

Answer given by Mrs Reding on behalf of the Commission

(24 July 2003)

Article 151 of the EC Treaty gives the Community powers to encourage cultural cooperation between Member States and support and supplement (on the basis of funding and if necessary) their action in the following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples;
- conservation and safeguarding of cultural heritage of European significance;
- non-commercial cultural exchanges;
- artistic and literary creation, including in the audiovisual sector.

It should be noted that Article 151 specifically excludes any 'harmonisation of the laws and regulations of the Member States' ⁽¹⁾.

Consequently, the Honourable Member's question does not come within the Community's competence.

⁽¹⁾ Article 151(5), first indent of the EC Treaty.

(2004/C 33 E/204)

WRITTEN QUESTION E-2018/03

by Bart Staes (Verts/ALE) to the Commission

(17 June 2003)

Subject: Language discrimination – native speakers

In its reply to Question E-2764/02 ⁽¹⁾, the Commission acknowledges that 'a "native speaker" condition contained in recruitment announcements is not acceptable under Community rules on free movement of workers, as it is unlawfully discriminatory. Therefore the Commission considers that the use of this term in job advertisements is prohibited by Community law.'

In the same reply, the Commission states that it is investigating 'such job advertisements which have been published by one Member State's public authorities'. On 11 November 2002, the investigations had 'not been finalised', but once they had, the Commission would then decide about the next steps to take.

On 7 April 2003, Cedefop advertised a vacancy for 'an English mother-tongue secretary' (see also: http://www.cedefop.eu.int/download/banner/secretary_EN_0403.pdf).

1. Is the Commission aware of the advertising of this vacancy? If so, what steps has it taken or will it take to ensure that it is or was possible to fill this vacancy without these discriminatory conditions? What is the mother tongue of the person who has been or will be recruited? How can the Commission show that the ultimate recruitment was completely language-neutral? What steps has the Commission taken to prevent such cases from recurring – in Europe in general and at Cedefop in particular?

2. Can the Commission outline the progress made in its investigation into job advertisements which mention native speakers? Has it arrived at any findings? If so, what conclusions has the Commission been able to draw from them? If not, why are these findings taking so long to obtain, and approximately when will they be known?

⁽¹⁾ OJ C 92 E, 17.4.2003, p. 207.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(1 August 2003)

1. In reference to the first question concerning an advertised vacancy for 'an English mother-tongue secretary' the Honourable Member is referred to the Commission's reply to Written Question E-1733/03 by Mr Leinen ⁽¹⁾.

2. As far as the more general issue raised is concerned, the Commission has finalised its investigations into a complaint concerning several job offers which had been published by one Member State's public authorities. In their reply to the Commission the authorities of the Member State concerned made it clear that they share the opinion of the Commission that the use of such terms as 'mother tongue' or 'native speaker' in job offers violates Community law on free movement of workers. They further informed the Commission that information and circular letters have been sent to the organisations concerned in order to avoid that in future such job offers will be published.

The Commission considers that the position of the authorities of the Member State concerned and the measures taken bring the behaviour of these administrations into line with Community law on free movement of workers. In April 2003 the complainant was informed accordingly.

The Commission would also like to reiterate its intention to use its legal powers to fight against the use of a 'native speaker' criterion in job advertisements, if necessary.

⁽¹⁾ OJ C 11 E, 15.1.2004, p. 221.

(2004/C 33 E/205)

WRITTEN QUESTION E-2020/03**by Sérgio Marques (PPE-DE) to the Commission**

(17 June 2003)

Subject: Support scheme for producers in the fisheries sector

In 1992, to compensate for the fact that certain outermost regions are islands, a support scheme was adopted for producers in the fisheries sector, providing for contributions to offset the additional marketing and transport costs that they were incurring because there were no regional markets near at hand and the cost of transport from the regions concerned to the mainland was high.

New regulations were adopted in 1994, 1995, and 1998 in order to continue the measures laid down in the initial regulation. The last of these regulations was intended to remain in force until 31 December 2001. Article 6 of Regulation (EC) No 1587/98 ⁽¹⁾ stipulated that the Commission was to submit a report on its implementation by 1 June 2001. However, the Commission wished to probe more deeply into the impact of the measures adopted and the additional costs entailed for the fisheries sector enterprises because of their remote location and, moreover, to take into account the debate on reform of the CFP. It thus considered it necessary to put the submission date for the report back to 1 June 2002 and, consequently, to extend Regulation (EC) No 1587/98 for another year, with the result that the regulation remained in force until 31 December 2002. The Commission proposal to that effect (for which a dual legal basis was invoked, namely Articles 37 and 299(2) of the Treaty) was accepted by the Council and endorsed by Parliament.

1. When will the report on compensation for the additional costs in the fisheries sector be adopted?
2. How does the Commission view the possibility of adopting a permanent scheme, to replace the extension of Regulation (EC) No 1587/98, bearing in mind that the remoteness of the outermost regions is a factor that cannot be altered?

⁽¹⁾ OJ L 208, 24.7.1998, p. 1.