves and other components.

Oil and gas production is expected to increase over the next few years, but current expectations are that it will peak before the end of the century. The British Government has adopted a working assumption of a 30 % increase in emissions to 0,13 Mt by 2000.

The steps which could be taken by industry to limit emissions before the year 2000 and also in the longer term beyond 2000 are contained in the national programme.

The above information indicates that a doubling of methane emissions from British oil and gas production by 2005 is not expected by the authorities. At any rate such an increase would present a limited problem compared to with the more significant efforts that need to be made to control the much more substantial emissions from landfill waste, agriculture, and mining.

(1) OJ No L 167, 9. 7. 1993.

WRITTEN QUESTION E-2056/94
by Mihail Papayannakis (GUE)
to the Commission
(3 October 1994)
(95/C 36/57)

Subject: Construction of a sewage treatment plant in the town of Akrata

The town of Akrata is planning to construct a sewage treatment plant on the bed and close to the mouth of the river Krathis, Aigialia. However, studies carried out by consultants for the 'O Krathis' environmental group show that the position chosen for the site of the sewage treatment plant is unsuitable for the following reasons:

1. the waste treatment plant would be at risk from the overflow of the river and from earthquakes;
2. the load-bearing capacity of the subsoil is inadequate;
3. non-compliance with the international standard for the distance between waste treatment plants and bore-holes for taping ground water (there are seven bore-holes for tapping ground water in neighbouring villages);
4. there is considerable risk that the water table will become permanently polluted when structural elements of the plant become damaged and leak, and
5. the Gulf of Corinth, which is not open sea, has been chosen to receive the waste.

Will the Commission endeavour to persuade the competent Greek authorities to reject the mouth of the Krathis as the site of the waste treatment plant and urge them to find an alternative site which would be safer and would not harm the health of local residents by polluting the ground water.

Answer given by Mr Paleokrassas
on behalf of the Commission
(16 November 1994)

Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (1) sets dates, depending on

the number of inhabitants, by which urban waste water must be subjected to secondary or equivalent treatment before discharge.

Article 5 of the Directive gave the Member States until 31 December 1993 to identify sensitive estuaries and coastal waters which are found *inter alia* to have a poor water exchange.

Waste water discharged into such sensitive receiving waters notified to the Commission must undergo the appropriate treatment in order to meet the quality objectives set in Table 2 of Annex I to the Directive.

To the Commission's knowledge, the Greek authorities have designated no sensitive areas to date.

Moreover, as regards solid wastes (sludges) produced by treatment plants, Article 14 of the Directive states that all dumping of sewage sludges into surface waters must be phased out by 31 December 1998. Consequently, this method of disposal is inappropriate for a new treatment plant.

Finally, the Commission is not responsible for finding an alternative site.

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

WRITTEN QUESTION E-2058/94
by Florus Wijsenbeek (ELDR)
to the Commission
(3 October 1994)
(95/C 36/58)

Subject: Dutch legislation on inland shipping

Is the Commission aware of the bill on the distribution of freight in North-South transport proposed by the Dutch Government?

1. Why has the Commission not objected to this bill nor declared it null and void for being contrary to Community Regulations on the freedom of transport and on competition and to the case law of the European Court of Justice?

2. Given that on previous occasions the Commission had adopted such a clear position, as expressed by the members responsible for transport policy on 4 February 1987, 28 January 1991, 23 October 1992 and 24 September 1993 and in its report 94/921 of 9 June 1994, why has it now changed its mind so radically that, contrary to its own earlier position, it is prepared to accept the above bill?

3. Will it return to its earlier position of equal treatment of different modes of transport and proceed with a further liberalization of transport on inland waterways in order to achieve a better modal split between road and rail transport and shipping in accordance with its own report on sustainable mobility; if so, how will it do this?

Answer given by Mr Oreja
on behalf of the Commission
(2 December 1994)

As required by the Council Decision of 21 March 1962 (1) (as amended by Council Decision 73/402/EEC of 22 November 1973 (2)) instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in the Member States, the Government of the Netherlands has passed on its draft temporary law on the sub-division of North-South freight for the Commission's opinion. The Commission is still examining the matter and has so far not adopted a stance. It will send its opinion on the draft to the Netherlands Government in accordance with the procedure set out in the Council Decision referred to above.

The Honourable Member is invited to consult the Commission report on the organization of the inland waterways transport market and systems of chartering by rotation dated June 1994 (3) with regard to the Commission's attitude towards the liberalization of inland waterways transport and the action that it has proposed in order to achieve that aim.

(1) OJ No 23, 3. 4. 1962.
(2) OJ No L 347, 17. 12. 1973.
(3) SEC(94) 921.

WRITTEN QUESTION E-2059/94
by José Barros Moura (PSE)
to the Commission
(3 October 1994)
(95/C 36/59)

Subject: Situation of official customs agents

Given that the work of official customs agents has been drastically reduced as a result of the completion of the internal market, that this trend will be further accentuated following the accession of four new Member States (2500—3000 redundancies in the present Member States and 6000 in the new Member States) and that the governments of various countries (e.g. Portugal) have not complied with the Commission's recommendations as regards guaranteed payment (early retirement) or vocational redeployment, what measures does the Commission intend to take?

Answer given by Mrs Scrivener on behalf of the Commission

(7 November 1994)

The Commission currently has no plans for new measures specifically to help customs agents, but the Structural Funds may contribute to new operations in that sector.

It would remind the Honourable Member of the substantial measures taken by the Community in 1992 and 1993, which primarily involved three instruments, namely the European Social Fund, Interreg and Regulation (EEC) No 3904/92 [1], which provided an extra ECU 30 million specifically for the conversion or diversification of the firms concerned. These measures are still being applied.

Since 1 January last year, these measures have entitled customs agents losing their jobs to the same treatment as the long-term unemployed; this makes them eligible for help from the Structural Funds all over the Community.

The Commission welcomes the fact that the restructuring operations in this sector have — as the Commission proposed — been made a priority in the reform of the Structural Funds, so ensuring that suitable funding should be provided.

[1] OJ No L 394, 31. 12. 1992.

WRITTEN QUESTION E-2060/94
by Karin Riis-Jørgensen (ELDR)
to the Commission
(21 September 1994)
(95/C 36/60)

Subject: Checks on the use of State aid to shipyards in the former GDR

The German press reports that some of the funds paid to the MTW shipyards were for a time available to the parent company, Bremer Vulkan. This would seem to be contrary to the Directive's stipulation that aid should be used solely for activities at shipyards located in the former East Germany.

What would the implications be for the recipient of the aid, should it be established that the aid has been misused for other purposes?

Answer given by Mr Van Miert on behalf of the Commission

(25 October 1994)

It might be helpful to recall first the background to the Directive to which the Honourable Member refers.

On 20 July 1992 the Council adopted Directive 92/68/EEC [1] amending Directive 90/684/EEC [2] (the Seventh Directive on aid to shipbuilding). The new Directive provided a derogation from the normal State aid rules for the former GDR yards. Under the derogation the German Government undertook to provide evidence to the Commission, in the form of annual reports by an independent chartered accountant, that aid payments are strictly limited to the activities of yards situated in the former GDR.

The Commission received such reports for the MTW shipyard which it took into account when it decided to allow the release of aid instalments. Since the matter is currently the subject of an action before the Court of First Instance of the European Communities no more details can be provided at this moment.

[1] OJ No L 219, 4. 8. 1992.
[2] OJ No L 380, 31. 12. 1990.

WRITTEN QUESTION E-2063/94
by Hiltrud Breyer (V)
to the Commission
(3 October 1994)
(95/C 36/61)

Subject: Nuclear aid for the Ukraine — Decisions by the G7 summit meeting

1. It was decided at the G7 summit meeting in Naples to set up a fund to co-finance the closure of Chernobyl nuclear power station in the Ukraine. Has this fund already been set up? How large are the resources allocated to it (in US dollars)? What projects are to be financed under this fund?

2. Is it true that, in talks with the European Union, the Ukraine has asked for modern gas-fire power stations to be delivered to offset the loss in electricity production capacity due to the closure of Chernobyl? How does the Commission view this proposal?

3. How large is the energy aid fund set up in Naples aimed at making electricity production capacity available to be aided by this fund as a matter of priority?

4. What view does the Commission take of the estimated cost of retrofitting the three Ukrainian Type VVER 1000 nuclear power stations so as to bring them up to a level of safety comparable to that of nuclear power stations authorized in the Federal Republic of Germany?

5. Will the Commission continue to give priority to the retrofitting of nuclear power stations as a strategy for ensuring security of electricity supplies in the Ukraine?

Answer given by Sir Leon Brittan on behalf of the Commission

(8 November 1994)

1. At the summit in Naples, the G7 heads of State and government decided that their countries would contribute an initial amount of up to 200 million dollars in form of grants for the purpose of implementing the proposed action plan for Ukraine's energy sector.

The action plan provides in particular for the early closure and decommissioning of the Chernobyl nuclear power plant, the completion of new VVER reactors already under construction, and energy sector reform including measures for energy saving and efficiency.

It is recalled that preceding the Naples summit the European Council of Corfu decided to provide ECU 100 million in grants under the Tacis Programme and to raise ECU 400 million in Euratom loans for the same purpose.

2. Ukraine did not ask for the supply of modern gas power plants as replacement for the electricity generated so far by the Chernobyl plant.

3. Reference is made to the answer given under paragraph 1 above. The detailed definition of first projects has not yet been completed.

4. The completion of the three VVER 1000 reactors under construction should be performed with a view to achieve internationally acceptable safety standards. The completion costs should range between ECU 750 million and ECU 1 000 million.

5. The Commission considers that the completion of the three VVER 1000 reactors represents an economically advantageous solution for Ukraine and, at the same time, helps to reduce Ukraine's dependence on fossil-fuel imports.

WRITTEN QUESTION E-2064/94

by Hiltrud Breyer (V)

to the Commission

(3 October 1994)

(95/C 36/62)

Subject: Consumer protection budget and aid

1. How does the Commission view the Council's decision to cut the budget for consumer protection in 1995 by almost 50 % to ECU 8,2 million?

2. Does it consider that this drastic reduction is compatible with Article 129a of the Maastricht Treaty which commits the European Union to a high level of consumer protection?

3. In 1993/94 the EU decided to grant the German Agriculture Central Marketing Association (CMA) subsidies amounting to ECU 8,4 million.

(a) Does the Commission consider that this sum is justifiable compared with EU expenditure on consumer protection?

(b) What conditions are attached to the use of this money by the CMA?

(c) Has the Commission examined the content of the product advertising operations which it is co-financing?

4. What measures does the Commission intend to take to prevent part of this money being channelled via the CMA to the Association of German Health Insurance Doctors, a lobby organization of doctors which publicly supports the agricultural and food industry by issuing contradictory and questionable statements and deliberately misleading consumers?

Answer given by Mrs Scrivener on behalf of the Commission

(30 November 1994)

1. In the 1995 preliminary draft budget, the Commission estimated that the minimum sum needed for European consumer policy was ECU 16 million.

The drastic reduction of this budget to ECU 8,2 million would mean a radical change in this policy and the discontinuation of a large number of measures, pilot experiments and subsidies to consumer organizations, along with a reduction in the activities of the Consumers Consultative Committee.

2. No. The changes introduced by the Treaty on European Union reflect the vastly increased importance to be accorded to consumer protection, which has been transformed from a 'flanking policy' into a fully-fledged, independent Community activity. The citizens of the Union, who henceforth are entitled to expect it to contribute to a high level of consumer protection, will keep a closer watch

to see whether the efforts made in this direction are sufficient or not.

