

# Official Journal

## of the European Communities

ISSN 0378-6986

C 85

Volume 34

28 March 1991

English edition

## Information and Notices

---

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<b>I Information</b>	
	<b>European Parliament</b>	
	<i>Written Questions with answer</i>	
91/C 85/01	No 937/89 by Mr Jens-Peter Bonde to the Commission Subject: Scandinavian Link .....	1
91/C 85/02	No 57/90 by Mr Jaak Vandemeulebroucke to the Commission Subject: Exemption from VAT and road tax for disabled people .....	1
91/C 85/03	No 347/90 by Mr Josep Pons Grau to the Commission Subject: Torrential rainfall in the autonomous community of Valencia .....	2
91/C 85/04	No 452/90 by Mr Kenneth Collins to the Commission Subject: EFTA: customs duties and frontier taxes on spirituous beverages .....	2
91/C 85/05	No 523/90 by Mr James Ford to the Commission Subject: Fur trapping .....	3
91/C 85/06	No 587/90 by Mr Gérard Deprez to the Commission Subject: Extension of the PHARE programme .....	3
91/C 85/07	No 727/90 by Mrs Winifred Ewing to the Commission Subject: Research and development in the field of transport .....	3
91/C 85/08	No 775/90 by Mrs Teresa Domingo Segarra to the Commission Subject: Conflict between Spanish fishermen and the Kingdom of Morocco .....	4
91/C 85/09	No 777/90 by Mr José Happart to the Commission Subject: Mobility for young students in the Community .....	4
91/C 85/10	No 969/90 by Mr Hans-Gert Poettering to the Commission Subject: Introduction of turnover tax by the German Federal Postal Administration/Telekom .....	5

<u>Notice No</u>	Contents (continued)	Page
91/C 85/11	No 1054/90 by Mrs Mary Banotti to the Commission Subject: Tedis programme .....	5
91/C 85/12	No 1142/90 by Mrs Winifred Ewing to the Commission Subject: Structure and potential of the East German fishing fleet .....	6
91/C 85/13	No 1176/90 by Mr Frédéric Rosmini to the Commission Subject: Community Rechar programmes .....	6
91/C 85/14	No 1316/90 by Mr José Vázquez Fouz to the Commission Subject: Marketing policy in the fisheries sector .....	6
91/C 85/15	No 1317/90 by Mr José Vázquez Fouz to the Commission Subject: Marketing policy in the fisheries sector .....	6
91/C 85/16	No 1323/90 by Mr John McCartin to the Commission Subject: Tonnage of fishing boats .....	7
91/C 85/17	No 1337/90 by Mr Florus Wijsenbeek to the Commission Subject: Refund of tax on motor vehicles upon export .....	7
91/C 85/18	No 1338/90 by Mr José Vázquez Fouz to the Commission Subject: Fish marketing policy .....	8
91/C 85/19	No 1385/90 by Sir James Scott-Hopkins to the Commission Subject: SME's .....	8
91/C 85/20	No 1396/90 by Mr Neil Blaney to the Commission Subject: Data base for energy forecasts .....	8
91/C 85/21	No 1459/90 by Mr Victor Manuel Arbeloa Muru to the Commission Subject: Illegal sales of works of art .....	9
91/C 85/22	No 1466/90 by Mr Llewellyn Smith to the Commission Subject: Euratom safeguards report: Man-day inspections in each Member State .....	9
91/C 85/23	No 1477/90 by Mr Reinhold Bocklet, Mr Honor Funk, Mrs Hedwig Keppelhoff-Wiechert, Mr Joachim Dalsass to the Commission Subject: Uniform on-farm animal inspection procedures in the EC .....	10
91/C 85/24	No 1479/90 by Mr Dieter Rogalla to the Commission Subject: Practice of law as a profession .....	11
91/C 85/25	No 1486/90 by Mr Jean-Claude Pasty to the Commission Subject: Spread of bovine spongiform encephalopathy in the United Kingdom .....	12
91/C 85/26	No 1594/90 by Mr Herman Verbeek to the Commission Subject: Construction of a harbour on the Rysumer Nacken .....	12
91/C 85/27	No 1595/90 by Mr Herman Verbeek to the Commission Subject: Birth defects in cattle since the Chernobyl disaster .....	13
91/C 85/28	No 1662/90 by Mr Victor Manuel Arbeloa Muru to the Commission Subject: Information on aid to the Third World .....	13

<u>Notice No</u>	Contents (continued)	Page
91/C 85/29	No 1683/90 by Mrs Guadalupe Ruiz-Gimenez Aguilar to the Commission Subject: Fishery agreements between the Community and Latin America .....	14
91/C 85/30	No 1685/90 by Mr Didier Anger to the Commission Subject: Post A 2 COM/50/90 .....	14
91/C 85/31	No 1698/90 by Mr Michael Welsh to the Commission Subject: Environmental impact assessment in Coto Doñana .....	15
91/C 85/32	No 1708/90 by Mrs Anita Pollack to the Commission Subject: Illegal trade in seal skins .....	15
91/C 85/33	No 1769/90 by Mr Luciano Vecchi to the Commission Subject: Implementation of the Community's 'Youth for Europe' programme in Italy .....	15
91/C 85/34	No 1792/90 by Mrs Johanna-Christina Grund to the Commission Subject: Pregnancy and maternity legislation applying to European Community staff .....	16
91/C 85/35	No 1833/90 by Mr José Valverde López to the Commission Subject: Failure by Italy and the Federal Republic of Germany to implement the directive on certain activities in the field of pharmacy .....	17
91/C 85/36	No 1840/90 by Mr Jean-Pierre Raffarin to the Commission Subject: Aid for the film industry .....	17
91/C 85/37	No 1846/90 by Mr Hemmo Muntingh and Mr Eisso Woltjer to the Commission Subject: Reduced herring TAC .....	17
91/C 85/38	No 1848/90 by Mr Florus Wijsenbeek to the Commission Subject: Insurance in respect of combined transport .....	19
91/C 85/39	No 1849/90 by Mr Florus Wijsenbeek to the Commission Subject: Transport insurance .....	19
	Joint answer to Written Questions Nos 1848/90 and 1849/90 .....	19
91/C 85/40	No 1858/90 by Mrs Jessica Larive to the Commission Subject: Competition and the internal energy market .....	19
91/C 85/41	No 1859/90 by Mr Lyndon Harrison to the Commission Subject: Structural Funds and the environment .....	20
91/C 85/42	No 1888/90 by Mrs Marie Jepsen to the Commission Subject: Commission's use of services provided by private financial institutions .....	20
91/C 85/43	No 1891/90 by Mr Joachim Dalsass to the Commission Subject: Drawing up a charter of ethnic rights .....	21
91/C 85/44	No 1898/90 by Mr Victor Manuel Arbeloa Muru to the Commission Subject: The Federal Republic of Germany and the Structural Funds .....	21
91/C 85/45	No 1922/90 by Mr Gérard Monnier-Besombes to the Commission Subject: Effects of drift nets on protected species in the Atlantic .....	22

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
91/C 85/46	No 1934/90 by Mr Gerardo Fernández-Albor to the Commission Subject: Twinning arrangements between European Community and Third World cities .....	22
91/C 85/47	No 1937/90 by Mr Yves Galland to the Commission Subject: Dairy quotas in mountain areas .....	23
91/C 85/48	No 1950/90 by Mrs Pasqualina Napoletano to the Commission Subject: National officials on secondment .....	24
91/C 85/49	No 2043/90 by Mrs Michèle Alliot-Marie to the Commission Subject: Financial and tax to customs and forwarding agents in difficulties .....	24
91/C 85/50	No 2049/90 by Mrs Raymonde Dury to the Commission Subject: Community subsidies for a rock concert .....	25
91/C 85/51	No 2484/90 by Mrs Birgit Cramon Daiber to the Commission Subject: Financial support for 'The Wall' concert staged in July 1990 in Berlin .....	25
	Joint answer to Written Questions Nos 2049/90 and 2484/90 .....	25
91/C 85/52	No 2055/90 by Mr Ernest Glinne to the Commission Subject: European Community contribution to the programme to safeguard Amazonia and the problems raised by the BR 364 highway project .....	26
91/C 85/53	No 2081/90 by Mr Harrison to the Commission Subject: Working languages of the European Communities .....	27
91/C 85/54	No 2099/90 by Mrs Hedwig Keppelhoff-Wiechert to the Commission Subject: Restructuring of the European Social Fund .....	27
91/C 85/55	No 2112/90 by Mr Gijs de Vries to the Commission Subject: Draft US legislation concerning standardization .....	28
91/C 85/56	No 2133/90 by Mr Gijs de Vries to the Commission Subject: Article 115 of the EEC Treaty .....	28
91/C 85/57	No 2136/90 by Mr Gijs de Vries to the Commission Subject: The importation of matching sets of clothes .....	29
91/C 85/58	No 2146/90 by Mr Ian White to the Commission Subject: Driving offences .....	29
91/C 85/59	No 2149/90 by Mr José Happart to the Commission Subject: Importance of social security for those exercising the occupation of farmer .....	30
91/C 85/60	No 2175/90 by Mr Ernest Glinne and Mr Henri Saby to the Commission Subject: The need to support national reconciliation in Guatemala .....	31
91/C 85/61	No 2209/90 by Mrs Maartje van Putten to the Commission Subject: Programme for guaranteed employment in India .....	31
91/C 85/62	No 2217/90 by Mr Victor Manuel Arbeloa Muru to the Commission Subject: Investment in Navarra as an Objective II region .....	32

<u>Notice No</u>	Contents (continued)	Page
91/C 85/63	No 2258/90 by Mr Anthony Simpson to the Commission Subject: Classification of camcorders .....	33
91/C 85/64	No 2268/90 by Mr James Nicholson to the Commission Subject: Customs officers .....	33
91/C 85/65	No 2299/90 by Mrs Christine Crawley to the Commission Subject: Maritime shipping laws .....	34
91/C 85/66	No 2312/90 by Mrs Cristiana Muscardini to the Commission Subject: False image of coloured immigrants .....	34
91/C 85/67	No 2313/90 by Mrs Cristiana Muscardini to the Commission Subject: Problems for Turner's syndrome victims resulting from the design of buildings .....	34
91/C 85/68	No 2319/90 by Mr Ernest Glinne to the Commission Subject: Administrative Commission on Social Security for Migrant Workers .....	35
91/C 85/69	No 2328/90 by Mr Yves Verwaerde to the Commission Subject: Community social policy .....	35
91/C 85/70	No 2336/90 by Mr Dieter Rogalla to the Commission Subject: The Mattheus programme .....	36
91/C 85/71	No 2370/90 by Mr Filippas Pierros to the Commission Subject: Implementation of Regulation (EEC) No 2242/87 in Greece .....	37
91/C 85/72	No 2375/90 by Mr Karl von Wogau to the Commission Subject: Harmonization of technical standards .....	37
91/C 85/73	No 2379/90 by Mrs Christine Crawley to the Commission Subject: Appropriate questions on application forms .....	38
91/C 85/74	No 2387/90 by Mr José Valverde López to the Commission Subject: Community action in Gibraltar under the European Social Fund .....	38
91/C 85/75	No 2408/90 by Mrs Mary Banotti to the Commission Subject: Environmental impact assessment and irrigation .....	38
91/C 85/76	No 2412/90 by Mr Alonso Puerta to the Commission Subject: The 'Química del Nalón' undertaking .....	39
91/C 85/77	No 2446/90 by Mr Carlos Robles Piquer to the Commission Subject: Specialized workforce for the installation of solar energy facilities .....	39
91/C 85/78	No 2453/90 by Mr Fernand Herman to the Commission Subject: Authorization for the Belgian National Giro Office to issue credit cards .....	40
91/C 85/79	No 2462/90 by Mr José Barros Moura to the Commission Subject: ESF payments to Portugal .....	40
91/C 85/80	No 2525/90 by Mr Jesús Cabezón Alonso to the Commission Subject: Objective 5 (b) and Cantabria (Spain) .....	41

(Continued overleaf)

<u>Notice No</u>	Contents (continued)	Page
91/C 85/81	No 2622/90 by Mrs Christine Oddy to the Commission Subject: Cot deaths in Member States .....	41
91/C 85/82	No 2644/90 by Mr Gérard Monnier-Besombes to the Commission Subject: Implementation of Directive 79/409/EEC: special protection area for Bonelli's eagle (Hieraetus fasciatus) in France .....	42
91/C 85/83	No 2654/90 by Mrs Raymonde Dury to the Commission Subject: Equal opportunities for men and women .....	42
91/C 85/84	No 2715/90 by Mr José Barros Moura to the Commission Subject: Poverty in Portugal .....	42
91/C 85/85	No 2729/90 by Mr Henry McCubbin to the Commission Subject: Retirement pensions — equality for men and women .....	43
91/C 85/86	No 2750/90 by Mr Carlos Robles Piquer to the Commission Subject: Eurotalent and Eurointel .....	43
91/C 85/87	No 2898/90 by Mr Henry Chabert to the Commission Subject: Situation of conscientious objectors in Greece .....	44

## I

*(Information)*

## EUROPEAN PARLIAMENT

## WRITTEN QUESTIONS WITH ANSWER

**WRITTEN QUESTION No 937/89****by Mr Jens-Peter Bonde (ARC)****to the Commission of the European Communities***(7 December 1989)**(91/C 85/01)**Subject: Scandinavian Link*

Has the Community made a contribution to the Scandinavian Link project or is it considering doing so? If so, what is the amount in question and to what organization or private individual is it payable? Are there conditions attached to the aid? Is it, for example, earmarked for specific purposes?

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

*(26 March 1990)*

The Community has provided financial support to the Scandinavian Link project within the framework of the transport infrastructure programme. Financial support has been granted for the completion of preparatory studies (ECU 1 million) and for the electrification of the Ringsted-Odense railway line (ECU 6,8 million).

The 'Scandinavian Link' group was the authority responsible for the studies concerned, and the Danish railways for the works involved in the electrification of the Ringsted-Odense line.

The 'Scanlink project' still figures in the Commission's latest proposal<sup>(1)</sup> as a priority for Community intervention in the field of transport infrastructure. Additional Community financial assistance in relation to this project could, therefore, still be possible in the coming years.

<sup>(1)</sup> COM(89) 238 final.

**WRITTEN QUESTION No 57/90****by Mr Jaak Vandemeulebroucke (ARC)****to the Commission of the European Communities***(2 February 1990)**(91/C 85/02)**Subject: Exemption from VAT and road tax for disabled people*

Can the Commission give me an overview of the different systems operating in the Member States with regard to exemption for disabled people from VAT or road tax or other taxes or levies?

Has the Commission considered putting forward any particular proposals in this field? If so, what are they?

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

*(29 May 1990)*

As regards both VAT and road tax, the arrangements applicable to disabled people in the Member States at present differ widely.

Most Member States charge a reduced rate of VAT on supplies of orthopaedic equipment, prostheses and wheelchairs while only Ireland, Portugal and the United Kingdom apply zero-rating. In Denmark, such supplies are taxed at the single VAT rate. In the case of supplies of motor vehicles adapted to the needs of the disabled, zero-rating exists only in Portugal and the United Kingdom, while Ireland refunds the VAT already paid and four other Member States (Denmark, France, Luxembourg and the Netherlands) levy the standard rate of VAT, with the remaining five Member States applying the reduced rate.

As regards road tax, the information at the Commission's disposal is incomplete. It shows that the disabled are eligible for a reduced rate of tax in the Federal Republic of Germany and for exemption from tax in eight other

Member States (Belgium, Denmark, Greece, France, Ireland, Luxembourg, the Netherlands and the United Kingdom).

As things stand, the Sixth VAT Directive (77/388/EEC) of 17 May 1977 <sup>(1)</sup> lays down the principle of taxation for supplies of the aforementioned goods. An exemption exists only for goods closely linked to welfare and supplied under certain conditions. Another transitional provision permits the retention of zero-rating in certain cases.

Harmonization of VAT schemes is essential, especially with a view to completion of the single market. The Commission is unable at this stage to predict what the outcome of the Council's work on bringing the different rates more closely into line will be. Given present priorities and constraints, no measure is planned for approximating road tax schemes.

<sup>(1)</sup> OJ No L 145, 13. 6. 1977, p. 1.

#### WRITTEN QUESTION No 347/90

by Mr Josep Pons Grau (S)  
to the Commission of the European Communities

(26 February 1990)  
(91/C 85/03)

*Subject:* Torrential rainfall in the autonomous community of Valencia

Agriculture in the autonomous community of Valencia largely consists of citrus fruit production on mainly small and medium-sized holdings.

Since September continuous rains have led to production losses amounting to one million tonnes and a fall of 200 000 tonnes in exports, without counting trees which have been destroyed or damaged.

Does the Commission consider that account could be taken of this in fixing farm prices or that another appropriate means could be found of providing compensation and aid in the 1990-1991 marketing year to the citrus fruit producers affected?

Does the Commission consider it possible to develop a Community system of agricultural safeguards to cushion the effects of such an exceptional situation in this and other farming sectors?

**Answer given by Mr Mac Sharry  
on behalf of the Commission**

(5 November 1990)

In view of the exceptional weather conditions during the current marketing year in Spain the Commission has

deferred from 15 February to 30 April the final date for conclusion of orange processing contracts.

Further, the Commission notes that Spanish citrus prices on the Community markets are higher at the present time than in past marketing years.

The Community rules make no provision for action to cushion the effects of weather variations on crop yields. The Spanish Government (Order of 17 December 1987, BOE No 303) has however introduced a combined farm insurance plan whereby premiums, themselves subsidized by between 20 and 65 %, can be taken out to cover 80 to 100 % of probable average crop values.

#### WRITTEN QUESTION No 452/90

by Mr Kenneth Collins (S)  
to the Commission of the European Communities

(5 March 1990)  
(91/C 85/04)

*Subject:* EFTA: customs duties and frontier taxes on spirituous beverages

Will the Commission say

1. what representations it has received from the EC Spirit Producers' Association (UEAES) concerning the elimination of customs duties and frontier taxes on spirituous beverages in EC/EFTA trade;
2. what steps it is taking to pursue the elimination of such duties/taxes?

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

(17 July 1990)

The Commission has received a detailed position paper from the EC Spirituous Beverages Producers' Association which it has examined in detail and discussed on various occasions with representatives of the Member States.

The Commission believes that measures to improve trade between the Community and the EFTA countries in spirituous beverages should be addressed in the framework of the negotiations on a new global agreement, which opened on 20 June.

On a bilateral basis, the Commission has already entered into discussions with Sweden and Norway, in order to examine the possibility of tariff eliminations or reductions for certain spiritual beverages.



**WRITTEN QUESTION No 523/90****by Mr James Ford (S)****to the Commission of the European Communities***(16 March 1990)**(91/C 85/05)***Subject:** Fur trapping

In view of the fact that muskrat, skunk, red and gray fox, opossums, coypu and mink are commonly caught in steel-jawed leghold traps in the USA why are these not included in the Commission's proposal for a Regulation on the importation of certain furs <sup>(1)</sup>?

