

Official Journal

of the European Communities

ISSN 0378-6986

C 286

Volume 34

4 November 1991

English edition

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I

(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

WRITTEN QUESTION No 1976/90**by Mr Hemmo Muntingh (S)****to the Commission of the European Communities***(1 September 1990)**(91/C 286/01)**Subject:* Order by the Madrid regional government and Directive 79/409/EEC

An order by the government of the Comunidad de Madrid of 28 July 1989 prohibits birdwatching and indeed the watching of any kind of wildlife without a special permit. It has been reported that there are cases of birdwatchers having been arrested. The same order authorizes the capture of 1,7 million finches for the caged bird trade.

1. Does the Commission consider that this order is compatible with the fundamental right to watch and enjoy wildlife in a spirit of interest in and concern for the environment?
2. Have the Spanish authorities issued a derogation under Article 9 of Directive 79/409/EEC ⁽¹⁾ to allow the trapping referred to above, and if so, does the Commission consider that the Order will allow the 'judicious use of certain birds in small numbers', as required under this Article?
3. If the Order is not compatible with the Directive, will the Commission make representations to the Spanish authorities with a view to ensuring that it is repealed as soon as possible?

⁽¹⁾ OJ No L 103, 25. 4. 1979, p. 1.

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

(16 January 1991)

1. According to information sent to the Commission by the Spanish authorities, the legislation has been amended to facilitate the watching of wildlife.

2 and 3. Part of the information is contained in the report on derogations forwarded by the Spanish authorities and in the study on derogations communicated by the Member States under Article 9 of Directive 79/409/EEC for the year 1988, which the Commission is sending directly to the Honourable Member and to Parliament's Secretariat. The Commission has informed the Spanish authorities that the derogations concerning the trapping of finches, communicated by Spain for 1988, exceed the limits established in Article 9 of Directive 79/409/EEC. The Commission will, if necessary, take the requisite steps to ensure proper application of the Directive in Spain.

WRITTEN QUESTION No 2406/90**by Mr Gerhard Schmid (S)****to the Commission of the European Communities***(25 October 1990)**(91/C 286/02)**Subject:* AIDS and the internal market

In my Written Question No 616/90 ⁽¹⁾ I asked which directorates-general were responsible for carrying out the Council's instructions of 16 March 1989. For some incomprehensible reason, the Commission's answer of 20 March 1990 did not contain a specific reply.

1. Which Commission services were given the task of carrying out the Council's instructions and when?
2. Why is it taking such an exceptionally long time to table proposals on what is basically a simple matter?
3. Which experts will the Commission consult before it submits proposals on technical standards for condoms?

4. Does the Commission intend to consult consumer organizations such as the German 'Stiftung Warentest'?
5. Is it true that the technical quality of condoms in France is particularly poor and does this in any way relate to the Commission's slowness in dealing with this matter?
6. Which experts will the Commission consult on the technical quality of fast HIV testing?
7. Will the Commission make use of the experience acquired by the AIDS task force?
8. Is the Commission aware that, given the scope of the problem, further delay cannot be justified and can soon be expected to provoke massive protest in Parliament?

(¹) OJ No C 325, 24. 12. 1990, p. 15.

**Answer given by Mrs Papandreou
on behalf of the Commission
(11 February 1991)**

1. The Commission confirms that several departments are in close coordination to combat AIDS. In line with the conclusions of the Council and the Ministers for Health of the Member States meeting within the Council of 16 May 1989 on future measures to prevent and control AIDS at Community level (¹), to which the Honourable Member alludes, the Directorates-General responsible respectively for the internal market, on the one hand, and employment, industrial relations and social affairs, on the other, are more particularly concerned with questions relating to ways of harmonizing and improving technical requirements and to prevention measures at Community level.

2. The harmonization of safety and efficiency requirements applicable to condoms and in vitro testing products is part of the Commission's legislative programme in respect of medical equipment within the framework of the internal market. Condoms will fall within the scope of application of a proposal for a Directive on medical equipment. The Commission has arranged several meetings of experts on this topic. The Commission is currently putting the final touches to the proposal for a Directive, which should be ready for transmission to the Council during the first quarter of 1991.

As the Directive will implement the Council resolution of 7 May 1985 on a new approach to technical harmonization and standardization (²), the Commission will be conferring a standardization mandate on the European Standardization Committee (CEN) relating to the effectiveness and manufacture of condoms. In view of the urgent nature of this matter, the CEN has in fact, at the Commission's urging and with its participation, already begun work on this problem.

As regards in vitro products for detecting the HIV virus, the Commission has begun preparatory work on a proposal for a Directive on such products. Given the complexity of this matter and the resources available, the Commission will not be able to adopt a proposal for a Directive before the end of 1991.

3 and 4. The proposal for a Directive which is to cover condoms has been the subject of at least five meetings of a working party made up of national experts and representatives of professional and industrial federations. The standardization mandate referred to above will be submitted for an opinion to the Standing Committee on Technical Standards and Rules pursuant to the procedure laid down in Article 8 (4) of Directive 83/189/EEC (³). Once it has received its mandate, the CEN must see to it that all parties concerned, in particular consumers, are properly involved in the standardization work. The Commission would draw the Honourable Member's attention to the Council resolution of 4 November 1988 on stepping up consumer participation in standardization (⁴). The resolution calls on the Member States to promote representation of consumer interests as regards standardization activities.

5. The Commission has no information which would confirm the hypothesis on which this question is based. The answer to the second part of the question is in the negative.

6. As part of the preparatory work on the Directive relating to in vitro testing devices, the Commission will at the appropriate time consult national experts, user representatives and industrial federations.

7. Yes.

8. The Commission takes the view it has carried out the preparatory work in this field without delay and in such a way as to arrive at proper results. On the basis of this work the Commission is now putting before the Council a proposal for a Decision on a programme to combat AIDS.

(¹) OJ No C 185, 22. 7. 1989.

(²) OJ No C 136, 4. 6. 1985.

(³) OJ No L 109, 26. 4. 1983.

(⁴) OJ No C 293, 17. 11. 1988.

WRITTEN QUESTION No 2415/90

by Mr Virginio Bettini (V)

to the Commission of the European Communities

(25 October 1990)

(91/C 286/03)

Subject: The protection of the Tordino and Vezzola rivers (Teramo)

The ANAS (Italian) National Roads Authority and the municipality of Teramo have approved the construction

of an urban bypass along the Tordino river and a road with facilities and a parking area on the banks of the Vezzola, despite the fact that they constitute a natural reserve of great environmental and cultural value.

The river ecosystem is particularly complex and specific in nature, being made up of a number of different but interdependent biological microsystems geographically linked to each other by the presence of watercourses.

A particularly delicate geological problem arises in this case since Teramo is situated in a river basin influenced by its proximity to the Montidella Laga and subject to variable and constantly frustrating conditions. It is also classified as a seismically high-risk area.

The rivers fulfil an important task in terms of purification and are of major hydrogeological significance, particularly in respect of the difficult question of flood control. The construction of these roads (and the channelling of the rivers which would result) would irreversibly damage the river ecosystem and obstruct its natural development.

In view of the above, can the Commission ascertain whether all the standards relating to environmental impact surveys laid down in the relevant Community Directive are being fully complied with? What measures does it intend to take in this respect?

**Answer given by Mr Ripa di Meana
on behalf of the Commission**
(29 January 1991)

At the beginning of December 1990 the Commission brought the matter up with the Italian authorities.

It is awaiting their reply.

WRITTEN QUESTION No 2560/90
by Mrs Jancy Buchan (S)
to the Commission of the European Communities
(16 November 1990)
(91/C 286/04)

Subject: South Africa

Does the Commission intend to open an EC Delegation in South Africa?

**Answer given by Mr Andriessen
on behalf of the Commission**
(30 July 1991)

Since the legislative pillars of apartheid have now been formally repealed by the South African Government, the Commission is actively considering the possibility to establish a delegation in Pretoria, subject to developments in the political situation in South Africa, and of course to the availability of the necessary budgetary appropriations.

When considering both the principle and the timing of any such opening the Commission will take account of the situation as regards human rights as well as the practice of Member States in relation to their own missions in South Africa.

Finally, the attention of the Honourable Member of Parliament is drawn to the fact that the Commission opened in February of this year a technical programme coordination office in Pretoria in order, in particular, to better coordinate and supervise the implementation of projects and programmes under the special budget line 7-5070 of positive measures.

WRITTEN QUESTION No 2570/90
by Mr Antoni Gutiérrez Díaz (GUE)
to the Commission of the European Communities
(20 November 1990)
(91/C 286/05)

Subject: ERDF aid to Catalonia

Does the Commission consider that a modernization programme for the textile industry of a Member State can be implemented without reference to the regions in which such industries are concentrated, has happened with the autonomous community of Catalonia? Does it not consider that, on the contrary, a global programme should be drawn up covering aid to Objective 1 and Objective 2 regions of the Community?

**Answer given by Mr Millan
on behalf of the Commission**
(21 February 1991)

By the Order of 30 July 1990 (Spanish Official Journal of 2 August), the Spanish authorities laid down an industrial modernization programme for the textiles and leather sector which includes a number of measures for industries in the sector located in Spanish regions eligible under Objective 1. Those regions were selected because their economic growth indicators were lower than elsewhere.

As was stated at Parliament's part-session on 10 October 1990 in reply to the Honourable Member's Oral Question H-955/90 ⁽¹⁾, the Member States are completely free to define the geographical coverage of aid scheme projects which they notify to the Commission under Article 93 (3) EEC. This means that the regional aspects of a programme for the modernization of this sector and the question of whether there should be a global programme for areas under both Objectives is a matter for the Spanish authorities.

The compatibility with the common market of aids notified under Articles 92 and 93 EEC, including their geographical coverage is, however, a matter for the Commission.

⁽¹⁾ Debates of the European Parliament, No 3-394 (October 1 1990).

WRITTEN QUESTION No 2575/90

by Mr Jean-Pierre Raffarin (LDR)

to the Commission of the European Communities

(20 November 1990)

(91/C 286/06)

Subject: Wind energy

Does the Commission consider that wind energy can, in the long term, make a significant contribution to electricity generation in the Member States?

If so, what funds is the Commission prepared to earmark for a research and development project in this area?

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

(25 July 1991)

According to a report presented by the EWEA (European Wind Energy Association) at the last conference on wind energy organized by the Commission last September in Madrid, this form of energy could account for a significant share of electricity production in the Community by the year 2030. The Commission shares this point of view.

The Commission has been conducting R&D programmes in the field of non-nuclear energy, including wind energy, since 1975. It has also been involved in promoting and coordinating R&D projects on wind energy in the various Member States.

In addition, as part of the demonstration programme designed to ensure continuity between the research and development stage and the placing on the market of new technologies, the Commission granted ECU 47 million

for almost 160 wind energy projects between 1979 and 1989. This activity is currently being continued under the Thermie programme (Regulation (EEC) No 2008/90) ⁽¹⁾, which is to run for a five-year period, from 1990 to 1994. For the first three years the programme has been allocated ECU 360 million, at least a quarter of which will be set aside for innovative and dissemination projects in the field of renewable energy sources. It is not possible to be more precise about the exact share which will be earmarked for wind energy.

As regards future research activities, the Commission proposal for a new specific programme of research and technological development in the field of non-nuclear energies (1990—1994) also encompasses renewable energy sources, and therefore wind energy ⁽²⁾. About a third of the overall allocation for the programme, estimated at ECU 157 million, should be set aside for renewable energy sources. Here again, it is not possible to be more precise as to the level of funds which will actually go to wind energy research.

⁽¹⁾ OJ No L 185, 17. 7. 1990.

⁽²⁾ OJ No C 174, 16. 7. 1990.