The Community must therefore consider the position of consumers not only in relation to the internal market, as it was previously obliged to and as confirmed by Article 129A (1) a), but also in a much wider context, as stipulated in Article 129A of the EC Treaty.

3. (a) The sum mentioned by the Honourable Member covers several agricultural product advertising operations which, to the extent that they are intended to provide better information for consumers, also contribute to consumer protection.

(b) The conditions attached to the use of this money take the form of rules laid down in the Regulations governing the abovementioned operations and in the contracts concluded on the basis of the said Regulations.

(c) The Commission checks that the operations in question comply with the aforementioned rules. However, it is not responsible for the content of the advertisements financed with Community funds.

4. The Commission answered this question in a letter to the Diätverband dated 15 July 1994. A copy of this letter is being sent directly to the Honourable Member and to the General Secretariat of Parliament.

WRITTEN QUESTION E-2077/94
by José Apolinário (PSE)
to the Commission
(26 September 1994)
(95/C 36/63)

Subject: Transposition of Directive 91/493/EEC into national legislation in the Member States

Can the Commission say which Member States have not yet transposed Directive 91/493/EEC [1] into national law and can it give any justification for that situation?

[1] OJ No L 268, 24. 9. 1991, p. 15.

Answer given by Mr Steichen
on behalf of the Commission
(11 October 1994)

The Commission has not received notification from Greece, Ireland or Portugal of national measures to implement Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products. Since the deadline for transposition was 1 January 1993, the Commission has initiated the infringement procedure under Article 169 of the EC Treaty against the Member States concerned.

This procedure is currently at the reasoned opinion stage.

WRITTEN QUESTION E-2078/94
by Wolfgang Kreissl-Dörfler (V)
to the Commission
(26 September 1994)
(95/C 36/64)

Subject: Hunting of birds in Italy

What is the Commission's view on the statements made in August 1994 by Altero Matteoli, the Italian environment minister, and by the agriculture minister, Adriana Poli Bertone, to the effect that restrictions on the hunting of chaffinches, bramblings, black-tailed godwits, curlews and other migratory birds, even in nature reserves, are to be lifted?

Did the Commission try to use its influence during the preparatory stages for the law whereby the lifting of restrictions on the hunting of birds was made a matter for the regions?

What does the Commission intend to do to prevent infringements of the EU Directive on the protection of wild birds in Italy?

Answer given by Mr Paleokrassas
on behalf of the Commission
(31 October 1994)

The Commission was not aware of the statements referred to by the Honourable Member.

The Commission has not influenced the drafting of the Italian law to which the Honourable Member refers. This lies outside its ambit.

The Commission must be informed of the precise forms of action adopted by the national authorities in order to intervene, where appropriate, in order to ensure compliance with Directive 79/409/EEC on the conservation of wild birds [1].

It should also be mentioned that Article 9 of Directive 79/409/EEC, which introduces a system of exemptions from the articles concerning capture, permits, under strictly supervized conditions and on a selective basis, the (other) judicious use of certain birds in small numbers.

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

WRITTEN QUESTION E-2082/94
by Anita Pollack (PSE)
to the Commission
(6 October 1994)
(95/C 36/65)

Subject: Race relations

When will the Commission bring forward a draft Directive on race relations, making it unlawful to discriminate against residents of the Union because of their race, colour, nationality, or ethnic or national origin?

Answer given by Mr Flynn
on behalf of the Commission
(13 December 1994)

As things now stand, it is the prerogative of the Member States to legislate against racial, colour or ethnics discrimination, there being no specific legal basis for Community competence in the matter. However, in its White Paper on European social policy [1] the Commission stated its belief 'that at the next opportunity to revise the treaties, serious consideration must be given to the introduction of a specific reference to combatting discrimination on the grounds of race, religion, age and disability'.

[1] COM(94) 333.

WRITTEN QUESTION E-2084/94
by Anita Pollack (PSE)
to the Commission
(6 October 1994)
(95/C 36/66)

Subject: Student grants

Has the Commission made any study, or does it have any comparative information on methods of funding, i.e. grants etc. for students in further and higher education, (both fees and subsistence)? If so, can it provide the information, and if not will it initiate such a study?

Answer given by Mr Ruberti
on behalf of the Commission
(18 November 1994)

In June 1993 the education information network 'Eurydice' produced for the Commission a document entitled 'the main systems of financial assistance for students in higher education in the European Community', which contains, for every Member State, a concise description of the existing national systems of funding.

A copy is sent directly to the Honourable Member and to the Secretariat-General of the Parliament.

WRITTEN QUESTION E-2085/94
by Anita Pollack (PSE)
to the Commission
(6 October 1994)
(95/C 36/67)

Subject: LD 50 test

If the USA, Japan and the OECD have now accepted that the fixed dose procedure is an acceptable alternative to the cruel LD 50 test, why is the latter still in use and when will the alternative be officially validated in the EU?

Answer given by Mr Bangemann
on behalf of the Commission
(24 November 1994)

Council Directive 75/318/EEC [1] sets out the tests and trials required to demonstrate the quality, safety and efficacy of a medicinal product. It has been amended a number of times (Directives 83/570/EEC [2], 87/19/EEC [3], 89/341/EEC [4], 91/507/EEC [5] and 93/39/EEC [6]).

Originally Directive 75/318/EEC required an animal study to determine the toxicity of a medicinal product. However this requirement was removed when the Directive was amended by Directive 87/19/EEC. In the latest substantial revision (Directive 91/507/EEC) there is no requirement for the animal study. The current requirement is for a quantitative evaluation of the approximate lethal dose and information on the dose effect relationship should be obtained, but a high level of precision is not required. Thus the animal study is not required in the Community.

In 1990, the Community initiated the international conference on harmonization (ICH) with the United States Food and Drug Administration and the Japanese Ministry for Health and Welfare. At the first major conference in November 1991 in Brussels, the Community confirmed that the animal study was not a requirement (indeed on that occasion the Japanese were pursuaded to drop their requirement for an animal study).

Within the ICH, the scientific trend for 'increasing dose tolerance' studies has been reinforced by the preparation of

technical guidelines on toxicokinetics (i.e. study of the effect to increasing doses) which should be completed by the end of 1995, and which would be compatible with Community requirements.

(1) OJ No L 147, 9. 6. 1975.
(2) OJ No L 322, 28. 11. 1983.
(3) OJ No L 15, 17. 1. 1987.
(4) OJ No L 142, 25. 5. 1989.
(5) OJ No L 270, 26. 9. 1991.
(6) OJ No L 214, 24. 8.1993.

WRITTEN QUESTION E-2099/94
by Nel van Dijk (V)
to the Commission
(6 October 1994)
(95/C 36/68)

Subject: Soviet nuclear cemetery

With the possible accession of Norway, Finland and Sweden to the European Union, the wreck of the Soviet nuclear submarine 'Komsomolets' (which sank in the Barents Sea in 1989) will be significantly closer to the borders of the European Union. The same is true of the nuclear reactors and drums of radioactive waste dumped in the Kara and Barents Seas.

Does the Commission agree that the accession of the abovementioned countries would increase the European Union's responsibility for the elimination of the dangers posed by the leaking of plutonium, caesium, strontium and other radioactive materials?

What steps does the Commission intend to take in view of this responsibility, in order to protect both the population and the fisheries industry against radioactive contamination and the catastrophic pollution of the marine environment?

Answer given by Mr Paleokrassas
on behalf of the Commission
(9 November 1994)

The Commission has been following the question of radioactive contamination of the Kara and Barents Seas since these matters first came to public notice. Thus the Honourable Member is invited to refer to the reply to Written Question No 2276/93 by Mr Linkohr (1) in which it was noted that recovery attempts should not be undertaken without careful prior assessment of the situation, to avoid increasing the hazard. This assessment continues, especially through joint efforts by the Russian and Norvegian authorities in which the Commission continues to collaborate, most recently by nominating an expert to participate in a research cruise in the Kara Sea in August—September 1994.

Results to date do not indicate any immediate threat. In particular as regards the nuclear submarine Komsomolets, there is a growing consensus that the situation would only be rendered more hazardous by any attempt to raise the vessel.

The Commission will continue to follow the situation in collaboration with those involved including the IAEA and will of course be pleased to consider any approach by a Member State.

(1) OJ No C 219, 8. 8. 1994.

WRITTEN QUESTION E-2100/94
by Carlos Robles Piquer (PPE)
to the Commission
(6 October 1994)
(95/C 36/69)

Subject: Community aid for solar/gas energy co-generation

It almost a year since the Commission requested a feasibility study on appropriate locations for installations making combined use of natural gas and solar energy. Does the Commission now possess sufficient information to allow assessment of the economic aspects of this technology and, if appropriate, make available Community aid for developing it?

Answer given by Mr Oreja
on behalf of the Commission
(2 December 1994)

The Commission has indeed helped to finance a viability study on appropriate sites for natural-gas and solar-energy co-generation facilities.

The results of that study, which was completed in June 1994 and covered five sites: three in Spain and two in Morocco, seemed to be highly promising in both technical and economic terms.

This 'clean' technology will therefore be included among the fundable measures set out in the specific non-nuclear energy programme which forms an integral part of the technological research and development programme.

WRITTEN QUESTION E-2102/94
by Joaquín Sisó Cruellas (PPE)
to the Commission
(6 October 1994)
(95/C 36/70)

Subject: European bioclimatic complex

On 17 June 1994, the 'En t'aban' Drugs Rehabilitation Centre was inaugurated in Zaragoza. It includes the most important bioclimatic complex in Europe. This centre has been financed with European funding under from the Thermie Programme on renewable energies.

Can the Commission state the specific amount of European funding provided, and whether this was limited to funding part of the construction costs or whether aid will continue in the form of annual allocations to defray the running and experimental costs of the bioclimatic complex?

Given that this Centre has social objectives in the field of detoxification and rehabilitation of drug addicts, could it qualify for funding from other Community programmes or initiatives aimed at these objectives?

If so, could the Commission state which programmes or initiatives are concerned, and whether the Centre has already benefited from them?

Answer given by Mr Oreja
on behalf of the Commission
(5 December 1994)

Under the Thermie Programme the Commission did indeed grant a subsidy of ECU 96 221 to the 'En t'aban' Drugs Rehabilitation Centre in Zaragoza.

The aid was intended to cover 40 % of the cost of building the bioclimatic part of the complex, which was done using innovative energy technologies.

Once the payments have been made, the aid will not be renewed, since it was not intended to cover running costs.

However, the Centre could receive financial support under initiatives taken within the framework of budget heading B3-4400 — combating drug abuse in the field of public health — provided that it satisfies the selection criteria.

Those in charge of the centre may obtain application forms from the Commission's Directorate-General for Employment, Industrial Relations and Social Affairs.

WRITTEN QUESTION E-2106/94
by Joaquín Sisó Cruellas (PPE)
to the Commission
(6 October 1994)
(95/C 36/71)

Subject: Combating fraud

In view of the serious instances of political corruption uncovered in certain Member States, has the Commission adopted or does it intend to adopt measures to fight this form of fraud?

If so, what measures are involved and what results have been obtained?

Answer given by Mr Flynn
on behalf of the Commission
(11 November 1994)

As the Member States have exclusive responsibility for measures to combat domestic political corruption, it is not for the Commission to propose any measures in this field.

WRITTEN QUESTION E-2112/94
by Alex Smith (PSE)
to the Commission
(6 October 1994)
(95/C 36/72)

Subject: Low flying by military aircraft

What are the minimum height levels at which military training aircraft are permitted to fly in the 12 Member States of the Union?

Answer given by Mr Oreja
on behalf of the Commission
(30 November 1994)

At present there is no Community legislation concerning the altitude at which military or civilian aircraft are permitted to fly in the 12 Member States. The levels are fixed by the national authorities in each country.

