

Official Journal

of the European Communities

ISSN 0378-6986

C 102

Volume 35

22 April 1992

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	I Information	
	European Parliament	
	<i>Written Questions with answer</i>	
92/C 102/01	No 2165/90 by Sir James Scott-Hopkins to the Commission Subject: Forthcoming Article 177 hearings	1
92/C 102/02	No 428/91 by Mr Alexandros Alavanos to the Commission Subject: Environmental problems for the town of Chios due to a project forming part of the IMPs for the Aegean	1
92/C 102/03	No 526/91 by Mr Kenneth Collins to the Commission Subject: Parliamentary rejection of Commission proposals	2
92/C 102/04	No 596/91 by Mr Alonso Puerta to the Commission Subject: The implementation in Spain of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment	2
92/C 102/05	No 657/91 by the following Members: Mr Maxime Verhagen, Mr Raphaël Chanterie, Mrs Ria Oomen-Ruijten and Mr Egon Klepsch to the Commission Subject: Effect on developing countries of the Commission's GATT offer	3
92/C 102/06	No 734/91 by Mr Gianfranco Amendola and Mr Virginio Bettini to the Commission Subject: Infringement of Community legislation by the ENEL power station at Porto Tolle, Rovigo	3
92/C 102/07	No 853/91 by Mr Ben Visser to the Commission Subject: Possible restrictions on free access to ports in the United States	4
92/C 102/08	No 888/91 by Mrs Barbara Simons to the Commission Subject: Delay in releasing funds earmarked for the SARDC under budget item 9531	5
92/C 102/09	No 936/91 by Mr Maxime Verhagen to the Commission Subject: Investment opportunities in Latin America	5
92/C 102/10	No 952/91 by Mrs Ana Miranda de Lage to the Commission Subject: Uruguay	6

not yet possible to predict accurately how many of the 1 000 or so zoos in the EEC will be affected. The results of the inspections will however be clearly displayed in the Member States reports to the Commission.

WRITTEN QUESTION No 2235/91

by Mr Dieter Rogalla (S)

to the Commission of the European Communities

(4 October 1991)

(92/C 102/88)

Subject: Border traffic between France and Italy

1. What progress has been made in facilitating border crossings between France and Italy for people travelling by rail and road?
2. Is it correct that cooperation between the customs and border authorities in this area of Europe is still in its initial phase?
3. Does the Commission share my view that the inconvenience to travellers caused by changing trains and platforms is inconsistent with progress towards completion of the internal market?
4. What measures does the Commission intend to take in the foreseeable future to remind Member States that the customs union imposes certain obligations regarding cooperation in this area and their translation into practice?

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

(21 January 1992)

Measures in support of the abolition of internal frontier controls by 1 January 1993 are currently being prepared, although many such measures have already been adopted.

Since the objective is to abolish internal frontier controls completely, the abovementioned measures do not contain specific provisions relating to the Franco-Italian border.

In this connection, it should be added that Italy acceded on 27 November 1990 to the Convention applying the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders. This Convention has not yet entered into force.

With regard to the current situation, the Commission would point out, that on its initiative, the Council adopted in 1981 a Regulation on mutual assistance in customs matters ⁽¹⁾ and in 1983 a Directive on the facilitation of

physical inspections and administrative formalities in respect of the carriage of goods between Member States ⁽²⁾

⁽¹⁾ Council Regulation (EEC) No 1468/81 (OJ No L 144, 2. 6. 1981), as amended by Council Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987).

⁽²⁾ Council Directive No 83/643/EEC (OJ No L 359, 22. 12. 1983), as last amended by Council Directive 91/342/EEC (OJ No L 187, 13. 7. 1991).

WRITTEN QUESTION No 2240/91

by Mr Proinsias De Rossa (CG)

to the Commission of the European Communities

(4 October 1991)

(92/C 102/89)

Subject: Evrigenis report recommendations

Will the Commission state what progress has been made on the production of a European Civic Education textbook, as recommended in paragraph 392 of the Evrigenis Report (A2-0160/85) and the preparation of a European Textbook of contemporary history as recommended in paragraph 395 of the same report?