WRITTEN QUESTION No 2576/90

by Mr Jean-Pierre Raffarin (LDR)

to the Commission of the European Communities

(20 November 1990)

(91/C 286/07)

Subject: Reduction in refunds for meat products

Can the Commission confirm that, within the framework of the GATT negotiations, the Community favours a reduction in refunds for meat products including processed products?

If so, does the Commission intend to ensure that preserved meat is not treated less favourably than fresh meat, which is the raw material for processors, as a result of a larger reduction in the refunds?

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

(16 July 1991)

Since the question was put, the Community has stated that it is prepared to give specific binding undertakings both as regards internal support and access to markets and as regards competition for export markets. It will continue admittedly, in this context, to defend its global approach such that the undertakings must remain

mutually consistent. An undertaking will apply to all agricultural products.

Regarding processed meat, the Commission's approach will not give rise to any discrimination between the raw material and processed products.

WRITTEN QUESTION No 2694/90

by Mr José Happort (S)

to the Commission of the European Communities

(4 December 1990)

(91/C 286/08)

Subject: Development of alternative energy sources from bio-fuels

The Bio-Fuels Committee of the Comité Electrotechnique Belge (CEB) has launched a project to coordinate, at Community level, the development of bio-fuels based on ethanol, vegetable-oil esters, etc.

In that connection the arrangements applied to fallow agri-industrial land assume a special practical importance for the development of bio-fuels.

Is the Commission aware that the arrangements applicable to fallow agri-industrial land, being confined to cereals and linked to the set-aside of farmland, fail to match the importance now assumed by non-renewable primary products in terms of economic policy and policy on the environment.

Does the Commission acknowledge that it is urgent to reduce unilateral dependence on petroleum by developing alternative energies derived from bio-fuels?

Where is the proposal for the implementing regulation that is needed to put into practice the Council's Regulation on the non-food programme in the context of set-aside?

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

(28 January 1991)

The 'industrial set-aside' scheme adopted by the Council is part of a new three-point action programme, the main objective of which is the energy use of agricultural raw materials. The action programme covers:

- a specific aid scheme for the use of arable land for non-food purposes in the case of cereal cultivation (industrial set-aside). The detailed rules for the application of this scheme have already been published;

- a scheme for the sale at concessionary prices of intervention cereals and oils and fats for use in demonstration projects; the detailed rules for the application of this measure will be published early in 1991 at the latest;

- in 1990 the Commission introduced some priority demonstration projects, in particular on the use of oilseeds for energy purposes.

The Commission has drawn attention repeatedly to the potential significance of energy outlets for European agriculture as well as the environmental significance of bio-fuels. The Commission is closely following commercial, scientific and technical developments in this field which could lead to a greater use of renewable energy sources.

Several research and demonstration projects will continue to be financed for this purpose at Community level.

Finally, it should be pointed out that, after the first year of actual application of the industrial set-aside scheme, the Commission must submit a report to the Council and Parliament on the results, accompanied, as appropriate, by proposals for amendments or an extension to other crops.

WRITTEN QUESTION No 2696/90

by Mr Jean-Pierre Raffarin (LDR)

to the Commission of the European Communities

(4 December 1990)

(91/C 286/09)

Subject: Euromil contacts

The European Armed Forces Association now comprises German, Austrian, Belgian, Danish, Dutch, Italian, Irish and French soldiers' associations.

How could the Commission specifically assist contacts between these associations in the Euromil framework?

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

(16 May 1991)

Commission support for any organization or association is subject to a detailed study of the nature, membership, objectives, and activities of the body concerned, on the basis of a specific request submitted to the Commission through the proper channels.

In view of the limited resources available for supporting organizations of European interest (Article A-304) priority is given to requests for programmes and activities with a direct bearing on Community policies.

WRITTEN QUESTION No 2723/90**by Mrs Marie Jepsen (ED)****to the Commission of the European Communities***(10 December 1990)**(91/C 286/10)*

Subject: Possible exemption from provisions concerning the loss in postal transmission of certificates in respect of peas

In its answer to Written Question No 1392/90 ⁽¹⁾ the Commission maintains that a 'lost' certificate the destruction of which cannot be proved could be used in support of a fraudulent claim for subsidies. However the Commission has not given an answer in respect of the problem set out in Written Question No 1392/90 concerning cases where it is possible to prove that a certificate is lost, but where the loss did not occur between the issuing authority and the first buyer; the question is therefore being submitted again.

Under Article 8 (4) of Commission Regulation (EEC) No 3540/85 ⁽²⁾ no replacements may be issued for certificates in respect of peas, field beans and sweet lupins that are lost, except in the case of certificates lost in postal transmission from the issuing body to the first buyer after having been sent by registered post.

In practice, however, the above procedure cannot always be applied since the seller of such crops is not always able to identify the actual purchaser (user) but only the first buyer, usually a business undertaking which effects sales to further users. For the same reason the necessary certificates are usually sent to the actual purchaser (user) by registered post by either (a) the seller or (b) the first buyer (business undertaking). Certificates lost in postal transmission between the seller and the first buyer or between the first buyer and the actual purchaser cannot be replaced, which results in a totally unacceptable loss for the seller (producer).

Will the Commission therefore ensure that lost certificates can be replaced, provided that they were sent by registered post?

⁽¹⁾ OJ No C 49, 25. 2. 1991, p. 17.

⁽²⁾ OJ No L 342, 19. 12. 1985, p. 1.

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

(8 February 1991)

The Commission must repeat the answer it gave to Written Question No 1392/90 by the Honourable Member. 'Lost' certificates, whose destruction could not be proven, could be used as a basis for fraudulent claims

for aid. Since this risk exists, the Commission is not willing to propose that the requirement for the possession of an original certificate be waived in order to obtain aid.

WRITTEN QUESTION No 2786/90**by Mr Ernest Glinne (S)****to the Commission of the European Communities***(13 December 1990)**(91/C 286/11)*

Subject: Correct application of the Council Regulation, particularly in the Bay of Biscay

The French federation of shipowners' trade unions unilaterally decided last August to ban Belgian fishermen from continuing to catch sole in the Bay of Biscay, even using the lighter type V nets. Regulation (EEC) No 4047/89 ⁽¹⁾ authorized Belgian fishermen to catch 65 tonnes in the Bay in 1990, but an exchange arrangement with the Netherlands has brought the figure down to 425 tonnes of sole. In order to facilitate fishing, since the Belgians were only able to catch sole and hake, another exchange arrangement was made with France, whereby the by-catches of anglerfish, pollack, plaice, Norway lobster and white sole could be retained on board. These by-catches were exchanged for 100 tonnes of sole, which meant that Belgian fishermen could catch another 325 tonnes of sole.

However, the attitude of the French fishermen is open to the following criticism:

Since no EEC Regulation stipulates what fishing gear may be used to catch sole in the Bay of Biscay, pair trawling is ipso facto authorized.

The letter from the abovementioned federation, excluding Belgian fishermen from catching fish by pair-trawling, is therefore contrary to Community legislation and is not binding on Belgian fishermen.

Since an exchange of letters between the competent Belgian and French Ministers appears to have been inconclusive, can the Commission say what measures it has taken or intends to take to allow Belgian fishermen to fish legitimately for sole in the Bay of Biscay? It is, moreover, important that disputes of this kind do not happen again — would it not be advisable to adapt the above Regulation or provide a clear interpretation of it?

⁽¹⁾ OJ No L 389, 30. 12. 1989, p. 1.

**Answer given by Mr Marin
on behalf of the Commission**
(22 January 1991)

Regulation (EEC) No 4047/89 allocated Belgium a quota of 65 tonnes of sole in the Bay of Biscay (zones VIII a, b) for 1990.

Under Article 5 (1) of Regulation (EEC) No 170/83 ⁽¹⁾, Member States may exchange all or part of the quotas in respect of a species or group of species allocated to them. As the Honourable Member states, exchange operations increased Belgium's sole quota to 325 tonnes.

Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources ⁽²⁾ places no restriction on the type of gear used to catch sole in region 3, including the Bay of Biscay. Accordingly, there is at present no ban on the use of beam trawls to fish for sole in region 3.

In these circumstances, the Commission and the French authorities have always acknowledged the rights of Belgian fishermen to fish in that region, subject, naturally, to the technical legislation in force and the quotas allocated.

As soon as it was informed of the difficulties experienced by Belgian fishermen, the Commission approached the French authorities to ask them to take the necessary steps to ensure freedom to fish in the waters placed under their sovereignty. If further incidents should occur in the future, the Commission will not hesitate to take the measures required to ensure that the common fisheries policy is respected.

It is true, however, that in December 1990 the Commission did propose to the Council that the use of beam trawls should be banned in that region.

⁽¹⁾ OJ No L 24, 27. 1. 1983.

⁽²⁾ OJ No L 288, 11. 10. 1986.

WRITTEN QUESTION No 2936/90
by Mr William Newton Dunn (ED)
to the Commission of the European Communities
(11 January 1991)
(91/C 286/12)

Subject: Town twinning

In the Commission's reply to my Written Question No 545/90 ⁽¹⁾ its statistics revealed that only 15 % of the ECU 3,374 million budget for town twinning in 1989

went on direct aid to the twinning organizations: the remaining 85 % was spent on studies, meetings of experts, publications, information campaigns, colloquies etc.

Does the Commission agree with me that in 1990 and subsequent years the proportion spent on direct aid should increase?

What is the evidence that this is happening in 1990?

⁽¹⁾ OJ No C 283, 12. 11. 1990, p. 15.

**Answer given by Mr Delors
on behalf of the Commission**
(2 April 1991)

In 1990, two thirds of the ECU 3 million budget went on direct aid to over one thousand towns.

About one-fifth of the budget was spent on the organization of conferences and seminars and only one-tenth on information campaigns and publications.

A list of the towns which received aid in 1990 is being sent directly to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION No 3067/90
by Mr Paul Lannoye (V)
to the Commission of the European Communities
(28 January 1991)
(91/C 286/13)

Subject: Joule programme

The total budget for all the projects submitted under the Joule programme would amount to ECU 576 million. Since ECU 120 million has been earmarked for this purpose, it is almost certain that some projects with technical and scientific merit have been eliminated for budgetary reasons.

1. How many projects were eliminated for budgetary reasons?
2. What amount would have been necessary to finance these projects?
3. Can the Commission give a breakdown in ECU of the funding for exploitation of the various sources of energy (biomass, wind energy, etc.)?

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

(2 July 1991)

The total number of research proposals received in reply to two calls for proposals under the Joule programme was 1065.

Of these, 647 projects were recognized as having technical and scientific merit. Within the limits of the financial resources available, 389 projects given priority status were selected to receive Community funding.

Several similar or related proposals were grouped together by theme, as far as possible, into a single overall project to ensure coherence of research, to reflect the latter's multinational character and participation of several partners and to ensure Community funding in line with the available budget.

So far 212 contracts covering 343 proposals have been concluded with Community backing of ECU 93,6 million. Other contracts will be signed before the programme comes to an end on 31 March 1992.

The Honourable Member will find in the table below, broken down by sub-programme and sector covered, the number of viable projects which were eliminated and the total amount of funding requested.

Eliminated projects

	Number	Community funding requested (in million ECU)
Rational use of energy	85	60
Fossil fuels	42	29
1. Oil and gas	34	25,0
2. Solid fuels	8	4,0
Renewable energy sources	131	43
1. Wind energy	56	16,5
2. Photovoltaic conversion	42	16,0
3. Biomass	22	5,0
4. Geothermal energy	11	5,5
Total	258	132

WRITTEN QUESTION No 87/91

by Mr Luigi Moretti (ARC)

to the Commission of the European Communities

(6 February 1991)

(91/C 286/14)

Subject: EPOCH programme

1. Can the Commission state whether the region of Lombardy is aware of the Community's EPOCH

programme? Has it submitted any projects under this programme, and if so what are they?