WRITTEN QUESTION E-2113/94
by Anita Pollack (PSE)
to the Commission
(6 October 1994)
(95/C 36/73)

Subject: Sustainable development

In an answer to a question by my colleague Alex Smith (E-1032/93) [1] the Environment Commissioner said that the Commission was 'undertaking several studies and devoting considerable internal staff resources to examining the economic implications of sustainable development, including the issues of employment and green accounting'. That was almost a year ago. Is the Commission now any nearer to finalizing its analysis and when will these results be forwarded to members of the Committee on the Environment.

[1] OJ No C 226, 16. 8. 1994, p. 9.

Answer given by Mr Paleokrassas
on behalf of the Commission
(11 November 1994)

Last year saw the conclusion of studies on sustainable development and employment and the continuation in the Member States of green accounting for which the results will be longer in coming.

The Commission made an economic assessment of the Fifth Programme of Action on the Environment, studying various possibilities. The results of the study, which will be distributed during November 1994, clearly show that an approach embracing both economic and environmental policies benefits both economic growth and employment as well as the quality of the environment.

As part of the follow-up to the White Paper and in anticipation of the European Council in Essen, the Commission is about to submit a report on 'new sources of employment' in the various economic, social and environmental areas. It is hoped that this report will lead to a demand in new areas and remove obstacles to the emergence of this demand at Community, national and regional level.

A methodological approach aimed at drawing up satellite environmental accounts alongside economic accounts has been devised and is at present being tried out in certain Member States. Its implementation will gradually be extended to various Member States with the ultimate aim of setting up a Community data system.

Additionally, work on environmental-pressure indicators aimed at completing aspects not covered by the satellite accounts has been started for a number of environmental aspects. It aims to devise a global environmental-pressure index which will be useful for implementing policies dealing with the environment or which have an environmental slant.

WRITTEN QUESTION E-2116/94
by Edith Müller (V) and Nel van Dijk (V)
to the Commission
(6 October 1994)
(95/C 36/74)

Subject: Discrimination against trans-frontier workers in Germany

In order to prevent unemployment among the current workforce in the industrial sector, the German Government introduced a system under which workers are entitled to temporary 'unemployment' benefits during the period when they follow further training to achieve a higher level of vocational qualification. This scheme (Arbeitsförderungsgesetz) applies to 'low' skilled workers in companies who introduced new advanced technical production methods which require a better trained workforce.

This practice however only applies to workers officially residing in Germany, excluding non-resident workers employed by the same company, although they contribute equally to the unemployment schemes in Germany.

Bearing in mind the principle of free movement of workers and the resulting Union rules, is not the Commission of the opinion that the actual application of this scheme creates a severe (unintended?) discrimination between workers working for the same company living on different sides of the border?

Which steps will the Commission take to redress this situation?

In anticipation of an overall solution and since in the vicinity of the Dutch border sometimes more then half the workforce of German companies involved in the scheme are living on Dutch territory, is the Commission prepared to contact the competent authorities in order to determine if an early bilateral settlement can be found to end this discrimination?

Answer given by Mr Flynn
on behalf of the Commission
(13 December 1994)

Under Community provisions in the field of free movement of workers within the Community, a worker who is a

national of one Member State and who is occupied in the territory of another Member State may not be treated differently there from national workers in respect of any conditions of employment and work, social security benefits, or social advantages.

In the Commission's view, Community citizens who are working in Germany but are resident in another Member State are entitled to the temporary unemployment benefit provided by the 'Arbeitsförderungsgesetz' under the same conditions as workers residing in Germany. In fact, it seems that there are no objective reasons which may justify their unequal treatment.

The Commission will contact the German authorities in order to ensure the correct application of Community law.

WRITTEN QUESTION E-2117/94
by Jesús Cabezón Alonso (PSE) and María Izquierdo Rojo (PSE)
to the Commission
(6 October 1994)
(95/C 36/75)

Subject: Mediterranean policy

The General Affairs Council of 18 July 1994 reasserted the importance which the European Council attaches to Mediterranean policy.

The Council has asked for a Commission communication which will include the guidelines for strengthening Mediterranean policy.

What is the Commission's proposed deadline for publishing this communication? What will be its contents?

Answer given by Mr Marín
on behalf of the Commission
(14 November 1994)

The Commission adopted its communication on 19 October and has sent it to the Council and Parliament. A copy is being sent direct to the Honourable Member.

WRITTEN QUESTION E-2126/94
by Brendan Donnelly (PPE) and Eryl McNally (PSE)
to the Commission
(13 October 1994)
(95/C 36/76)

Subject: Safety of train doors

Bearing in mind the danger to rail passengers of unsafe train doors opening during travel, what is the Commission doing to ensure that European Union railways are aware of best practice in different EU countries, and that they take measures to upgrade their existing rolling stock to ensure the highest possible levels of protection for passengers?

Answer given by Mr Bangemann
on behalf of the Commission
(24 November 1994)

The Commission is aware of the need to improve the safety of railway transport at European level, in particular as regards rolling stock for passenger transport.

It has therefore set activities in motion at several levels:

1. In the framework of the proposals for Council Decisions put forward by the Commission ([1]) and by way of implementation of the Fourth European Community Framework Programme of Community research, technological development and demonstration activities (1994-1998):

   — the specific programme in the field of industrial and material technologies ([2]) approved by the Council on 27 July 1994 includes as a major objective a significant improvement in transport safety, including vehicles, human aspects and operational infrastructures. This encompasses a combination of safety analysis and deployment techniques, cognitive research, and vehicle repair and maintenance strategies, including the different approaches to operational and human management. The research in question covers the following:

   — structured approaches to risk assessment of vehicle operation and associated operational systems;

   — technologies to prevent and reduce risk and protect passengers;

   — passive and active safety techniques;

   — methods and tools to identify and control human errors;

   — inspection, maintenance and repair strategies and techniques for critical systems and components allowing improvement in the design of sensitive products;

— passive and active safety techniques (the Brite/Euram Programme in particular has funded a project specifically aimed at improving the safety of passengers in carriages in the event of collision — Traincol BE-3385).

Community railway networks and operators, grouped together within the Community of European Railways (CCFE), are extremely interested in the abovementioned research and will play an active part in the work. Their research bodies will make a very extensive contribution, the results of which will be discussed in detail with the Commission and within their European representation and the International Union of Railways (IUR).

— Other activities are planned by the Commission under the research programme for a European transport policy. However, this programme has not yet been approved.

2. Since 1993, in order to achieve technical, operational and regulatory harmonization at European level the European Standards Body (CEN, Cenelec and ETSI) have been given mandates by the Commission to draw up European standards on railway equipment. The jointly agreed wok programme covers 58 standards projects, a very large number of which are classified as a priority as they are considered essential for railways transport safety. CEN and Cenelec are therefore drafting *inter alia* standards in particular on:

— requirements to be met by carriage bodywork (including doors);

— the line-testing of railway vehicles prior to putting them into service (including the reliability fo carriage safety systems).

The European standards drawn up will be published and serve as a basis for operators and manufacturers in the design, construction and inspection of all railway equipment prior to its being put into service.

3. As far as the high-speed sector is concerned, on 15 April 1994 the Commission presented to the Council a proposal for a Directive on the inter-operability to the European high-speed train network ([3]). The proposal for a Directive makes it compulsory to comply with the essential requirements which must be met by all railway equipment on which the inter-operability of the European network depends. These essential requirements include in particular human (staff and user) health and safety.

The essential requirements will be laid down in detail in mandatory technical inter-operability specifications. These technical specifications, which will be drawn up jointly by the railway networks, operators and industry and closely based on existing or future European standards, will be published in the *Official Journal of the European Communities.*

The proposal for a Directive is currently before the Council for approval. It is also being discussed by the Parliament, the Economic and Social Committee and the Committee of the Regions.

As a second stage and to extend the passenger safety activities to the conventional passenger railway transport sector, the Commission has started on the production of a document dealing with conventional railway inter-operability problems. This document for 'conventional rail' will therefore be in addition to the proposal for a Directive covering the high-speed sector.

([1]) COM(94) 68 final.
([2]) 94/82(CNS) in COM(94) 69 final.
([3]) COM(94) 107 final.

WRITTEN QUESTION E-2131/94
by Carlos Robles Piquer (PPE)
to the Commission
(13 October 1994)
(95/C 36/77)

Subject: Technological innovation in the automobile industry and cooperation with suppliers of components

In his reply to an earlier question on new technology in the automobile components industry (E-2874/93 ([1])) Mr Bangemann states that the Community is seeking to promote innovative capacity within the industry by means of various research and development programmes ('industrial technologies', 'environment', 'energy' and 'information and communications technologies' which include for example, the Microbile project and the Drive Programme).

Furthermore, measures recently (April 1994) requested from the Commission by the Council include an R&D programme and measures to promote industrial cooperation between car manufacturers and their components suppliers.

Can the Commission tell me what it is planning by way of a response to the Council's requests, and can it provide me with data on the extent of the automobile sector's involvement in the various specific programmes mentioned by Mr Bangemann?

([1]) OJ No C 251, 8. 9. 1994, p. 19.

Answer given by Mr Bangemann
on behalf of the Commission
(24 November 1994)

The Commission has had numerous contacts with the automobile and components industry during the

preparation of drafts of specific Community research programmes and work plans.

Without departing from the principle that Community research programmes are pre-competitive and horizontal in nature, it has endeavoured to take into account the needs expressed by the autobomile industry in multi-sectoral forums or directly in particular through the master plan presented by the Eucar association. It has also studied with the automobile and components industry possible improvements to the coordination of RTD policies and of the specific programmes.

It is not possible to assess in advance the consequences for the automobile industry of the steps currently being taken. In any event, they cannot lead to prior allocation of funds and the projects submitted will be selected on the basis of their merit and value having regard to the selection criteria adopted.

WRITTEN QUESTION E-2135/94
by Wilfried Telkämper (V)
to the Commission
(13 October 1994)
(95/C 36/78)

Subject: Transposition into national law of Directive 89/391/EEC and the subsidiary individual Directives, including Directive 92/57/EEC

I understand that Germany has not yet transposed into national law Directive 89/391/EEC [1] and the subsidiary individual Directives. In this connection, however, the Federal Ministry of Labour briefed all the relevant ministries and departments, including the individual Länder authorities, on the immediate effect of individual Directive 92/57/EEC [2]. Receipt of such notification was confirmed by all Federal Länder. In Baden-Württemberg, however, the Ministry of Finance did not forward this guidance on the immediate effect of the individual Directives to the subordinate regional finance offices, so that this Directive is not being implemented on construction sites in Baden-Württemberg.

1. Is it true that the Commission has commenced infringement proceedings against Germany for failure to transpose Directive 89/391/EEC and the corresponding individual Directives into national law?

2. Has the Federal Government already delivered an opinion and, if so, what does the opinion say?

3. Is it the Commission's view that the Federal Government should have to ensure the implementation of a Directive when, as in Germany, responsibility for safety and health protection is shared by several authorities, namely the Federal Länder and the statutory accident-insurance institutions.

4. In the view of the Commission, which authority is legally responsible for the proper implementation of the Directive? Where this Directive has not been duly implemented, to whom should a citizen who has suffered injury in an occupational accident apply?

---

[1] OJ No L 183, 29. 6. 1989, p. 1.
[2] OJ No L 245, 26. 8. 1992, p. 6.

