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DOCUMENT 1-1166/83

REPORT

drawn up on behalf of the Legal Affairs Committee
on discrimination in the matter
of passing on nationality

Rapporteur : Mrs Maria Lisa CINCIARI RODANO

On 16 February 1982, the Legal Affairs Committee was given the authorization to draw up an own-initiative report.

On 18 March 1982, Mrs CINCIARI RODANO was appointed rapporteur.

At its meeting of 1 and 2 December 1983 the Legal Affairs Committee considered the draft report and adopted it unanimously.

Present: Mr Luster, vice-chairman and acting chairman; Mr Turner and Mr Chambeiron, vice-chairmen; Mrs Cinciari Rodano, rapporteur; Mr D'Angelosante, Mr Del Duca, Mr Geurtsen, Mr Kaloyannis, Mrs Macciocchi; Mr Megahy, Mrs Tove Nielsen, Mr Sieglerschmidt, Mr Tyrrell, Mr Vetter and Mr Vié.

This report was tabled on 8 December 1983.

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The Legal Affairs Committee hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on discrimination in the matter of passing on nationality

The European Parliament,

- having regard to the resolution on the position of women in the Community adopted on 15 February 1981¹,
- having regard to the resolution on the British Nationality Bill² adopted on 19 September 1981,
- having regard to the opinion drawn up by the Legal Affairs Committee for the Committee on the Rules of Procedure and Petitions on Petition No. 30/80 tabled by Mrs M. G. Di Cristofaro Longo³ against discrimination in respect of nationality,
- having regard to Resolutions 77/12 and 77/13 adopted by the Committee of Ministers of the Council of Europe on 27 May 1977, concerning respectively the nationality of spouses of different nationalities and that of legitimate children,
- having regard to the joint declaration by the European Parliament, the Council, and the Commission of 5 April 1977⁴ on the respect of fundamental rights by these institutions in the exercise of their powers,
- having regard to the consistent decisions of the Court of Justice of the European Communities on the inclusion of international instruments on human rights among the sources of Community law,

¹ OJ No. C 50, 9 March 1981, p. 35

² OJ No. C 260, 12 October 1981, p. 100

³ PE 74.776/fin.

⁴ OJ No. C 103, 27 April 1977, p. 1

- whereas the principle of equality of the sexes before the law is one of the fundamental rights defined in the constitutions of the Member States,
 - whereas the records show that the legislation of some Member States does not respect the principle of equality of the sexes before the law in respect of the transfer of nationality, and of marriage between couples of different nationality,
 - having regard to the importance for the Community of legislation governing the acquisition and transfer of citizenship within the individual Member States in that it also determines the acquisition and transfer of the legal status of the individual under Community law,
 - whereas discrimination of this nature constitutes an obstacle to the free movement of persons within the Community,
 - whereas Article 3 of the Treaty of Rome states that the activities of the Community shall include the abolition of obstacles to freedom of movement of persons,
 - whereas for these reasons it would be desirable to harmonize the legislation of the Member States at least for marriages between citizens of Community origin and for their children;
 - having regard to the report drawn up by the Legal Affairs Committee (Doc. 1-1166/83),
1. Calls on the Commission, pursuant to Article 235 of the EEC Treaty, to draw up a recommendation for the Member States providing for equality of rights in respect of the transfer of nationality by fathers and mothers to children born both in and out of wedlock, and equality of rights between men and women in respect of the transfer of citizenship following the marriage of spouses of different nationalities, without prejudice to the principle that the possession of several nationalities should be avoided;
 2. Instructs its President to forward this resolution to the Council, the Commission of the European Communities, the Council of Europe and the Member States.

EXPLANATORY STATEMENT

1. The Legal Affairs Committee has, on several occasions, been asked for its opinion on areas of conflict between national and Community law with regard to the acquisition and transfer of nationality. In 1980, at the time of the British Nationality Bill, the motion for a resolution tabled by Mr Lomas and others (Doc. 1-728/80) was referred to the committee. The motion for a resolution pointed out the risk posed by the Bill of special difficulties in defining those who would be covered by certain provisions of Community law. It pointed out the risk of some citizens becoming stateless; the danger that some citizens would find it more difficult to exercise their rights to free movement and establishment and the possibility of an infringement of the principle of equality between the sexes with regard to the right to transmit nationality.