2. Given that the programme aims to give a general picture of the anthropogenic, hydro-geological and climatological conditions in the Community, what publicity and information has been or is to be given to the competent authorities and agencies?

3. Is the data obtained from these prior activities publicized by the organization in due time and how far in advance is it able to inform the people of the areas concerned?

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

(2 July 1991)

1. Lombardy has been aware of the EPOCH programme since September 1988, when officials from the region met with the head of the programme to discuss possible future research relating to the Valtellina disaster. On 3 October 1988 the President of the Regional Assembly sent a letter of thanks. Working relations were immediately established with the President of the Office for Agricultural Development in Lombardy (ERSAL).

Through ERSAL, Lombardy is taking part in a project financed under the EPOCH programme. The other Lombard institutes taking part in projects financed by the EPOCH programme are the Polytechnic Institute of Milan, the Italian Geodesic Bureau (based in Milan), the ISMES company in Bergamo, the National Research Council's Institute of Lithosphere Geophysics (also based in Milan) and the SPEA company of Milan.

2. As a research programme, the EPOCH programme is intended to gather data to provide a general picture of the hydrogeological and climatic situations in the various Member States. However, the entry, processing and integration of this data will take some time owing to the size and complexity of the task and the limited funding available.

Nevertheless, in order to encourage the broadest possible collaboration, the Commission is trying to introduce its research programmes to those concerned by means of information meetings, generally organized in collaboration with local institutions. The Commission's departments send out regular information. In addition, the APRE (Agency for the Promotion of European Research), which is based in the Ministry for Universities and Scientific and Technological Research in Rome, is responsible for the detailed dissemination in Italy of relevant information on Community programmes.

3. The Directorate-general for Telecommunications, Information Industries and Innovation (DG XIII) is also

responsible for disseminating the results of Community research. The VALUE programme operates in this area, through publications, electronic information services and audiovisual media.

Information gained through research projects is published in the scientific literature. A large number of popular reviews present the subject matter and the principal results to the public.

WRITTEN QUESTION No 166/91

by Mr José Barros Moura (CG)

to the Commission of the European Communities

(20 February 1991)

(91/C 286/15)

Subject: Objection of the Parish Council of Riba de Ave to the installation of a solid waste treatment plant in the parish

In view of the objection submitted by the Parish Council of Riba de Ave to the construction within its area of a solid waste treatment plant which would serve the Association of Municipalities of Vale do Ave, can the Commission provide information concerning the environmental and planning requirements applying to the construction of plants of this type, especially in the case of projects cofinanced by the Community funds?

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

(18 March 1991)

According to the Community waste management strategy and the Council resolution of 7 May 1990 on waste policy, prior treatment of wastes must be encouraged in order to reduce their quantity and/or toxicity and in order to step up the extent of their recycling and reuse with a view to their future disposal.

The problem applies, above all, to the conditions under which this treatment is carried out.

According to the base Directive on waste 75/442/EEC (⁽¹⁾), Member States must make sure that waste is disposed of without endangering human health or having an adverse effect on the environment. In order to achieve this the treatment centre referred to above would have to obtain from the competent authority an authorization covering:

- the types and quantities of waste to be disposed of;
- the general technical requirements applying;
- the precautions to be taken into account;

- any information on the origin, destination, treatment and types and quantities of the waste involved.

Moreover, Directive 85/337/EEC (⁽²⁾), on the assessment of the impact of certain public and private projects on the environment states that waste treatment facilities must be subjected to an environmental impact assessment if the waste is considered to be toxic or dangerous, or where the Member State feels that the characteristics so require, the Commission must be informed thereof.

These provisions apply to all projects and thus to those for which Community co-financing were to be requested.

(⁽¹⁾) OJ No L 194, 25. 7. 1975.

(⁽²⁾) OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION No 176/91

by Mr Jannis Sakellariou (S)

to the Commission of the European Communities

(20 February 1991)

(91/C 286/16)

Subject: Arms exports

1. How does the Commission view the suggestions that have been made to extend the terms of reference of the European Community to include exports of arms and arms related products?
2. Does the Commission intend to use its right of initiative to extend the terms of reference of the European Communities?
3. How does the Commission consider that effective controls on exports of arms related products can be guaranteed?
4. What steps does the Commission intend to take to offset the damage caused by individual undertakings (notably German undertakings, see article in *Der Spiegel* of 14 January 1991, page 16) that have circumvented the UN embargo against Iraq?
5. Does the Commission consider, as a matter of principle, that a common European foreign policy — pursued with the context of political union — should include a common export policy in respect of products and technologies having a bearing on security and armaments? If so, what measures has the Commission taken and what measures does it intend to take in future to achieve this end? If not, how does the Commission justify this?

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

(31 July 1991)

1. In the Commission's view the Gulf war showed once more how the proliferation of weapons jeopardizes peace

and security worldwide. Closer international cooperation is required to ensure more effective supervision and restraints on the sale and export of arms. In this connection the Commission has a valuable part to play in harmonizing the Member States' practices and rules. Thus it has already drafted specific proposals based on the following considerations:

- The legal position is that under Article 223 of the EEC Treaty Member States may take measures connected with the production of or trade in arms, provided, however, that these are considered 'necessary for the protection of the essential interests of its security', and that they do not 'adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes'.
- At the political level, the European Council has already identified this as a topic for common discussion, in the context of the common foreign and security policy, at the Intergovernmental Conference on Political Union. As a first step in this direction, guidelines were laid down at the informal ministerial meeting at Mondorf on 27 and 28 April 1991, based on the conclusions of the informal European Council meeting on 8 April 1991.

2. This is the framework within which Commission initiatives are set. In its Opinion of 21 October 1990 on the proposal for amendment of the Treaty establishing the European Economic Community with a view to Political Union, it noted that defence equipment production and trade should be brought 'fully under the discipline of the common market'; this would involve *inter alia* the removal of Article 223. Similarly, in the draft chapter on Community foreign policy in the Union Treaty, adopted on 27 February 1991, it identified economic and technological cooperation on armaments and the coordination of policy on arms exports and non-proliferation as essential common security and defence interests. The Commission has therefore taken over the list drawn up at the second Rome European Council, which established that the Union could deal with aspects of foreign and security policy and called on the Intergovernmental Conference to address the Union's objectives, the scope of its policies and the means of . . . ensuring their . . . implementation within an institutional framework'.

Commission moves to incorporate policy on arms export into the common foreign policy are therefore carried on under the aegis of the Intergovernmental Conference on Political Union.

3. For the moment the Commission is not empowered by the Treaty to take measures to establish effective controls over arms exports.

4. The UN embargo gave rise to legislation at Community level (Regulation (EEC) No 2340/90 of 8 August 1990 and Regulation (EEC) No 3155/90 of 29 October 1990) as well as in the Member States. It is up to the authorities in the Member States to monitor implementation of these measures and take action in the event of infringement. The Commission considers the strict application of the embargo to be an essential condition for any solution to the present crisis. There are therefore ongoing consultations with the Member States to ensure that the Community and national measures are effective.

5. The Commission's room for action is restricted by Article 223. As Mr Bangemann noted when he addressed Parliament in July, the Commission is studying the possibility at least of Community controls on arms exports to third countries.

WRITTEN QUESTION No 407/91

by Mr Hemmo Muntingh (S)

to the Commission of the European Communities

(11 March 1991)

(91/C 286/17)

Subject: Ecology and development: the development of Botswana

The European Community is closely involved in development in Botswana. The Lomé Conventions contain a protocol on beef imports, making provision for large Community subsidies. Nevertheless, cattle breeding in Botswana is still not established on a lasting basis.

1. What measures has the Commission taken to comply with the European Parliament's resolution and report A2-24/86 (rapporteur: Yves Galland)?
2. What percentage of cattle farmers in Botswana benefit directly from this agreement with the Community? How great are the advantages for commercial cattle farmers and traditional farms respectively? Are any members of the Botswanan Government or parliament also commercial cattle farmers?
3. Does not the Commission think that commercial cattle farming in Botswana is directly contrary to lasting development? In what ways might the Commission promote lasting, environmentally responsible development in Botswana? Is it prepared to put these measures into effect as soon as possible?

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

(31 July 1991)

The European Community is indeed closely involved in the development efforts of Botswana, especially in the development of its livestock and wildlife resources. In all these endeavours the Commission's aim is to achieve sustainable development.

As a result of resolution and report 1-2-24/86 of the European Parliament, the Commission has taken among others the following measures.

— Technical assistance was provided to the Department of Wildlife and national parks. This team of experts has assisted in the formulation of laws and of other directives for the benefit of sustainable wildlife development in Botswana. As a result of this the Commission hopes to approve in the near future a Wildlife Development Package of ECU 6 500 000. Furthermore in analogy with the recommendations of the report, in 1986, a project initial measures for the conservation of the Kalahari Ecosystem (ECU 2 000 000) was approved which provided technical assistance for the monitoring of wildlife and equipment for the wildlife department and which provided funds for the 'Water for Wildlife' programme. Under this programme a number of boreholes were constructed to provide water for wildlife. Under projects approved prior to the adoption of the resolution, such as the Sheep and Goat Development Project and the Services to Livestock Owners in Communal Areas (SLOCA project) the Commission continues to pay much attention to the problems caused by overgrazing. Under the project Livestock Marketing Development (ECU 2 400 000) approved in 1989 the Commission provides assistance to the Botswana Government in a better marketing of livestock from Communal Areas thereby providing a better income to small farmers and at the same time relieving the grazing pressure in the communal areas.

— All cattle owners in Botswana benefit from the beef protocol. Approximately three-quarters of all cattle delivered to the Botswana Meat Commission come from large scale commercial farmers or traders while the remainder comes from the cooperative sector. Although these percentages are not of a permanent nature, the European Development Fund has been instrumental in increasing the share of the small scale farmers (traditional farmers) in cattle delivery through these earlier mentioned projects. Several member of the Botswana Government and of the Parliament of Botswana are cattle owners.

— The Commission is of the opinion that commercial beef production in Botswana is compatible with long term sustainable development, provided that the necessary accompanying measures are taken. In this

light the earlier mentioned projects have to continue as they assist in long term ecologically responsible development. In this way, the Commission counts on a fruitful cooperation with the European Parliament of which the rapport Galland is such a good example.

The Commission was equally much encouraged by the results of the discussions which recently took place between the Minister of Foreign Affairs of Botswana and members of the European Parliament.

WRITTEN QUESTION No 461/91

by Mrs Mary Banotti (PPE)

to the Commission of the European Communities

(19 March 1991)

(91/C 286/18)

Subject: Lomé 4 and the delay in ratifying the Treaty in all Member States

Could the Commission inform me why there is such a delay in the different Member States concerning the ratification of Lomé 4, and does the Commission have any intention to rectify this situation by writing to the 10 Member States concerned?

WRITTEN QUESTION No 1016/91

by Mrs Raymonde Dury (S)

to the Commission of the European Communities

(22 May 1991)

(91/C 286/19)

Subject: Ratification of the Fourth Convention of Lomé

Which Member States have to date ratified the Fourth Convention of Lomé?

**Joint answer to Written Questions Nos 461/91
and 1016/91**

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

(12 August 1991)

Article 360 (1) of the Fourth Lomé Convention States that the Convention is to enter into force on the first day of the second month following the date on which the instruments of ratification of the Member States and of at least two-thirds of the ACP States are deposited.

As at 24 June 1991, fifty of the ACP countries had already deposited their ratification instruments and, accordingly, the conditions of Article 360 had been met as far as the ACP States were concerned.

By 5 July 1991, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Spain and

the United Kingdom had ratified the Convention and deposited their ratification instruments.

Portugal has now ratified but has not yet deposited its instruments.

The Belgian national parliament and the parliaments of Belgium's three Communities have already given their agreement.