<sup>(1)</sup> OJ No C 134, 31. 5. 1989, p. 5.

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

*(30 April 1990)*

The Commission would refer the Honourable Member to its replies to oral questions H-523/89 <sup>(1)</sup> and H-204/90 <sup>(2)</sup> by Mrs Pollack, to his oral question H-217/90 <sup>(3)</sup> and to its answers to Written Questions No 474/90 <sup>(4)</sup> and No 475/90 <sup>(5)</sup> by Mrs Pollack.

<sup>(1)</sup> Debates of the European Parliament No 3-384 (December 1989).<sup>(2)</sup> Debates of the European Parliament No 3-388 (March 1990).<sup>(3)</sup> Debates of the European Parliament No 3-388 (March 1990).<sup>(4)</sup> OJ No C 139, 7. 6. 1990.<sup>(5)</sup> OJ No C 312, 12. 12. 1990, p. 9.**WRITTEN QUESTION No 587/90****by Mr Gérard Deprez (PPE)****to the Commission of the European Communities***(16 March 1990)**(91/C 85/06)***Subject:** Extension of the PHARE programme

The Community intends to extend the aid measures coordinated within the group of 24 to other countries of Eastern and Central Europe (East Germany, Czechoslovakia, Bulgaria, Romania and Yugoslavia).

Can the Commission provide information on the financial and operational arrangements it has adopted to ensure the implementation of the PHARE programme?

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

*(27 September 1990)*

The formal decision to extend Group of 24 aid to the remaining countries of Central and Eastern Europe

(German Democratic Republic, Czechoslovakia, Bulgaria and Yugoslavia — but not Romania) was taken by the Ministers concerned on 4 July. The Commission, which was asked to coordinate the aid, then submitted a coordinated action plan, which was favourably received by the Ministers of the Group of 24.

In the Community's supplementary and amending budget for 1990 a further ECU 200 million was added to the initial appropriation of ECU 300 million and an even larger sum has been set aside for 1991-92. The Commission has also submitted to the Council a proposal to amend Regulation (EEC) No 3906/89 <sup>(1)</sup>.

When implementation of the PHARE programme first began, the Commission set up a structure to administer two aspects of its duties, namely that of coordinating the work of the 24 and that of managing the Community programme. The Commission is considering reinforcing this structure to deal with the work arising from the extension of the aid programme.

<sup>(1)</sup> OJ No L 375, 23. 12. 1989.**WRITTEN QUESTION No 727/90****by Mrs Winifred Ewing (ARC)****to the Commission of the European Communities***(27 March 1990)**(91/C 85/07)***Subject:** Research and development in the field of transport

With regard to the Commission's proposal COM(89) 557 for a wide-ranging research programme with the aim of enhancing the effectiveness, economy and safety of transport systems, will the Commission give details of how these research projects will be allocated throughout the Community and to whom will they be allocated?

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

*(24 October 1990)*

The EURET programme will be implemented in accordance with the provisions applicable to all other Community research programmes.

This means that, for most of the topics, research will be conducted on the basis of shared costs whilst the rest will involve concerted actions.

Where the shared-cost actions are concerned, one or more invitations to submit proposals will be published and the usual evaluation, selection and allocation procedures will apply.

For a project to be considered, at least two bodies from different Member States must join forces to submit the proposal.

Concerted actions will involve the coordination of national activities with common objectives.

**WRITTEN QUESTION No 775/90**  
by Mrs Teresa Domingo Segarra (GUE)  
to the Commission of the European Communities  
(29 March 1990)  
(91/C 85/08)

*Subject:* Conflict between Spanish fishermen and the Kingdom of Morocco

Hundreds of fishermen have laid up their vessels and blockaded a number of Andalusian ports in protest at the new clauses inserted in December 1989 into the fisheries agreement of 1 March 1988 between the European Community and the Kingdom of Morocco. These clauses make fishing conditions for Spanish fishermen considerably more arduous; they have also been penalized by the up to tenfold increase, adopted unilaterally by the Moroccan authorities not long ago, in the fines imposed for infringements of regulations.

Given the circumstances:

Does the Commission intend to convene an emergency meeting of the committee which monitors the fisheries agreement between the European Community and the Kingdom of Morocco? Has the Commission received an official request from the Spanish authorities to convene a meeting of the monitoring committee? Can the Commission say on what date such a request was submitted? What proposals does the Commission intend to make to the monitoring committee to help to resolve the conflict?

**Answer given by Mr Marín**  
**on behalf of the Commission**  
(12 November 1990)

The Honourable Member is requested to refer to the Commission's statement made in the debate on the fisheries policy during Parliament's March 1990 <sup>(1)</sup> part-session and to the Commission's answer to her Oral Question H-328/90 in Question Time during the April 1990 part-session <sup>(2)</sup>.

<sup>(1)</sup> Debates of the European Parliament No 387 (March 1990).

<sup>(2)</sup> Debates of the European Parliament No 388 (April 1990).

**WRITTEN QUESTION No 777/90**  
by Mr José Happart (S)  
to the Commission of the European Communities  
(29 March 1990)  
(91/C 85/09)

*Subject:* Mobility for young students in the Community

To judge from the information made available on the Erasmus, Petra, Comett and Lingua programmes, these programmes were enthusiastically welcomed by young people and educational establishments. They have become disillusioned very quickly, however, since the objectives with regard to financial support have not been realized, these programmes applying to but a very small proportion of individuals.

How does the Commission account for what is inequality of opportunity through denying access to measures paving the way for a European future?

Which establishments and projects in which Member States have been subsidized?

What total amount do the projects represent?

**Answer given by Mrs Papandreou**  
**on behalf of the Commission**  
(12 July 1990)

The Commission can confirm that demand for participation in exchange and mobility programmes from young people is approximatively five times higher than available budgetary resources.

Under these circumstances, the Commission has taken the initiative:

- to recommend to Member States in the selection of candidates that priority be given to candidates in most need of Community support, i.e. coming from disadvantaged regions, or low socio-economic backgrounds,
- to invite Member States to provide complementary support for young people to participate in exchange and mobility programmes.

With respect to the institutions and projects which have been financed the Commission will send directly to the Honourable Member and to the Secretariat of Parliament, the latest reports on the Erasmus, Comett and Petra programmes together with a full list of the projects concerned.

**WRITTEN QUESTION No 969/90****by Mr Hans-Gert Poettering (PPE)****to the Commission of the European Communities***(25 April 1990)**(91/C 85/10)*

**Subject:** Introduction of turnover tax by the German Federal Postal Administration/Telekom

Under Article 90 of the EEC and the Sixth and 18th VAT Directives, the Federal Republic of Germany is obliged to include the telecommunications services of the German Postal Administration in turnover tax provisions. In this connection, the activities of Telekom, which is part of the German Postal Administration, is to be made progressively subject to turnover tax (see draft of a second law amending the turnover tax law). However, the German Telekom will not be subject to turnover tax in the field of broadband cabling until 1 January 1996, while private tenderers competing with the Federal Postal Administration are subject to a full rate of turnover tax, which leads to a considerable distortion of competition.

What steps can the Commission take to ensure that the German Postal Administration and Ministry of Finance brings to an end this form of discrimination as soon as possible and does not wait until 1996, especially in view of the declared intention of the Federal Postal Administration to complete cabling operations for the entire Federal Republic of Germany by 1995?

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

*(4 October 1990)*

In accordance with Article 28 (3) (b) of the Sixth Directive<sup>(1)</sup>, Member States may continue to exempt from value added tax a number of activities, which are listed in Annex F to the Directive. Point 5 of that Annex covers telecommunications services supplied by public postal services and supplies of goods incidental thereto. The Sixth Directive thus made it clear that the exemption related only to public telecommunications services; such a difference in treatment between public services and private-sector enterprises performing the same functions is therefore enshrined in Community law, a situation which was not altered by the 18th Directive.

The Commission welcomes the decision by the German Government to align the conditions under which the public service operates on those applicable to private-sector enterprises in the telecommunications sector. That decision is a move in the direction recommended by the Honourable Member in calling for an end to certain distortions of competition before the end of the transitional period.

The Commission would point out, however, that the problem of distortions of competition will be examined in general terms in a report which the Commission is to present in pursuance of Article 3 of the 18th Directive<sup>(2)</sup>. In that context, the Commission will tackle the special case of telecommunications and will send the Council proposals and timetables for action.

<sup>(1)</sup> OJ No L 145, 13. 6. 1977.

<sup>(2)</sup> OJ No L 226, 3. 8. 1989.

**WRITTEN QUESTION No 1054/90****by Mrs Mary Banotti (PPE)****to the Commission of the European Communities***(10 May 1990)**(91/C 85/11)*

**Subject:** Tedis programme

Would the Commission be prepared to further strengthen the TEDIS programme in order that it might act as a fully fledged electronic data interchange system which would survey passengers and cargo at arrival points in Europe, as a way of combating the illegal trade in drugs?

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

*(4 July 1990)*

The TEDIS programme (Trade Electronic Data Interchange Systems) was established by Council Decision 87/499/EEC<sup>(1)</sup> in order to coordinate and provide support for existing and already planned electronic data interchange (EDI) systems in the Community and not to create new systems of its own.

Furthermore, among the existing Community-wide enforcement systems there is one, SCENT (System for Customs Enforcement Networks) that was created by the Commission in 1986 in the framework of the Caddia programme, chiefly in order to strengthen the fight against commercial fraud. Moreover, work is currently taking place on the basis of a report prepared by consultants into all areas of customs action, including measures to prevent smuggling of drugs, on the development of an advanced version of SCENT which is intended to meet users' requirements in the perspective of the completion of the internal market by 31 December 1992.

<sup>(1)</sup> OJ No L 285, 8. 10. 1987, p. 35.

**WRITTEN QUESTION No 1142/90**

**by Mrs Winifred Ewing (ARC)**  
**to the Commission of the European Communities**

(14 May 1990)

(91/C 85/12)

*Subject:* Structure and potential of the East German fishing fleet

Will the Commission publish comprehensive information on the size, structure and potential of the East German fishing fleet and comment on the possible impact of German reunification on the existing Community's fishing industry?

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

(14 June 1990)

The Commission will examine, in close contact with the Government of the Federal Republic of Germany, all sectors of the fishing sector. The Commission will keep the Parliament informed about all relevant aspects of the integration process.

**WRITTEN QUESTION No 1176/90**

**by Mr Frédéric Rosmini (S)**  
**to the Commission of the European Communities**

(14 May 1990)

(91/C 85/13)

*Subject:* Community Rechar programmes

The Commission has drawn up guidelines for setting up the Rechar action programmes (conversion of coal-mining areas) and has forwarded them to the Member States.

The Gardanne coalfield in Provence-Alpes-Côte-d'Azur is one of the last remaining French coalfields. Its production is primarily earmarked for a thermal power station on the same site. The national energy programme, which is largely concentrated on nuclear energy, is gradually marginalizing this station within the grid, with the result that the Gardanne coalfield is experiencing serious difficulties in selling its output.

What is the Commission's position on the admission of the Gardanne coalfield to the Rechar programme?

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

(21 June 1990)

Under paragraph 5.1 of the notice to the Member States laying down guidelines for operational programmes in the

framework of a Community initiative concerning the economic conversion of coal-mining areas (Rechar) <sup>(1)</sup>, the regions eligible under that initiative are only those where activities defined as the extraction from deep or open cast mines of hard coal or black lignite (coal-mining activities as defined under the ECSC Treaty) are undertaken. Since the Gardanne coalfield produces neither hard coal nor black lignite but only brown lignite, it cannot be included among the coalfields eligible under Rechar.

<sup>(1)</sup> OJ No C 20, 27. 1. 1990.

**WRITTEN QUESTION No 1316/90**

**by Mr José Vázquez Fouz (S)**  
**to the Commission of the European Communities**

(28 May 1990)

(91/C 85/14)

*Subject:* Marketing policy in the fisheries sector

In implementing the market policy for fisheries products, does the Commission consider that the reference price should be applied from the outset without any need for subsequent notification?

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

(20 November 1990)

The Commission would refer the Honourable Member to its answer to his Written Question No 1035/90 <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 28, 4.2. 1991, p. 14.

**WRITTEN QUESTION No 1317/90**

**by Mr José Vázquez Fouz (S)**  
**to the Commission of the European Communities**

(28 May 1990)

(91/C 85/15)

*Subject:* Marketing policy in the fisheries sector

It appears that a request by a Member State for the application of the protective clause to squid or flying squid (illex) has been rejected. Can the Commission say why? Has the Commission assessed the unfavourable effect that this measure will have on freezer fishing fleets? Does the Commission consider this system to be flexible and effective since, when it functions, it merely causes

extensive disruption of the market in this product? Does the Commission intend to change the system in the immediate future?

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

(15 February 1991)

The Commission would refer the Honourable Member to its answer to his Written Question No 1034/90 <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 28, 4. 2. 1991.

#### **WRITTEN QUESTION No 1323/90**

**by Mr John McCartin (PPE)**

**to the Commission of the European Communities**

(28 May 1990)

(91/C 85/16)

**Subject:** Tonnage of fishing boats

Irish fishermen claim that the system used to calculate the tonnage of Irish fishing vessels is not the same as that used in other Community countries.

Is the Commission satisfied that their calculations of tonnage and horsepower and consequently the total capacity of fleets is based on a uniform method of calculation?

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

(6 July 1990)

Within the framework of the Common Fisheries Policy, reference is made to the characteristics of fishing vessels. It is essential, therefore, that identical rules for determining these characteristics should be used throughout the Community.

In view of this, the Council adopted Regulation (EEC) No 2930/86 of 22 September 1986 <sup>(1)</sup>, defining characteristics for fishing vessels, including tonnage (Article 4) and engine power (Article 5).

The provisions of this Regulation apply to vessels entering the fleet of a Member State from 1 December 1986 whereas they shall be applicable to the characteristics of vessels which entered into service before the date on which this Regulation came into force only as from 18 July 1994, except that they shall apply to characteristics of such vessels modified between the date of entry into force of this Regulation and 18 July 1994.

<sup>(1)</sup> OJ No L 274, 25. 9. 1986, p. 1.

#### **WRITTEN QUESTION No 1337/90**

**by Mr Florus Wijsenbeek (LDR)**

**to the Commission of the European Communities**

(11 June 1990)

(91/C 85/17)

**Subject:** Refund of tax on motor vehicles upon export

Now that the Commission has given details about VAT in its answer to Written Question No 1272/89 <sup>(1)</sup>, can it give further details about the discriminatory effect of other taxes affecting the sale of cars, and particularly the Dutch special motor-vehicle tax (BVB)?

Will the Commission also give details about the distorting affect on trade of this tax which is levied on imports but not refunded on exports?

Does the Commission not consider that although every Member State is entitled to levy special taxes of this nature as long as they do not distort trade either internally or in relation to the other Member States, such distortion does occur in the case of this special motor-vehicle tax since it is levied on imports from other Member States but not refunded on exports?

<sup>(1)</sup> OJ No C 246, 1. 10. 1990, p. 5.

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

(2 October 1990)

The special motor-vehicle tax (BVB) becomes chargeable when a car is delivered to the Netherlands.

Consequently, new vehicles are not discriminated against when they are exported.

With regard to second-hand cars, the tax remains an integral part of their value if they are exported. This disadvantage is inherent in any excise duty, unlike value added tax, which, since it constitutes a uniform common system, must be taken into account when goods are imported in order to comply with Article 95 of the EEC Treaty. According to the interpretation placed on it by the Court of Justice, this Article rules out all forms of double taxation since the taxable amount is harmonized within the Community. This is not the case where excise duties are concerned as they constitute charges, in particular on motor vehicles, which are not generally applicable in the Community and *a fortiori* are not harmonized.

Under Article 96 of the Treaty, the Netherlands may indeed refund excise duty on exportation provided that the amount refunded does not exceed the amount of tax included in the price of the vehicle. This, however, is an option under the Treaty and not an obligation.

The Commission is aware of these drawbacks. That is why in 1967 it introduced a common system of value added tax and envisaged the abolition in the long term of all indirect taxes liable to impede the smooth operation of the internal market, with the exception of VAT and the five major traditional excise duties (those on alcoholic beverages, wine, mineral oils, cigarettes, manufactured tobacco).

#### WRITTEN QUESTION No 1338/90

by Mr José Vázquez Fouz (S)  
to the Commission of the European Communities  
(11 June 1990)  
(91/C 85/18)

*Subject:* Fish marketing policy

When will the Commission include frozen hake in Annex II to Council Regulation (EEC) No 3796/81 <sup>(1)</sup>.

Does the Commission not consider this product to be an important Community fisheries product?

Does the Commission not consider that there could be an apparent discrimination with regard to the aid granted for other products of inferior value, quality and production?

Does the Commission not consider that storage aid should be granted for hake in view of the crisis situation?

What genuine reasons justify the exclusion of hake if Commission studies demonstrate conclusively that it should be included?

<sup>(1)</sup> OJ No L 379, 31. 12. 1981, p. 1.

**Answer given by Mr Marín  
on behalf of the Commission**  
(15 February 1991)

The Commission would refer the Honourable Member to its answer to his Written Question No 1036/90 <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 28, 4. 2. 1991.

#### WRITTEN QUESTION No 1385/90

by Sir James Scott-Hopkins (ED)  
to the Commission of the European Communities  
(11 June 1990)  
(91/C 85/19)

*Subject:* SME's

What is the Commission doing to assist small and medium-sized enterprises (SME's) to obtain a greater

share of public procurement contracts? Is not a new initiative in this field long overdue?

**Answer given by Mr Cardoso e Cunha  
on behalf of the Commission**  
(19 October 1990)

The Commission has constantly sought to ensure that all businesses, whatever their size, have access to public procurement on an equal footing.

It recently presented a communication on the ways and means of promoting SME participation in public procurement in the Community <sup>(1)</sup>. The Council discussed the document at its meeting of 28 May 1990 and urged the Member States to encourage their public authorities to take account of the measures discussed therein in reviewing and implementing their public procurement procedures. It also invited the Commission to continue to examine measures and make recommendations on promoting increased SME access to public contracts in the context of open and efficient public procurement.

It might also be noted that the Commission had already put forward a number of suggestions for positive measures in this area, particularly in the less developed regions of the Community, in its communication entitled 'Public procurement: regional and social aspects.' <sup>(2)</sup>

The Commission also approved, on 25 July 1990, the main lines of the Community initiative concerning the preparation of businesses for the single market (PRISMA) <sup>(3)</sup>, for which an indicative budget of ECU 100 million has been set aside within the ERDF for the period 1990-93. One of the initiative's twin priorities is to help SMEs located in the less favoured regions (Objective 1 of the reform of the structural Funds) to prepare for the opening-up of public procurement in particular.

The PRISMA initiative should be definitively adopted by the Commission in November this year once the relevant Community bodies, including Parliament, have delivered their opinion.

<sup>(1)</sup> COM(90) 166.

<sup>(2)</sup> COM(89) 400.