Answer given by Mr Flynn
on behalf of the Commission
(18 November 1994)

1. In March 1993, the Commission initiated infringement proceedings against Germany for failure to communicate any measures incorporating into national law the Directives 89/391/EEC, 89/654/EEC [1], 89/655/EEC [1], 89/656/EEC [1], 90/269/EEC [2] and 90/270/EEC [2]. On 7 July 1994, the German authorities sent to the Commission a series of texts containing measures to incorporate into national law the Directive 89/391/EEC and a number of individual Directives. These texts are currently being examined to determine whether they comply with the requirements. However, measures incorporating Directive 92/57/EEC have not yet been communicated to the Commission. Consequently, the infringement proceedings initiated on the basis of Article 169 of the EC Treaty for failure to incorporate that Directive into national law are continuing.

2. The German authorities have informed the Commission that, in their view, existing German legislation on worker protection is already broadly consistent with the provisions of Directive 89/391/EEC and various individual Directives.

3. & 4. The Member States are responsible for ensuring that Directives are fully implemented within their legal systems. They have sole power to determine the internal procedures necessary for implementation, particularly in the light of their constitutional requirements.

First and foremost, it is for the national court to ensure that national authorities comply with the provisions of Community law where such provisions are sufficiently clear, precise, complete and unconditional, and, where appropriate, to order the State to make good any damage caused to individuals as a result of an infringement of Community law for which it is responsible.

---

[1] OJ No L 393, 30. 12. 1989.
[2] OJ No L 156, 21. 6. 1990.

WRITTEN QUESTION E-2150/94

by Antoinette Spaak (ELDR)

to the Commission

(13 October 1994)

(95/C 36/79)

Subject: Return of the Commission to the Berlaymont building

In July 1994 the Commission made a public statement, in particular to the Belgian Government, of its intentions with regard to its services returning to the Berlaymont building in Brussels.

On that occasion, the Commission informed the press that the financial conditions of hire proposed by the Belgian Government would be submitted to the two branches of the budgetary authority (i.e. the Council and Parliament).

Can the Commission confirm this undertaking? At what stage in the negotiations does it intend to commence its consultation of Parliament?

Answer given by Mr Van Miert
on behalf of the Commission

(15 November 1994)

The Commission can confirm the undertaking to submit to the two arms of the budgetary authority (Council and Parliament) the financial terms for renting the future Berlaymont building to be proposed by the Belgian Government.

The Commission will inform Parliament and the Council as soon as the Belgian Government makes its proposal.

WRITTEN QUESTION E-2151/94

by Antoinette Spaak (ELDR)

to the Commission

(13 October 1994)

(95/C 36/80)

Subject: Aid to the people of Iraq

On 18 August 1994 the Commission announced that it was granting aid to the sum of ECU 2 million to the inhabitants of central and southern Iraq, with the stated aim of alleviating the impact on the people of Iraq of the UN embargo following the invasion of Kuwait and the Gulf War.

This brings the total sum provided by the Commission to the inhabitants of Iraq this year to over ECU 8,5 million.

Can the Commission provide a more detailed justification of this decision? What guarantees has it received that this aid will not be used for purposes other than its declared humanitarian objective?

Answer given by Mr Marín
on behalf of the Commission

(10 November 1994)

In the decision of 18 August 1994 for humanitarian aid to the population of Iraq:

— ECU 300 000 was granted through the channel Oxfam-UK for water supply projects in the north of the country

— ECU 200 000 was granted through the channel of Christian Aid (UK) for the restoration of agricultural resources, again in the north of the country

— ECU 1 500 000 was granted through the channel of a consortium of three Red Cross Societies, led by the Dutch and including the British and German, to provide medicines and food to the most needy populations of the centre and south of the country.

This is in accordance with the Community's long-established principle of giving aid wherever it is needed, provided that its correct utilization can be ensured. In this particular case, all three operations are fully in accordance with the programme of the Department of humanitarian affairs of the United Nations.

Given the particular circumstances applicable to those areas of the south under the control of the Baghdad authorities, the Commission took special precautions to ensure the correct utilization of the funds. While it is true that an agreement has been signed between the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Iraqi Red Crescent Society (IRCS), this is solely because the IRCS is a member of the IFRC with statutes which oblige it to work with its local members. Nevertheless, the consortium of three European Red Cross Societies is maintaing a permanent presence of two Europeans in Baghdad, specifically to monitor the implementation of the programme and they have full authority to travel around the country accompanied solely by an IRCS colleague. Even in the heightened tension at the beginning of October, they were able to visit Nassiriya. The basic operation is being managed from Amman where all regional purchasing is made.

The Commission is therefore convinced that these three actions fully maintain the principles which led to the establishment of ECHO and that in so far as it is possible in any operation, all the necessary controls have been put in place to ensure that the aid will be used as intended.

WRITTEN QUESTION E-2152/94
by Anita Pollack (PSE)
to the Commission
(13 October 1994)
(95/C 36/81)

Subject: Child care

In 1986 the Commission published the results of a comprehensive survey on levels and types of child-care arrangements in the Member States and the first review of the 1992 recommendation on child care is due in 1995. Will the Commission now produce a similar, up-to-date survey, which should also include Austria, Sweden, Norway and Finland, to be published in time for the above review?

Answer given by Mr Flynn
on behalf of the Commission
(21 November 1994)

Yes. The comprehensive survey of child-care services to be carried out in 1995 will include data in respect of these four countries.

WRITTEN QUESTION E-2154/94
by Christine Crawley (PSE)
to the Commission
(13 October 1994)
(95/C 36/82)

Subject: East Timor

Reports are coming from East Timor that on 14 July 1994, seventy four peaceful demonstrators were arrested by the Indonesian army; reports also indicate that three of these were later brutally killed by having their throats cut. Will the Commission set up an enquiry to investigate these reports and publicize its findings? If the reports are true, what action can the Community take to bring an end to the oppression and suffering of East Timoreans?

Answer given by Mr Van den Broek
on behalf of the Commission
(18 November 1994)

According to the information the Commission has obtained, all those arrested on 14 July were released shortly afterwards. None were killed.

For the remainder of the question, the Commission would like to refer the Honourable Member to its reply to Written Question No 1941/94 by Mr Luis Sa, Mr Joaquim Miranda and Mr Sergio Ribeiro [1].

[1] OJ No C 24, 30. 1. 1995.

WRITTEN QUESTION E-2158/94
by Gerardo Fernández-Albor (PPE)
to the Commission
(18 October 1994)
(95/C 36/83)

Subject: Measures in favour of SMEs to settle social security debts

The planned set of measures to promote a more favourable climate for small and medium-sized enterprises (SMEs) will provide greater support for their development through various means, such as financial facilities, projects eligible for Community initiatives, the promotion of cooperation between SMEs, etc.

Nevertheless, SMEs frequently find it difficult to pay the social security contributions required, this being particularly the case in certain Member States with high social security rates.

For this reason, many groups of SMEs are wondering whether, in order to complete the set of measures in favour of SMEs, the Community authorities could not develop preference schemes to provide financial aid, or other types of support, for companies experiencing severe difficulties in meeting their overdue social security contributions, often resulting in the seizure of goods and ultimately in the bankruptcy of the company.

What is the Commission's opinion of this aim on the part of SMEs?

Answer given by Mr Archirafi
on behalf of the Commission
(7 December 1994)

The Commission's December 1993 White Paper on growth, competitiveness and employment [1] recognized, in chapter 9, that statutory charges, i.e. taxes and social security contributions of exmployers and employees, clearly had an impact on production costs and therefore on competitive performance. It is particularly the case that small and medium-sized enterprises are more affected by both the administrative complexity and the high level of charges on labour.

Whilst it is within Member States' competence to set the levels of tax and social security contributions, it is the Commission's view that there are a number of measures which could be taken to help enterprises and particularly to assist SMEs. These could include:

— the simplification of administrative procedures in respect of the collection of statutory charges,

— to allow SMEs to opt for corporate taxation rather than personal taxation (Commission recommendation 94/390/EC, 25. 5. 1994, concerning the taxation of small and medium-sized enterprises) [2],

— to eliminate double taxation of venture capital companies (Commission communication on the improvement of the fiscal environment of SMEs) [3],

— to ensure the survival of SMEs by looking at the taxation aspects of the transfer of businesses particularly in cross-border transfers (Commission communication on the transfer of businesses. Actions in favour of SMEs) [4].

It is the Commission's intention to work closely with Member States and to encourage the exchange of information and best practice in order to minimize the effect of statutory charges on labour affecting the competitive position of Community enterprises.

[1] COM(93) 700 final.
[2] OJ No L 177, 9. 7. 1994.
[3] OJ No C 187, 9. 7. 1994.
[4] OJ No C 204, 23. 7. 1994.

WRITTEN QUESTION E-2160/94
by Gerardo Fernández-Albor (PPE)
to the Commission
(18 October 1994)
(95/C 36/84)

Subject: Community harmonization of family support measures

The fact that the countries which provide the least assistance to families, such as Spain and Greece, also show a marked drop in the birth rate should, in the International Year of the Family, prompt the European Union to propose that the Member States review their respective policies on families with the aim of promoting an increase in the birth rate, the size of families and their welfare.

The unequal manner in which Member States regulate family benefits thus represents a form of discrimination against families in some countries with regard to others.

Can the Commission say whether its proposals for the International Year of the Family can be expected to include any aiming to harmonize European Union policy with regard to certain family benefits, taxation, housing, maternity leave, parental leave, child rearing, working hours and protection of single-parent families, with respect to the institution of the family, to eradicate comparative injustices such as those suffered by families in Spain and Greece?

Answer given by Mr Flynn
on behalf of the Commission
(9 December 1994)

The EC Treaty does not provide for a specific legal basis in family matters. The powers of the Community in this area are limited.

However, on the basis of the conclusions of the September 1989 meeting of the Council of Ministers of Family Affairs, the Commission established a European Observatory on National Family Policies. The annual reports produced by this Observatory since 1989 have shown that policies are gradually converging, even though there are differences between Member States in the area of family policies as far as benefits, taxation or parental leave are concerned.

The Commission would also like to remind the Honourable Member that its proposal on parental leave (Proposal for a Council Directive on parental leave and leave for family reasons) [1] has been before the Council since 1983. Furthermore, the Council adopted, on 31 March and 19 October 1992 respectively, recommendation 92/241/EEC on child care [2] and Directive 92/85/EEC on the protection of pregnant workers and who have recently given birth or are breast-feeding [3]. This Directive provides for working women to receive maternity leave of at least 14 weeks' duration. In addition, the White Paper on European Social Policy [4] states that the Commission will consider the possibility of a framework Directive on reconciling family and working life, including sabbatical and parental leave. Lastly, under Article K of the Treaty on European Union, a draft convention on the recognition and implementation of legal decisions on divorce is currently being discussed.

[1] OJ No C 333, 9. 12. 1983; amended proposal — OJ No C 316, 27. 11. 1994.
[2] OJ No L 123, 8. 5. 1992.
[3] OJ No L 348, 28. 11. 1992.
[4] COM(94) 333 final, 27. 7. 1994.

WRITTEN QUESTION E-2166/94
by Honório Novo (GUE)
to the Commission
(10 October 1994)
(95/C 36/85)

Subject: Environmental disaster on the coast of northern Portugal

The Portuguese coastline near Oporto has just suffered a major environmental disaster in the shape of an oil spill from

a vessel now known to have failed to meet safety requirements (it lacked a double hull). The oil is spread over 20 km of coastline and has caused colossal losses of maritime flora and fauna (with particularly serious immediate consequences for local fishermen) and severe damage to areas of major importance to the tourist industry; the cleaning-up operation, which has already begun, is proving very expensive.