The Commission hopes that all the Member States will have deposited their ratification instruments by the end of July, so that Lomé IV can enter into force on 1 September.

WRITTEN QUESTION No 507/91
by Mr Pierre Bernard-Reymond (PPE)
to the Commission of the European Communities
(26 March 1991)
(91/C 286/20)

Subject: Community aid for the construction of road tunnels in Europe

Can the Commission provide a list of the road tunnels in the Community, completed in the last 10 years or under construction, which have received Community aid?

Can the Commission indicate the type and amount of aid in each case?

Can the Commission list the road tunnel projects for which the Community has received official applications for aid from the developers?

Answer given by Mr Van Miert
on behalf of the Commission
(26 July 1991)

In its policies on major transport infrastructure projects and opening up peripheral areas the Community has always devoted special attention to the crossing of natural barriers such as channels or mountains.

A number of rail and road tunnels have thus benefited from Community co-financing. The following road tunnels (works proper or tunnel access) have received such financial support in recent years:

- Access to the Mont Blanc tunnel on the French side:
 ECU 4 million towards the building of the Tunnel des Chavants (1985 Budget, heading 580) — in operation;

- Two-lane tunnel on the Corinth—Tripoli highway (Peloponnese):

ECU 8,2 million granted by the ERDF in 1988 — in operation;

- Two-lane tunnel linking Katara and Metsovo (Epirus):

ECU 17,1 million granted by the ERDF in 1988 — in operation;

- Puymorens trans-Pyrenean tunnel situated in France near the Spanish border on the Toulouse—Barcelona route;

ECU 25,5 million granted in 1988 by the ERDF — expected to begin operating in 1994;

- Somport international trans-Pyrenean tunnel on the Pau—Zaragoza highway, a link which the Bordeaux—Valencia and Toulouse—Madrid routes have in common:

ECU 10 million already granted for 1990 as part of the 1990—1992 transport infrastructure action programme ⁽¹⁾; a further amount could be made available in 1991 — expected to become operational in 1995.

So far no official application for co-financing has been lodged for the period after 1992. The Commission is currently having studies carried out on road and rail tunnels, particularly in the Alps.

⁽¹⁾ Council Regulation (EEC) No 3359/90 of 20 November 1990.

WRITTEN QUESTION No 517/91
by Mr Henry Chabert (RDE)
to the Commission of the European Communities
(26 March 1991)
(91/C 286/21)

Subject: Freedom of movement and use of certain frequencies by CB hams in the Community between now and 1993

Nationals of Member States who are CB hams have often had their equipment confiscated when entering the Federal Republic of Germany and have even been taken to court by the German authorities. In many cases courts have ruled that a substantial fine must be paid (the person concerned initially having no defending lawyer).

Unlike the FRG and Finland, which permit only FM channels to be used, France has since 1982 allowed CB hams to use channels on three types of modulation: AM, FM and SSB.

One of the technical reasons put forward by the countries which authorize only the use of FM is that allowing CB hams to use other frequencies would result in interference

with television reception. This effect has not been noted in France, however.

Can the Commission say what action it intends to take in order to promote freedom of movement and the use of the equipment in question by harmonizing the relevant legislation in the different Member States of the Community?

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

(2 July 1991)

The Commission has attempted to resolve some of the difficulties caused by national authorities when CB hams cross frontiers with their equipment. It has asked the European Telecommunications Standards Institute (ETSI) to draw up a common European standard. The standard is currently being prepared, and indeed only allows for FM modulation. The draft has been submitted for public enquiry and in March of this year was approved by the standardization bodies of the Member States under the reference ETS 300 135.

The standard conforms to the national rules of most of the Member States and equipment complying with it will be able to move freely throughout the Community.

The Commission would also refer the Honourable Member to its answer to Petition No 375/90, which dealt with the technical aspects of this issue.

WRITTEN QUESTION No 519/91

by Mrs Annemarie Goedmakers (S)

to the Commission of the European Communities

(26 March 1991)

(91/C 286/22)

Subject: Human rights abuses in Chad

1. Is the Commission aware of the press reports that more than 300 political prisoners were executed by members of the Chad presidential bodyguard shortly before President Habré fled to Cameroon on 1 December 1990 and that fewer than 20 of the 200 political prisoners detained in 1990 have been released because the others died in prison as a result of secret executions, malnutrition, lack of medical treatment or disease?

2. Does it consider these press reports to be accurate?

3. If it shares the view that the human rights situation is an important aspect of foreign policy (as, for example, in

Article 5 of the Fourth Lomé Convention), what action does it propose to take in general, and in particular with regard to Chad, in cases where there are persistent reports of violations of human rights?

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

(2 August 1991)

For a general account of the Commission's policy, with particular reference to the actions of the previous regime in Chad, I refer the Honourable Member to the reply to Written Question No 1151/90 from Mr Melandri and Mr Langer (1).

Within the framework of this policy, the Commission's actions are normally taken at the diplomatic level, and it would not be in the public interest to publish the details. However, we can report that our efforts in Chad did not meet with a positive response up to the time that the regime was overthrown. In other African countries, including notably the Central African Republic and Somalia, pressure from the Commission has been followed by the release of political prisoners. In extreme cases, which are well-known, the Commission has found it impossible to proceed with development cooperation work (except humanitarian work) while the regime concerned persists in the constructive abuse of human rights.

(1) OJ No C 283, 11. 11. 1990.

WRITTEN QUESTION No 536/91

by Mr Virginio Bettini (V)

to the Commission of the European Communities

(26 March 1991)

(91/C 286/23)

Subject: Infringement of the directive on the assessment of the effects of certain public and private projects on the environment: Is Arenas holiday centre (Oristano)

The 'Is Arenas' undertaking has recently announced its intentions of resuming work on the development of a coastal residential holiday centre in the 'Is Arenas' artificial pine forest.

This development project would be situated in a pine forest which despite the fact that it is an artificial plantation tended by the Forestry Commission, is a typical dune forest consisting of *Pinus pinea* and *Pinus pinaster*, which looks onto sandy beaches, where *Crucianellia juniper* thickets and sclerophyllous scrub grow. This forms one of the habitats included in the report by Mr H. Muntingh on the proposal for a Directive on the protection of natural and semi-natural habitats, in Annex IV listing endangered natural and semi-natural habitats.

What steps does the Commission intend to take to protect these habitats and ensure Italy's compliance with the Community Directive on the natural environment?

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

(1 July 1991)

The Commission was unaware of the Is Arenas development project to which the Honourable Member refers.

Tourist projects are listed in Annex II to Directive 85/337/EEC ⁽¹⁾ and, pursuant to Article 4 (2) of the Directive, it is incumbent upon the Member State concerned to decide whether or not a given project must be made subject to an assessment. To this end, Member States may establish the necessary criteria and/or thresholds.

To date, Italy has not informed the Commission of the measures it has taken.

As the Honourable Member has pointed out, dunal forests with *Pinus Pinea* and *Pinus Pinaster* are listed in Annex IV to the proposal for a Directive on the protection of natural and semi-natural habitats and wild fauna and flora.

According to Articles 4 and 8 and the criteria listed in Annex V to this proposal, special protection areas should be established for the types of habitat listed in Annex IV.

At present, the proposal for a Directive is still being discussed within the Council.

⁽¹⁾ OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION No 590/91

by Mr Virginio Bettini (V)

to the Commission of the European Communities

(26 March 1991)

(91/C 286/24)

Subject: Fish farming in Salina del Comacchio (Italy)

In 1985, the Italian State monopoly suspended salt production in Salina di Comacchio; the commune of Comacchio, having obtained the management rights over the territory of the former salt flats, held negotiations with the Silvaco company to embark on an intensive fish-farming project even though such activity is expressly prohibited in areas protected by the International Convention of Ramsar;

given that salt production has played a major role for the economy of Comacchio since there are few salt production centres in Italy almost all of which are based in the south;

given that the salt flats are an area of immense natural, historical and cultural value which should be safeguarded from any form of misuse or speculation;

can the Commission take steps to ascertain whether all the regulations on the assessment of environmental impact established by Community legislation are being properly respected and, in addition, state what measures it intends to take in this respect?

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

(9 July 1991)

Council Directive 85/337/EEC of 27 June 1985 ⁽¹⁾, on the assessment of the effects of certain public and private projects on the environment, provides that Member States take the necessary measures to ensure that projects likely to have significant effects on the environment are subjected to an impact assessment, prior to the granting of authorization.

Annex II to the Directive lists the classes of project subject to an assessment where Member States consider that their characteristics so require. Salmon breeding is included in this Annex.

However, given that Salina di Comacchio is protected under the Ramsar Convention and has also been classified as a special protection area under Article 4 of Directive 79/409/EEC ⁽²⁾, the Commission takes the view that, in this case, all fish farming activities must be made subject to comprehensive assessment before being authorized.

The assessment should take account of the obligations to preserve the environment ensuring from the fact that the site has been classified as a special protection area.

The Commission reserves the right to check the validity of such an authorization.

⁽¹⁾ OJ No L 175, 5. 7. 1985.

⁽²⁾ OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION No 609/91

by Mr José Valverde López (PPE)

to the Commission of the European Communities

(15 April 1991)

(91/C 286/25)

Subject: Results of the Community-funded free distribution of foodstuffs in Spain in 1989 and 1990

With regard of the Community-funded free distribution of foodstuffs in Spain in 1989 and 1990, can the Commission indicate:

1. what criteria were used when deciding on distribution;
2. what quantities were distributed;
3. which NGOs carried out the actual distribution?

WRITTEN QUESTION No 753/91**by Mr José Valverde López (PPE)****to the Commission of the European Communities***(23 April 1991)**(91/C 286/26)*

Subject: Plan for the supply of food from intervention stocks

Commission Decision 91/81/EEC ⁽¹⁾ adopts the 1991 plan allocating to the Member States resources for the supply of food from intervention stocks to designated organizations for distribution to the most deprived people in the Community. The Decision states that 'it is necessary, in order to help optimize the utilization of budget appropriations, to take account of the degree to which the various Member States used the resources allocated to them in 1989 and 1990'.

What organizations were designated by the Spanish Government to deliver food in Spain? What eligibility criteria for recipients were proposed by Spain? What requirements did the Spanish authorities lay down for the designated organization? What was the tenor of the final report on the implementation of the plan in 1988, 1989 and 1990?

⁽¹⁾ OJ No L 48, 21. 2. 1991, p. 30.

**Joint answer to Written Questions Nos 609/91 and 753/91
given by Mr Mac Sharry
on behalf of the Commission**

(3 July 1991)

The criteria for distribution of foodstuffs from intervention stocks to the most deprived people in each Member State are determined by the Member State itself in collaboration with those organizations familiar with the difficulties facing this sector of the population.

In Spain the following quantities were distributed in the form of biscuits, pasta, prepared meals, olive oil, processed cheese and UHT milk:

	1989	1990 (provisional figures)
Common wheat	17 250	20 350
Durum wheat	4 600	4 600
Butter	2 875	3 475
Beef	3 450	3 450
Olive oil	4 025	4 900

Distribution was entrusted to a single organization, the Red Cross, which however works with a large number of non-governmental organizations.

A report on the operation of the scheme, covering 1988 and 1989, will shortly be presented to Parliament and the Council. It indicates that the scheme functioned satisfactorily in Spain.

WRITTEN QUESTION No 744/91**by Mr Maxime Verhagen (PPE)****to the Commission of the European Communities***(23 April 1991)**(91/C 286/27)*

Subject: Establishment of a transmission standard for satellite broadcasts

1. Is it true that the Commission wishes to retain the PAL system for the time being in spite of the fact that this system can never be used for high definition television (HDTV)?

2. Does the Commission agree that there is a large potential market for the electronics industry in the field of HDTV and that the selected transmission standard will determine the share which the European industry will have in the future market?

3. Does it also consider that it is very important for there to be only one transmission standard for satellite broadcasts in Europe?