<sup>(3)</sup> SEC(90) 1610 final.

#### WRITTEN QUESTION No 1396/90

by Mr Neil Blaney (ARC)  
to the Commission of the European Communities  
(13 June 1990)  
(91/C 85/20)

*Subject:* Data base for energy forecasts

In its reply to my Written Question No 243/90 <sup>(1)</sup> about renewable energy sources, the Commission states baldly

that it does not possess an adequate data base for its assessments.

How does the Commission explain its failure to establish an adequate data base?

How was it able to draw up its '1995 energy objectives' in the absence of this vital instrument?

What are the elements, the absence of which makes the Commission's present partial data base inadequate?

When did the construction of an appropriate data base begin?

When will an adequate data base be available?

Will the data base, once established, be accessible to Parliament and to the general public?

(<sup>(1)</sup>) OJ No C 28, 4. 2. 1991, p. 4.

**Answer given by Mr Cardoso e Cunha  
on behalf of the Commission**  
(13 September 1990)

The lack in the past of formal statistical data bases for all new and renewable energy which systematically provided equivalent information to classical fuels did present analysts with a practical problem. To overcome this, contact was taken with national administrations and research institutes to seek all available information on the current use of such energy. The quality of these estimates varied from Member State to Member State but was not sufficiently sound from a statistical point of view to permit the construction of adequate data bases.

Using what was available, and supplementing this from research work available from the demonstration programmes and other Commission programmes, the potential for new and renewables was estimated. For example in the Commission's recent report on the major themes in energy — a long outlook of energy markets — a view was presented on the potential growth of such energy.

In this way the Commission was able to emphasize the importance of new and renewables and to give prominence to these in its policy programmes. Clearly the current inadequacies in national reporting systems should be overcome and, for this reason, DG XVII in cooperation with the Statistical Office are studying the problem.

An adequate data base will not be available before 1992.

Under the conditions of the confidentiality normally given to certain data from the SOEC, access will be granted as soon as possible.

#### WRITTEN QUESTION No 1459/90

by Mr Victor Arbeloa Muru (S)

to the Commission of the European Communities

(13 June 1990)

(91/C 85/21)

**Subject:** Illegal sales of works of art

How does the Commission view the establishment of a strict system of controls to prevent the illegal sale of works of art to third countries?

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

(6 September 1990)

The Commission would remind the Honourable Member that it is up to Member States to protect their national treasures possessing artistic, historic or archeological value; they are entitled to take such action, *inter alia* by imposing export restrictions, provided that they observe the limits established by Article 36 of the EEC Treaty and, as far as exports to non-member countries are concerned, comply with similar provisions laid down in Article XX of GATT and Article 1 of Council Regulation (EEC) No 2603/69 of 20 December 1969 (<sup>(1)</sup>).

By its communication of 22 November 1989 on the protection of national treasures possessing artistic, historic or archeological value: needs arising from the abolition of frontiers in 1992 (<sup>(2)</sup>), the Commission initiated a dialogue with the Member States with a view to ascertaining whether the impending completion of the internal market calls for certain measures to be taken in the area. As regards exports to non-member countries in particular, the Commission outlined in points 32 to 37 of the communication the measures that could be contemplated at the Community's external frontiers, but has not for the time being indicated its preference for any of the ideas put forward. The attitude it finally adopts will largely depend on the outcome of current discussions with the Member States.

(<sup>(1)</sup>) OJ No L 324, 27. 12. 1969, p. 25 (English Special Edition, 1969 (II), p. 590).

(<sup>(2)</sup>) COM(89) 594 final.

#### WRITTEN QUESTION No 1466/90

by Mr Llewellyn Smith (S)

to the Commission of the European Communities

(13 June 1990)

(91/C 85/22)

**Subject:** Euratom safeguards report: Man-day inspections in each Member State

Regarding table 11.4 of the report on the operation of Euratom safeguards SEC(90) 452 final, will the Commission set out:

what proportion or percentage of the man-day inspection effort was devoted to each of the Community Member States;

how many of the 1 705 man-days inspection effort for reprocessing were devoted to (a) United Kingdom; (b) France; (c) Federal Republic; (d) Belgium;

how many of the 849 man-days inspection effort for storage installations were devoted to each Member State respectively; and will the Commission list these facilities by Member State?

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

(26 July 1990)

The inspection effort spent in 1988 by Euratom at installations in the European Community can be apportioned by Member State as follows:

Belgium	7,8 %
Denmark	0,4 %
Federal Republic of Germany	32,4 %
Greece	<0,1 %
Spain	2,6 %
France	21,7 %
Ireland	<0,1 %
Italy	2,7 %
Luxembourg	0,0 %
Netherlands	1,9 %
Portugal	<0,1 %
United Kingdom	28,9 %
CEC	1,2 %

The inspection effort spent in 1988 by Euratom for reprocessing (including related activities) may be apportioned to:

Belgium	0,5 %
Federal Republic of Germany	15,4 %
France	33,5 %
United Kingdom	49,3 %

The inspection effort spent in 1988 by Euratom at storage installations in the European Community can be apportioned by Member State as follows:

Belgium	4,0 %
Denmark	0,7 %
Federal Republic of Germany	39,4 %
Greece	0,0 %
Spain	<0,1 %
France	19,2 %
Ireland	0,0 %
Italy	2,2 %
Luxembourg	0,0 %
Netherlands	0,0 %
Portugal	<0,1 %
United Kingdom	30,2 %
CEC	4,0 %

In this context, the Commission refers the Honourable Member to its reply to Written Question No 1346/90 by Mr Smith <sup>(1)</sup>.

<sup>(1)</sup> OJ No C 35, 11. 2. 1991, p. 20.

**WRITTEN QUESTION No 1477/90**

by Mr Reinhold Bocklet, Mr Honor Funk, Mrs Hedwig Keppelhoff-Wiechert, Mr Joachim Dalsass (PPE)

to the Commission of the European Communities

(13 June 1990)

(91/C 85/23)

**Subject:** Uniform on-farm animal inspection procedures in the EC

The use of beta-blockers for fattening calves is forbidden in the Community. However, on examining carcasses from the Netherlands and Belgium, experts have come to the conclusion that beta-blockers are being used extensively in these countries. Calves which have been fattened by normal methods cannot compete with them on the market. They are classified as 'dog food' by slaughterhouses and purchased at greatly reduced prices. This means that breeders are faced with the choice of ceasing their activities or using the illegal growth stimulants. Since regular inspections are carried out in the Federal Republic of Germany (for example), breeders who break the law in that country run a much greater risk of being caught than in other Member States. As a result, breeding activities tend to gravitate towards those areas in which inspections are infrequent or non-existent.

1. Is the Commission aware that no spot checks are carried out in the Netherlands, that the inspections are timed so as to respect the weaning periods considered necessary by the experts (12 days prior to slaughter) and that no results are forthcoming from these inspections?
2. What steps will the Commission take to prevent the use in calf feed of beta-blockers, the presence of which can only be detected in live animals?
3. What steps does the Commission intend to take to ensure uniformity of on-farm animal inspection procedures in the Member States?

**Answer given by Mr Mac Sharry  
on behalf of the Commission**

(16 November 1990)

Beta-blockers are veterinary medical products used in the Community to treat certain respiratory complaints and prepare for obstetric operations. In this they are covered by Council Directive 81/851/EEC on the approximation of the laws of the Member States relating to veterinary medicinal products <sup>(1)</sup> and may not be marketed without prior authorization by the national authorities.

As additives in feedingstuffs they are not however authorized for use in the Community by Council Directive 70/524/EEC <sup>(2)</sup> and cannot therefore be used as growth promoters.



The Commission has secured agreement from the Member States to include from 1989 onwards beta-blockers, in particular clenbuterol, in the plans for examination for residues in animals and fresh meat transmitted every year pursuant to Article 4 of Council Directive 86/469/EEC <sup>(1)</sup>.

These plans are discussed by the Standing Veterinary Committee and the Member States have exchanges views on beta-blockers on numerous occasions.

Under the national plans approved by the Commission at least 300 samples must be taken annually by each Member State to make checks for clenbuterol and possibly other beta-blockers.

It is up to each Member State to decide whether samples should be taken from live animals on the farm or dead beasts at the slaughterhouse. The Commission shares the Honourable Member's opinion that live farm animals should be included.

Under Article 5 of Directive 86/469/EEC the Commission has begun a survey in the Member States to check that Community legislation on the use of hormonal substances and on examination for residues is being uniformly applied.

Commission experts are accompanying national officials on visits to farms and inspecting sampling procedures.

The survey has commenced in Belgium and will extend to all Member States. In the case of the Netherlands detailed information will be sought on all aspects of inspection procedures.

<sup>(1)</sup> OJ No L 317, 6. 11. 1981, p. 1.

<sup>(2)</sup> OJ No L 270, 14. 12. 1970, p. 1.

<sup>(3)</sup> OJ No L 275, 26. 9. 1986, p. 40.

#### WRITTEN QUESTION No 1479/90

by Mr Dieter Rogalla (S)

to the Commission of the European Communities

(13 June 1990)

(91/C 85/24)

*Subject:* Practice of law as a profession

1. Is it true that the practice of law throughout the Community falls under subparagraph (d) of the second paragraph of Article 60 of the EEC Treaty (activities of the professions)?

2. Has the Community drawn up any basic rules for the practice of law as a profession and if so, what are they?

3. Is the implementation of freedom of movement for lawyers giving rise to any problems, for example in respect of competition and advertising/information?

4. What role would professional ethics have in an appropriate set of competition rules for lawyers?

5. Does the Commission agree that greater freedom of competition is largely incompatible with professional ethics?

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

(22 August 1990)

1. As a self-employed activity carried on for a consideration, the profession of lawyer falls under both Article 52 and Article 59 of the EEC Treaty.

2. The main obstacles to the free movement of lawyers were firstly, the nationality conditions laid down under national laws and secondly, problems associated with the recognition of professional qualifications.

The first obstacle was removed by the Court of Justice in its judgments in Case 2/74 *Reyners* and Case 33/74 *van Binsbergen* <sup>(1)</sup>.

The second obstacle, involving freedom to provide services, was removed by Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services <sup>(2)</sup>.

Persons wishing to establish themselves on a self-employed basis in a Member State will be able to do so under the Directive of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration <sup>(3)</sup>.

This Directive will take effect on 4 January 1991.

3 and 4. It is possible that other obstacles exist and that the differences between ethical standards could in specific cases cause certain difficulties for lawyers engaged in cross-frontier activities. It should however be pointed out that ethical standards are generally drawn up by the members of the profession themselves or by the public authorities in close cooperation with the profession.

In this connection, the Commission welcomes the fact that the Council of the Bars and Law Societies of the European Community has drawn up a 'Code of conduct for lawyers in the European Community'.

As matters stand at present, the Commission does not see a need to intervene in the area of codes of ethics.

5. The Commission does not share the opinion of the Honourable Member in so far as codes of ethics meet general needs.

(<sup>1</sup>) [1974] ECR 631 and 1299.

(<sup>2</sup>) OJ No L 78, 26. 3. 1977, p. 17.

(<sup>3</sup>) OJ No L 19, 24. 1. 1989.

#### WRITTEN QUESTION No 1486/90

by Mr Jean-Claude Pasty (RDE)

to the Commission of the European Communities

(13 June 1990)

(91/C 85/25)

**Subject:** Spread of bovine spongiform encephalopathy in the United Kingdom

Reports are currently appearing in the British press concerning a large increase in the number of cattle affected by bovine spongiform encephalopathy and expressing fears at the danger to human health in the Community which would result from the spread of this disease.

1. Is it true that beef has been totally or partially banned for consumption by schoolchildren in certain British cities such as Liverpool and by a large number of school canteens elsewhere?
2. What steps have been taken by the Member States, on the basis of their responsibility for public health, to restrict imports of livestock, beef and veal and sheepmeat from the United Kingdom?

Which Member States have taken such precautions and what specific measures have they adopted?

3. What measures does the Commission intend to take at Community level to prevent the spread of this epizootic disease within the United Kingdom and to stop it spreading to other Member States?
4. On the basis of available scientific data, can the Commission confirm that this illness, which affects sheep and cattle, cannot be contracted by humans?

Answer given by Mr Mac Sharry  
on behalf of the Commission

(19 November 1990)

1. The Commission has been informed that about 20 regional authorities have banned the use of British beef in school meals.
2. The Commission was informed on 31 May 1990 that the French authorities had banned the importation of all live cattle, beef and products containing beef from the

United Kingdom. Similar measures relating to beef and products were later announced by Italy and the Federal Republic of Germany. No measures were taken against sheep and goats or their products.

3. The Commission, after consultation with the Scientific Veterinary Committee, adopted the following measures on 8 June 1990 in relation to intra-Community trade.

- (a) a ban on cattle over six months of age from the United Kingdom, coupled with a reinforced system of identification of cattle under this age,
- (b) a ban on bone-in beef from herds in the United Kingdom affected by BSE during the previous two years,
- (c) a requirement that boneless beef from the United Kingdom would have all obvious nervous and lymphatic tissue removed before export.

These measures reinforce the controls covered by Commission Decisions taken earlier this year.

Furthermore, the Commission is studying the situation with respect to the feeding of meat and bone meal to animals, from the point of view of avoiding further risk from this source in other Member States. In this regard, a pilot plant study has been planned, in cooperation with the United Kingdom and European Renderers Association.

The Commission is in continual contact with the UK authorities about the measures taken. It is satisfied that the main elements of control have been applied.

4. The Scientific Veterinary Committee has studied the evidence on several occasions, most recently on 6 June 1990, when it confirmed its previous opinion, namely, that the risk of BSE being transmissible to humans is remote, and that meat from the United Kingdom is not considered to be a danger to public health.

#### WRITTEN QUESTION No 1594/90

by Mr Herman Verbeek (V)

to the Commission of the European Communities

(2 July 1990)

(91/C 85/26)

**Subject:** Construction of a harbour on the Rysumer Nacken

Recently the government of Lower Saxony (FRG) decided to replace plans for a port at Dollard by a port complex on the more northerly Rysumer Nacken.

1. Does the Commission have any financial involvement with this project?
2. Is the Commission ensuring that an environmental impact assessment will be carried out before any building begins, in accordance with the Community directive on the subject?
2. How does the Commission view economic prospects in this area, in view of the proximity of other big seaports (Rotterdam and Hamburg) and the fact that Eemshaven, about 10 kilometres to the west in the Netherlands, has never properly developed?
4. How many hectares of unutilized industrial estates are attached to seaports in the Community?

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

(22 November 1990)

The Commission is not aware of any such proposal, and has received no request for financial support. It should be noted that no financial support is available for port investment in this area and that ports, unlike inland investments, are still not subject to Community consultation. The Commission has proposed the inclusion of ports and airports in the existing consultation procedures applicable to inland projects <sup>(1)</sup>. The Council has not yet adopted this proposal <sup>(2)</sup>.

As regards environmental requirements, this type of major infrastructure project is subject to Council Directive 85/377/EEC of 27 June 1985 and an environmental impact study must be carried out <sup>(3)</sup>.

In considering the economic prospects of any such development, the promoters will naturally need to take realistic account of the existence of other sea ports on neighbouring coastlines.

Information on the amount of wasteland in port industrial areas could be obtained only with great difficulty.

<sup>(1)</sup> OJ No L 54, 25. 2. 1978.

<sup>(2)</sup> OJ No C 34, 10. 2. 1989.

<sup>(3)</sup> OJ No L 175, 5. 7. 1985.

#### **WRITTEN QUESTION No 1595/90**

**by Mr Herman Verbeek (V)**

**to the Commission of the European Communities**

(2 July 1990)

(91/C 85/27)

**Subject:** Birth defects in cattle since the Chernobyl disaster

1. Is the Commission aware that in many regions of the Community numerous serious birth defects have been noted in farm animals, particularly calves, lambs and foals, since the Chernobyl nuclear disaster?
2. Does the Commission have statistics or other data on the extent to which these defects have occurred?
3. Can the Commission provide recent figures on the caesium content of produce from Community farms and market gardens harvested last year or otherwise show to what extent caesium is still present in the food chain as a result of Chernobyl?
4. If not, will the Commission carry out or commission an in-depth investigation into the subject?

**Answer given by Mr Mac Sharry  
on behalf of the Commission**

(26 September 1990)

1 and 2. Congenital abnormalities occur naturally in all animal species including cattle. The Commission is not aware of any evidence supporting any increased incidence of this phenomenon which could be attributable to radiation exposure in the Community resulting from the Chernobyl accident. Indeed, at the levels of exposure encountered no detectable increase is to be expected.

3 and 4. The information available to the Commission concerning contamination by Caesium-134 and -137 of agricultural products harvested in 1989 in Member States indicates that in nearly all the affected areas the concentrations of these isotopes have returned to or are approaching their pre-Chernobyl levels.

#### **WRITTEN QUESTION No 1662/90**

**by Mr Victor Arbeloa Muru (S)**

**to the Commission of the European Communities**

(4 July 1990)

(91/C 85/28)

**Subject:** Information on aid to the Third World

Could the Commission not make a special effort to publicize the aid of all kinds which it supplies to the

countries of the Third World, as the best means of encouraging public and private Community initiatives of every kind in this area?

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

(14 November 1990)

With the limited resources at its disposal the Commission makes every effort to keep the public informed about the Community's policies and operations on aid for, and cooperation with, developing countries. To this end it uses many channels of communication ranging from regular and rapid information for the media on emergency actions, to the publication and distribution of general and specific reports on the various types of aid granted and the financing of media activities and campaigns to make the public more aware of the problems of the developing world.

In this connection two instruments deserve special mention:

- the ACP-EC Courier, a bi-monthly publication widely distributed in Europe and the ACP countries, which gives detailed information on all aspects of cooperation between the Community and ACP countries,
- the programme involving the co-financing of actions by non-governmental organizations to raise public awareness. The main feature of this programme is that it has very direct access to the selected target groups.

The Commission is aware of the fact that, although its information activities have been stepped up in the last few years, an even greater effort is required to make them more effective. If sufficient budget appropriations are made available for the purpose, the Commission will seek gradually to acquire the instruments and resources it needs for the purpose.

#### **WRITTEN QUESTION No 1683/90**

**by Mrs Guadalupe Ruiz-Gimenez Aguilar (LDR)  
to the Commission of the European Communities**

(4 July 1990)

(91/C 85/29)

**Subject:** Fishery agreements between the Community and Latin America

Can the Commission answer the following questions regarding fishery agreements between the European Community and the countries of Latin America;

What agreements are there?

What are the characteristics of these agreements?

What countries do they benefit?

What amounts are involved?

If there are no actual fishery agreements, what kind of arrangements exist between the EEC and Latin America?

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

(30 October 1990)

The Community has not yet concluded any fisheries agreements with Latin American countries but the Commission has completed preparatory work, studies and exploratory conversations with a view to the conclusion of agreements and a negotiating directive is in process of adoption by the Council covering Argentina, Chile, Colombia, Mexico, Peru and Uruguay.