Since it is still impossible to assess the total cost of the appalling damage done, and in order to avoid any formal or bureaucratic problems due to disputes about powers (and responsibilities) between central government and local authorities, and bearing in mind, furthermore, that there will be no part-session to debate a motion until the end of the month, I would ask the Commission whether there is any possibility of emergency aid, given the urgent need and the nature of that need?

Answer given by Mr Delors on behalf of the Commission

(14 November 1994)

The only instrument available to the Community for emergency aid in the event of a disaster is the financial instrument intended to help victims in the Member States. The aid is mobilized in the shortest possible time and is intended to symbolize the solidarity of the Community peoples in unforeseeable and exceptional disasters with particularly dire consequences for the life and subsistence of the inhabitants.

These criteria cannot be said to have been met in the case of the oil spill on the north coast of Portugal referred to by the Honourable Member, since it occurred as a result of a failure in the security system and was not a sudden and unforeseeable natural disaster. This form of emergency aid is in any case distinct from other types of financial aid, whether from Community, national or international funds, intended for other objectives, such as compensation for damage, or the financing of structural measures.

With respect to problems concerning fisheries, in the context of structural intervention, and in particular the operational programme which provides for intervention in the fisheries sector, the Portuguese authorities could invoke Article 14 of Council Regulation (EC) No 3699/93 of 21 December 1993 [1]. This Article provides for the possibility of financing measures for fisheries in the event of a 'temporary cessation of fishing activities caused by unforeseen and non-repetitive events resulting from biological phenomena in particular'.

[1] OJ No L 346, 31. 12. 1993.

WRITTEN QUESTION E-2167/94
by Bernd Lange (PSE)
to the Commission
(10 October 1994)
(95/C 36/86)

Subject: Aid to help set up an autonomous administration in Palestine and its allocation

How is the European Union supporting the setting up of an autonomous administration in Palestine and the improvement of living conditions for people in that country?

1. What financial resources has the European Union decided to make available to help set up an autonomous administration in Palestine and to what objectives or projects is this aid to be allocated?

2. What financial resources has the European Union decided to allocate to the direct improvement of people's living conditions in Palestine?

3. What funds have been allocated so far, and what funds have been disbursed to date?

4. Are there problems in the allocation and disbursement of these funds, and if so, what are they?

Answer given by Mr Marín on behalf of the Commission

(28 October 1994)

1. The Commission has responded to the need of the Palestinian Authority (PA) for contributions to the running costs of the new administration. During 1994 contributions have been made notably towards the running costs of the universities (ECU 15 million), to the police force (ECU 20 million [1]), and to a programme for the rehabilitation of ex-detainees (ECU 10 million). All these items appear in the public sector budget. The Commission is presently making arrangements to provide running costs support to various ministries of the PA.

While the provision of running costs support is crucial to the building of the institutional capacity of the new administration in the short-term, the Commission wishes to set a time limit to this. In its efforts to help build up an autonomous administration, the Commission will be looking rather to provide technical assistance to build up management capacity, and sectoral policy-making capacity, particularly concerning the rationalization of social sectors.

2. In 1994 the Commission has funded the following major projects for the direct improvement of living conditions: housing programme (ECU 10 million), school construction and renovation (ECU 10 million), credit for SMEs (ECU 8 million). Other major projects currently

implemented, but out of commitments made in earlier years, include a contribution to the construction of Gaza hospital (ECU 13 million), the Rafah sewage project (ECU 15 million), and the Rafah and Gaza City solid waste projects (ECU 2,8 million). The European Community Humanitarian Office (ECHO) has allocated ECU 4,7 million in 1994 for medical assistance and food aid within the Occupied Territories.

The Commission has also funded in 1994 a global provision for technical assistance (ECU 5 million) and a survey for demographic indicators (ECU 1,4 million). The Commission is funding the technical preparation of elections (ECU 1,9 million).

Under the EC-UNRWA Convention, the Commission is making a contribution of ECU 31 million to UNRWA's regular budget, as well as ECU 12,9 million contribution to its food-aid budget.

The Commission will be discussing the allocation of its funds in 1995 with the Palestinian Authority towards the end of the year. The emphasis will be placed on institutional capacity building and on the promotion of fast, equitable and sustainable growth, especially through infrastructure projects.

3. The Commission draws on the budget for the direct aid to the Palestinian population of the Occupied Territories (B7-4083), but also on a variety of other 'horizontal' budget lines. All funds available on B7-4083 in 1994 have been allocated.

For the years 1987-1990, 90 % of funds committed on the direct aid budget line have been disbursed. The figures for the following years are the following: 1991 — 73 %, 1992 — 74 %, 1993 — 60 %, 1994 — 9 %.

4. The Commission will undertake its first programming exercise with the Palestinian Administration for the allocation of the funds later in the year.

The somewhat disappointing rate of disbursement of 1994 commitments is due in large part to the lack of institutional capacity of the beneficaries. This goes for example for the beneficiary of the housing project, the Palestinian Housing Council, which is experiencing management difficulties. For the police force, on the contrary, all of the ECU 5 million committed in May for running costs have been disbursed.

The present problems with institutional capacity are only to be expected, given that the Occupied Territories are emerging from 27 years of occupation. The state of affairs does underline the need for donor support for institutional capacity building.

(1) ECU 10 million were committed in May 1994, of which ECU 5 million for running costs and ECU 5 million for non lethal police equipment. It is proposed to commit a further ECU 10 million for police running costs.

WRITTEN QUESTION E-2176/94

by Hiltrud Breyer (V)

to the Commission

(18 October 1994)

(95/C 36/87)

Subject: Illegal transfer of lithium-6 from Russia to the EU

In August 1994, experts from the European Institute for Transuranium Elements in Karlsruhe discovered an illegal transfer from Moscow to Munich of plutonium together with as much as one kilogram of lithium-6. Lithium-6 is used exclusively to produce tritium, which fuses with deuterium to produce the explosive force of the hydrogen bomb. According to the 'Nuclear Weapons Databook' (Cambridge, Mass., 1984), all the tritium production reactors in the USA combined produced a total of 2,8 kg of tritium in 1981. Clearly, therefore, the lithium find in Munich is both quantitatively very significant and very valuable.

1. How many grams of lithium-6 were transferred from Moscow to Munich this summer?

2. At which sites is lithium-6 produced in the EU and how much does each site produce?

3. Where does the lithium-6 found in Munich originate?

4. Who now owns the lithium-6 found in Munich?

5. What is the link between lithium-6 and the allegedly new dangerous substance known as 'red mercury'?

6. Have the investigations into the origin of the plutonium found with the lithium-6 in Munich been completed? If not, why not? If so, in which plant does the plutonium found in Munich originate?

7. Who now owns the plutonium found in Munich?

Answer given by Mr Oreja
on behalf of the Commission

(30 November 1994)

1. About 200 gr. of lithium-6 were contained in the shipment to which the Honourable Member refers.

2. As there is only very limited civil use of lithium-6 (minute quantities in sensing devices and in fusion research) the Commission is not aware of a separation plant for

lithium-6 in the civil nuclear domain in the Community. The Commission cannot exclude that very small quantities of lithium-6 might be produced in the context of research or for medical applications but such quantities are likely to be insignificant.

3. According to published information it is probable that the seized lithium-6 was produced in the former Soviet Union.

4. The material has been seized by the German authorities.

5. There is no link. Whether or not the so-called 'red mercury' is a dangerous material is still not clear. Official IAEA and US statements indicate that this material has no role in nuclear applications. Reference is made to an article in 'Atomwirtschaft' September 1994, in which it is stated that from a scientific point of view the use of red-mercury remains unclear.

6. The Commission provided assistance to the German authorities and determined the amount and composition of lithium-6. The majority of the technical analyses concerning the plutonium have been completed. Following these analyses there is no indication whatever that the plutonium stems from the civil nuclear cycle in the Community. On the contrary 'fingerprinting' analyses indicate that the plutonium originated in an RMBK reactor (Russian type of reactor).

7. The plutonium has been seized by the German authorities. Once the legal procedures have been terminated the provisions of Chapter VIII of the Euratom Treaty will apply.

WRITTEN QUESTION E-2178/94

by Hiltrud Breyer (V)

to the Commission

(18 October 1994)

(95/C 36/88)

Subject: Plutonium separation and storage in the EU

1. According to the German Government, at the end of the material balance period, the IAEO and Euratom independently evaluate the material balance for plutonium and the MUF (Material Unaccounted For) value in the Sellafield and La Hague plants. What has been the annual MUF value for plutonium over the last ten years:

(a) in the La Hague reprocessing plant,

(b) in the Thorp reprocessing plant,

(c) in the Dounreay reprocessing plant?

2. What MUF value (expressed as a percentage of the throughput of fissile material) does the Euratom Safeguards expect under normal circumstances in the La Hague and Sellafield reprocessing plants?

3. Is there a formal agreement (in the sense of a 'facility attachment') between the operators of the reprocessing plants at Sellafield, La Hague and Dounreay and the International Atomic Energy Agency on the monitoring of those plants by IAEA inspectors? If not, why not?

4. How many kilograms of separated plutonium are there currently in the EU, broken down by individual locations?

5. Is there an EU agreement or a Directive banning the storage of large quantities of plutonium in a non-atomic weapon State where there is no guarantee that the fissile material will be reprocessed as part of a civil nuclear programme?

6. Is it true that under a 1984 agreement between the Member States of the EU the plutonium of German origin stockpiled in La Hague will not be transferred to the Federal Republic until it can be reprocessed to MOX fuel elements (see Nuclear Fuel, 21 June 1993)?

7. Does Community law permit nuclear states in the Union to use for nuclear weapons fissile material originating in non-nuclear States of the Union?

Answer given by Mr Oreja
on behalf of the Commission

(30 November 1994)

1. Commission is not at liberty to disclose actual values of Material Unaccounted For (MUF).

2. MUF denotes a book physical inventory difference which is a random variable oscillating around the '0' value. In order to evaluate MUF, the standard deviation of MUF is one of the appropriate statistical testers whose numerical values are frequently in the range of 2/10 of one percent. It should, however, be mentioned that a number of additional evaluation methods are applied to safeguard reprocessing plants and the attention of the Honourable Member is drawn, for example, to the report on the operation of Euratom safeguards [1], where the methodology is described in more detail.

3. Civil nuclear installations of the Community, apart from being under Euratom safeguards, are subject to IAEA safeguards pursuant to the voluntary offer safeguards agreements Infcirc/263 and Infcirc/290. The designation of

such installations for IAEA inspections is a decision of the IAEA and installations at La Hague and Sellafield have been so designated.

4. In the Safeguards Report [1] at page 8, Table II.2 is stated that on 31 December 1992 approximately 72,000 kg of the plutonium stock was in form of fresh i.e. reprocessed plutonium. The Commission is not at liberty to disclose detailed stock figures.

5. There is no Regulation which would forbid the storage of amounts of plutonium in a non-nuclear weapon Member State of the Community. Moreover, the Commission would not consider such a Regulation as meaningful, since:

(a) Pursuant to Chapter VIII of the Euratom Treaty (Article 86) 'The special fissile materials shall be the property of the Community'.

(b) Safeguarding of plutonium storages can be and is being performed in a particularly cost effective fashion, i.e., high quality safeguards with comparatively low costs.

6. The Commission has not been informed about such an agreement between Member States.

7. In view of Chapter VIII of the Treaty there is no need to follow the origin of the nuclear material in the Community but only — pursuant to Article 77b — the safeguarding obligations on nuclear material. To this end the Commission re-confirms that one of the objectives of safeguards, pursuant to Chapter VII of the Treaty is to ensure that there is no net loss of civil material to non-civil use in quantity and quality.

[1] COM(94) 282 final.