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

(12 December 1991)

The Commission has not undertaken the production of a European Civic Education Textbook, nor the preparation of a European textbook of contemporary history because it is not one of its tasks to undertake such initiatives directly.

However, the Commission encourages every initiative of this nature and has given some support to projects such as 'Europe at School' by the Institut für Europäische Politik Bonn, dealing with Civic Education in Europe and to other projects of this type.

WRITTEN QUESTION No 2256/91

by Mrs Raymonde Dury (S)

to the Commission of the European Communities

(18 October 1991)

(92/C 102/90)

Subject: Failure to claim legal costs

In a reply to a parliamentary question (Bulletin des Q et R, Sénat, 9. 7. 1991, Q. 211, p. 1674) a Belgian Minister

stated that in fact the costs the Kingdom of Belgium had been ordered to bear by the European Community Court of Justice had not cost the Treasury a sou as 'these costs are never in practice claimed, under an agreement between the Member States and the Commission'.

Can the Commission conform this state of affairs? If so, what justification is there for it?

**Answer given by Mr Delors
on behalf of the Commission**
(6 December 1991)

It is true that the Commission does not claim legal costs awarded against a Member State by the Court of Justice, but only on condition that Member States do not claim legal costs the Commission has been ordered to bear. The Commission reserves the right to review its position in the event of a Member State claiming such costs.

This well-established practice has not been challenged by the Member States in cases where an action against the Commission is upheld by the Court and the Commission is accordingly ordered to bear the costs of the action.

In the Commission's view, the practice is justified on two counts. It guarantees the efficiency of Court proceedings and is in the interests of sound financial management.

In actions brought by the Commission against Member States under Article 169 of the EEC Treaty for failure to meet their obligations, the main objective is to bring the offending Member State into line as soon as possible, even during Court proceedings, without issues of who is to bear the cost of the action hindering a settlement. Indeed, in most cases of this kind, the Commission's agent is not assisted by a lawyer. As a member of the Commission's Legal Service 'the performance of his duties as a whole finds its counterpart in the remuneration allotted to him under the Staff Regulations, so that expenses . . . cannot be considered as expenses incurred for the purpose of the proceedings and therefore as recoverable'.⁽¹⁾ This being so, recoverable costs are minimal, amounting to no more than travel expenses from Brussels to Luxembourg to attend the hearing.

⁽¹⁾ Order on costs in Case 126/76 *Dietz/Commission* (1979) ECR 2131.

WRITTEN QUESTION No 2310/91
by Mr Jean-Pierre Raffarin (LDR)
to the Commission of the European Communities
(21 October 1991)
(92/C 102/91)

Subject: Planet Earth Summit

The failure of the draft convention for the protection of forests in connection with the UN Planet Earth Summit to be held in Rio de Janeiro in 1992 is a cause for great concern, since it reflects the continuing lack of understanding between the industrialized countries and the Third World with regard to the environmental aspects of development. What action can the European Community institutions take to ensure that the protection of forests is included on the agenda of this international environmental summit conference?

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

The Commission, like the Honourable Member, deplors the fact that the present situation offers no prospect of an international convention on forests being signed at the Conference on Environment and Development to be held in Rio in June 1992.

However, this matter must be approached in a realistic fashion. If a legal instrument of this kind is to have any impact, and genuinely add to what has already been achieved by existing mechanisms and instruments (e.g. the ITTO and the TFAP) it is necessary to secure global consensus and, in particular, the full support of the developing countries.

The Community has therefore opted for a gradual approach.

Its proposal can be summarized as follows:

- The first step would consist in adoption by the Rio conference of a declaration on forests, reflecting global consensus on the main aims such as promoting the preservation of natural forests, reforestation, environmentally sound land use and sustainable management of forests. This declaration would also outline the procedures, including a timetable, for negotiating a convention on forests.
- Subsequently, the global consensus thus secured would have to be enshrined in a legally binding instrument.

In addition, the conventions on climate change and preserving biological diversity which are due to be