There are cooperation agreements, either bilateral or regional, with all the countries except Cuba, Chile and Paraguay, and for the latter two the procedure for signature of an agreement are being finalized. The agreements already in existence specifically mention fisheries as a possible area for economic cooperation.

The Commission has financed preparatory studies and is preparing to grant financial aid of approximately ECU 13 million for a regional fisheries development project involving the six countries of the Central American isthmus: Costa Rica, Panama, Guatemala, Nicaragua, Honduras and El Salvador.

#### **WRITTEN QUESTION No 1685/90**

**by Mr Dider Anger (V)  
to the Commission of the European Communities**

(5 July 1990)

(91/C 85/30)

**Subject:** Post A 2 COM/50/90

Can the Commission say:

1. how many grade A3 officials there were at 1 June 1990?
2. whether, in general, it considers these grade A3 officials to be competent?
3. if so, whether it can explain why it is taking steps to fill post No COM/50/90 (published in Notice of Vacancy No 18 of 11 June 1990) in DG XXIII/B for a director responsible for Community measures for the benefit of companies? This is admittedly correct procedure, but is the aim not to exclude A3 officials and give the post to a grade 4 official in Mr Cardoso e Cunha's office?

**Answer given by Mr Cardoso e Cunha  
on behalf of the Commission**  
(26 September 1990)

1. On 1 July 1990 the Commission had in its service 385 grade A3 officials.

2. Yes. The competence of the A3 officials matches the high level of performance and qualification which the Commission is entitled to expect of officials in management or advisory posts.

3. On 11 July 1990 the post was filled, in accordance with the statutory procedures, by a Commission official seconded under Article 37 of the Staff Regulations to Mr Cardoso e Cunha's Cabinet where he had worked as an Adviser.

The Honourable Member's attention is drawn to the fact that when the post in question was advertised to the staff as a whole, no applications were received from any A3 officials at the Commission.

---

**WRITTEN QUESTION No 1698/90**

**by Mr Michael Welsh (ED)**

**to the Commission of the European Communities**

(5 July 1990)

(91/C 85/31)

**Subject:** Environmental impact assessment in Coto Doñana

Have environmental impact statements been prepared for projects for development in the Coto Doñana Park, in south-west Spain, which are assisted by the Regional Development Fund and what conclusions were reached?

**Answer given by Mr Millan  
on behalf of the Commission**  
(12 September 1990)

The ERDF staff have not received any applications for assistance for the development projects referred to by the Honourable Member, either as individual schemes or as part of an operational programme.

The Commission is not able to say if an application will be sent in by the Spanish authorities in the future.

**WRITTEN QUESTION No 1708/90**

**by Mrs Anita Pollack (S)**

**to the Commission of the European Communities**

(5 July 1990)

(91/C 85/32)

**Subject:** Illegal trade in seal skins

Is it the case that an illegal shipment of 1 200 sealskins was made in 1986, from the UK to Italy, in spite of the ban on trade in baby seal skins; and if so, will the Commission provide information as to who dispatched this shipment, on which date and from which port? Is it possible to see copies of customs documents?

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

(5 October 1990)

As the shipment of 1 200 baby seal skins from the United Kingdom to Italy in 1986 would indeed have been an infraction of Council Directive 83/129/EEC<sup>(1)</sup>, the Commission investigated the matter in 1988.

It found that the shipment concerned consisted of 1 200 lamb skins, erroneously entered into the Italian import statistics under heading 4301.21 instead of 4301.22.

In this context the Commission would refer the Honourable Member to its reply to Written Question No 689/89<sup>(2)</sup> by Mrs Larive.

<sup>(1)</sup> OJ No L 91, 9. 4. 1983, p. 30.

<sup>(2)</sup> OJ No C 28, 4. 2. 1991, p. 1.

---

**WRITTEN QUESTION No 1769/90**

**by Mr Luciano Vecchi (GUE)**

**to the Commission of the European Communities**

(12 July 1990)

(91/C 85/33)

**Subject:** Implementation of the Community's 'Youth for Europe' programme in Italy

It is a disgrace that implementation of the Community's 'Youth for Europe' programme has been held up for months in Italy and has never really got off the ground.

This situation, for which the Italian Government alone is responsible, is causing immense difficulties for both Italian Youth organizations and their Community partners.

In view of this:

1. How does the Commission propose to prevail upon the Italian Government to enable the 'Youth for Europe' programme to be implemented in Italy too?
2. As regards the proper functioning of this programme at Community level, would the Commission provide an assessment of the harm caused by Italy's failure to act?

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

(26 September 1990)

The Commission is strongly urging the Italian authorities responsible for youth exchanges to take immediate steps to ensure that the Italian national agency handling the 'Youth for Europe' programme can operate properly.

In the meantime the Commission has decided to administer itself certain aspects of the programme which would normally have been administered by the Italian national agency.

The Commission has also requested the cooperation of the other national agencies to enable those young people hoping to participate in exchanges to or from Italy to do so without suffering as a result of the temporary difficulties facing the Italian national agency.

**WRITTEN QUESTION No 1792/90**  
**by Mrs Johanna-Christina Grund (DR)**  
**to the Commission of the European Communities**  
(13 July 1990)  
(91/C 85/34)

**Subject:** Pregnancy and maternity legislation applying to European Community staff

Can the Commission provide detailed information concerning pregnancy and maternity legislation applicable to permanent, temporary and other staff employed by the institutions of the European Community?

1. Can it quote the references for the relevant pregnancy and maternity legislation in the *Official Journal of the European Communities*?
2. Can it say what conditions must be fulfilled and what periods of notice must be given to ensure that EC staff

are protected from wrongful dismissal during pregnancy and maternity leave?

3. Can it give details of the special allowance for expectant and nursing mothers in the above three categories of employment?
4. Can it give a comparative assessment of the relevant national and Community legislation with reference to protection of the rights of the unborn child (absolute protection against dismissal, length of maternity leave, level of benefits, medical care)?

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

(26 November 1990)

1. In addition to the leave provided for in Article 57 of the Staff Regulations, pregnant women are entitled, on production of a medical certificate, to leave beginning six weeks before the probable date of confinement shown on the certificate and ending 10 weeks after the date of confinement. Such leave may not be of less than 16 weeks' duration.

2. The Regulations and Rules applicable to officials and other servants of the European Communities make no special provision for pregnant women on maternity leave whose service is terminated or whose employment contract expires, except in the case of temporary staff engaged for an indefinite period. Article 47 (2) (a) of the Rules applicable to other servants stipulates that the period of notice required under this type of contract (a minimum of 15 days and a maximum of three months) may not begin to run during a period of maternity leave.

3. There are no special allowances for expectant or nursing mothers since they are entitled to full pay and allowances during maternity leave and since medical and hospital costs are borne by the European Communities' sickness insurance scheme, subject to the usual ceiling (85%). Furthermore, under Article 74 of the Staff Regulations, a childbirth grant of Bfrs 8 000 is paid.

4. As regards the statutory provisions of the Member States regarding protection for pregnant women, the Commission is sending direct to the Honourable Member and Parliament's Secretariat tables containing information on the various points raised. At Community level, in September 1990, the Commission presented a proposal for a Directive concerning the protection at work of pregnant women or women who have recently given birth<sup>(1)</sup>. Under the proposed Directive the dismissal of women for reasons of pregnancy or childbirth would be prohibited for a period beginning at the start of pregnancy until the end of the period of maternity leave, a minimum of 14 weeks' maternity leave would be granted and women would have the right to

attend medical examinations without loss of wages where such examinations can only be undergone during working time.

(<sup>1</sup>) COM(90) 406.

#### WRITTEN QUESTION No 1833/90

by Mr José Valverde López (PPE)  
to the Commission of the European Communities

(20 July 1990)

(91/C 85/35)

**Subject:** Failure by Italy and the Federal Republic of Germany to implement the directive on certain activities in the field of pharmacy

In April 1989 the Commission gave reasoned opinions on the failure by Italy and the Federal Republic of Germany to communicate the measures taken to implement Council Directive 85/432/EEC (<sup>1</sup>) of 16 September 1985 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy. What is the present situation? What implementing measures have been taken?

(<sup>1</sup>) OJ No L 253, 24. 9. 1985, p. 34.

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

(3 October 1990)

In response to the reasoned opinion addressed to it by the Commission in 1989, Italy gave notification of a Decree of the President of the Republic incorporating Directive 85/432/EEC into national law. The Commission will be taking a decision within the next few days on the compatibility of the measure in question.

For its part, the Federal Republic of Germany communicated to the Commission the Law of 23 July 1988, which similarly embodies the above Directive. After examining the matter, the Commission has decided to take no further action.

#### WRITTEN QUESTION No 1840/90

by Mr Jean-Pierre Raffarin (LDR)  
to the Commission of the European Communities

(20 July 1990)

(91/C 85/36)

**Subject:** Aid for the film industry

In order to support the film industry, which is facing a crisis in certain Community Member States, what measures does the Commission intend to take to help

European films to gain access to the American market, where there is de facto cultural protectionism?

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

(28 November 1990)

Almost 80% of films go no farther than the frontiers of their country of origin, while an average of 60% of film distribution circuits in Europe are controlled by companies of American origin.

The European Film Distribution Office (EFDO) was set up under the MEDIA Programme to extend the distribution of European films. From its original aim of providing European productions with a genuine European market, EFDO is planning to broaden its activities to cover markets outside the Community and in particular the American market, where the distribution of European films in cinemas has actually fallen (215 films in 1968 against 83 films in 1989).

It would seem from EFDO's preliminary soundings in the United States that:

- the share of the American market taken by European films could be increased, despite the high cost of launching a film and problems relating to the linguistic diversity of European productions,
- to do so, it would be necessary to establish a presence and to conduct a continuous public relations campaign; this would be easier if a permanent body were set up to represent European cinema in the United States.

In its Action Programme to promote the development of the European audiovisual industry 'Media' (1991-1995), submitted to Parliament and the Council, the Commission proposes 'measures to promote European films outside the Community (offices for the promotion of European films and television programmes, group presence at festivals and fairs)' (<sup>1</sup>).

(<sup>1</sup>) COM(90) 132 final.

#### WRITTEN QUESTION No 1846/90

by Mr Hemmo Muntingh and Mr Eisso Woltjer (S)  
to the Commission of the European Communities

(20 July 1990)

(91/C 85/37)

**Subject:** Reduced herring TAC

1. Does the Commission agree that the reduced herring TAC in 1990, and probably in 1991, too, is a

direct result of the large catches of young herring in previous years?

2. Is it the Commission's view that given the low numbers of the 1987-89 generations there is currently an additional need for protection of young North Sea herring?

3. Is the Commission aware that large numbers of young North Sea herring are being caught in the Skagerrak and Kattegat within the sprat TAC of 65 000 t? Would it not be advisable to set the TAC for the industrial fishing of sprat in this area at zero if the catch in fact consists of herring?

4. Is the Commission aware that in 1989 fishermen reported large-scale Danish fishing of young herring in the North Sea for fishmeal purposes despite a ban?

5. Is the Commission aware that in 1989, after repeated reports by Dutch investigators, the Dutch authorities took aerial photographs of boats fishing for fishmeal purposes in the North Sea?

6. What was the result of the action by the Dutch authorities?

7. Does the Commission realize that the offshore monitoring of fishing for fishmeal purposes is far from satisfactory: there is either illegal fishing or fishing for industrial purposes with unacceptably large incidental catches of young fish which would be fit for human consumption at a later date?

8. Is the Commission aware of the opinion of herring biologists that in recent years fishing for North Sea herring has resulted in the potential benefits of a number of high-population generations disappearing into fishmeal factories? Consequently, there are at present only small buffer stocks of adult herring in the North Sea.

9. Is the Commission prepared to incorporate in future quota proposals a negative compensation factor for the fishing nation which, with its unnecessary incidental catches of undersized fish or outright illegal fishing for fishmeal purposes, is responsible for catches in excess of the TAC of what will become useful fish (in particular herring), suitable for human consumption?

10. Is the Commission prepared to give consideration to a total ban on catching fish intended for fishmeal?

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

*(15 November 1990)*

1.2.8. According to the most recent scientific advice given by the Advisory Committee on Fishery

Management (ACFM) of the International Council for the Exploration of the Sea (ICES) in its report of May 1990: 'The Spawning Stock Biomass (SSB) (of North Sea herring) is now estimated to be at its highest level since recovery of the stock in the early 1980s. However, due to high fishing mortality since 1984 and the continuing high level of juvenile catches, its rate of increase has been significantly retarded, and has not yet reached the original target level of 1.5-2 million tonnes. Continued fishing at current levels of fishing mortality will lead to a decrease in SSB to below the minimum safe level of 800 000 tonnes by 1992'.

ACFM recommends that the fishing mortality should be reduced in order to prevent a sharp decline in the SSB in the next few years and that existing regulations designed to protect juvenile North Sea herring should be maintained.

The Commission will, based on this advice and on that of the Scientific and Technical Committee for Fisheries (STCF), formulate its proposals for 1991.

3. The Commission is aware that large numbers of young North Sea herring are being caught in the Skagerrak and Kattegat within the sprat TAC and reported to the Council on this subject in its report 'The sprat fisheries and their role in juvenile herring catches' <sup>(1)</sup>.

4.5.6. The Commission has not been informed of these matters.

7. Effective control of the fisheries is the responsibility of the Member States. The Commission is aware of weaknesses in the control at sea. In order to improve the situation, the Council has made funds available to Member States for improving their enforcement means <sup>(2)</sup>.

9. All Member States' fleets catch too much juvenile fish; this has already led to all the quotas being lower than they might be. This problem has been discussed by the High Level Group of the Council and the outcome of this debate is reflected in the latest Commission proposals on technical measures which are intended to reduce the catches of small fish.

10. The question of the utilisation of fisheries quotas falls within Member State's responsibilities, according to the terms of Regulation (EEC) No 170/83, Article 5, paragraph 2.

<sup>(1)</sup> SEC(89) 1931 final.

<sup>(2)</sup> Council Decision 89/631/EEC of 27 November 1989 — OJ No L 364, 14. 12. 1989.



**WRITTEN QUESTION No 1848/90****by Mr Florus Wijsenbeek (LDR)****to the Commission of the European Communities***(20 July 1990)**(91/C 85/38)**Subject: Insurance in respect of combined transport*

Is the Commission aware that the rules on insurance and liability in respect of combined transport are a serious obstacle to its efforts to encourage such forms of transport?

Is the Commission aware, for example, of the rules relating to liability in respect of combined transport in the Federal Republic of Germany (e.g. forwarding insurance policy and cartage insurance policy), Switzerland and Austria?

Does the Commission not believe that rules on liability in respect of customs and cargo, physical injury and effects on the environment should be similar throughout the EC?

Does the Commission intend to introduce a uniform system of insurance for transfrontier carriage of goods regardless of the method of transport?

lay down uniform rules for each mode of transport involved.

On the question of domestic transport, the Commission is aware that there are differences between Member States regarding liability arrangements (domestic transport in Switzerland and Austria falls outside the Community's field of competence).

These differences are not, however, very significant and do not affect either the general interest or public health.

As far as insurance is concerned, Directive 88/357/EEC <sup>(1)</sup> lays down that carriers may take out insurance policies covering their liability with an insurer established in any Member State. However, it also stipulates that, when the Member State in which the transport services are provided requires the carrier to take out insurance in respect of his liability (as under the Kraftverkehrsordnung (KVO) in Germany), the insurer must comply with the specific rules regarding such insurance laid down by the Member State in question.

Consequently, completion of the internal market will not mean that there has to be complete harmonization of national rules on carriers' liability and on insurance in respect of such liability, and the Commission is not proposing to undertake any action along these lines.

<sup>(1)</sup> OJ No L 172, 4. 7. 1988.

**WRITTEN QUESTION No 1849/90****by Mr Florus Wijsenbeek (LDR)****to the Commission of the European Communities***(20 July 1990)**(91/C 85/39)**Subject: Transport insurance*

Is the Commission aware that there are significant differences between statutory national insurance requirements for hauliers and forwarding agents and that this constitutes a considerable non-tariff barrier to the transport of goods within the Community?

Is the Commission aware, for example, that German hauliers are obliged, pursuant to the KVO (regulations on the transport of goods by road), to operate a limit of DM 80 per kilo? In the United Kingdom, by contrast, hauliers will usually operate the limit specified in the Road Haulage Association's standard contract (£800 per ton), and the rules on transport in France and Italy are even more complex.

What action does the Commission intend to take to eliminate these differences and to introduce uniform rules throughout the EC in respect of insurance for hauliers and forwarding agents?

**WRITTEN QUESTION No 1858/90****by Mrs Jessica Larive (LDR)****to the Commission of the European Communities***(20 July 1990)**(91/C 85/40)**Subject: Competition and the internal energy market*

According to press reports the West and East German ministers for energy are reaching a decision to grant one transport undertaking the exclusive right to transport gas on East German territory and that only West German companies associated with this undertaking will have access to the East German grid.

Are Community competition rules, particularly in the East German energy sector and, more specifically, the gas sector, being fully respected in connection with German unification ensuring that no (new) obstacles to the completion of the internal energy market are created?

**Joint answer to Written Questions Nos 1848/90 and 1849/90****given by Sir Leon Brittan  
on behalf of the Commission***(8 November 1990)***Answer given by Sir Leon Brittan  
on behalf of the Commission***(20 September 1990)*

As regards international transport, the liability of surface carriers is governed by international conventions which

The Commission is determined to strengthen competition in the energy sector, including the gas market, and not to

authorize operations prejudicial to that objective if it transpires that they are likely to imperil the establishment of sound competitive structures and to harm trade between Member States.

In this connection, it has begun to look into the acquisition, by Ruhrgas and a sister company, of 45 % of Verbundnetz Gas AG, to ascertain whether it is compatible with the EEC rules of competition.

---

**WRITTEN QUESTION No 1859/90**

**by Mr Lyndon Harrison (S)**

**to the Commission of the European Communities**

(20 July 1990)

(91/C 85/41)

*Subject:* Structural Funds and the environment

It has recently been reported (*Der Spiegel* No 16/1990) that Community environment officials had only 10 days to scrutinize the regional development plans for Spain, Portugal and Greece, each of which was up to 500 pages long, to establish whether it was possible that they would contravene Community environmental legislation.

1. Is this report accurate?
2. If not, how long did the Commission have to examine the environmental implications of the plans?
3. How many staff work on the environmental screening of applications for Structural Fund support?
4. If the report is accurate, how confident can the Commission be that the plans will not lead to the Community funding projects that result in contravention of Community legislation on the protection of sites of importance for wildlife?

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

(5 November 1990)

1. The information referred to by the Honourable Member is not correct.
2. The regional development plans for regions lagging behind in their development (Objective 1 under the reform of the structural Funds) were forwarded to the Commission by the Member States at the end of March 1989; this includes those for Spain, Portugal and Greece.

The plans were distributed as quickly as possible to all the relevant Commission departments, which then began to review and assess them.