4. Is it prepared to stipulate the D2 MAC system as a standard in the new EC Directive and, if so, when?

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

(12 August 1991)

1 and 4. The 1986 MAC/packet Directive, which requires MAC standards to be used for direct operational satellite television broadcasting, expires on 31 December 1991.

A number of telecommunications satellites also transmit television programmes using the PAL system on the direct broadcast market.

On 28 February 1991, the Commission started formal consultations with satellite operators, broadcasters, cable companies and manufacturers of equipment who have stressed the importance of the D2-MAC standard and the 16/9 screen format for the development of HDTV. At the Council meeting of 3 June 1991, the Telecommunications Ministers also expressed their support for the adoption of this standard. The Commission recently forwarded a proposal for a Council Directive to the Council and the European Parliament on the adoption of standards for satellite broadcasting of television signals which endorses this approach ⁽¹⁾.

2. The introduction of HDTV is of considerable industrial, commercial and cultural importance. Conscious of the huge market which exists, the industry has invested large sums in recent years in research and development of MAC standards for use in satellite broadcasting which are compatible with the HDTV standard developed by the Eureka 95 programme. The Commission agrees that a single MAC standard is the only means of ensuring a unified market and facilitating the introduction of European HDTV services.

3. Europe represents the largest unified market in the world, in terms of both its present size and the prospects for growth in the short and medium term. The adoption of an HDTV standard compatible with the standard adopted for direct satellite television broadcasting would be a contribution to the completion of the single market which would benefit both viewers and industry, and give a boost to the European electronics industry in particular.

⁽¹⁾ COM(91) 242 final.

WRITTEN QUESTION No 747/91

by Mr Karl von Wogau (PPE)

to the Commission of the European Communities

(23 April 1991)

(91/C 286/28)

Subject: Licensing of caravans

1. Is the Commission aware that, contrary to the hitherto accepted practice of licensing caravans in accordance with EC provisions, the Italian Government has issued Decree No 181/89 on the basis of which, since October 1990, the Italian Ministry for Industry has limited the length of overhang for caravans to 60%?

2. Does it consider that Decree No 181/89 and the new practice of the Italian authorities in licensing

imported caravans from other Member States is compatible with the Treaty of Rome and, in particular, with Community provisions on the free movement of goods?

3. What action does it intend to take against the Italian Government and the Italian Ministry for Industry if it considers that an infringement of the free movement of goods within the Community has taken place?

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

(2 July 1991)

1. Not having been officially informed of the regulation to which the Honourable Member refers, the Commission contacted the Italian authorities which then forwarded circular No 181/89.

The circular interprets existing standards and lays down the requirements which must be met by trailers for classification, as appropriate, as caravans, trailers specially used for living, or trailers specially used as offices. In particular, for a vehicle to be classified as a 'trailer specially used for living' the rear overhang cannot exceed 60% of the distance between the coupling and the axle.

2. The Commission is now examining the real scope of this circular and the implications it might have for trade between the Member States.

3. If the regulations or practice of the Italian Government proved to be contrary to the principle of the free movement of goods, the Commission would take all necessary measures to remove this possible barrier to trade.

WRITTEN QUESTION No 764/91

by Mr Derek Prag (ED)

to the Commission of the European Communities

(29 April 1991)

(91/C 286/29)

Subject: ESF projects for disabled people, notably the Horizon Programme

The Commissioner for Social Affairs will recall that she promised the Parliament's All-Party Disablement Group last year that she would ensure that the re-organization of ESF operations along geographical lines would not result in a loss of transparency with regard to operations to rehabilitate and train disabled people. The Group was

also given indications that two thirds of the Horizon Programme would be devoted to disabled people.

Will the Commission state:

1. whether it intends to keep the promises made to the All-Party Disablement Group;
2. whether it has yet fixed the proportion of the ECU 180 million Horizon Programme to be devoted to projects for disabled people; if so, what that proportion is;
3. (a) what proportion of ESF spending in 1990 was used for projects specifically devoted to rehabilitation and training of disabled people;
- (b) what the sum, in millions of ECU, allotted to such programmes amounted to;
- (c) how many disabled people in all benefited from ESF projects (projects devised specifically for disabled people, plus those in which some disabled people participated)?

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

(5 July 1991)

1. The Commission remains fully committed to maintaining transparency with regard to operations to rehabilitate and train disabled people.
2. The proportion of the ECU 180 million Horizon Initiative that will be devoted to projects in favour of disabled people has not yet been decided. That decision will be made on the basis of the Commission's assessment of the national Operational Programmes which had to be submitted to the Commission by 30 June 1991.
3. (a) The proportion of ESF commitments specifically designated for the rehabilitation and training of disabled people in 1990 was 6,4 %.
- (b) The sum allotted to such programmes was ECU 216 million.
- (c) 54 463 disabled people benefited from ESF activities under Operational Programmes in 1990.

On the other hand, programmes to be financed under the Horizon Initiative starting in 1991 will include a substantial number of operations for disabled people. The amount of ESF funding allocated to operations specifically for disabled people will therefore be increased overall.

The above figures relate only to programmes submitted specifically for the disabled under Objectives 3 and 4 but do not include disabled people who have benefited from programmes under Objectives 1, 2 and 5 (b) of the structural Funds.

The Commission does not have statistical information on the number of disabled people who participated in activities other than those specifically designed for disabled people.

WRITTEN QUESTION No 768/91

by Mr Philippe Douste-Blazy (PPE)

to the Commission of the European Communities

(29 April 1991)

(91/C 286/30)

Subject: Disparities between European regions

The conclusions contained in the fourth report on the socio-economic situation in the regions of the EEC, submitted by the Commission on 9 January 1991, show that disparities between European regions continue to be as extensive as ever.

As a general rule the disparities recorded in the areas of incomes, productivity, employment, unemployment and migration are related to far reaching differences in competitiveness.

The principal factors requiring action are those that influence investment and its location: infrastructures, availability of qualified workforce, local credit and tax conditions, ability of firms to innovate, research and development options.

This situation clearly shows that participation by the regions in development policies intended to reduce disparities is a primary requirement, not only in the implementation of programmes but also to a significant extent at the drafting stage.

Does the Commission think that the consultative committee framework is sufficiently adapted to these requirements, and can it state whether it intends to associate the regions more closely with the drafting of legislative and executive instruments directly applicable to them, so enabling them to become direct participants in renewed efforts to build a united Europe?

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

(1 July 1991)

Within the framework of the Structural Funds, regional and local authorities can participate in the preparation and implementation of operational programmes through the partnership arrangements. More generally, the Consultative Council of Regional and Local Authorities, established by the Commission in 1988, provides a forum through which regional and local authorities can influence Community decisions which affect them.

The representation of regional and local authorities within the Community's decision-making structures is one of the issues being considered in the context of the Inter-governmental Conference on Political Union. The Consultative Council has already formally presented its

proposals on this matter indicating its desire that a body representing regional and local authorities be explicitly provided for within the Treaties. The Commission has recently submitted to the Inter-governmental Conference on Political Union a working paper in which it proposes the incorporation in the Treaty of provision for a consultative committee on regional and local authorities. This committee, comprising elected representatives appointed by the Member States after consultation with representative national bodies, would be consulted by the Commission on all draft of legislation under the regional policy of a united Europe and could, in addition, be consulted on any matter affecting regional development.

more numerous these schemes become the more important it is to group them under a single unit responsible for developing a consistent approach to promotion and consumer consultation.

The number of officials assigned to the unit will be determined on the basis of the work allotted to it and the resources available within the Commission.

This is essentially a rationalization operation within DG VI. There are as yet no plans to alter the budgetary framework and the actual execution of the various schemes already in existence, which are covered by budget items specific to each of the sectors involved.

WRITTEN QUESTION No 781/91

by Mr Pol Marck (PPE)

to the Commission of the European Communities

(29 April 1991)

(91/C 286/31)

Subject: Creation of a unit in the Directorate-General for Agriculture with responsibility for consumer information and the promotion of agricultural products

The establishment plan of DG VI includes a special unit responsible for the above tasks.

1. Why did the Commission consider it necessary to set up this unit?
2. Will the unit have sufficient resources to consider each product separately? Under which budget heading are appropriations for this purpose to be entered?
3. Will the necessary structures be introduced for consultation with national promotion bodies in order to take sufficient account of regional consumer habits?

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

(4 July 1991)

A unit to promote the sale of agricultural products has been established within DG VI and will become operational in the near future.

Product promotion schemes are becoming increasingly numerous. To those already in existence for milk products, fibre plants, olive oil and grape juice will shortly be added others for wine, apples and citrus fruit. The

WRITTEN QUESTION No 787/91

by Mrs Raymonde Dury (S)

to the Commission of the European Communities

(29 April 1991)

(91/C 286/32)

Subject: District heating experiments

In the search for solutions to energy problems, experiments have been carried out with district heating systems.

Does the Community support in any way this line of experimentation and/or research into district heating?

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

(2 July 1991)

The first district heating experiments were carried out at the end of the last century. In the Community, this type of heating has become fairly widespread in Denmark and Germany. Most of the other Member States also have reasonably large networks. Outside the Community, district heating has been introduced on a large scale in Scandinavia and Eastern Europe in particular. The techniques are very widely established and the possibility of developing a system depends mainly on the local economic context.

Within the framework of its demonstration programme, the Commission has in the past supported district heating projects characterized by a high degree of innovation and leading to substantial energy savings. It will continue to do so under the Thermie programme.

WRITTEN QUESTION No 819/91**by Mrs Anita Pollack (S)****to the Commission of the European Communities***(3 May 1991)**(91/C 286/33)**Subject: Commercial whaling*

Does the Commission intend to bring forward any proposals to ban commercial whaling in the Community?

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

(3 July 1991)

In line with the moratorium agreed by the International Whaling Commission (IWC), in force since 1986, all whaling activities in the Community have ceased.

The Commission applauds the IWC decision, taken at its meeting of 27—31 May 1991, to extend for a further year the moratorium on whaling. The Commission would, nevertheless, have preferred an indefinite extension of the moratorium, turning it into a total ban on whaling. The Commission expects the States involved to respect the moratorium fully, despite hints by certain members of the IWC that they wish to leave the organization.

The Commission also considers it necessary to abandon whaling for 'scientific' purposes. It would prefer the use of alternative research methods which do not involve the capture and death of the species.

The import into the Community of cetacean products is also forbidden under Regulations (EEC) No 548/81 ⁽¹⁾ and (EEC) No 3626/82 ⁽²⁾.

⁽¹⁾ OJ No L 39, 12. 2. 1981.

⁽²⁾ OJ No L 384, 31. 12. 1982.

WRITTEN QUESTION No 823/91**by Mr Antoni Gutiérrez Díaz (GUE)****to the Commission of the European Communities***(3 March 1991)**(91/C 286/34)*

Subject: The tourism development plan for the Atlantic coast of Andalusia

The Köhler report on the regional development plan, plan for regional conversion and Community support framework for Spain points out, in its explanatory statement, that the tourist development plan for the Atlantic coast of Andalusia could have a damaging effect on the environment.

Given that this plan is receiving ERDF funds, what measures does the Commission intend to take to avert this risk?

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

(23 July 1991)

The structural Funds have not so far financed any tourist development plan on the Atlantic coast of Andalusia. If in the future the appropriate authorities should submit to the Commission a proposal to finance such a plan or measures to promote tourism in that area, either under an operational programme or another form of assistance, such proposals would be thoroughly considered by the appropriate Commission departments in cooperation with the national and/or regional authorities to verify *inter alia* that they comply with Community policies, including environmental policy.