WRITTEN QUESTION E-2184/94
by Sérgio Ribeiro (GUE)
to the Commission
(21 October 1994)
(95/C 36/89)

Subject: Abuse of the freedom of movement in the contracting of workers

The freedom of movement of persons is being seriously exploited as a means of contracting workers in Portugal to work in other Community countries in situations where fake contracts, low wages, long working hours, poor living and working conditions and no right to social security are the norm: witness the recent case of 1 800 Portuguese who had been working in Germany and returned to Portugal with the support of the Portuguese authorities.

Is the Commission aware of these situations? What measures does it intend to take to protect the economic and social rights of citizens of Member States working under sub-contract in a Community country other than their country of origin?

Answer given by Mr Flynn
on behalf of the Commission
(7 December 1994)

The Commission is aware of the risk of exploitation of workers in trans-national sub-contracting, and is concerned at the situation of Portuguese workers employed in the building trade in several parts of Germany. While the free provision of services must be encouraged in the Community, it should not lead to abuses in the use of manpower.

This was the approach taken by the Commission when it draw up its proposal for a Directive on the posting of workers in the framework of the provision of services. The very purpose of the legal certainty which this proposal would provide is to encourage the mobility of workers by preventing abuses of this kind, which endanger the free provision of services and fair competition between companies.

The national social security systems are, by virtue of Article 51 of the EC Treaty, coordinated by Council Regulation (EEC) No 1408/71 [1]. Title II of the Regulation lays down rules that determine the applicable social security legislation including the general principle that people are subject only to the legislation of the Member State on whose territory they exercise an activity (Article 13 (2) (a)—(b)). Title II provides for several exceptions to this rule, in particular in the case of posting (Articles 14 and 14 (a)). Within the restrictions provided in these articles, those posted remain subject to the legislation of the Member State on whose territory they normally exercise their activity. In order to prove that they fulfil the conditions of Articles 14 and 14 (a), the authorities issue form E101 to them.

The Commission amended its original proposal at the request of the Parliament to include a provision to encourage cooperation between Member States and mutual assistance in replying to any request for information about the working conditions applicable to posted workers, including manifest abuse and possible cases of illegal cross-border activity.

In addition, any worker required to work in another Member State must, under Council Directive 91/533/EEC

of 14 October 1991 [2], be informed of the terms of his contract or working relationship.

[1] OJ No L 149, 5. 7. 1971.
[2] OJ No L 288, 18. 10.1991.

WRITTEN QUESTION E-2194/94
by Alexandros Alavanos (GUE)
to the Commission
(21 October 1994)
(95/C 36/90)

Subject: Discrimination in education

A Greek student who passed the French baccalauréat applied in July 1994 to the Faculty of Law at the Free University of Brussels (ULB). After one month she received a letter of rejection stating that she should go to a French university or that she should first have been accepted by a Greek university. Can the Commission state whether the ULB has any right under Community law to refuse this student who has passed the baccalauréat?

Answer given by Mr Flynn
on behalf of the Commission
(9 December 1994)

The Commission brought an action against Belgium in connection with Community nationals' access to vocational training, mainly at university level, in Belgium. The Court ruled on 3 May 1994 (in Case 47/93) that Belgium had failed to fulfil its obligations under Articles 5 and 7 of the EC Treaty.

The Commission is now investigating whether Belgium has taken steps to comply with the judgment of the Court of Justice.

WRITTEN QUESTION E-2196/94
by Alexandros Alavanos (GUE)
to the Commission
(21 October 1994)
(95/C 36/91)

Subject: Review of the system of protected habitats in Greece

There are increasing calls for the protection of habitats in Greece which have not been included in any protection programme, despite the fact that several of them have been mentioned in the Corine Programme. The municipality of Nea Artaki is calling for the Livadi area, between the municipalities of Nea Artaki and Psakhna, to be designated a protected habitat. The Elikon Conservation Committee, backed by 300 signatures from the inhabitants of Thebes, Thespies, Askraia, Livadia, Lefktra, etc., is calling for Mt. Elikon to be designated a protected habitat.

Can the Commission state:

1. what steps it will take to carry out a general review of habitats of Community interest in Greece so as to include new, environmentally important habitats?

2. what action it can take in the event of damage to habitats mentioned in programmes such as Corine?

Answer given by Mr Paleokrassas
on behalf of the Commission
(22 November 1994)

1. The Livadi biotope on Mount Elikon can be protected through inclusion in the 'Natura 2000' ecological network of special conservation areas. The Greek authorities are helping to set up the network through the 1994 LIFE project 'Inventory, identification, evaluation and mapping of the habitat types and fauna and flora species in Greece'.

2. When biotopes listed in the Corine inventory are damaged the Commission can intervene in respect of Member States' obligations under Community law.

WRITTEN QUESTION E-2205/94
by Maria Aglietta (V)
to the Commission
(21 October 1994)
(95/C 36/92)

Subject: Approval of the Carru'-Cuneo motorway link project and the negative conclusions of the Environmental Impact Assessment (EIA) Committee

Mr Bettini made representations in the past to the Commission highlighting the danger of approving the Carru'-Cuneo motorway link project despite the negative conclusions of the EIA Committee. In its reply, the Commission notified him of the previous Italian Government's decision to scrap the project.

By a decree of the Prime Minister of 6 September 1994 the Italian Government decided to approve the Satap project for the construction of the A6 motorway link between Massimini and Cuneo, this being the scheme concerning

which the Environment Ministry's EIA Directorate-General had delivered a negative opinion in 1992.

As a result of the wording of the prime ministerial decree of 6 September 1994, the Environment Minister, Mr Matteoli, has announced that the cannot make critical comments on the project's compatibility with the environment on the basis of the technical assessment carried out.

What steps does the Commission intend to take in this matter, taking into account also the fact that local inhabitants have submitted a petition to the European Parliament through the Legambiente (the Italian League for the Environment) criticizing the scheme?

Answer given by Mr Paleokrassas
on behalf of the Commission
(22 November 1994)

The Commission has taken the matter up with the Italien authorities once more and the Honourable Member will be kept informed of developments.

WRITTEN QUESTION E-2206/94
by Magda Aelvoet (V)
to the Commission
(21 October 1994)
(95/C 36/93)

Subject: Logging agreement between Cameroon and France

According to reports in the 'Cameroon Post' and the 'New Scientist' of 29 January 1994, an agreement has been signed between France and Cameroon in which a part of Cameroon's debts have been written off in exchange for almost exclusive exploitation rights for the tropical forest in Cameroon for a number of French enterprises.

The main company concerned is the 'Société forestière industrielle de la Doume' (SFID), in which Jean-Christophe Mitterand, son of the French President, is one of the leading figures. SFID forms part of the Rougier group which has been logging in Cameroon since 1947 and currently exports more than 250 000 m^3 of wood from Cameroon.

1. Can the Commission confirm these reports?

2. In the 1980s, agreements were concluded coupling debt reductions with agreements on forest protection. Does the Commission agree that the opposite is the case in the agreement in question, i.e debt reduction in exchange for logging?

3. What is the Commission's opinion of this agreement?

4. Is such an agreement in keeping with sustainable development and the positions adopted by the European Union, including the European Parliament, concerning rainforests?

5. What measures does the Commission intend to take to stop this agreement being implemented and the resulting large-scale logging in Cameroon?

Answer given by Mr Marín
on behalf of the Commission
(21 November 1994)

The points raised in the Honourable Member's question are matters of bilateral national policy, over which each Member State has complete control.

As a result, the Commission cannot comment on them, particularly as they are the product of press speculation.

WRITTEN QUESTION E-2210/94
by Luigi Florio (FE)
to the Commission
(13 October 1994)
(95/C 36/94)

Subject: Behaviour of certain magistrates in Italy

Does the Commission intend to take steps to remind those Italian magistrates who for some time now have regularly used the media to disclose information covered by judicial secrecy, to make statements which amount to 'warnings' or to announce political and legislative initiatives of their own, of the need to respect the principles on which the rule of law is based?

Answer given by Mr Flynn
on behalf of the Commission
(7 November 1994)

While it is fully associated with work in the field of judicial cooperation and enjoys a right of initiative where this cooperation relates to civil matters, the Commission does not consider that it has any power to intervene in the internal professional code of ethics applicable to the

judiciary in a Member State, who come under the sole jurisdiction of the authorities of the State.

WRITTEN QUESTION E-2220/94
by Michl Ebner (PPE)
to the Commission
(21 October 1994)
(95/C 36/95)

Subject: Design of car registration plates in the EU

It has to be recognized that symbols are often far better able to promote the European consciousness of citizens in the Member States than some important but very technocratic regulations.

For this reason, the introduction of a common motor vehicle registration plate in the Member States of the Community would be of great importance.

How successful have been the efforts to introduce a common motor vehicle registration plate in the Member States incorporating the flag of the European Union in its design?

Answer given by Mr Oreja
on behalf of the Commission
(9 December 1994)

The Commission would refer the Honourable Member to its answer to Written Question No 2574/92 by Mr Fernandez-Albor [1].

[1] OJ No C 86, 26. 3. 1993.

WRITTEN QUESTION E-2230/94
by Carole Tongue (PSE)
to the Commission
(18 October 1994)
(95/C 36/96)

Subject: Study on transfer of operations

Given proposed changes in the UK operations of British Gas, which include transfer of operations to different contractors, would the Commission undertake a study into the compatibility of these changes with the relevant EU legislation?

Answer given by Mr Oreja
on behalf of the Commission
(7 November 1994)

The Commission is aware of the intention of the British Government to open the gas market to more competition and choice. It welcomes any move towards the objective of the Commission's proposal for common rules for the internal natural gas market (amended proposal for a Directive concerning rules for the internal market in gas) [1].

As guardian of the EC Treaty, the Commission will closely examine, under its usual procedures, any issues which arise concerning the compatibility with the Community law of any changes in the United Kingdom.

[1] OJ No C 123, 4. 5. 1994.

WRITTEN QUESTION E-2233/94
by Anita Pollack (PSE)
to the Commission
(26 October 1994)
(95/C 36/97)

Subject: International Green Cross

Is the Commission aware of the ecological organization known as International Green Cross which is developing in some countries following an initiative by Mikhail Gorbachev in 1993 and does it have any contact with this organization?

Answer given by Mr Paleokrassas
on behalf of the Commission
(22 November 1994)

The Commission is aware of the creation of the International Green Cross.

The Commission has no contact with this organization. Nevertheless the Commission has received two requests for funding from a national Green Cross, namely the UK Green Cross. The first was not eligible for funding, whereas the second is still under examination.

WRITTEN QUESTION E-2242/94
by Kirsten Jensen (PSE)
to the Commission
(26 October 1994)
(95/C 36/98)

Subject: Eco-labelling of products

Is it true that, under the eco-labelling scheme, the higher the sales of an environment-friendly product, the more has to be paid for the label, or are the costs of awarding labels paid on a once-only basis, so that choosing such products is a commercially attractive proposition and changes in consumer habits do not mean that producers or retailers are worse off?

Answer given by Mr Paleokrassas
on behalf of the Commission
(30 November 1994)

Every application for the award of an eco-label is subject to the payment of an application fee, the guideline figure for which is ECU 500. In addition, the applicant is required to pay an annual fee, calculated as a percentage of the annual volume of sales within the Community of the product to which the eco-label is awarded. The guideline figure for the percentage of the annual volume of sales is 0,15 %. However, competent bodies are at liberty to set fees at levels 20 % greater or smaller than the guideline figures mentioned above.

The indicative guidelines for the fixing of costs and fees in connection with the eco-label are detailed in Commission Decision 93/326/EEC [1].

[1] OJ No L 129, 27. 5. 1993.