The Commission formally drew up the Community support frameworks based on these plans on 31 October

1989, with the exception of that for Greece. The Greek support framework was not formally approved until 30 March 1990.

3. The examination of requests for aid from the structural Funds from the point of view of the environment is carried out jointly by the competent staff of the structural Funds and the environment department.

4. In order to ensure that protection of the environment is given proper weight in structural schemes, all the Community support frameworks include specific provisions on the subject. Under these provisions, the Member States are required to provide relevant information on schemes likely to have a significant environmental impact.

When projects and operational programmes implementing the CSFs are submitted to the Commission, the Member States must supply a description of the measures being proposed to avoid, reduce or offset potential major negative effects on the environment. The Commission also looks at the procedures followed at national level to evaluate individual projects during programme execution so that it can check that Community rules are being observed, including those on the environment.

---

**WRITTEN QUESTION No 1888/90**

**by Mrs Marie Jepsen (ED)**

**to the Commission of the European Communities**

(2 August 1990)

(91/C 85/42)

*Subject:* Commission's use of services provided by private financial institutions

To what extent does the Commission make use of the financial services of private banks in connection with the transfer of funds and the investment of surplus liquidity in bank deposits or securities?

Does it have local bank accounts in all Member States and, if so, are they chosen in accordance with Community guidelines on the public procurement of services, including financial services?

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

(15 November 1990)

The bulk of the Commission's liquid assets are held by the treasuries or central banks of the Member States free of interest.

In implementing the budget, the Commission makes use of public or private financial institutions to make transfers to outside creditors or to other Community institutions.

The funds needed to make payments are kept on current accounts opened by direct negotiation or, more recently, on the basis of invitations to tender. The outside consultants who are currently looking at the management of the Commission's funds will also be reporting on the value of these practices.

respect for the identity of all European citizens regardless of ethnic or cultural origin.

The Commission does not at present plan to propose a charter of the rights of ethnic groups. On the other hand, it is keeping a close watch on work being carried out by a Council of Europe body on a proposal for a European charter for regional or minority languages, and work on the human dimension carried out in the context of the Conference on Security and Cooperation in Europe.

---

**WRITTEN QUESTION No 1891/90**

**by Mr Joachim Dalsass (PPE)**

**to the Commission of the European Communities**

*(2 August 1990)*

*(91/C 85/43)*

*Subject:* Drawing up a charter of ethnic rights

In recent years there has been increasing pressure for a charter of the rights of ethnic groups to be drawn up.

The existence of ethnic groups is increasingly coming to be regarded as a source of enrichment for the countries concerned, which are, accordingly, being called on to take the necessary measures to maintain and protect such groups.

It is now generally recognized that minority languages and cultures are a reflection of the richness and vitality of European civilization and deserve to be preserved and encouraged.

However, to date no charter of ethnic groups has been drawn up, although in view of the strong resurgence of national awareness, particularly in Central and Eastern Europe, this is now particularly necessary in order to nip in the bud any possible sources of tension.

While steps are currently being taken in this direction in the European Parliament, does not the Commission consider that it is appropriate and necessary, in view of current developments throughout Europe, to draw up its own proposal for a charter of ethnic groups, which could serve as a model for the preservation and protection of the various ethnic groups?

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

*(30 November 1990)*

European integration is based on respect for diversity and the principle of non-discrimination, which also implies

---

**WRITTEN QUESTION No 1898/90**

**by Mr Victor Manuel Arbeloa Muru (S)**

**to the Commission of the European Communities**

*(2 August 1990)*

*(91/C 85/44)*

*Subject:* The Federal Republic of Germany and the Structural Funds

Does the Commission consider it fair that over 45 % (soon to be 38 %) of the population of the FRG, the richest Community Member State, is included in one or other of the Structural Fund objectives?

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

*(8 November 1990)*

The Federal Republic of Germany's Objective 2 and 5 (b) areas (there are no Objective 1 areas) were designated in accordance with Article 9 (2) (Objective 2) and Article 11 (2) (Objective 5 (b)) of Council Regulation (EEC) No 2052/88 <sup>(1)</sup>, which specify the criteria for eligibility for these areas. The eligibility criteria were applied to all Member States concerned in the same way, ensuring the selection of areas with the most significant restructuring and development problems.

Berlin was added to the list of Objective 2 areas under Article 9 (5) of Regulation (EEC) No 2052/88.

The eligible areas under Objectives 2 and 5 (b) cover a total population of 11,63 million in the Federal Republic, representing 18,7 % of its population.

---

<sup>(1)</sup> OJ No L 185, 15. 7. 1988.

**WRITTEN QUESTION No 1922/90****by Mr Gerard Monnier-Besombes (V)****to the Commission of the European Communities***(2 August 1990)**(91/C 85/45)*

**Subject:** Effects of drift nets on protected species in the Atlantic

Does the Commission know of any specific studies detailing the effects of drift nets on protected species in the Atlantic, like the ones concerning the Pacific and the Mediterranean?

If so, does the Commission feel that in order to eliminate these effects it would be sufficient to make simple improvements to technical conditions for their use (the length of nets, immersion depth, mesh size, etc.) or does more need to be done?

If not, can the Commission say whether any studies have been carried out on secondary catches showing some correlation between catches in the Atlantic and the other oceans or seas in the world?

Does the Commission also know about the study on this subject published in the *International Whale Bulletin* according to which French nets are responsible for killing large numbers of dolphins in the Bay of Biscay? What does it think about this?

Finally, does the Commission have any evidence that midwater trawl nets in particular are responsible for killing dolphins?

Furthermore, it has been observed that the number of dolphins washed up on the French coast has been increasing over the last few years, particularly in the months of January and February, which are outside the fishing season. Does the Commission not consider that it should launch a research campaign to discover the causes of these problems?

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

*(30 October 1990)*

The Commission is aware of the impact that the use of drifting gill-nets might have on marine mammals. The Commission is not in possession of the studies referred to by the Honourable Member. Nevertheless, a study has been financed by the Commission (the results of which are expected soon) on the combined effects of different gear types in the fishing of albacore in the North-East Atlantic. This may well give information on the by-catches of the gear types. For the time being, the Commission is examining the possibility of banning the use of these nets while fishing for tuna in the Atlantic.

The Commission must wait for the results of the various studies underway before assigning any responsibility for the mortality of the dolphins to any gear.

The Commission recognizes the need to examine these problems. A project concerning the effects of fishing operations (in particular gill-nets) on EEC marine environment has also been undertaken, of which the final report will be ready soon.

**WRITTEN QUESTION No 1934/90****by Mr Gerardo Fernández-Albor (PPE)****to the Commission of the European Communities***(1 September 1990)**(91/C 85/46)*

**Subject:** Twinning arrangements between European Community and Third World cities

Following the measures taken by the Community to promote the twinning of cities in the Community of Twelve and in view of the results obtained, it cannot be denied that one possible means of putting into practice cooperation with the poorest Third World cities where living standards are the lowest would be to promote at Community level the twinning of European Community cities with cities of Third World countries whose material needs are particularly great.

Such twinning arrangements would enable wealthy cities to contribute to development programmes and ensure that they are carried out with a view to meeting the basic urban needs of these Third World cities.

Does the Commission consider that it would be advisable to propose a programme of action to support Third World cities by encouraging twinning arrangements between Community cities and those of the Third World countries in question to ensure that the Community's urban areas collaborate in the development programmes of the poorest cities which lack the resources to meet even their most basic need?

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

*(18 October 1990)*

Budget heading A 306 ("Town-twinning schemes in the European Community") does not cover assistance to towns in the Third World. The Commission is aware,

however, that for several years regions and municipalities in a number of Member States have been planning to cooperate with their counterparts in the Third World. It welcomes these initiatives, which help to make people in our part of the world more aware of the problems facing the developing countries and their inhabitants.

The Commission does its best to encourage these initiatives, e.g. by providing financial support for the Towns and Development movement launched five years ago by a large number of municipalities in the Community. Like most of the NGO experts and representatives of the municipalities, however, the Commission feels that such cooperative schemes must be prepared and implemented with the greatest care to ensure that these newcomers to the field of development cooperation do not commit the usual beginner's mistakes: overambitious projects ill-suited to local conditions, charitable assistance rather than the promotion of self-help (distribution of schoolbooks, medicine, etc.), inadequate monitoring of projects, and so forth.

The Commission therefore requires, when helping to fund NGO schemes under budget heading 9410, that operations initiated by regions or municipalities are undertaken jointly with NGOs experienced in the development field. Several joint operations of this kind have been co-financed over the years and are still in progress.

Within the ACP-EEC framework, the system of decentralized cooperation established by the new Lomé Convention (Articles 20 to 22) should lead to an expansion of twinning arrangements between local authorities on both sides.

#### WRITTEN QUESTION No 1937/90

by Mr Yves Galland (LDR)

to the Commission of the European Communities

(1 September 1990)

(91/C 85/47)

*Subject:* Dairy quotas in mountain areas

While dairy quotas have helped to stabilize the dairy market, in certain areas, for example mountain areas whose economy is based on dairy farming, they have had disastrous consequences. This is because the average production of less-favoured areas is far below the national average, that is to say 48 000 litres compared with over 100 000 litres.

If agricultural activity, which is essential for the preservation of economic and social life in mountain and

less-favoured rural areas, is to be stabilized, how can the imposition of penalties on those who produce less than 60 000 litres be justified?

Could not the Commission consider ending the imposition of penalties in respect of annual production of less than 60 000 litres of milk as an initial measure, to be followed by the abolition of dairy quotas in mountain areas?

**Answer given by Mr Mac Sharry  
on behalf of the Commission**

(26 October 1990)

The Commission does not share the Honourable Member's opinion. Mountain areas in France have been favoured by assignment of 12 % of the delivery reference quantities and 30 % of the direct sale reference quantities although they accounted for only 9 % of the total French milk collection prior to introduction of the additional levy. The Commission is aware that milk production is an essential activity for mountain areas, as this special treatment, made possible by specific provisions in the rules, demonstrates.

The Community's action in favour of mountain areas has not been restricted to the additional levy but has been extended and strengthened on the structural side: the compensatory allowance for mountain areas, set on the basis of natural handicaps, shows the Community's desire to take account of the natural conditions of production and ensure reasonable incomes for farmers in these areas. The same Regulation contains other provisions in favour of mountain areas. The rates of assistance for farm improvement plans are increased and aid may be granted for investment in tourist and craft facilities, vocational training, and training centres. In addition, implementation of the income aid scheme adopted last year by the Council will, together with reform of the structural Funds, allow more attention to be paid in future to economic development and the adjustment of agricultural structures in mountain areas.

Despite their specific character mountain areas cannot be isolated from the Community market and exempted from the constraints that excess supply imposes.

As the single market approaches, the Commission is increasingly unable to contemplate even partial abolition of the additional levy. It has on the other hand proposed, and the Council has adopted, a Community programme to buy back up to 500 000 tonnes of reference quantities in lowland areas for redistribution to producers of less than 60 000 kg, and 100 000 kg in mountain areas. Member States who wish to do so can therefore support milk production in mountain areas by assigning additional quota made available from outside these areas

to small producers up to a limit of 100 000 kg. This is a further readjustment of the quota system in favour of mountain areas going beyond the limits previously possible under Community rules.

- DG XXI: 1,
- DG XXII: 1,
- Cabinets: 1.

3. These temporary officials were employed under the relevant provisions in the Staff Regulations in accordance with the selection procedures established for the purpose.

The fact that the people concerned had previously been seconded to the Commission under the arrangements for the secondment of national officials does not disqualify them from recruitment as temporary members of staff, nor does it give them any priority over other candidates.

**WRITTEN QUESTION No 1950/90**  
**by Mrs Pasqualina Napoletano (GUE)**  
**to the Commission of the European Communities**  
*(1 September 1990)*  
*(91/C 85/48)*

*Subject:* National officials on secondment

1. How many national officials on secondment have received temporary contracts over the last three years?
2. How many temporary contracts have been awarded by nationality and by DG?
3. What were the recruitment procedures for temporary staff?

**Answer given by Mr Cardoso e Cunha**  
**on behalf of the Commission**  
*(6 December 1990)*

1. Between 31 July 1987 and 31 July 1990, 464 national officials were seconded to the Commission. Of this number, 12 were recruited by the Commission on temporary contracts.

2. The breakdown is as follows:

Nationalities:

Germany	France	Greece	Italy	Ireland	Netherlands	Portugal
1	3	1	2	3	1	1

Directorates-General to which they were seconded:

- DG V: 2,
- DG VI: 1,
- DG XI: 2,
- DG XII: 1 (research budget),
- DG XIV: 1 (research budget),
- DG XVI: 2,

**WRITTEN QUESTION No 2043/90**  
**by Mrs Michèle Alliot-Marie (RDE)**  
**to the Commission of the European Communities**  
*(5 September 1990)*  
*(91/C 85/49)*

*Subject:* Financial and tax aid to customs and forwarding agents in difficulties

The forthcoming creation of the single European market on 1 January 1993 will have serious consequences for customs and forwarding agents since all intra-Community trade formalities will disappear with the abolition of frontiers and customs officers will only operate in ports and airports that are open to trade from outside the Community.

What measures is the Commission envisaging to assist companies that, by all accounts, will have to make massive staff reductions, incur large expense in redundancy pay and early retirement schemes and possibly diversify into other activities?

For the same reasons, what measures does the Commission intend to take to enable these companies to build up reserves other than those designed to meet social and fiscal charges?

**Answer given by Mr Cardoso e Cunha**  
**on behalf of the Commission**  
*(9 January 1991)*

The Commission would ask the Honourable Member to kindly refer to its answer to Written Question No 770/90 by Mr Jackson (<sup>1</sup>).

In the context of the structural Funds, the Community programme called Interreg was published in Official

Journal No C 215 of 30 August 1990; under it, Member States will be able to submit to the Commission, within a period of six months, programmes concerning among other things the training and employment of persons whose jobs are affected by changes arising from the completion of the internal market.

Were these programmes to involve State aids falling under Articles 92 and 93 of the EEC Treaty, these would have to be notified in advance to the Commission in accordance with Article 93 (3).

(<sup>1</sup>) OJ No C 283, 12. 11. 1990, p. 21.

#### **WRITTEN QUESTION No 2049/90**

**by Mrs Raymonde Dury (S)**

**to the Commission of the European Communities**

*(5 September 1990)*

*(91/C 85/50)*

*Subject:* Community subsidies for a rock concert

On Saturday, 21 July 1990 a rock concert, 'The Wall', was held in Berlin to celebrate the fall of the Berlin wall.

Did the Commission help finance this event? If so, why and what sums were involved?

#### **WRITTEN QUESTION No 2484/90**

**by Mrs Birgit Cramon Daiber (V)**

**to the Commission of the European Communities**

*(16 November 1990)*

*(91/C 85/51)*

*Subject:* Financial support for 'The Wall' concert staged in July 1990 in Berlin

1. How much did the Commission pay to back 'The Wall' concert staged on 21 July 1990 in Berlin under the direction of Roger Waters?

2. Why did this particular concert receive financial support when the European Community otherwise does very little to promote culture in Europe?

3. On what grounds did the Commission back this concert which was:

- generally of a low standard
- very badly organized

— and particularly tasteless in its depiction of certain aspects of German history?

4. What view does the European Community take of its backing for such an extravagant and over-hyped concert?

#### **Joint answer to Written Questions Nos 2049/90 and 2484/90**

**given by Mr Delors**

**on behalf of the Commission**

*(10 January 1991)*

In view of the very positive experience with the European Year of Tourism's involvement in the Eurovision Song Contest it was decided to look for further sponsorship opportunities for the EYT with 'high profile' events, sponsorship being preferred to advertising for reasons of cost.

The charity-linked 'The Wall' rock concert was sponsored by the European Commission in the context of the European Year of Tourism 1990. This concert, for which consent had been given by the governments of both East and West Germany, had major symbolic importance. The performance took place at the Potsdamer Platz, for so long the no-man's land between East and West Berlin (in the shadow of the Brandenburg Gate); the content of the show was about bringing down barriers, free movement between peoples: the timing was just after the Berlin Wall (symbol of the division of Europe) had been knocked down.

The objective of EYT's involvement in 'The Wall' was:

- to increase visibility for EYT, and
- to project a dynamic and young image of the EC, i.e. the Commission's involvement in tourism.

'The Wall' was chosen because of:

- the expected young and middle-aged world-wide target audience;
- the adequate fit for EYT's image since 'The Wall' was:
  - a gathering of young people from all over the world to celebrate freedom (including freedom of travel),
  - a rock event which is extremely popular with young people,
  - a non-profit event;
- the phased promotional opportunities until April 1991 (live event, re-transmissions, video and record releases, merchandizing).

The event has had and still has important communicative value in reaching audiences world wide.

A contract with the organizers of the event was undertaken to guarantee visibility for EYT. There was very strong presence of the EYT logo on site: banners, posters, etc. and ZDF TV included the animated logo in the closing credits of the broadcast. However, it was not visible on screen in some countries as had been contracted, for a number of insurmountable technical reasons. At the insistence of the EC, the organizers of 'The Wall' have re-edited the show so as to include a message of the President of the Commission and due reference to EYT. This version of the event will be broadcast in Japan, the USA and France and will be re-transmitted several times in all other countries. It has also been released on video and record.

Although the Commission judges its association with 'The Wall' to have been an overall success, the cost of the Commission involvement has been renegotiated in view of the problems mentioned above and will be ECU 185 000, lower than the initially agreed (ECU 300 000).

#### WRITTEN QUESTION No 2055/90

by Mr Ernest Glinne (S)

to the Commission of the European Communities

(5 September 1990)

(91/C 85/52)

**Subject:** European Community contribution to the programme to safeguard Amazonia and the problems raised by the BR 364 highway project

At its meeting of 9–11 July 1990 in Houston, the G-7 asked the World Bank and the European Community (Point 66 of the Declaration) to draw up a pilot programme to safeguard Amazonia in cooperation with Brazil for submission to the Conference on the World Climate to be held in the United States next year and other conferences, and to be drawn up in time for the next economic summit at the very latest.

1. Is it true that the road programme designed in 1970 with the aid of the World Bank and which has gone hand-in-hand with the destruction of the rainforest in a vain attempt to turn over most of Amazonia to agriculture and stock-breeding has been handed over by the World Bank to the Interamerican Bank because of the failure to respect clauses relating to Indian rights during the early phases and the failure to maintain sufficient natural reserves? Is it true that the BR 364 highway project which was initially exempted from this decision, has subsequently been suspended for the above reasons and also because Brazil has an excellent waterway network which could be

supplemented by airstrips to enable air traffic to play a complementary role?