WRITTEN QUESTION No 833/91**by Mr Carlos Robles Piquer (PPE)****to the Commission of the European Communities***(3 May 1991)**(91/C 286/35)*

Subject: The Cabrera Archipelago, a Spanish National Park

The Spanish Parliament is currently deliberating on a law under which the Cabrera Archipelago, which belongs to the Autonomous Community of the Balearic Islands and comprises the islands of Cabrera, Sa Conillera and a number of islets, will be designated a land-maritime national park. The archipelago, which is the largest of the small Spanish archipelagos, has been protected from the ecological damage which it might have suffered as a result of tourist or building development by the fact that it has hitherto been set aside for the exclusive purpose of national defence. The richness of its fauna and flora is well-known.

Under the law referred to here, the revenue needed to manage and maintain the future National Park may include contributions and subsidies from public and private bodies.

Although the European Community is not mentioned in the forthcoming law, could the Commission contribute in some way to this important environmental conservation initiative, perhaps by allocating funds from programmes for the protection of natural environment or designated for research, which is one of the activities permitted under this law?

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

(5 July 1991)

The Spanish authorities have classified the archipelago of Cabrera as a special protection area under Article 4 of Directive 79/409/EEC on the conservation of wild birds ⁽¹⁾.

The Council is currently examining a proposal for a Regulation on action by the Community relating to nature conservation (ACNAT).

This proposal for a Regulation, part of which replaces Regulation (EEC) No 2242/87 on action by the Community relating to the environment ⁽²⁾, makes provision for the granting of financial support for projects providing an incentive towards the maintenance or re-establishment of seriously threatened biotopes of endangered species which are of particular importance to the Community, or the implementation of measures to conserve or re-establish endangered species pursuant to *inter alia* Directive 79/409/EEC.

Spain may submit a request for financial support for action concerning the protection of the biotopes of the Cabrera archipelago, which will be processed in accordance with the rules established by the aforesaid Regulation, once it has entered into force.

⁽¹⁾ OJ No L 103, 25. 4. 1979.

⁽²⁾ OJ No L 207, 29. 7. 1987.

WRITTEN QUESTION No 901/91

by Mrs Anita Pollack (S)

to the Commission of the European Communities

(8 May 1991)

(91/C 286/36)

Subject: Overfishing off Canada

Is it true that in 1990 EC fishing vessels disregarded quota limits, and how does the Commission intend to comply in 1991 with eight NAFO quotas?

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

(4 June 1991)

It is true that according to preliminary figures, the Community quotas for three out of 11 stocks occurring in the NAFO Regulatory Area appear in fact to have been exceeded to a certain extent, in 1990. This does, however, not necessarily mean that EC fishing vessels have disregarded quota limits. Subject to further examination it cannot be excluded that due to technical delays in the transmitting of catch reports to the competent authorities of Member States/the Commission the respective fishery could not be halted in time. The Commission in

cooperation with Member States is about to develop a system for transmission of such data by satellite which should allow similar situations to be avoided in the future.

Apart from this unilateral initiative the Community has, in the international framework of the Northwest Atlantic Fisheries Organization, agreed to the introduction of considerable improvements in the NAFO Joint International Inspection Scheme. Control and inspection activities in the NAFO Regulatory Area will be better coordinated, a hail system of radio-communications will be introduced and aerial surveillance will add to the efficiency of surveys by inspection vessels. The Community has just sent such an inspection vessel to the area which is due to stay on the spot for seven months in 1991.

WRITTEN QUESTION No 909/91

by Mr Hemmo Muntingh (S)

to the Commission of the European Communities

(15 May 1991)

(91/C 286/37)

Subject: Arrests and illegal logging in the Philippines

One of the last few areas with pristine natural forest in the Philippines, Palawan, is threatened by illegal logging activities. The forest destruction has serious consequences for the indigenous communities and the biological diversity of Palawan. On 15 February 1991 the Philippine National Police arrested sixteen environmentalists who are active in the campaign for the protection of Palawan.

1. Is the Commission aware of the illegal logging practices that are currently going on in Palawan, the Philippines?
2. Will the Commission approach the government of the Philippines and request clarification of the arrests made in Palawan?
3. What is the Commission going to do in order to urge the government of the Philippines to take the necessary steps to halt illegal logging practices?
4. Does the Community import timber from the Philippines and if so is the Commission prepared to halt such imports until the exploitation is done in a sustainable manner?

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

(31 July 1991)

1. The Commission is aware of illegal logging activities in the Philippines and the Island of Palawan is probably not excluded from these practices.

2. The Commission through its Delegation in Manila will seek clarification on the arrests of the environmentalists referred to by the Honourable Member.

3. Total and partial banning of logging activities in the Philippines are regulated by law. The Commission has no direct power on advising the Government about law enforcement against illegal logging.

Since 1982 the Commission has cofinanced with the Asian Development Bank (ADB) the Palawan integrated Area Development Project (PIADP). One of the major project components covered by the EC contribution was the integrated Environmental Programme (IEP). This represents the most comprehensive support to assess the existing environmental situation in the Island of Palawan and to develop a strategy for future resource conservation.

4. During recent years, EC timber imports from the Philippines did not reach significant levels; the volume of sawn timber imports from the Philippines is 7,7 % of total EC imports of this category of product. However, the EC is playing an active role in the search for an international instrument for the conservation of the tropical rain forest.

WRITTEN QUESTION No 923/91

by Mrs Cristiana Muscardini (NI)

to the Commission of the European Communities

(15 May 1991)

(91/C 286/38)

Subject: 'RE.SOL.' plant

Will the Commission speak out to ensure compliance with Community environmental protection legislation, in view of the flagrant violation not just of that law, but also of the terms of the motion adopted by the Chamber of Deputies on 30 January 1990 which enjoined the Italian Government and Minister for the Environment to refuse permission for the RE.SOL. plant to be built either in Cengio or in the Valle Bormida?

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

(19 July 1991)

The information contained in the written question does not give the Commission a clear idea of the problem concerning the construction of the RE.SOL plant in Italy.

If the Honourable Member can provide further information, the Commission will make a point of checking whether Community environmental legislation is being complied with in the case in question.

WRITTEN QUESTION No 973/91

by Mrs Pasqualina Napolitano (GUE)

to the Commission of the European Communities

(17 May 1991)

(91/C 286/39)

Subject: Implementation of the Perifra programme

The European Parliament has recently created a new budget heading, Perifra, for measures to absorb the impact on outlying regions of the events which occurred in 1990.

Given that the letter launching the programme was sent to the Member-State representatives on 21 March 1991 and the deadline indicated for tabling projects is 30 April 1991, does the Commission consider it feasible for the Member States to contact eligible outlying regions, draw up new projects and submit them for funding within 30 working days?

Is it not necessary to propose more realistic deadlines in order to ensure that projects are drawn up for the express purpose of solving problems which have recently occurred?

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

(2 July 1991)

First of all, the Commission would draw the Honourable Member's attention to the fact that the appropriations for the Perifra special operation need to be committed by 31 December 1991, so all projects have to be submitted to the Commission in time for it to consider them thoroughly and assess their respective merits.

It is, however, true that the time which the Commission gave the Member States was short and that is why it decided to extend the deadline for the submission of projects to 31 May 1991.

WRITTEN QUESTION No 976/91

by Mrs Marie Jepsen (ED)

to the Commission of the European Communities

(17 May 1991)

(91/C 286/40)

Subject: Risk that inclusion of shipping in a future GATT agreement will hamper efforts to achieve market liberalization in this sector

Representatives of the shipping sector in the Community Member States and a number of third countries, including

the Scandinavian-EFTA countries and Japan have in recent years expressed the view that shipping should not be included in any future GATT agreements unless it can be guaranteed from the outset that this will result in increased and not decreased liberalization in this sector.

European shipowners have recently reiterated this point of view, pointing out that the proposals currently being put forward within the framework of the GATT negotiations tend to legalize rather than counter existing protectionism in the shipping sector.

Does the Commission agree and will it take steps to ensure that maritime transport will only can be included in the future GATT provisions on the condition that this leads to increased market liberalization for international shipping?

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

(2 August 1991)

The Commission agrees that the inclusion of shipping in the GATT agreement should result in greater liberalization of the sector in the long term. It is essential in the Commission's view first of all that shipping should not depart any further from its liberal traditions; consequently, the sector should be subject to the fundamental ground rules of the future agreement on world trade in services, namely multilateralism, non-discrimination and gradual liberalization. The alternative is to countenance a continuation of the present erosion of liberal principles.

However, the Commission does not accept that the effect of enhanced liberalization can be set as precondition for the inclusion of shipping in the negotiations. Greater liberalization is precisely one of the objects of the negotiation, and the opening of negotiations can hardly be made conditional on the attainment of their objective.

The Commission is aware, nevertheless, of the difficulties surrounding negotiations in this sector, since over and above the issue of principle, which is to bring international trade in shipping services within a framework geared to the liberalization of that trade, the aim is to achieve results that are dependent on detailed and complex analysis of the situation in different branches of shipping:

- to secure the existing high degree of liberalization and multilateralism in the transport of cargo other than liner cargo;
- to prevent the spread of restrictive, protectionist tendencies into liner cargo or beyond;
- to liberalize liner cargo where it has already been affected by restrictions;

- to recognize the difficulty of removing any kind of existing restrictions in the short term;
- last but not least, to ensure that the spread and consolidation of liberal principles in the shipping sector itself should not be undermined by the introduction or continued existence of indirect restrictions affecting related or auxiliary services, or by other measures.

However, the Honourable Member should note that the existence of such problems, and the fact that shipping has its special characteristics which contribute to those problems, are features shared with many other traded service sectors. While the task may be a daunting one, the Commission cannot believe that any sector should be ruled out of the negotiations that the Council has mandated it to conduct just because problems exist; to think otherwise would be to evade its negotiating responsibilities and compromise the Community's main objective, which is to help negotiate a coherent framework for the liberalization of international trade in services on a lasting and comprehensive basis.

WRITTEN QUESTION No 1007/91

by Mr Kenneth Coates (S)

to the Commission of the European Communities

(17 May 1991)

(91/C 286/41)

Subject: Severance payments to dockworkers in Britain and competition policy

British public funds to the extent of £ 150 million were distributed by the United Kingdom Government in order to finance severance payments to British dockworkers, during the operation which brought about the abolition of the Dock Labour Scheme. The motive for this abolition was said to be the improvement of the productivity of the industry.

In other cases, such as the takeover of Rover by British Aerospace, the Commission has ruled that very much smaller sums of government assistance have breached the regulations on fair competition.

Has the Commission considered these payments in respect of the restructuring of the port transport industry? Does it believe that such payments are in breach of the rules? If so, what action does it propose to take?

**Answer given by Mr Van Miert
on behalf of the Commission
(27 September 1991)**

The Commission would refer the Honourable Member to the reply to the oral question H-403/91 by Mr Crampton, which it gave during question time at Parliament's June 1991 part-session (¹).

(¹) Debates of the European Parliament No 3-406 (June 1991).

WRITTEN QUESTION No 1010/91

**by Mr Paul Staes (V)
to the Commission of the European Communities
(22 May 1991)
(91/C 286/42)**

Subject: Possible EC subsidy for 'Dock-Side' (Hasselt/Belgium)

Is it true that the 'Dock-Side' discotheque in Hasselt (Belgium) has received Community subsidies?

If so:

1. Why is it eligible for Community subsidies?
2. From what fund were the subsidies paid?

**Answer given by Mr Millan
on behalf of the Commission
(5 July 1991)**

The Dock-Side discotheque has not received ERDF assistance as investment in discotheques is not eligible for assistance from this Fund.

WRITTEN QUESTION No 1020/91

**by Mr Madron Seligman (ED)
to the Commission of the European Communities
(22 May 1991)
(91/C 286/43)**

Subject: Poultry farming — human health and welfare of birds

Council Directive 86/113/EEC (¹) sought to afford a measure of protection to battery hens kept for egg laying. As far as I can trace, there is no similar legislation for the protection of broiler poultry. Surely the criterion to be considered is the welfare of any bird farmed in large numbers, rather than the end product. At the present time it is widely alleged that farmers in certain Member States

gain an unfair competitive advantage by according a low priority to the welfare of the birds themselves. When will the Commission take action in this regard?