WRITTEN QUESTION E-2243/94
by Mihail Papayannakis (GUE)
to the Commission
(26 October 1994)
(95/C 36/99)

Subject: Violation of Directive 90/313/EEC

In his reply of 23 February 1994 to my Written Question E-2880/93 [1] the Commissioner for the Environment states 'pursuant to Article 169 of the EEC Treaty the Commission has already instituted proceedings against Greece for failure to communicate national measures implementing Directive 90/313/EEC [2] on the freedom of access to information on the environment. The proceedings are now under way.'

Since I often receive complaints that those concerned are unable to obtain information about major projects in Greece, will the Commission say exactly what progress has been made as regards the initiation of proceedings under Article 169 and what deadlines the relevant Greek authorities have been given to comply with the above Directive?

[1] OJ No C 251, 8. 9. 1994, p. 20.
[2] OJ No L 158, 23. 6. 1990, p. 56.

Answer given by Mr Paleokrassas
on behalf of the Commission
(23 November 1994)

As stated in its anwer to Written Question No 2880/93, the Commission did indeed institute the proceedings provided for in Article 169 of the Treaty against Greece for failure to communicate national measures implementing Directive 90/313/EEC (freedom of access to information on the environment) and sent the Greek authorities a letter of formal notice.

As Greece did not reply to this letter, the Commission then forwarded a reasoned opinion to the Greek Government concerning its failure to communicate national measures implementing the Directive in question.

Greece has not yet responded to the reasoned opinion. The Commission will decide what steps to take next by the end of the year.

WRITTEN QUESTION E-2248/94
by Peter Truscott (PSE)
to the Commission
(26 October 1994)
(95/C 36/100)

Subject: Raytheon Corporate Jets (UK)

Could the Commission comment on the proposed closure of the UK plant at Hatfield by Raytheon Corporate Jets and the transfer of European aviation skills and technology to the United States. Does the Commission see such technology and skill transfers as a possible threat to the Airbus project?

Answer given by Mr Bangemann on behalf of the Commission

(23 November 1994)

Although the Commission is not in a position to comment on the particular factors leading up to Raytheon's recent announcement of the decision to transfer production of corporate jets to Wichita, Kansas, it is naturally saddened by the impending closure of the facilities at Hatfield and Broughton in the United Kingdom.

In its communication [1] of 29 April 1992 entitled 'The European Aircraft Industry: First assessment and possible Community actions', the Commission recognized the importance of technological and skill levels among the factors vital to the continued development of a strong, competitive and dynamic European aircraft industry.

[1] COM(92) 164 final.

WRITTEN QUESTION E-2254/94
by David Bowe (PSE)
to the Commission
(9 November 1994)
(95/C 36/101)

Subject: Import, sale and use of CFCs

Does the Commission propose to take any action with regard to the recent illegal import, sale and use of CFCs in the Union?

Answer given by Mr Paleokrassas on behalf of the Commission

(6 December 1994)

The Commission has followed with concern the recent press coverage of an alleged illegal trade in chlorofluorocarbons.

European legislation on ozone depleting substances makes the release into free circulation in the Community of controlled substances subject to quantitative limits and to the presentation of an import licence issued by the Commission. The authorities of the Member State into which the importation is expected receive a copy of each licence issued.

In 1994 the Commission adopted a number of measures to tighten the control on imports of ozone depleting substances. In order to implement these tighter controls effectively the Commission relies on close collaboration with Member States to vet prospective importers and to ensure that the holders of import quotas are complying with the requirements of Council Regulation (EEC) No 594/91 [1] on ozone depleting substance.

The Commission has also addressed the issue of apparent illegal imports in its regular Igpol meetings (industrial group for the protection of the ozone layer) where it requested industry for help in providing clear evidence and data.

[1] OJ No L 67, 14. 3. 1991.

WRITTEN QUESTION E-2272/94
by Wolfgang Kreissl-Dörfler (V)
to the Commission
(31 October 1994)
(95/C 36/102)

Subject: Final report on the Munich-Verona Brenner Pass route

Has the Commission received the final report on the construction of the new Munich-Verona Brenner Pass route?

What is the Commission's assessment of the report?

Have alternative routes, especially ones which would take less time to build than the Brenner Pass route, been assessed?

Can the Commission supply a copy of the final report?

Answer given by Mr Paleokrassas on behalf of the Commission

(2 December 1994)

The Commission has received a copy of a feasibility study which has been carried out in relation to the Munich-Verona Brenner Pass.

This study only considers the question of the feasibility of the project. If the project goes ahead a full environmental impact assessment will be required under Council Directive 85/337/EEC [1] on the assessment of the effects of certain public and private projects on the environment. Assessments under the Directive are required, where appropriate, to refer to the main alternatives studied by the developer. The relevant authorities in the Member States concerned will have to take the assessment into account during the development consent process.

As the agreement of the Member States concerned is necessary the Honourable Member should in the first instance clarify with them.

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

WRITTEN QUESTION E-2276/94
by Alfred Lomas (PSE)
to the Commission
(9 November 1994)
(95/C 36/103)

Subject: UK contravention of EC Directives on pollution

An organization in my constituency, LAMP (Londoners against Media Pollution) has supplied the Radiation Protection department of the EC with evidence, firstly, on fire risks and, secondly, on emissions to the atmosphere and to water from local printworks in East London. Both reports were accepted by the Commission with the assurance that they would be registered as complaints and that file numbers would be sent. The EC assured LAMP that Regulations were indeed being broken and that there were EC Directives which were being contravened by the British Government.

No file numbers were issued. I wrote to the Radiation Protection department and was advised that pressure should be brought to bear on the UK authorities to comply with the EC Directives. LAMP has spent several years pressurizing the UK authorities to do just that. Will the Commission now take action to ensure that the UK Government complies with the EC Directives?

Answer given by Mr Paleokrassas
on behalf of the Commission
(7 December 1994)

The information supplied, which related to several environmental Directives, was registered as a complaint and investigated by the Commission.

In respect of the Directive relating to accident hazards and emissions to air, the available information was inadequate to enable the Commission to determine whether or not the provisions of the relevant Directives had been complied with. Information provided in respect of other Directives did not indicate a breach of their provisions. Included in this latter category was the complainant's allegation that caesium 137, strontium 90, plutonium and radium were present in drinking water. These substances are not included within the terms of Directive 80/778/EEC (1) relating to the quality of water intended for human consumption and therefore their presence in drinking water cannot indicate a breach of the Directive.

In the light of its investigations the Commission decided to close the file and informed the complainant of its decision.

(1) OJ No L 229, 30. 8. 1980.

WRITTEN QUESTION E-2282/94
by Roberto Mezzaroma (FE)
to the Commission
(9 November 1994)
(95/C 36/104)

Subject: Protecting the human dignity of the disabled and their families

Can the Commission say how Community measures and programmes take into account the need to protect the (human) dignity of the disabled?

Can the Commission say whether and, if so, provide reliable details showing how, Community measures have helped the disabled?

Answer given by Mr Flynn
on behalf of the Commission
(19 December 1994)

The main responsibility for protecting the human dignity of the disabled and their families lies with the Member States. However, the Commission is running Community-level cooperation projects, mainly on the basis of the Helios II Programme, aimed at increasing the effectiveness of measures which can be taken in this area. The specific contribution made by the Helios Programme is to highlight the need for a comprehensive and coherent policy which takes account of all the needs, expectations and aspects of the everyday lives of disabled people, including the question of their fundamental rights being respected.

Two examples show the direct contribution made by the Helios Programme to helping disables people:

— the creation of the European Disability Forum, which allows the disabled to express, through their representative bodies, their views on the Commission's policy regarding the disabled, and which has also given rise to the creation of national representative councils for the disabled in several Member States;

— the start-up of the Handynet system, which provides the disabled, their families and rehabilitation specialists with information on technical aids available on the European market.

The European Social Fund, particularly through the Horizon initiative, and the TIDE Programme also provide for measures having a direct bearing on the integration of disabled people.

Finally, it should be emphasised that the White Paper on European Social Policy [1] proposes that Community activities should in future be widened to include specific measures to combat discrimination, especially against the disabled.

[1] COM(94) 333.

WRITTEN QUESTION E-2283/94
by Ursula Schleicher (PPE)
to the Commission
(9 November 1994)
(95/C 36/105)

Subject: WHO Conference on 'Environment and Health' in Helsinki of June 1994

In May 1994, the European Parliament adopted a resolution on the environment and health stating its position with regard to the Helsinki Conference.

Can the Commission, as a participant at the Conference, indicate which of the European Parliament's demands it intends to implement in the European Union on the basis of the outcome of the Helsinki Conference?

Answer given by Mr Flynn
on behalf of the Commission
(13 December 1994)

Parliament's resolution was circulated to all participants at the Helsinki Conference, and the conclusions of the action plan for the environment and health in Europe, which was adopted on 22 June 1994, included the following:

Paragraph 32:

> 'We note with satisfaction the resolution of the European Parliament submitted to this Conference. We are confident that collectively we have the will, the means and the commitment to succeed in these endeavours.'

As regards the Community's general approach and priorities for the application of Article 129 of the EC Treaty, the Commission has drawn up a communication on the framework for action in the field of public health [1] and is endeavouring to produce proposals for Parliament and Council Decisions on action programmes, four of which have already been presented:

— promotion, education and training in the field of public health,

— cancer,

— drugs,

— AIDS and certain other communicable diseases.

In the more specific area of diseases related to environmental pollution, preparatory work is under way, since this area was established as a priority in the abovementioned communication. The Commission will take full account of the resolution of Parliament and of the results of the abovementioned conference in this work.

[1] COM(93) 559 final.

WRITTEN QUESTION E-2284/94
by Brian Crowley (RDE)
to the Commission
(31 October 1994)
(95/C 36/106)

Subject: Unemployment benefits

Has the Commission assessed the different rates paid to the unemployed in the individual Member States and, if so, can it provide details of these rates for comparative purposes?

Answer given by Mr Flynn
on behalf of the Commission
(18 November 1994)

Following Council recommendation 92/442/EEC of 27 July 1994 [1] on the convergence of social protection objectives and policies, the Commission will submit regular reports on the development of Member States' policies. The first report [2] has been published in 1994 under the title 'Social Protection in Europe'. Chapter IV contains a comparison on unemployment benefits (table 11, pages 57-58) calculated at July 1992 levels as a percentage of the average earnings of manual workers in manufacturing industry.

[1] OJ No L 245, 26. 8. 1992.
[2] COM(93) 531.

WRITTEN QUESTION E-2306/94
by Sérgio Ribeiro (GUE)
to the Commission
(15 November 1994)
(95/C 36/107)

Subject: Accidents at Portuguese construction sites

Portugal has one of the worst records amongst the Member States for accidents at work, some of them on a large scale, such as a recent accident in Setúbal, which appears to have taken place in a temporary construction site during civil building work and claimed seven victims.

As there is a Directive (No 92/57/EEC [1]), concerning minimum safety and health standards to be observed at temporary or mobile construction sites, and since Portugal, as a Member State, was obliged to 'bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1993 at the latest' (Article 14), which it did not do, despite the fact that somewhat ironically, the Directive had been signed by the Portuguese Minister who was President-in-Office of the Council, can the Commission state whether it does not share the responsibility of the authorities of the Member State for accidents which have occurred because no action was taken to ensure that Article 14 of the Directive was complied with?

[1] OJ No L 245, 26. 8. 1992, p. 6.

Answer given by Mr Flynn
on behalf of the Commission
(7 December 1994)

Under the terms of Article 14 (1) of Directive 92/57/EEC, it is for the Member States to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive.

For its part, the Commission has initiated proceedings against Portugal on the basis of Article 169 of the EC Treaty for failure to communicate any measures incorporating the Directive into national law.