2. Is it true that the new President of Brazil, Mr Fernando Collor de Mello, who took office on 15 March 1990 following democratic elections, does not support the BR 364 project and that the Secretary of State for the Environment, Mr José Lutzenberger, is a declared opponent of the project and is against the use of international finance? Is it also true that, on the contrary, the armed forces and the National Security Council (SADEN) support the BR 364 project and that there is a serious conflict over this matter between the civilian authorities and the military high command?
3. Is it true that the Governor of the State of Acre, Mr Flaviano Melo, who is directly concerned by this matter, is drawing up a realistic state-wide project for Acre divided up into balanced zones and which President Collor would like to use as a model for the whole of Amazonia?
4. Despite the internal legal obstacles which might be raised, could the Community and its Member States use their influence through the IMF and international lending institutions to ensure that a solution is found along the lines of the project referred to in point 3?

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

(18 October 1990)

1. For some time now, because of the effect of the project on the environment, the building of the trunk road known as the BR 364, to which the Honourable Member refers, has pitted its defenders against its detractors.
2. The very negative effects on the indigenous population of the Culabá to Porto Velho section made completion of the Porto Velho to Rio Branco leg all the more difficult. It caused certain delays in the implementation of the programme undertaken in cooperation with the Inter-American Development Bank, particularly in the Acre area.
3. It is the case that the new authorities are currently re-examining the whole project, that the new Special Secretary for the Environment, Mr Lutzenberger, is very hostile to its completion and that he has been a firm opponent for several years (even before his appointment).
4. The whole problem of tropical forests is being widely reviewed on the basis of the Houston mandate. It will probably not be possible to raise or discuss this question with the authorities until a later stage. Nevertheless, it is clear that the Houston mandate must be followed meticulously whilst at the same time respecting the sovereignty of the countries concerned.



**WRITTEN QUESTION No 2081/90****by Mr Harrison (S)****to the Commission of the European Communities***(17 September 1990)**(91/C 85/53)***Subject:** Working languages of the European Communities

What is the Commission's view of the viability of using an artificial language like Interlingua or Esperanto within the European Communities? What are the advantages and disadvantages of such languages? Would it comment specifically about the usefulness or otherwise of Interlingua, as explained by my constituent, Dr F. P. Gopsill of Wirral?

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

*(12 December 1990)*

It is not for the Commission to comment on the linguistic characteristics of artificial languages.

As regards the rules governing the use of languages within the Community, the Commission would point out that the Community's official languages and the working languages of the institutions have, since the establishment of the ECSC, been the official languages of all the Member States <sup>(1)</sup>. This system reflects the right of all the Member States and their citizens to use their own language in contacts with Community institutions and the corresponding obligation for the institutions to use the language of the Member States or the citizen in their contacts with them.

Furthermore, the Commission takes the view that a knowledge of several modern languages is the best way of promoting the understanding of other peoples of the Community and their culture <sup>(2)</sup>. The Commission is pleased that the Council and the Ministers of Education have set the target of giving all schoolchildren the opportunity of learning at least one other Community language. This is one reason why the Community has launched the Lingua programme, the aim of which is to promote the teaching of foreign languages within the Community.

<sup>(1)</sup> Protocol of 24 July 1952 on the rules governing the use of languages by the ECSC; Regulation No 1 of 15 April 1958 determining the languages to be used by the EEC, Regulation No 1 of 15 April 1958 determining the languages to be used by the EAEC (OJ No 17, 6. 10. 1958), as amended by the Acts of Accession of 1972 (OJ No L 73, 27. 3. 1972), of 1979 (OJ No L 291, 19. 11. 1979) and of 1985 (OJ No L 302, 15. 11. 1985).

<sup>(2)</sup> See answer to Written Question No 246/76 by Mr Laban, OJ No C 226, 27. 9. 1976.

**WRITTEN QUESTION No 2099/90****by Mrs Hedwig Keppelhoff-Wiechert (PPE)****to the Commission of the European Communities***(17 September 1990)**(91/C 85/54)***Subject:** Restructuring of the European Social Fund

The restructuring of the European Social Fund at national level means that applications for 1990 have been delayed for a whole year.

1. Is the Commission aware that this gives rise to considerable legal uncertainty and unacceptable financial risk in respect of applications?
2. Does the Commission intend to urge the individual Member States to adopt rapid authorization procedures, giving priority to existing projects receiving support?
3. Given the considerable amounts earmarked for interim financing costs in the 1990 budget, is the Commission prepared to acknowledge capital costs for interim financing as eligible for subsidies?
4. Does not the Commission also consider that, for the purposes of restructuring in other sectors, the old application procedures must be used until the new ones have been adopted?

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

*(5 December 1990)*

1. Thanks to the reform, the negotiations between the Commission and the Member States have resulted in the establishment of Community Support Frameworks, which should bring greater legal and financial certainty to the promoters of projects co-financed by the ESF. It is true that during 1990, the first year of the implementation of reforms in the Community's structural Funds, some delays have been experienced, resulting in temporary funding shortages for some organizations carrying out projects, although in fact the projects were selected by those bodies within the Member States responsible for carrying out the operational programmes. This is, however, a temporary difficulty. The date of the Commission's approval of a programme does not affect the date from which structural Funds' aid is given, which is determined by the Member States' application for structural Funds.

2. The committees responsible for monitoring approved schemes and programmes include representatives of the Commission and they are already examining the implementation of these reforms and will do all in their power to ensure that the objectives are achieved. However, the selection of projects, in both

qualitative and quantitative terms, remains the responsibility of the competent authorities in the Member States.

3. Financing costs in the form of interest do not qualify for subsidies and accordingly can not be recognized as eligible for ESF support.

4. The Commission shares the Honourable Member's view that it is necessary to maintain the old application procedures until new procedures have been adopted.

However, the far-reaching change in European Social Fund administration from one-year projects to multi-year programmes meant that the former application procedure could not be used — not even on a temporary basis.

#### WRITTEN QUESTION No 2112/90

by Mr Gijs de Vries (LDR)

to the Commission of the European Communities

(17 September 1990)

(91/C 85/55)

*Subject:* Draft US legislation concerning standardization

Legislation currently before the House of Representatives would ban five groups of American regulatory authorities from accepting applications for certificates of compliance for any product made outside the US by any EC 'national' (HR 4471-4 and HR 4476). The regulatory authorities addressed are the Federal Communications Commission, the Food and Drugs Administration, the Safety and Health Administration, and the agencies which certify compliance with US clean air and energy conservation standards.

The definition in the bills of EC 'nationals' would appear to include 50-50 joint venture operations or other situations where US companies have minority interests.

1. Does the Commission agree that these bills complicate efforts to reach agreement within GATT concerning Trade Related Investment Measures (TRIMs)?
2. Does the Commission agree that the proposed legislation concerning the FCC takes no account of the informal dialogue which the US Administration and the Commission have been conducting with respect to telecommunications policy, and runs counter to efforts to establish GATT rules on trade in services (notably rules on market access, national treatment and transparency)?
3. What steps does the Commission intend to take to communicate its views to the relevant policy makers in Washington?

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

(23 November 1990)

A number of bills were laid before the House of Representatives in April this year by Mr Gejdenson (HR 4471-74 and HR 4476) which would oblige Community firms to conduct their testing and certification of compliance with the basic requirements set by five US government agencies only in the United States, in 'retaliation' for a Community policy judged to be restrictive and insufficiently transparent.

The Commission is of the opinion that Mr Gejdenson's bills are based on an incorrect analysis of Community policy on standardization and certification. It considers that the regular exchanges of views that have been held with the US authorities for more than a year have cleared up the misunderstandings about the Community's intentions and shown its willingness to work towards trade liberalization.

The US Administration, with which the Commission has been in contact, has, moreover, expressed its opposition to these bills. Similarly the American National Standards Institute (ANSI), which embraces a large number of US standardization institutes has also come out against this initiative which is considered unwarranted, notably in the light of the dialogue established with the European standardization associations — CEN (European Committee for Standards) and CENELEC (European Committee for Electrotechnical Standards).

According to the Commission's information, the draft legislation in question has very few chances of getting through the current session of Congress and is unlikely to affect the negotiations to which the Honourable Member refers. These matters are also dealt with in the negotiations on improving the GATT Code on technical barriers to trade. The Commission is, however, keeping careful watch on the outcome of such initiatives in the United States and remains in close contact with the US authorities on these issues.

#### WRITTEN QUESTION No 2133/90

by Mr Gijs de Vries (LDR)

to the Commission of the European Communities

(27 September 1990)

(91/C 85/56)

*Subject:* Article 115 of the EEC Treaty

For each of the Member States, can the Commission say:

1. How often measures were taken pursuant to Article 115 in 1989?
2. How often the Commission rejected such measures (1)?

**Answer given by Mr Andriessen  
on behalf of the Commission**  
(8 November 1990)

(1) As supplied previously for 1986, 1987 and 1988 (OJ No C 151, 19. 6. 1989, p. 49).

The Honourable Member will find below a table with the information requested and the data available for the first eight months of this year.

	1989			1990 (8 months)		
	Number of times Article 115 invoked	Accepted	Disallowed	Number of times Article 115 invoked	Accepted	Disallowed
Germany	—	—	—	—	—	—
Benelux	1	—	1	—	—	—
Denmark	—	—	—	—	—	—
Spain	33	12	21	28	12	16
France	88	73	15	45	36	9
Greece	2	2	—	1	1	—
Ireland	17	12	5	5	4	1
Italy	16	16	—	12	11	1
Portugal	1	1	—	—	—	—
United Kingdom	3	3	—	—	—	—
<b>Total</b>	<b>161</b>	<b>119</b>	<b>42</b>	<b>91</b>	<b>64</b>	<b>27</b>

#### WRITTEN QUESTION No 2136/90

by Mr Gijs de Vries (LDR)

to the Commission of the European Communities

(27 September 1990)

(91/C 85/57)

**Subject:** The importation of matching sets of clothes

In May 1990 the classification of matching sets of clothes ('ensembles'-Categories 16, 29, 74 and 75) was changed in a regulation.

1. Is the new regulation compatible with the rules of the International Customs Council governing the use of several different colours and qualities in one ensemble?
2. Is the transitional period of only two months laid down in the regulation not so short that it goes against a generally recognized principle of good management?

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

(10 December 1990)

contained in the Customs Cooperation Council's Harmonized System. Its sole purpose is to ensure the proper and uniform application of the provisions in question.

2. What the Honourable Member terms a 'transitional period' is in fact the usual period allowed for entry into force of regulations with a tariff content (i.e. 21 days after the day of publication in the Official Journal).

Since the Regulation in question in no way modifies the legal definition of 'ensemble', there would be no justification for a 'transitional period' in this case.

(1) OJ No L 112, 3. 5. 1990.

#### WRITTEN QUESTION No 2146/90

by Mr Ian White (S)

to the Commission of the European Communities

(27 September 1990)

(91/C 85/58)

**Subject:** Driving offences

1. The additional note introduced to the Combined Nomenclature by Commission Regulation (EEC) No 1119/90 of 2 May 1990 (1) does not, and could not, in any way alter the scope of the legal definition of 'ensemble'

Will the Commission please state what the comparative penalties are in each Member State for the English

criminal offence of 'Driving with excess alcohol' under the Road Traffic Act 1972?

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

(20 November 1990)

As the Honourable Member is aware, the Commission submitted to the Council in January 1989 a proposal for a Directive<sup>(1)</sup> fixing the maximum permitted rate of alcohol concentration in drivers' blood at 0,5 mg.

As the other proposals for Directives on road safety relating to behavioural aspects (safety belts, speed limits) were also submitted by the Commission at the same time, the above proposal aims at the approximation of Member States' legislation.

Enforcement procedures, and therefore penalties, fall within the competence of Member States.

It is because of the above that the Commission does not have available information to compare penalties in each Member State with the United Kingdom legislation mentioned by the Honourable Member.

As far as the Commission is aware, national systems on enforcement vary according to the nature of the legal system concerned and the particular circumstances of the offence which may be prosecuted in an administrative or penal procedure.

The Commission has the intention — by means of a study to be launched next year — to build up a Community-wide information data base on the whole national legislation on traffic, updated yearly, containing data on all the elements concerned, as well as on the measures applied and their results. Once this information data base is operational, the requested information will be available.

<sup>(1)</sup> Proposal for a Council Directive relating to the maximum permitted blood alcohol concentration for vehicles drivers. COM(88) 707 final; OJ No C 25, 31. 1. 1989.

#### WRITTEN QUESTION No 2149/90

by Mr José Happart (S)

to the Commission of the European Communities

(27 September 1990)

(91/C 85/59)

**Subject:** Importance of social security for those exercising the occupation of farmer

In a motion for a resolution which I tabled during the last parliamentary term I voiced my concerns regarding farming accidents and the dangers involved.

I proposed the implementation of a training and information programme for farmers concerning the prevention of accidents on farms.

1. What progress has been made in implementing this programme?
2. What progress has been made in collecting precise statistics concerning the incidence of farming accidents?
3. Will the future Community public health policy embrace means of providing adequate cover for farming accidents and the long periods of infirmity resulting from them?

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

(7 December 1990)

1. The Commission programme concerning safety, hygiene and health at work<sup>(1)</sup> provides for information and training in respect of all health and safety aspects of agriculture.

Under this programme, operations have been carried out over several years to improve training for those engaged in farming. Community training modules have been developed to make farmers more aware of the need to prevent the most common types of accidents. Training courses have been organized in all the Community countries which have expressed interest.

2. Work is under way to harmonize the collection of statistics on accidents at work, particularly in agriculture, at Community level. The Honourable Member is referred to the Commission's answer to question No 1524/90 of Mr Di Rupo.<sup>(2)</sup>

3. Under current Community law, responsibility for providing cover for farming accidents and the long periods of infirmity resulting from them lies with the Member States' authorities.

Community policy on social security coverage in general is tending towards convergence of the objectives of national social security systems. The action programme relating to the implementation of the Community Charter of the Fundamental Social Rights of Workers makes provision for a recommendation on this matter.

<sup>(1)</sup> OJ No C 28, 3. 2. 1988.

<sup>(2)</sup> OJ No C 49, 25. 2. 1991, p. 20.

**WRITTEN QUESTION No 2175/90**

**by Mr Ernest Glinne and Mr Henri Saby (S)  
to the Commission of the European Communities**

(4 October 1990)

(91/C 85/60)

*Subject:* The need to support national reconciliation in Guatemala

On 5 July 1990, the Secretary-General of the UN appointed the German lawyer C. Tomuschat the post of independent expert responsible for monitoring the human rights situation in Guatemala. On 1 July, 16 delegations — mostly drawn from church or academic circles — set up an on-the-spot Educational Committee on Human Rights linked to the Inter-American Institute of Human Rights and the (West German) Friedrich Nauman Foundation. Previously, in the spirit of the Esquipulas II agreements of August 1987, meetings had been held in Oslo (from 26 to 30 March) and Madrid (28 May to 1 June) between the armed opposition movement, the URNG (Guatemalan National Revolutionary Unity) and the National Reconciliation Commission. Against these positive developments, however, the following facts must be set:

1. The Human Rights Commissioner appointed by the Congress of the Republic, reported that 153 extra-judicial killings had taken place in the first half of this year; Guatemala, which has a population of nine million, accounts for over half of all South America's 'disappeared' persons.
2. Repression of the peasant farmers has not succeeded in stopping strikes, for example on 31 January this year, but talks between UNAGRO, representing the land-owning élite, and UASP, a union of grass-roots organizations calling for better pay and working conditions and access to land ownership for the people, are stalled because of the imbalance in favour of the former and the banning of the Peasants' Unity Committee, a clear breach of Article 34 of the Constitution, which guarantees freedom of association.
3. Key sections of the armed forces still hope for a military solution and are actively involved in destroying the chances of reaching a political solution.
4. The inquiry demanded by the PSD (Democratic Socialist Party) into the assassination of the Guatemalan lawyer, Hilda Flores, and the Salvadorean leader, Hector Oqueli Colindres, has been blocked at the highest official level.

At a time when the US Senate and Congressional Committee on Latin American Affairs are considering reducing US military aid to Guatemala and the US administration is issuing warnings to people travelling to

Guatemala, we wish to know the attitude of the Executive authorities and of the Foreign Ministers meeting in political cooperation, to the need for national reconciliation in Guatemala, which is inseparable from the need to ensure that the human rights of individuals and communities are properly protected at last.

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

(23 November 1990)

The Commission shares the concern expressed by the Honourable Members about the worsening situation in Guatemala and fully supports their call to step up the process of national reconciliation begun in Oslo and Madrid.

On several occasions, and notably in its reply to Written Question No 1101/90 by Mr Seligman<sup>(1)</sup>, the Commission deplored the increasingly frequent violations of human rights in Guatemala and clearly expressed its support for the talks between those involved in the conflict, in the spirit of the Esquipulas II Agreements and the reconciliation procedures enshrined in them.

<sup>(1)</sup> OJ No C 283, 12. 11. 1990, p. 34.

**WRITTEN QUESTION No 2209/90**

**by Mrs Maartje van Putten (S)  
to the Commission of the European Communities**

(4 October 1990)

(91/C 85/61)

*Subject:* Programme for guaranteed employment in India

There is a growing movement amongst NGOs, trade unions, scientists and politicians in favour of providing a guarantee of employment for unskilled labourers. Such an 'Employment Guarantee Scheme' already operates in the State of Maharashtra. Expert authorities, including the World Bank in its report 'India — Poverty, Employment and Social Services', see this as a particularly valuable tool for combating poverty. The Singh Government has recently made the establishment of a 'right to work' in general, and an employment guarantee for agricultural workers in particular, one of its central objectives.

1. Is the Commission familiar with this movement in favour of the right to work in India?
2. Does it endorse the World Bank's call for the creation of a safety net for the poor via the establishment of a national employment policy on the Maharashtra model?

3. Is it prepared to discuss with the Indian authorities the possibility of endorsing the new Indian employment policy for workers in rural areas?
4. How, when and to what extent can it provide aid for the employment policy for the rural population?

(Spain) as an Objective 2 region (a region in industrial decline)?

2. How in the Commission's opinion, can the delay in applying this aid be made up, given that the period of application was originally set as 1989 to 1991?

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

(19 December 1990)

1. The Commission has regular contacts with all development agencies active in India and with the Indian authorities, both public (at federal and state level) and private (NGOs). Thus the Commission is aware of national and international initiatives for the development of the Indian economy.
2. The right to work is a particularly burning issue in India at the moment and the subject of domestic policy debate; it should therefore be approached with caution.
3. In general, development projects, which in India are financed exclusively by grants, have long been drawn up jointly with the Indian authorities. No request specifically concerning employment support has recently been introduced by the Indian authorities. However, should the Indian authorities introduce such a request, the Commission would of course be prepared to examine possible means of support compatible with the guidelines of the policy for cooperation with LAA developing countries.
4. Most Community-financed projects in India — whether under financial and technical cooperation or cofinanced with European NGOs — involve a major component of highly labour-intensive works and thus have a positive impact on employment in rural areas. This has been the policy since 1976, when financial and technical cooperation was introduced. Any extension of cooperation policy will be in accordance with the guidelines for cooperation with LAA developing countries and will be dependent on increased resources.