In contrast, I understand that draft proposals would require all Community poultry farmers to conform to French methods of production. If this were so, there could be a threat to British farmers at least, since production methods are geared to a different species of chicken. My colleague Brian Simpson has written to Commissioner Raymond MacSharry pointing out in some detail the problems which could arise. May I too seek reassurances in this regard?

(¹) OJ No L 95, 10. 4. 1986, p. 45.

**Answer given by Mr Mac Sharry
on behalf of the Commission
(9 July 1991)**

The Honourable Member is correct to state that there is at present no Community legislation on the protection of poultry kept for meat production.

The Community is a contracting party to the European Convention for the Protection of Animals kept for Farming Purposes, and participates, along with all Member States, in the work of the Standing Committee established by the Convention. This Committee draws up recommendations on the keeping of different types of farm animals, and these recommendations must then be implemented by the contracting parties. The Committee has recently started to discuss the question of poultry kept for meat production.

Should the Council of Europe make a recommendation on the subject, the Commission will consider how best to implement it. In any case, the Commission will ensure that the fullest consideration is given, both in the Standing Committee and at Community level, to the circumstances prevailing in all Member States.

WRITTEN QUESTION No 1053/91

**by Mr José Huppert (S)
to the Commission of the European Communities
(22 May 1991)
(91/C 286/44)**

Subject: Request for dairy reorganization subsidy

The Ferme Léonard SA, a recognized Walloon regional reference centre, was refused EEC reorganization investment aid which it required in order to increase its cow's milk utilization capacity, thereby absorbing quantities of skimmed milk which would otherwise be used for milk powder and would enter Community intervention stocks.

Does the Commission agree that this is contrary to the principle of supporting investment for the manufacture and marketing of dairy products, particularly since they are organically produced directly on the farm?

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

(17 July 1991)

After a thorough investigation, it appears that no aid application from the Ferme Léonard SA has been forwarded to the Commission by the Belgian authorities.

Such an application for finance could in theory have been submitted under Regulation (EEC) No 797/85 ⁽¹⁾, which provides in particular for a Community system of aid to investments in agricultural holdings, or under Regulation (EEC) No 866/90 ⁽²⁾, which institutes a Community system of aid to investments in the processing and marketing of agricultural products.

Under Regulation (EEC) No 797/85, the Member States are responsible for day-to-day management in accordance with the provisions they have adopted and which the Commission has approved.

Under Regulation (EEC) No 866/90, all applications for Community aid must be forwarded to the Commission by the competent national administrations, which are to make an initial selection of investments to be included in an operational programme. Such investments must in particular form part of a sectoral plan submitted by the national authorities and a sectoral Community support framework approved by the Commission. In addition, investments must comply with the Community selection criteria laid down in Decision 90/342/EEC of 7 June 1990 ⁽³⁾. To date the Commission has received no sectoral plan for the milk sector from the Belgian authorities.

⁽¹⁾ OJ No L 93, 30. 3. 1985.

⁽²⁾ OJ No L 91, 9. 4. 1990.

⁽³⁾ OJ No L 163, 26. 6. 1990.

**WRITTEN QUESTION No 1067/91
by Mr Francesco Speroni (ARC)
to the Commission of the European Communities**

(29 May 1991)

(91/C 286/45)

Subject: Measures to bring Italian Act No 64/86 into line with Community law

In answer to Written Question No 365/91 ⁽¹⁾ on bringing the Italian Act No 64/86 into line with Community Law,

the Commission indicated that it had received the text of an amendment intended to end the infringement of Article 30 of the Treaty. Three similar bills have been tabled for this purpose to the Italian Parliament, which is the only institution competent to consider amendments to Act No 64, on the initiative of the Valle d'Aosta and the Lombardy regional councils and Senator Bossi. The first two have not yet been considered by the competent committees and the third has been rejected by the Parliamentary Committee on the Monitoring of Measures in the Mezzogiorno. The rapporteur, Mr Tagliamonte, refused to accept that the ruling handed down by the Court of Justice on 20 March 1990 obliged the Italian Government to amend Article 17 (16) and (17) of Act No 64/86.

As a result:

- the Italian Government has not submitted the relevant bills to Parliament,
 - the non-government bills have either not yet been considered or have been rejected.
1. Which were the Italian authorities referred to in the answer to the previous written question which 'unconditionally accepted the need to amend the current legislation'.
 2. In what context and in what form was this approval given?
 3. What view does the Commission take of the opinion delivered by the Parliamentary Committee on the Monitoring of Measures in the Mezzogiorno?
 4. What is the text of the amendment to Act 64/86, which is intended to end infringements of Article 30 of the Treaty referred to in the answer to the previous question?
 5. What stage has been reached with this amendment?

⁽¹⁾ OJ No C 164, 24. 6. 1991, p. 27.

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

(2 July 1991)

The Commission can merely confirm the information already given in its answer to Written Question No 365/91 by the Honourable Member.

In the context of correspondence exchanged between the Commission's departments and the competent Italian authorities, the Commission has received the text of a bill amending Act No 64 of 1 March 1986 with regard to special measures to assist the Mezzogiorno. The bill seeks to eliminate the incompatibility with Article 30 of the EEC Treaty of the provisions contained in paragraphs 16 and 17 of the abovementioned Act establishing a system of regional preferences in the field of public contracts.

The Commission recently contacted the Italian authorities again, requesting them to adopt the necessary legislative amendments as soon as possible.

The Commission reserves the right to initiate the infringement procedure provided for in Article 169 of the EEC Treaty.

applied outside the territorial waters of Community Member States, particularly in the 'exclusive economic zones' for instance as regards oil-drilling rigs, and that account is taken of the penalties imposed for non-application of certain provisions?

Can the Commission say what is the opinion, if any, of the European Court of Justice on this matter?

WRITTEN QUESTION No 1109/91

by Mr Pierre Bernard-Reymond (PPE)

to the Commission of the European Communities

(5 June 1991)

(91/C 286/46)

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

(19 July 1991)

Subject: Aid to the rural areas of urban districts under the programme for the development of rural areas

Given that the Hautes-Alpes department is fully eligible for aid under the programme for the development of rural areas, Objective 5b, can the Commission confirm that the towns in this department are fully included for this purpose and that, in particular, the rural areas of urban districts are eligible for aid for improvement and development projects?

As the Commission had occasion to point out in its answer to Written Question No 2315/90⁽¹⁾, Community law applies to the European as well as certain non-European territories of the Member States subject, in the latter case, to the exceptions or possible exemptions provided for by Article 227 of the EEC Treaty and the Acts of Accession. Consequently the territory to which the Treaty applies is determined by the land and sea frontiers of the Member States.

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

(9 July 1991)

The Commission can confirm to the Honourable Member that all of the Hautes-Alpes department is eligible under Objective 5(b) of the reform of the structural Funds, including towns and their rural areas. However, the Commission would like to point out that this aid is granted as part of the measures defined and identified in the operational programmes and that some of these measures may be aimed at beneficiaries or geographical areas determined on the basis of the nature of the measures. For example, in the operational programme for the region Provence-Alpes-Côte d'Azur, the measure on improving rural infrastructures is restricted to communes with less than 2 000 inhabitants, to the rural areas of communes with 2 000 to 5 000 inhabitants and to individual farm equipment.

As regards sea frontiers, the 12-mile territorial waters are an integral part of the territory of the Member States. Furthermore, coastal States enjoy sovereign rights as regards the economic exploitation of the continental shelf and the 200-mile exclusive economic zone. Community law thus applies to activities engaged in by the Member States in these zones provided they fall within the scope of the Treaty.

This applies in particular to all Community rules and regulations in the social field unless there are specific provisions to the contrary. Such provisions could be envisaged only in the event of special treatment being justified on the grounds of objective differences in situation.

With the exception of the special case referred to in the second paragraph of Article 228 (1) of the EEC Treaty, which applies in the event of doubt as to the compatibility of an envisaged agreement with the provisions of the Treaty, the Court of Justice may not be asked for an opinion. The Commission is not therefore in a position to answer the last part of the Honourable Member's question. However, it is able to inform him that in the case of fisheries the Court's rulings clearly confirm the application of Community law to all areas falling within the jurisdiction of the Member States (e.g. case C-9/89 Spain v. Council [1990] ECR I-1383).

WRITTEN QUESTION No 1111/91

by Mr Adrien Zeller (PPE)

to the Commission of the European Communities

(5 June 1991)

(91/C 286/47)

Subject: Applicability of Community legislation outside Community territorial waters

Can the Commission confirm, and on what evidence, that Community legislation, particularly on social matters, is

⁽¹⁾ OJ No C 107, 22. 4. 1991.

WRITTEN QUESTION No 1164/91**by Mr Maxime Verhagen (PPE)****to the Commission of the European Communities***(5 June 1991)**(91/C 286/48)**Subject: Cholera epidemic in Peru*

1. Does the Commission consider that the cholera epidemic in Peru constitutes a serious danger to Latin America and Central America as a whole?
2. What contribution has been made by the EC to combating the epidemic?
3. What long-term structural measures will be taken to combat cholera and prevent future outbreaks of the epidemic as part of the development policy in respect of Latin America and Asia?

**Answer given by Mr Matutes
on behalf of the Commission***(7 August 1991)*

1. The Commission shares the Honourable Member's concern about the cholera epidemic in Peru. Cholera quite clearly has spread across Peru's frontiers. We must hope that the measures taken by neighbouring countries, parts of which are affected by the epidemic, will restrict contamination to the border regions.
2. Three Commission grants of ECU 500 000 to cholera victims have already been implemented. A further ECU 500 000 was granted on 2 May to a group of countries requesting aid as a consequence of cholera.
3. Drinking water and sanitation problems are undoubtedly the principal causes of the spread of the epidemic.

The scale of these problems is such that they cannot be resolved by official development assistance. Their medium- and long-term solution is a matter for the rural and urban communities concerned. The Community and its Member States are backing their efforts through the infrastructure component so often found in financial and technical cooperation projects and programmes.

As for 'post-cholera' direct aid from the 'disaster' reserves of Article 73010 of the budget, the Commission is currently considering, in consultation with other international organizations, whether to undertake a public-health operation involving health care units, training and education. A grant of ECU 400 000 has already been made to the Pan-American Health Organization.

WRITTEN QUESTION No 1188/91**by Mr Llewellyn Smith (S)****to the Commission of the European Communities***(5 June 1991)**(91/C 286/49)**Subject: Harmonization of surveillance of microbiological contamination*

What steps does the Commission propose to make in relation to the surveillance of the microbiological contamination of food, so that data and research can be interpreted in a coordinated fashion?

**Answer given by Mr Bangemann
on behalf of the Commission***(17 July 1991)*

Article 14 of Council Directive 89/397/EEC ⁽¹⁾ on the official control of foodstuffs obliges the Member States to send to the Commission each year information on the inspection programmes carried out during the previous year by the competent authorities. This information which is used by the Commission to make a recommendation for a coordinated control programme for the coming year will contain data on the microbiological contamination of food.

The Commission will make sure, in consultation with the Member States, that these data are coherent and mutually comparable so that they can be interpreted in a coordinated fashion.

⁽¹⁾ OJ No L 186, 30. 6. 1989.

WRITTEN QUESTION No 1196/91**by Mr Willem van Velzen (S)****to the Commission of the European Communities***(5 June 1991)**(91/C 286/50)**Subject: Increased pension premiums*

Is the Commission aware that the Barber ruling of 17 May 1990 on equal pension rights for men and women means that pension premiums in the Netherlands will have to be increased by between 400 and 2 000 million guilders, according to how far transitional arrangements are adhered to. The one-off cost of applying equal treatment to all pension schemes negotiated after 1976 could be anything from 70 to 120 billion guilders.