WRITTEN QUESTION E-2309/94
by Graham Watson (ELDR)
to the Commission
(15 November 1994)
(95/C 36/108)

Subject: Accountability of EU development aid policy

Most aid donors produce an annual report informing the public of their activities. Will the Commission undertake to publish a report of this kind on EU development cooperation, covering activities under the EDF and the EU budget?

Answer given by Mr Marín
on behalf of the Commission
(30 November 1994)

Each autumn, the Commission prepares a report on the Community's development aid.

The report gives an overview of all such aid, from both EDF and budget sources, targeted at countries covered by the Lomé Conventions and others in the Mediterranean, Asia and Latin America.

The OECD development aid committee examines the report each year.

WRITTEN QUESTION E-2314/94
by Thomas Megahy (PSE)
to the Commission
(15 November 1994)
(95/C 36/109)

Subject: Homelessness

The Commission's White Paper on European Social Policy — A Way Forward For The Union, whilst showing an awareness that housing is a key issue in combating social exclusion (Chap VI, Articles 15 and 20), fails to deal with homelessness and does not put forward any measures either to prevent homelessness or to help its victims.

Has the Commission any plans to address this problem some time in the near future?

Answer given by Mr Flynn
on behalf of the Commission
(30 November 1994)

As indicated in the White Paper on European Social Policy [1] the prevention of homelessness is an integral part of the on-going battle against social exclusion.

However, it must be pointed out that housing policy is primarily a matter for national, regional and local authorities; and, in application of the principle of subsidiarity, the Commission's primary function lies in

contributing to the process of cooperation, at Community level, between the Member States. The Commission supports the exchange of information, mainly through informal meetings between the ministers responsible for housing in the Member States. In the most recent declaration adopted by the ministers on 6/7 July 1994, the link between housing and social exclusion was recognized, and the Commission was invited to keep the ministers informed about its initiatives in the field of social exclusion.

Nevertheless, the means to fight and to reduce homelessness was one of the main issues tackled within all three of the Community programmes to combat poverty, and is fully taken on board in the Commission's proposal in September 1993 ([2]) for a new programme to combat exclusion and promote solidarity. It should be mentioned, however, that the Commission's approach — whether within the earlier programmes or in its proposal for a new one — does not address the situation of specific population groups, but an integrated or 'multidimensional' approach to social exclusion in a given area. This being said, the improvement of housing conditions and the integration of homeless people were important elements in several of the model actions supported by the 'Poverty 3' Programme, in particular in urban areas.

In addition, the Commission cooperates with the European federation of associations working with homeless people (Feantsa), a network created as a follow-up to the implementation of the second Community programme to combat poverty, or 'Poverty 2', and which includes several associations supported in the context of this programme. Feantsa activities at European level are co-funded by the Commission on a regular basis. Feantsa is a member of the European anti-poverty network (EAPN) which is not only fully supported in financial terms by the Commission, but is also consulted by the Commission on poverty and exclusion issues.

([1]) COM(94) 333 final.
([2]) COM(93) 435 final.

WRITTEN QUESTION E-2395/94
by Hugh McMahon (PSE)
to the Commission
(8 November 1994)
(95/C 36/110)

Subject: Budget line B3.4004 1993-94

How many applications have been approved under this line and which unions and what countries have been the recipients?

Which applications have been rejected and why, and which are still under consideration?

Answer given by Mr Flynn
on behalf of the Commission
(2 December 1994)

With regard to the 1993 financial year, the list of projects undertaken, classified by Member State, is being forwarded directly by the Commission to the Honourable Member and to the Secretariat of Parliament. A total of 122 projects entailing 290 measures, costing ECU 15,5 million, were launched.

As regards the 1994 financial year, the situation at 4 November 1994 is as follows: the total number of applications received by the Commission stands at 169, representing 338 measures at an overall cost of ECU 19,7 million. 114 applications have been accepted, representing 232 measures to the amount of ECU 10,3 million. 20 applications have been rejected, representing 20 measures to the amount of ECU 2 million. A commitment has been given for 85 applications, representing 168 measures to the amount of ECU 8 million. The list, classified by Member State, is being forwarded directly to the Honourable Member and to the Secretariat of Parliament.

To ensure sound management of the line, it was decided to set 31 October 1994 as the deadline for making applications. A large number of applications arrived at the end of October/beginning of November. 15 applications were received after 4 November 1994, representing 26 measures costing approximately ECU 3 million. The Commission is currently examining all the outstanding applications. About 160 applications are likely to be accepted, representing some 300 measures.

The entire budget line will be utilized. A certain number of applications, in respect of which the measures are scheduled for the end of the first quarter of 1995, may be re-submitted for inclusion in the 1995 budget line.

WRITTEN QUESTION E-2419/94
by Anne André-Léonard (ELDR)
to the Commission
(23 November 1994)
(95/C 36/111)

Subject: Consumer protection and property transactions

The opening of the single European market has institutionalized two basic principles, that is to say freedom

of movement of persons, goods and services, on the one hand, and the right of establishment on the other. However, these principles cannot be put into practice if consumer protection is neglected.

While the Commission has taken a number of general measures for the protection of consumers, no specific rules have been adopted concerning property transactions, although this question has prompted some reports and statements on some points of detail. Many cases have been reported in which Member State nationals have been victims of fraud and dishonesty, frequently as a result of legislative discrepancies within the European Union and the lack of any guarantees at European level for future purchasers.

Does the Commission consider it possible to draw up a Directive on the protection of consumers in respect of all cross-border property transactions within the Union?

Answer given by Mrs Scrivener on behalf of the Commission

(19 November 1994)

The Commission is well aware of dishonest practices in connection with cross-border property transactions and agrees with the Honourable Member about the need for action to be taken at Community level to prevent such practices.

However, the Commission believes that a legislative measure comparable to that proposed could be achieved through the harmonization of national legislations with a view to giving purchasers financial and legal safeguards. Such harmonization would require all Member States to give up important features of their long-established laws governing property ownership; this would explain their reluctance to accept the changes which such harmonization would involve.

The Commission considers that, as a first step, appropriate information on the legislation in force in each of the Member States could help to reduce significantly the number of victims of the abovementioned dishonest practices; in this context, the first steps towards providing more information for property purchasers have already been taken.

Nevertheless, the Commission is aware that these initial steps, however comprehensive they may be, are not enough to solve the problem. The Commission is therefore looking at possible ways of starting a dialogue with the Member States with a view to finding a solution acceptable to all parties while at the same time taking account of the provisions of Article 222 of the EC Treaty.

WRITTEN QUESTION E-2449/94

by Alfred Lomas (PSE)

to the Commission

(30 November 1994)

(95/C 36/112)

Subject: Immigration controls

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

Answer given by Mr Vanni d'Archirafi on behalf of the Commission

(14 December 1994)

The Commission has asked the Member State concerned for information regarding the facts referred to by the Honourable Member. It will inform him of its findings.

WRITTEN QUESTION E-2453/94

by Gijs de Vries (ELDR)

to the Commission

(30 November 1994)

(95/C 36/113)

Subject: Access to Commission data banks for small and medium-sized businesses

The cost of a subscriber link to the Rapid data bank (the Commission's daily press releases) is ECU 102 per hour. This fee, which is the same for multi-nationals and one-man firms alike, is a strong financial deterrent for small businesses and private individuals and is at variance with Parliament's concern to make the European Union more transparent and to bring it closer to the citizen.

1. What is the price policy of the Commission in respect of each of its data banks?

2. Is the Commission prepared to grant easier terms so that small and medium-sized businesses in particular can obtain access to Rapid and the other data banks?

Answer given by Mr Pinheiro on behalf of the Commission

(14 December 1994)

The standard hourly rates for on-line consultation of the databases disseminated by the Commission for which a charge is made are as follows:

— Info 92: ECU 30

— Abel, Eclas, Eurocron, Scad: ECU 60

— Celex, Oil, Rapid, Sesame: ECU 102

— Ted: ECU 60 + ECU 0,8 per document extracted

These prices are in the middle range of the rates charged on the electronic information market in Europe.

The databases are disseminated through a network of some 50 distributors who enable a level of market penetration which could not be achieved by the Commission acting on its own. This network functions properly only if the reference prices applied by the Commission are in line with market levels.

With the specific aim of facilitating access by SMEs to Community information, the Commission has set up a network of some 200 Euro-Info-Centres. Members of this network enjoy preferential terms for interrogating the databases.

In the interests of decentralization, the Commission considers it more appropriate to work with these regional relay centres than to lower artificially the reference price of information for businesses whose membership of a particular economic grouping is difficult to verify.

WRITTEN QUESTION E-2463/94
by Amedeo Amadeo (NI)
to the Commission
(30 November 1994)
(95/C 36/114)

Subject: Free movement of persons

Having the status of 'pensioner' is making life more and more difficult for those who have already contributed to society through years of work. The Community does not help to guarantee pensioners' acquired rights, since retired people who move to another Member State lose the right to supplementary State benefits, and there is still no mutual recognition of the pension contributions of public employees who wish to work in the public administration of another Member State.

Will the Commission undertake to harmonize the laws in the Member States to allow the free movement of all citizens and guarantee their acquired rights throughout the Union?

Answer given by Mr Flynn on behalf of the Commission

(15 December 1994)

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and to members of their families moving within the Community [1] already guarantees the retention of acquired pension rights.

This Regulation, which is based on Article 51 of the EC Treaty, does not provide for the harmonization of the various social security systems, but merely for coordination between them.

It provides for the aggregation of insurance or residence periods completed in any Member State for the purposes of the acquisition and retention rights and their transfer to other Member States.

In April 1992, the Council adopted Regulation (EEC) No 1247/92 [2], which entered into force on 1 June 1992 and extended the material scope of application of Regulation (EEC) No 1408/71 to cover 'special non-contributory benefits'. This means that the abovementioned provision concerning aggregation also applies to these benefits.

However, some of these benefits (i.e. those listed in Annex II B of Regulation (EEC) No 1408/71) are only granted if the beneficiary resides in the territory of the Member State concerned.

As things stand at the moment, the special schemes for civil servants do not fall within the scope of application of Regulation (EEC) No 1408/71.

In December 1991, the Commission submitted a proposal [3] for extending the material scope of application of Regulation (EEC) No 1408/71 to cover the special schemes for civil servants and persons treated as such.

This proposal is pending before the Council.

---

[1] OJ No L 149, 5. 7. 1971.
[2] OJ No L 136, 19. 5. 1992.
[3] OJ No C 46, 20. 2. 1992.

WRITTEN QUESTION E-2525/94
by Anne André-Léonard (ELDR)
to the Commission
(30 November 1994)
(95/C 36/115)

Subject: European year of education and training

1995 is to be the European year of education and training. What initiatives and projects does the Commission plan to implement?

Answer given by Mr Ruberti
on behalf of the Commission
(15 December 1994)

The European Parliament is currently considering a proposal from the Commission for a European Parliament and Council Decision establishing 1996 as the European Year of Lifelong Learning [1]. The allotted budget for 1995 is intended for preparatory measures for 1996.

The actions planned, which are set out in the Annex to this proposal, will be conducted at Community, national, regional and local level in collaboration with the authorities in the Member States. They will consist of promotional campaigns and awareness-raising measures such as the preparation and circulation, via the major public and specialized media, of communication products (e.g. video clips, radio spots, posters, material in printed and computerized form), awareness-raising and public-relations activities in the media (national and regional television networks, specialized press), and the organization of events such as seminars and competitions. All these actions will be aimed at familiarizing the public with the theme of education and lifelong learning by highlighting tangible experiences and achievements.

[1] COM(94) 264 final.