**WRITTEN QUESTION No 2217/90**

**by Mr Victor Manuel Arbeloa Muru (S)  
to the Commission of the European Communities**

(8 October 1990)

(91/C 85/62)

**Subject:** Investment in Navarra as an Objective II region

1. What projects were co-financed with the Community aid intended for the Region of Navarra

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

(4 December 1990)

1. (a) The Community support framework (1989—91) for the conversion of declining industrial areas in Spain includes the following part-financing for national measures in the Autonomous Community of Navarre:

- under the regional sub-framework: ECU 10 million from the ERDF and ECU 940 000 from the Social Fund;
- under the multiregional and sub-framework: a contribution from both Funds.

- (b) During 1989 the ERDF provided part-financing worth ECU 2,24 million for two projects under the regional sub-framework.

In July 1990 the Spanish authorities submitted a draft operational programme for 1990—91. This included an application for Community part-financing of ECU 17,17 million from the two sub-frameworks referred to above for measures under the following priorities:

- establishment and development of productive activities;
- protection and improvement of the environment;
- support for research and development and training facilities;
- improvement in the communications network.

The Commission is currently examining this draft.

- (c) As far as the Social Fund is concerned, Community part-financing was granted for 1989 under Decision 83/516/EEC (<sup>1</sup>).

The operational programmes to be part-financed by the Social Fund in 1990—91 are as follows:

- one operational programme under the regional sub-framework, approved by Commission decision of 10 August 1990, Community contribution ECU 940 000;

- one operational programme under the multiregional sub-framework approved by Commission decision of 10 August 1990, Community contribution ECU 3,38 million.

These programmes include vocational training under the following two priorities:

- establishment and development of productive activities (training for small and medium-sized firms, training for those employed by firms undergoing restructuring, training for employed workers relating to regional and social conversion);
- training relating to environmental protection.

2. In view of the points listed above, the Commission considers that there has been no delay in implementing the measures part-financed by the structural Funds and included in the CSFs.

(<sup>1</sup>) OJ No L 289, 22. 10. 1983.

#### WRITTEN QUESTION No 2258/90

by Mr Anthony Simpson (ED)

to the Commission of the European Communities

(8 October 1990)

(91/C 85/63)

*Subject:* Classification of camcorders

Last year the Commission put forward a proposal whereby camcorders would cease to be classified under the European customs tariff as cameras capable of recording, and subject therefore to a tariff of 4,9% and would be classified as video recorders which are subject to a tariff of 14%.

At that time, EEC classification rules provided that only camcorders with certain additional features be classified as video recorders. As this particular rule exists and continues to exist, the proposed alteration was clearly unjustified. Indeed, the EC's own specialist committee rejected the proposal, in accordance with international practice which classified camcorders as televisions cameras capable of recording.

Would the Commission explain its reasons for tabling this proposal once more, this time at international level, given that there is no European production of this product with the exception of Sony, and that the only effect of this proposal would be merely to triple, from 4,9% to 14%, the tariff on these products, which is ultimately payable by the consumer, at a time when tariffs are generally being reduced?

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

(5 November 1990)

The Commission presumes that the Honourable Member is referring to discussions currently taking place at the Customs Cooperation Council concerning the revision of the Harmonized System. During these discussions, the Commission services, acting on behalf of the Community and reacting to proposals made by certain third countries, have proposed that camcorders be classified under heading 8521.

However the abovementioned discussions concern only changes to the nomenclature upon which the Common Customs Tariff is based and do not concern the rates to be applied to that nomenclature. This is not therefore a question of amending the duty rates applicable to particular lines of the nomenclature, which would of course involve separate negotiations in the GATT, but rather a case of making technical improvements to the nomenclature in order to take account of changes in technology or in patterns of international trade.

#### WRITTEN QUESTION No 2268/90

by Mr James Nicholson (PPE)

to the Commission of the European Communities

(15 October 1990)

(91/C 85/64)

*Subject:* Customs officers

With the advent of the single market and the need for fewer numbers employed in normal customs duties at internal frontiers, what consultation has taken place with the national governments of each Member State to ensure us that

1. alternative employment is offered within the service;
2. compensation is offered to those wishing to take early retirement or to leave the service?

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

(6 December 1990)

The Honourable Member is referred to the Commission's answer to Written Question No 154/90 by Mrs Reding (<sup>1</sup>).

The study on the organization of the customs administrations in the light of 1992, which the Commission entrusted to the European Institute of Public Administration at Maastricht, will be completed soon. In the course of the study consultations were held with the administrations and the relevant Commission departments.

Although alternative employment and compensation measures are matters for national governments, the Commission intends to follow up the above study by discussing with the Member States the effects on the Community's customs services and their staff of removing the internal borders.

The problem mentioned by the Honourable Member will be given due attention in this context.

(<sup>1</sup>) OJ No C 233, 17. 9. 1990.

#### WRITTEN QUESTION No 2299/90

by Mrs Christine Crawley (S)  
to the Commission of the European Communities

(15 October 1990)

(91/C 85/65)

*Subject:* Maritime shipping laws

In certain Member States maritime shipping laws give rise to unwelcome labour practices, inasmuch as they sanction the return of seamen to their ships by force if they leave without permission. Would the Commission comment on this as an employment practice and outline what actions it may take in the interests of good employment practice?

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

(26 November 1990)

In respect of social legislation relating to shipping, the Commission supports the work of the Port State control, which includes checks on working conditions aboard ships.

Furthermore, all maritime Member States, with the exception of Ireland, are signatories to ILO Convention 147, which lays down minimum working conditions on board vessels.

#### WRITTEN QUESTION No 2312/90

by Mrs Cristiana Muscardini (NI)  
to the Commission of the European Communities

(15 October 1990)

(91/C 85/66)

*Subject:* False image of coloured immigrants

Would it not be desirable to launch a Europe-wide information and publicity campaign to give the lie to the

preconception which has it that coloured immigrants are 'natural' carriers of infectious diseases, despite the fact that all the statistics compiled to date by health authorities offer proof to the contrary?

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

(6 December 1990)

The Commission has no statistics available on infectious diseases in coloured immigrants and therefore has no comment to make on the usefulness of an information campaign.

It would nevertheless point out that, in all its initiatives with regard to immigrants, it has always been opposed to any form of prejudice based on race or colour, in accordance with the Joint Declaration of 11 June 1986 against racism and xenophobia.

#### WRITTEN QUESTION No 2313/90

by Mrs Cristiana Muscardini (NI)  
to the Commission of the European Communities

(15 October 1990)

(91/C 85/67)

*Subject:* Problems for Turner's syndrome victims resulting from the design of buildings

Regarding the women suffering from Turner's syndrome — and now that it has endorsed a protocol setting out guidelines on correct dosage of growth hormone (GH) — does the Commission not believe that provisions should be issued to remove the psychological and social obstacles, as well as those resulting from the design of buildings, that make certain jobs an impossibility for persons below average height?

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

(30 November 1990)

The elimination of architectural obstacles for persons with serious physical or mental handicaps is one of the Commission's priority concerns. In the context of its measures to improve the physical environment for disabled people, before the end of 1990 the Commission will present a proposal for a directive concerning the mobility and transport of workers with reduced mobility.

With regard to the elimination of psychological and social barriers, the Commission has initiated a campaign to



increase public awareness by disseminating information on the capabilities of disabled people with the cooperation of the media, by the establishment of an information and documentation service and by supplying direct information to those concerned at European exhibitions on this subject.

With regard to the safety and health of disabled workers, Council Directive 89/654/EEC concerning the minimum safety and health requirements for the workplace<sup>(1)</sup> provides in the annexes that 'workplaces must be organized to take account of handicapped workers, if necessary. This provision applies in particular to the doors, passageways, staircases, showers, washbasins, lavatories and work stations used or occupied directly by handicapped persons'. In addition, under the general obligations in Council Directive 89/391/EEC<sup>(2)</sup>, an employer must 'where he entrusts tasks to a worker, take into consideration the worker's capabilities as regards health and safety' (i.e. physical and intellectual) (Article 6 (3) (b)), and must 'be in possession of an assessment of the risks to safety and health at work, including those facing groups of workers exposed to particular risks' (Article 9 (1) (a)).

<sup>(1)</sup> OJ No L 393, 30. 12. 1989, p. 1.

<sup>(2)</sup> OJ No L 183, 29. 6. 1989, p. 1.

#### WRITTEN QUESTION No 2319/90

by Mr Ernest Glinne (S)

to the Commission of the European Communities

(18 October 1990)

(91/C 85/68)

**Subject:** Administrative Commission on Social Security for Migrant Workers

In reply to my Written Question 715/90<sup>(1)</sup> on the granting of family benefits to frontier-zone workers, Mrs Papandreou, Commissioner, said that the rules for implementing Article 94 (9) of Regulation (EEC) No 3427/89<sup>(2)</sup> were currently being discussed by the Administrative Commission on Social Security for Migrant Workers.

Can the Commission tell me:

- Who are the members of this Commission?
- What stage has been reached in these discussions?

<sup>(1)</sup> OJ No C 259, 15. 10. 1990, p. 36.

<sup>(2)</sup> OJ No L 331, 16. 11. 1989, p. 1.

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

(15 November 1990)

Under Article 80 of Regulation (EEC) No 1408/71<sup>(1)</sup>, the Administrative Commission on Social Security for Migrant Workers, for which the Commission of the European Communities provides the secretariat, is made up of a government representative of each of the Member States, assisted, where necessary, by expert advisers. A representative of the Commission of the European Communities attends the meetings of the Administrative Commission in an advisory capacity.

At its meeting of 10 and 11 October 1990 in Brussels, the Administrative Commission adopted unanimously a decision on the implementation of Article 94 (9), to which the Honourable Member refers. The decision will be published in the *Official Journal of the European Communities* as soon as possible.

<sup>(1)</sup> OJ No L 230, 22. 8. 1983, as last amended by Regulation (EEC) No 3427/89, OJ No L 331, 16. 11. 1989.

#### WRITTEN QUESTION No 2328/90

by Mr Yves Verwaerde (LDR)

to the Commission of the European Communities

(18 October 1990)

(91/C 85/69)

**Subject:** Community social policy

To what extent does the Commission plan to harmonize Community social policy (more specifically, the policy of the European Social Fund (ESF)) with national policy, particularly as regards steps to integrate young people without vocational skills and older workers into the labour market?

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

(15 November 1990)

Following the reform of the structural Funds, the Commission's activities are to be guided by the principles of decentralization, partnership and subsidiarity.

The principle of partnership means that there is close consultation between the Commission, the Member State concerned and the competent authorities.

One of the ways in which partnership finds expression is in the negotiation of Community support frameworks and the implementation of operational programmes.

These principles provide the basis for an ongoing dialogue between the Commission and the Member State

concerned, the aim of which is to pool the resources involved in Community structural measures with a view to ensuring that more effective use is made of them.

Moreover, the Regulation coordinating the activities of the structural Funds (Regulation (EEC) No 2052/88) <sup>(1)</sup> stipulates that the plans and Community support frameworks are to contain information in the light of which the relationship and consistency between the structural measures and the economic and social policies of the Member State concerned can be assessed. It is in this context that the synergy between the national measures and the structural activities of the European Social Fund makes itself felt.

As regards the people on whom ESF activities are targeted, it should be borne in mind that Article 2 of Regulation (EEC) No 4255/88 <sup>(2)</sup> defining the scope of the Fund, states that assistance is to be granted under Objectives 3 and 4 throughout the Community to operations to combat long-term unemployment and to facilitate occupational integration of school-leavers and jobseekers under the age of 25 regardless of the time it takes.

The Fund thus helps to finance vocational training measures accompanied, where appropriate, by vocational guidance measures. Vocational training is defined as any measure intended to provide the skills needed to engage in one or more specific types of employment and any measure with the relevant technology content required by technological change and requirements and developments on the labour market.

By way of exception, in the regions covered by Objective 1, vocational training may comprise any measure required for the use of new production and/or management techniques in small businesses (Article 1 (4) of Regulation (EEC) No 4255/88).

<sup>(1)</sup> OJ No L 185, 15. 7. 1988.

<sup>(2)</sup> OJ No L 374, 31. 12. 1988.

#### WRITTEN QUESTION No 2336/90

by Mr Dieter Rogalla (S)

to the Commission of the European Communities

(18 October 1990)

(91/C 85/70)

*Subject:* The Matthaeus programme

1. Is it the case that a number of Member States object to the basic principles of the Matthaeus programme, take part in it only with reluctance, or completely reject it?

2. What stage will the programme have reached by the end of 1990? How many officials from which Member

States are currently taking part, and what is the state of funding?

3. Has the Commission itself employed former customs and border control officials from the Member States, and, if so, how many, in what departments and under what terms?

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

(14 November 1990)

1. The Matthaeus programme has the unanimous agreement of the Member States' governments.

The pilot project is now under way and has not shown up any reservations or hesitation on the part of the Member States about implementing the programme. Quite the contrary: national governments are showing growing interest in this training scheme.

2. The results of the pilot project are encouraging and, in the light of experience, a draft Council decision is now being prepared in order to continue, and indeed step up, this training scheme.

The pilot project has so far involved a total of 578 officials, broken down as follows:

Belgium	51
Denmark	20
Germany	65
Spain	46
France	91
Greece	43
Ireland	24
Italy	75
Luxembourg	13
Netherlands	93
Portugal	22
United Kingdom	35

The Commission has allocated ECU 2 500 000 to this project. Appropriations committed so far amount to ECU 2 414 000, of which ECU 1 621 000 has already been laid out.

3. The Commission employs a number of former customs officers in its departments, mostly in DG XXI. At present it has 75 former customs officers, 69 as permanent officials, four as temporary agents and two on contract. The same DG also has the services of 30 national experts on secondment.

Former customs officers are also assigned to other of the Commission's Directorates-General, in particular DGs I, VI, XIX and XX, and to the Secretariat-General (Coordination of Fraud Prevention).

**WRITTEN QUESTION No 2370/90****by Mr Filippos Pierros (PPE)****to the Commission of the European Communities***(25 October 1990)**(91/C 85/71)*

*Subject:* Implementation of Regulation (EEC)  
No 2242/87 in Greece

Under Regulation (EEC) No 2242/87 <sup>(1)</sup> of 23 July 1987, financial support is granted for projects providing an incentive and aimed at contributing towards the maintenance or re-establishment of seriously threatened biotopes which are the habitat of endangered species and are of particular importance to the Community under Directive 79/409/EEC <sup>(2)</sup>.

This Regulation also covers projects providing an incentive and aimed at contributing towards the protection or re-establishment of land threatened or damaged by fire, erosion and desertification. The Regulation is to apply for four years until 30 July 1991 and a total of ECU 24 million is earmarked for this purpose.

What financing has been received by Greece to date under this Regulation?

<sup>(1)</sup> OJ No L 207, 29. 7. 1987, p. 8.

<sup>(2)</sup> OJ No L 103, 25. 4. 1979, p. 1.

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

*(17 January 1991)*

Further to the reply to Written Question No 1811/90, the Commission would inform the Honourable Member that so far it has paid out ECU 401 250 of the appropriations committed for projects in Greece under Regulations (EEC) No 1872/84 <sup>(1)</sup> and (EEC) No 2242/87 on action by the Community relating to the environment.

<sup>(1)</sup> OJ No L 176, 3. 7. 1984.

**WRITTEN QUESTION No 2375/90****by Mr Karl von Wogau (PPE)****to the Commission of the European Communities***(25 October 1990)**(91/C 85/72)*

*Subject:* Harmonization of technical standards

In Council resolution 85/C 136/01 of 7 May 1985, a new approach was taken to technical harmonization in the

Community, the aim of which was to transfer the process of technical harmonization from the legislative authorities to those competent specialist committees and other bodies working within CEN or CENELEC, for example, in accordance with their own procedures.

1. Does the Commission still acknowledge the 'new approach' working method?
2. How does the Commission view the work carried out by the harmonization bodies to date in accordance with the 'new approach'?
3. What measures is the Commission taking to safeguard the role of experts in the sectors concerned (producers, users and consumers)?
4. Does the Commission recognize the results of the harmonization and standardization work carried out by these bodies, or does it find it necessary to have all the standards drawn up by CEN and CENELEC checked a second time by their own panel of experts?

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

*(19 December 1990)*

1. The 'new approach' based on the transfer of harmonization from the administrative authorities to European standardization bodies represents a major plank in Community policy on the removal of technical barriers. Many standardization activities have been officially assigned by the Commission to bodies of this type in order to prepare more than 1 200 European standards. The Commission feels that, in most industrial fields, the working methods linked with this new approach improve technical harmonization by directly associating all of the interested parties.

2. The Commission is aware of the very hard work performed by those bodies in order to tackle the major challenge facing them. However, since a certain number of delays in the preparation of those European standards have been noted, the managements of those bodies, together with the Commission have been prompted to take steps to improve the efficiency of the working methods and structures involved. In its 'Green Paper' on the expansion of European standardization <sup>(1)</sup>, the Commission puts forward, among other things, short and medium-term measures intended to improve the situation.

3. The internal rules of the European Standardization bodies provide for participation in the preparation of the European standards by the circles involved.

However, the Commission feels that still wider involvement of those circles at European level is called for, and involvement which *inter alia* should, under conditions of self-reliance and efficiency, expand the

involvement of consumers and trade unions in order to ensure that better account is taken of their interests, above all with regard to product safety and that at the workplace.

4. The Commission feels that the implementation of the European standardization bodies procedures ensures the legitimacy of the European standards, the references for which are published automatically. It will also be monitoring the preparation of those standards in order to avoid any discrepancies with Community law. Nevertheless, if any such discrepancies were to be identified withdrawal procedures have been provided for in each of the relevant directives.

(<sup>1</sup>) COM(90) 456 final.

#### WRITTEN QUESTION No 2379/90

by Mrs Christine Crawley (S)

to the Commission of the European Communities

(25 October 1990)

(91/C 85/73)

*Subject:* Appropriate questions on application forms

I note on application forms for administrative trainees that among the questions asked of applicants are:

1. their gender,
2. their marital status, and
3. the occupation of their husband/wife.

Would the Commission explain if they consider these questions in line with a policy of non-discrimination and equality of opportunity, and would they explain why they need this information, and to what use they put it?

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

(6 December 1990)

The particulars to be given on the application forms for trainees are needed for purposes of:

- determining the amount of the grant (head of household or not, husband/wife having an occupation or not);
- addressing correspondence (Mr, Mrs or Miss);
- maintaining a balance between male and female trainees.

It should be mentioned in this context that 63 % of current trainees are women and 37 % are men.

#### WRITTEN QUESTION No 2387/90

by Mr José Valverde Lopez (PPE)

to the Commission of the European Communities

(25 October 1990)

(91/C 85/74)

*Subject:* Community action in Gibraltar under the European Social Fund

What investment in Gibraltar under the European Social Fund has been planned and approved by the Community?

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

(3 December 1990)

No operational programmes have been agreed specifically for European Social Fund assistance to Gibraltar.

The Gibraltar authorities will be able to apply for assistance with projects under objectives 3 and 4. These project applications are being examined by the United Kingdom authorities, who will decide whether to accept or reject them. This procedure (for projects in 1990) is not yet complete.