Will the Commission consider adopting measures having retrospective effect to moderate the impact of the Barber ruling?

**Answer given by Mrs Papandreou
on behalf of the Commission**
(17 July 1991)

The judgment handed down by the Court of Justice on 17 May 1990 merely confirms its earlier rulings in Case 80/70 Defrenne v. Belgian State⁽¹⁾ and Case 170/84 Bilka-Kaufhaus v. Weber⁽²⁾ on the interpretation of Article 119 of the EEC Treaty and its application to occupational social security schemes.

Aware of the financial implications of its 1990 judgment the Court makes it clear in ground 44 that overriding considerations of legal certainty preclude legal situations which have exhausted all their effects in the past from being called in question where that might upset retroactively the financial balance of many contracted-out pension schemes.

As regards the implications of the judgment in terms of timing the Commission would point out that reference was made under Article 177 of the Treaty by order of the Bonn Industrial Tribunal of 14 February 1990 for a preliminary ruling in Case 110/91 Michael Moroni v. Collo GmbH clarifying the date from which the Barber ruling actually takes effect and the degree of retroactivity.

In any event, since Article 119 is directly applicable and can therefore be invoked by anyone who so wishes in the competent national courts, it is not legally possible to restrict its scope in any way other than that indicated by the Court in its Barber ruling. This applies to the Commission just as it does to any other institution or person.

⁽¹⁾ [1971] ECR 445.

⁽²⁾ [1986] ECR 1607.

WRITTEN QUESTION No 1206/91

by Mrs Anita Pollack (S)
to the Commission of the European Communities
(11 June 1991)
(91/C 286/51)

Subject: Overfishing off Canada

What steps is the Commission taking to bring its fishing vessels under control so that its quota reductions will result in real catch reductions off the east coast of Canada?

**Answer given by Mr Marín
on behalf of the Commission**
(29 July 1991)

The Commission would refer the Honourable Member to its answer to her Written Question No 901/91⁽¹⁾.

⁽¹⁾ See page 20 of this Official Journal.

WRITTEN QUESTION No 1222/91

by Mr Miquel Arias Cañete (PPE)
to the Commission of the European Communities
(11 June 1991)
(91/C 286/52)

Subject: Implementation of the EEC-Seychelles Fisheries Agreement

Given that the Fisheries Agreement between the Community and the Seychelles laid down that its protocol should remain in force for the period from 18 January 1990 and 17 January 1993 and given that over one year has thus passed since the entry into force of the said protocol:

1. To what degree has the protocol been implemented in the case of the fishing opportunities provided for (Tuna vessels)?
2. Which Member States have obtained fishing licences and in what number?
3. What results have been obtained from the scientific programmes studying fish stocks in the Indian Ocean, particularly in respect of highly migratory species, as laid down in Article 3 of the said protocol?
4. Has there been any conflict in those waters involving the Community fleet and if so how has it been resolved?

**Answer given by Mr Marín
on behalf of the Commission**
(9 July 1991)

1 and 2. The current protocol to the EEC/Seychelles Fisheries Agreement provides fishing possibilities for 40 ocean-going tuna vessels. These possibilities have been used as follows:

18. 1. 1990—17. 1. 1991 : 40 licences (20 France, 20 Spain)

18. 1. 1991—17. 1. 1992 : 38 licences (18 France, 20 Spain).

3. No information is yet available about the use which has been made of the money which the Community is required to pay under Article 3 of the Protocol.

4. One Community vessel has been fined for oil pollution in Victoria Harbour.

WRITTEN QUESTION No 1236/91

by Mr Alain Marleix (RDE)

to the Commission of the European Communities

(11 June 1991)

(91/C 286/53)

Subject: Promotion of electricity of nuclear origin

The proportion of electricity produced in the Community from nuclear energy fell slightly in 1990 (35 % of the total, compared with 36 % the previous year) particularly in the Federal Republic of Germany, the United Kingdom and the Netherlands, according to a study carried out by the Union of German Electricity Producers (VDEW).

Also according to this study the 591 billion kilowatt hours of electricity of nuclear origin produced last year would have required the consumption of 190 million tonnes of coal in conventional power stations and have resulted in the emission into the air of 590 000 tonnes of carbon dioxide and 750 000 tonnes of sulphur dioxide.

Can the Commission say what the reasons are for this fall in the production of nuclear-based electricity?

In view of the extremely strict safety standards, the lack of pollution caused by nuclear energy, the resulting environmental benefits and the need to increase the Community's self-sufficiency in energy, does the Commission not consider that a proper programme should be set up to promote and increase awareness of electricity produced from nuclear fuel?

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

(24 July 1991)

It is true that the proportion of electricity produced from nuclear energy fell slightly in 1990.

This was due in part to the fact that the overall demand for electricity in the Community increased while, at the same time, nuclear power stations as a whole had their average availability factors reduced as a result of shut-downs as part of ten-year inspection programmes and steam generator repair programmes or definitive shut-downs in some cases.

The Commission shares the Honourable Member's point of view about the need for an effective programme. Efforts have been made to this end for many years now,

particularly concerning radiation protection, the harmonization of the industrial standards applied, mutual recognition of the safety principles adopted in the Member States and factual information for the public about the health risks of ionizing radiation. In addition, the drafting of specifications likely to be accepted by all electricity producers in the Community should facilitate the coordinated development of investments and allay public fears.

WRITTEN QUESTION No 1247/91

by Mr Gianfranco Amendola and
Mr Gerard Monnier-Besombes (V)

to the Commission of the European Communities

(11 June 1991)

(91/C 286/54)

Subject: Export of certain chemical products which may be used for the manufacture of weapons

Council Regulation (EEC) No 428/89⁽¹⁾ states that exports of the products listed in Annex I thereto shall be subject to the issue by the competent authorities in the Member States of a prior export authorization. However, the Regulation does not provide for any form of notification to the Commission or any form of monitoring.

1. Has the Commission nevertheless been kept informed of authorizations issued by the Member States?
2. If so, what products have been exported by the various Member States, to what countries and what purchasers?
3. Does the Commission not consider that this Regulation should be amended to provide for a procedure for notifying the Commission and introducing a Community monitoring system?

⁽¹⁾ OJ No L 50, 22. 2. 1989, p. 1.

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

(30 July 1991)

- 1 and 2. Export authorizations issued by Member States.

Council Regulation (EEC) No 428/89 on the export of certain chemical products does indeed make the export of the chemical products listed in Annex I thereto

conditional on a prior export authorization being issued by a Member State. However, it makes no arrangements for information to be communicated to the Commission about Member States' acceptance or rejection of export applications.

The Commission is therefore not kept informed of the fate of such applications.

3. Proposal for a Regulation amending Council Regulation (EEC) No 428/89 with a view to setting up a procedure for notifying the Commission and putting in place a Community monitoring system.

Realizing that progress had to be made in this particularly sensitive matter the Commission proposed to the Council in March 1990 that two key changes be made to the Regulation, namely that the list of products be extended and that additional administrative measures be introduced.

Its proposal involves rules governing transit of the products in question and the setting up of an information system and a procedure to apply uniform technical criteria to the granting or refusal of export licences.

The proposal still awaits the Council's approval. For its part, the Commission is ready to do all that it can to ensure that appreciable headway is made in this matter.

activities in favour of Afghan refugees in Pakistan and in areas of Afghanistan under the control of the Resistance:

(ECU)

Afghan refugee and repatriation preparation programme	500 000
Vocational training and income generation project	600 000
Malaria control programme/laboratory supervisory unit	500 000
Community Health Care for Afghan refugees in Baluchistan	640 000
Establishment of a public health network in Afghanistan	2 000 000
Education and sanitation programme	3 000 000
Health and nutrition programme	3 000 000
Emergency aid to flood victims in Afghanistan	400 000

In addition, over the same period, the Commission has donated the following food aid to the Afghan refugees:

Wheat	60 000 tonnes,
Butter oil	3 100 tonnes,
Vegetable oil	1 000 tonnes,
Skimmed milk powder	300 tonnes.

WRITTEN QUESTION No 1270/91

by Mr Yves Verwaerde (LDR)

to the Commission of the European Communities

(14 June 1991)

(91/C 286/55)

Subject: Humanitarian aid to the civilian population of Afghanistan

What measures were taken in 1990 and the first quarter of 1991 to provide humanitarian aid to Afghan civilian refugees living in Pakistan or in areas controlled by the resistance?

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

(9 August 1991)

During 1990 and the first quarter of 1991 the Commission has committed funds to the following humanitarian aid

WRITTEN QUESTION No 1272/91

by Mr Yves Verwaerde (LDR)

to the Commission of the European Communities

(14 June 1991)

(91/C 286/56)

Subject: Draft Directive permitting comparative advertising

The French Parliament has recently adopted at first reading a draft law on consumer protection, Article 10 of which permits the practice of comparative advertising.

The Minister responsible for consumer affairs justifies this provision on the grounds that French legislation must be taken into account in the drafting of the final text of the Directive authorizing this type of advertising.

How will the European institutions take account of the new French legislation once it is adopted?

WRITTEN QUESTION No 1273/91**by Mr Yves Verwaerde (LDR)****to the Commission of the European Communities***(14 June 1991)**(91/C 286/57)*

Subject: Draft Directive permitting comparative advertising

Will the forthcoming Directive permitting comparative advertising take into account the problem of brand protection?

The risk of comparative advertising is that it will enable an unknown competitor, by juxtaposing his name with that of a prestigious brand to benefit cheaply from that brand's public image, acquired by the efforts of others.

Does the Commission therefore intend to prevent comparative advertising leading to the devaluation of brand names? This is a particularly sensitive issue since it often affects companies which already suffer serious problems with brand forgery.

Joint answer to Written Questions Nos 1272/91 and 1273/91

given by Mr Van Miert**on behalf of the Commission***(19 July 1991)*

On 22 May 1991 the Commission adopted a proposal for a Directive amending Directive 84/450/EEC in order to legalize comparative advertising in all Member States ⁽¹⁾.

In the explanatory memorandum to the proposal, the Commission gave a run-down of the legal situation in the Member States. It noted that France appeared to be joining the ranks of those countries in which this type of advertising is already authorized.

The explanatory memorandum to the proposal and the recitals and articles themselves deal at length with the question of whether comparative advertising which refers explicitly to a competitor's trade mark or trade name for the purposes of identification can be reconciled with the exclusive right of the proprietor.

⁽¹⁾ COM(91) 147 final.

WRITTEN QUESTION No 1548/91**by Mr Llewellyn Smith (S)****to the Commission of the European Communities***(23 July 1991)**(91/C 286/58)*

Subject: Article 88 of the Euratom Treaty

Will the Commission publish its plans for the implementation of Article 88 of the Euratom Treaty on the creation of a Special Fissile Materials Financial Account; and what is the reason for the non-implementation of the Article for the past 31 years?

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

(24 September 1991)

The Commission would refer the Honourable Member to the reply to the oral question H-118/88 by Mr Ford, which it gave during question time at Parliament's July 1988 part-session ⁽¹⁾.

⁽¹⁾ Debates of the European Parliament No 2-367 (July 1988).

WRITTEN QUESTION No 1634/91**by Mr Yves Verwaerde (LDR)****to the Commission of the European Communities***(25 July 1991)**(91/C 286/59)*

Subject: Community staff other than officials employed in Commission directorates and services

Would the Commission state the precise number of Community staff (other than officials) serving in its directorates and services at 31 December 1990, giving a breakdown by nationality?

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

(27 September 1991)

In view of the length of its answer, which includes a number of tables, the Commission is sending it direct to the Honourable Member and to Parliament's Secretariat.