#### WRITTEN QUESTION No 2408/90

by Mrs Mary Banotti (PPE)

to the Commission of the European Communities

(25 October 1990)

(91/C 85/75)

*Subject:* Environmental impact assessment and irrigation

The Spanish Ministry of Public Works is planning large-scale irrigation schemes in the basins of the rivers Duero and Tejo that could have serious adverse effects on the habitat of a number of bird species that are threatened on a global scale and for which the Spanish populations are of vital importance.

Irrigation projects are not at present included in either Annex I or Annex II of Directive 85/337/EEC (<sup>1</sup>), on the assessment of the effects of certain public and private projects on the environment.

1. If Community financial support is sought for these projects, will the Commission insist that a thorough EIA is carried out to ensure that the habitats of these bird species are not adversely affected?
2. In the light of these serious threats to important wildlife habitats, will the Commission now bring forward, as a matter of the utmost urgency, proposals

for the amendment of Directive 85/337/EEC to include irrigation projects, along with all other project types which may adversely affect wildlife habitats?

(<sup>1</sup>) OJ No L 175, 5. 7. 1985, p. 40.

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

(18 December 1990)

1. The Spanish authorities have presented operational programmes, jointly funded by the EAGGF Guidance Section, with a view to improving agricultural production conditions.

Under these programmes, irrigation schemes are planned mainly in the Duero and Tagus basins.

An impact study must be carried out for any project that might have an effect on the environment, and such projects must include measures to offset any adverse effects.

2. The Commission is currently considering the possibility of specifically including irrigation projects in the field of application of Directive 85/337/EEC since, under certain conditions, irrigation can modify ecosystems and bring about irreversible changes in existing biotopes.

**WRITTEN QUESTION No 2412/90**

**by Mr Alonso Puerta (GUE)**

**to the Commission of the European Communities**

(25 October 1990)

(91/C 85/76)

*Subject:* The 'Química del Nalón' undertaking

Gas emanations from the effluent of the Química del Nalón undertaking situated in the Langreo municipality (Asturias-Spain) constitute a potential health hazard for the local residents.

1. Can the Commission ascertain whether the activities of this undertaking are covered by Council Directive 82/501/EEC (<sup>1</sup>) on the major accident hazards of certain industrial activities? Article 3 of this directive states that all the measures necessary to prevent major accidents and limit their consequences for man and the environment must be taken.
2. Can the Commission request information from the Spanish authorities on the nature of the products manufactured by this undertaking, the safety

precautions followed and the toxicological findings related to these products?

3. What measures will the Commission take, together with the competent authorities, in order to
  - (a) help to protect the health of those affected in this case,
  - (b) to ensure that the necessary measures are taken for the safe disposal or recycling of this effluent?

(<sup>1</sup>) OJ No L 230, 5. 8. 1982, p. 1.

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

(19 December 1990)

1. The Commission was not previously aware of the problems raised by the Honourable Member regarding Química del Nalón in Langreo.

2. If this industrial establishment is covered by Directive 82/501/EEC (known as the 'Seveso' Directive) on the major accident hazards of certain industrial activities, the manufacturer is obliged to take all necessary measures to prevent major accidents and to limit the consequences of accidents, and the Spanish Government is responsible for the proper application of these provisions.

3. Furthermore, in accordance with Directive 75/442/EEC on waste (<sup>1</sup>), waste from this establishment must be disposed of without endangering human health or harming the environment. In addition, if this waste is toxic and dangerous, such as that covered by Directive 78/319/EEC (<sup>2</sup>), the company must, upon request, provide the competent authorities with information concerning in particular the quantity and nature of the waste.

The Commission intends to refer this matter to the Spanish Government.

(<sup>1</sup>) OJ No L 194, 25. 7. 1975.

(<sup>2</sup>) OJ No L 84, 31. 3. 1978.

**WRITTEN QUESTION No 2446/90**

**by Mr Carlos Robles Piquer (PPE)**

**to the Commission of the European Communities**

(7 November 1990)

(91/C 85/77)

*Subject:* Specialized workforce for the installation of solar energy facilities

Technological progress is essential for the development of solar energy. At the same time, the installation of solar

energy equipment and, in general, its more widespread use depends upon the existence of a properly trained skilled workforce, the scarcity of which is one of the main obstacles to the wider use of solar energy.

Does the Commission therefore consider that Member States should set up more vocational training centres awarding diplomas for solar energy designers and fitters? Is it aware of initiatives being taken by the Member States concerned in this area? Is any form of cooperation taking place between the Member States of the European Community to encourage the creation of a specialized workforce and promote training in state-of-the-art technology in this sector?

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

(4 January 1991)

Like the Honourable Member himself the Commission feels that the education and training of staff specialized in the practical use of renewable energy sources, and in particular solar energy, are essential factors if they are to become widespread.

The Commission is aware that, in certain Member States, the official bodies responsible for renewable energy sources are deeply involved in education and the organizing of traineeships aimed at producing qualified operatives who are awarded certificates at the end of their courses.

The Commission feels that this type of training should become a matter of course throughout the Community and form the basis of a constant interchange, between Member States, of experience and know how.

In pursuing its intention to promote and extend the effects of research and cooperation and advanced technologies the Commission has decided, as part of the activities of the European Social Fund, to grant preferential status to training schemes put forward by Member States in conjunction with joint research and development programmes<sup>(1)</sup>.

Finally, in order to add a Community dimension to vocational training for new qualifications and trades, the Commission has put to the Member States a community-backed programme called 'Euroform' that is currently before the European Parliament for its opinion.

<sup>(1)</sup> ESF guidelines — OJ No C 45, 24. 2. 1989.

# **WRITTEN QUESTION No 2453/90**

**by Mr Fernand Herman (PPE)**

**to the Commission of the European Communities**

(7 November 1990)

(91/C 85/78)

**Subject:** Authorization for the Belgian National Giro Office to issue credit cards

With reference to the answer by Sir Leon Brittan to my Written Question No 1867/90<sup>(1)</sup>, the question was not whether the Belgian Government may or may not transform its national Giro Office into a credit institution but whether such an institution is subject to Community banking legislation.

If this is so, as the Commission implies, have steps already been taken to ensure that the Giro Office agrees to comply with all relevant Community rules, which apparently is not as yet the case?

<sup>(1)</sup> OJ No C 63, 11. 3. 1991.

**Answer given by Sir Leon Brittan  
on behalf of the Commission**

(29 November 1990)

The Commission can only repeat what it already stated in its answer to Written Question No 1867/90<sup>(1)</sup>.

Under the second indent of Article 2 (2) of the First Directive on banking coordination (77/780/EEC)<sup>(2)</sup>, as amended by Article 1 of Directive 86/524/EEC<sup>(3)</sup>, the Belgian national giro office is not governed by Community banking rules.

That being the case, the Commission is unable to do as the Honourable Member apparently wishes, namely, to take steps to ensure that the giro office in question complies with all relevant Community rules.

<sup>(1)</sup> OJ No C 283, 12. 11. 1990.

<sup>(2)</sup> OJ No L 322, 17. 12. 1977.

<sup>(3)</sup> OJ No L 309, 4. 11. 1986.

# **WRITTEN QUESTION No 2462/90**

**by Mr José Barros Moura (CG)**

**to the Commission of the European Communities**

(7 November 1990)

(91/C 85/79)

**Subject:** ESF payments to Portugal

In the case of Objectives 3 and 4, in June 1990 the implementation of allocations for authorizations stood at

only 18% of the 1990 budget (cf. SEC(90) 1334 final, p. 5). This points to a considerable degree of inefficiency as regards the European Social Fund. Given that the CSFs for Objectives 3 and 4 do not include those Member States such as Portugal which are covered in their entirety by Objective 1, can the Commission indicate to what extent Objectives 3 and 4 are taken account of in the CSF for Portugal? With respect to 1990, what is the allocation for authorizations which has already been implemented for Portugal?

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

*(30 November 1990)*

The Community support framework for Portugal includes several measures under Objectives 3 and 4. Operational programmes have been planned for each of the following areas:

- technological training and basic vocational training
- aids for recruitment and the creation of self-employed activities
- migrants
- women
- disabled people.

The Commission approved 10 multiannual operational programmes in January 1990. The European Social Fund assistance amounts to ECU 124 million for the five programmes under Objective 3, and to ECU 266 million for the five programmes under Objective 4 over the period 1990—93.

With respect to 1990, the amount approved stands at ECU 26,7 million for the programmes under Objective 3, and at ECU 66,0 million for programmes under Objective 4.

In accordance with Community rules, when the decisions were adopted the Commission transferred 50% of the amounts approved for 1990 to the Portuguese authorities.

**WRITTEN QUESTION No 2525/90**

**by Mr Jesús Cabezón Alonso (S)  
to the Commission of the European Communities**

*(16 November 1990)*

*(91/C 85/80)*

*Subject:* Objective 5 (b) and Cantabria (Spain)

On 6 June 1990, the Commission adopted the Objective 5 (b) Community support framework for Spain.

Of the Objective 5 (b) measures to be implemented, what programmes and projects will be cofinanced in the Autonomous Community of Cantabria?

What will be the European Community's financial contribution to these programmes and projects?

**Answer given by Mr Mac Sharry  
on behalf of the Commission**

*(8 January 1991)*

The programmes and projects to be part-financed in the Autonomous Community of Cantabria under Objective 5 (b) of the reform of the structural Funds will be defined in the operational programme to be adopted by the Commission under the Community support framework for that region.

The operational programme for the development of rural areas of Cantabria was officially submitted to the Commission by the Spanish authorities on 11 October 1990. It is now being examined by the Commission to ensure that it fulfills all the requirements for approval.

The Commission is sending direct to the Honourable Member and to the Secretariat of Parliament tables setting out:

- (a) the priorities for assistance selected in the Community support framework within which the programmes or projects to be part-financed fall;
- (b) the European Community's contribution to Cantabria.

**WRITTEN QUESTION No 2622/90**

**by Mrs Christine Oddy (S)  
to the Commission of the European Communities**

*(23 November 1990)*

*(91/C 85/81)*

*Subject:* Cot deaths in Member States

What are the comparative statistics for the number of cot deaths in Member States?

Is the Commission aware that there are considerable differences in the amount of research conducted in Member States into the causes of cot deaths?

What steps is the Commission taking to coordinate research in this area and to provide a clearing house for dissemination of this information?

**Answer given by Mrs Papandreou  
on behalf of the Commission  
(13 December 1990)**

With regard to comparative statistics for the number of cot deaths in the Member States, the Honourable Member is referred to the Commission's answers to oral questions H-135/89 by Mrs Banotti <sup>(1)</sup>, H-421/89 by Mrs Giannakou-Koutsikou <sup>(2)</sup> and H-611/89 by Mrs Dury <sup>(3)</sup>.

As regards Community research in this area, since the answer given by the Commission to Written Question No 627/89 by Mr Andrews <sup>(4)</sup>, a decision has been reached on the third framework programme (1990—94) and the Commission has put before the Council a proposal for a research programme in the field of bio-medicine and health (1990—94), which is currently being examined by Parliament. This will cover coordination of comparative research on perinatal and pediatric diseases and the effectiveness of prophylactic and therapeutic measures.

<sup>(1)</sup> Debates of the European Parliament No 2-380 (September 1989).

<sup>(2)</sup> Debates of the European Parliament No 3-383 (November 1989).

<sup>(3)</sup> Debates of the European Parliament No 3-385 (January 1990).

<sup>(4)</sup> OJ No C 328, 31. 12. 1990.

**WRITTEN QUESTION No 2644/90  
by Mr Gérard Monnier-Besombes (V)  
to the Commission of the European Communities  
(23 November 1990)  
(91/C 85/82)**

**Subject:** Implementation of Directive 79/409/EEC: special protection area for Bonelli's eagle (*Hieraetus fasciatus*) in France

What special protection areas have been designated by France under Directive 79/409/EEC <sup>(1)</sup> for the conservation of Bonelli's eagle where it is still to be found?

<sup>(1)</sup> OJ No L 103, 25. 4. 1979, p. 1.

**Answer given by Mr Ripa di Meana  
on behalf of the Commission  
(7 December 1990)**

France has not so far designated any special protection area for Bonelli's Eagle.

**WRITTEN QUESTION No 2654/90  
by Mrs Raymonde Dury (S)  
to the Commission of the European Communities  
(23 November 1990)  
(91/C 85/83)**

**Subject:** Equal opportunities for men and women

Are provisions stipulating an identical minimum height for men and women in respect of certain professions compatible with the principle of equal opportunities propounded at Community level, particularly where the required minimum height is less than the average height of men and more than the average height of women?

**Answer given by Mrs Papandreou  
on behalf of the Commission  
(8 January 1991)**

Provisions stipulating a minimum height for men and women in respect of certain professions are not necessarily incompatible with the principle of equal treatment for men and women accepted at Community level.

Nevertheless, the existence of a minimum height requirement greater than the average height of women and less than the average height of men could, in certain circumstances, constitute indirect discrimination in selection criteria for access to certain professions contrary to Article 3 of Council Directive 76/207/EEC <sup>(1)</sup>.

This would be so in the case of a condition for which there was no objective justification.

<sup>(1)</sup> Directive of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions — OJ No L 39, 14. 2. 1976.

**WRITTEN QUESTION No 2715/90  
by Mr José Barros Moura (CG)  
to the Commission of the European Communities  
(4 December 1990)  
(91/C 85/84)**

**Subject:** Poverty in Portugal

The statistics published by the Commission on poverty trends between 1980 and 1985 show that Portugal is the Member State with the highest number of poor, since 33% of its population are below the relative poverty



threshold with their expenditure not only being less than half of an average family in a year, but also the lowest in the Community. Furthermore, the poverty rate in Portugal between 1980 and 1985 actually rose.

If all the countries had the same population, the percentage of poor people in Portugal would be 35 %.

1. Is it possible to establish the broad trends in this situation between 1985 and 1990, the first five years of Portugal's membership of the EEC?
2. How are the subsidies and Community aid for combating poverty in Portugal calculated, given that Portugal receives less than it should in the light of the absolute and relative seriousness of the poverty affecting its population?

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

(11 January 1991)

1. The Commission does not yet have any statistics on poverty in Portugal for 1990. The study mentioned by the Honourable Member was based on national surveys on family budgets, which are the source best fitted for comparative analysis of poverty although the data they provide are not entirely homogenous. For Portugal, the source used was the 1980/81 survey, the results of which were extrapolated for 1985; the 1989/90 survey data will not be available until mid-1991, and only then can any really valid analysis be made of poverty trends in the eighties.

Production of statistics on poverty is, of course, subject to a number of constraints and methodological limitations. More detailed information on the study made will be given in the forthcoming publication *Poverty in figures: Europe at the beginning of the 1990s* (Eurostat, Theme 3, Series C).

2. Community assistance under the structural Funds takes account of various indicators in the Member States. The relative scale of conditions of poverty was also taken into consideration to some extent in allocating the appropriations for the new Community programme for the economic and social integration of less-privileged groups (Poverty 3, 1989—94, Council Decision of 18 July 1989): funds were distributed in such a way as to reflect the Community's solidarity with its southern members. But this was a trial programme made up of a limited number of pilot projects and it was not possible to apply rigid principles of proportionality. Among the 39 projects in the whole programme, there are 4 in Portugal (Almeida, Cortes Aldeias de Montanha, Oporto and Lisbon).

# **WRITTEN QUESTION No 2729/90**

**by Mr Henry McCubbin (S)**

**to the Commission of the European Communities**

(10 December 1990)

(91/C 85/85)

**Subject:** Retirement pensions — equality for men and women

In the light of the judgment of the European Court of Justice of 17 May 1990, Case C-262/88: Douglas Harvey Barber v. Guardian Royal Exchange Assurance Group, the judgment, which was in favour of the said Douglas Harvey Barber, was restricted only to persons who had a claim already lodged with the courts.

Many citizens in Europe are not in a position to avail themselves of legal services. This means that the judgment which was dealing with inequality itself reaffirms inequality.

Will the Commission now ask for a review of this judgment to ensure that all pensioners who have been discriminated against in a like manner will be eligible for the same compensation?

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

(17 January 1991)

Under the third medium-term Community action programme on equal opportunities for men and women, the Commission will be presenting a communication on the conclusions to be drawn from the judgment handed down by the Court on 17 May 1990 in Case 262/88 Barber v. Guardian Royal Exchange Assurance. It will also be presenting a new proposal amending its proposal for a Directive presented in October 1987 (COM(87) 494 final), which is intended to fill the gaps in Directives 79/7/EEC<sup>(1)</sup> and 86/378/EEC<sup>(2)</sup> and concerns *inter alia* equal treatment as regards retirement age, to remove the provisions which have been overtaken by the above judgment.

<sup>(1)</sup> OJ No L 6, 10. 1. 1979.

<sup>(2)</sup> OJ No L 225, 12. 8. 1986.

# **WRITTEN QUESTION No 2750/90**

**by Mr Carlos Robles Piquer (PPE)**

**to the Commission of the European Communities**

(10 December 1990)

(91/C 85/86)

**Subject:** Eurotalent and Eurointel

A meeting of Eurointel will be held from 3 to 5 December 1990 in Strasbourg to examine the consequences of

educational methods which are not suited to individuals of above-average intelligence.

The organization Eurotalent, based in Nîmes, France, is concerned with the same issue. It is campaigning for the 'right to be different'.

Is the Commission aware of these two initiatives, and is there any possibility of its providing them with support in order to make the best possible use of the exceptional talents of gifted young nationals of the EC Member States?

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

(22 January 1991)

The Commission has been informed of the two initiatives to which the Honourable Member refers and is following their development with interest.

---

**WRITTEN QUESTION No 2898/90**

**by Mr Henry Chabert (RDE)  
to the Commission of the European Communities**

(3 January 1991)

(91/C 85/87)

*Subject:* Situation of conscientious objectors in Greece

In Greece conscientious objectors are sometimes subjected to very heavy penalties and some people are sentenced to many years imprisonment on these grounds.

Does the Commission take the view that some conscientious objectors who are currently imprisoned in Greece may be considered to be prisoners of conscience in violation of Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which was ratified by Greece in 1974.

United Nations resolution 1989/53, Council of Europe recommendation No R (87) and the European Parliament resolution of 13 October 1989 recommend that Member States change their laws to provide for a civilian service as an alternative to compulsory military service, the duration of which should not, however, render it equivalent to a form of punishment.

Can the Commission explain why Greece, a Member State of the European Community, has still not changed its laws on the subject, despite announcing in 1988 a draft law on military conscription which was to introduce a civilian alternative to armed service?

Does the Commission believe that a degree of harmonization of the status of conscientious objectors in the European Community could eventually be achieved?

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

(23 January 1991)

The Commission has already stated on numerous occasions — most recently in answer to oral question No H-1261/90, tabled by Mr Dessylas (1) — that this matter is outside its jurisdiction.

---

(1) Debates of the European Parliament No 3-397 (December 1990).