On the basis of the report by Mr Malangré, the Legal Affairs Committee found that some of these risks did indeed exist but disagreed that the new British regulation would infringe the principle of equality between the sexes; a resolution along these lines was finally adopted by Parliament on 18 September 1981¹.

Subsequently the petition presented by Mrs Di Cristofaro Longo on behalf of the Tribunal of 8 March concerning discrimination against Italian women in the matter of passing on their nationality was referred to the Legal Affairs Committee by the Committee on the Rules of Procedure. The opinion drawn up by Mr Malangré and adopted by the committee recognized that Law No. 555 of 1912 of the Republic of Italy discriminated against women and pointed out in addition that 'the following general remarks may be made when making a comparison of the legislation governing nationality in the 10 Member States:

- (a) In principle the father passes on his nationality to his legitimate or adopted children.

¹ OJ No. C 260, 12 October 1981, p. 100

In principle the mother passes on her nationality to her illegitimate children. This gives rise not only to discrimination against women but also to discrimination against children according to whether they are legitimate or illegitimate.

- (b) When a man marries a foreign woman, even if she is from the Community, he does not lose his original nationality and the new wife can readily acquire the husband's nationality.

However, a woman may in many cases lose her original nationality if she marries a foreigner and the husband can only acquire the nationality of his wife under conditions which are difficult to fulfil.

All this legislation makes no distinction between foreign men or foreign women from the Community and those from third countries.

The Legal Affairs Committee notes that all this legislation contains discrimination between men and women and between legitimate and illegitimate children.¹

The Legal Affairs Committee also pointed out that such discrimination might be in contravention of the principles of equality and non-discrimination laid down by Community law, and that it might, albeit indirectly, interfere with the rights of freedom of movement for workers and, more generally, the development of the Common Market. In conclusion, the Legal Affairs Committee considered that an own-initiative report on the question should be submitted to the European Parliament.

The authorization requested was granted on 18 February 1982.

2. Meanwhile the question of acquiring and passing on nationality had been raised in other areas of Parliament's activity, notably in the work of the ad hoc Committee on Women's Rights. In paragraph 42 of the resolution on the position of women in the Community adopted on 15 February 1981², the European Parliament raised the problem of the equal capacity of parents of both sexes to pass on nationality by marriage or parenthood, since this capacity in the case of women was restricted in varying degrees by legislation in almost all Member States,

¹ PE 74.776/fin.

² OJ No. C 50, 9 March 1981, p. 35

and called on the Commission 'to undertake an enquiry into the nature and the extent of these problems and to consider whether a European arrangement could be drawn up to solve them'. It is not known to date whether such an enquiry has been made.

3. During the debate on British nationality, the Legal Affairs Committee was able to examine the regulations in force at the time in the Member States as regards the acquisition of nationality by birth (Notice to Members 1/81 - PE 72.267).

Laws relating to the acquisition of nationality by birth are in fact extremely complex; they also lay down a wide range of provisions for special cases: foundlings, children of unknown parents, illegitimate, legally-recognized or adopted children, etc.

Whatever the diverse criteria applied (ius sanguinis or ius soli) the basic principle seemed to be that nationality was passed on to the legitimate child by the father and to the illegitimate child by the mother.

Exceptions at the time were:

- (a) France: a child, whether legitimate or illegitimate, shall have French nationality where at least one of the parents is a French citizen (Article 7, Law 7342 of 9.1.1973),
- (b) Ireland: Anyone born in Ireland is an Irish citizen by birth (Article 6(1)) Irish law on nationality and citizenship of 1956,
- (c) United Kingdom: Under the new law those considered British citizens are persons born in the United Kingdom if at the time of birth the father or mother has British citizenship or resides in the United Kingdom, as well as persons born outside the United Kingdom of parents recognized as British citizens by birth in the United Kingdom or who hold British nationality and are employed outside the United Kingdom.

In certain cases (Luxembourg, Greece) citizenship is granted to a legitimate child whose mother is a national and whose father is stateless.

4. There is however a second aspect which was considered by the Legal Affairs Committee during its adoption of the opinion on the petition by Mrs Di Cristofaro Longo, that is the acquisition of citizenship as a result of marriage.

Once again, legislation in the Member States of the Community is complex and varies widely. As a general rule, any citizen of a Community country who marries a foreign woman does not lose his own nationality; the woman who marries a foreign man also retains her own nationality. The exceptions are Belgium, where a woman who marries a foreigner loses her own nationality (unless a declaration is made within 6 months) and Greece (unless a declaration is made within 1 year).

At the same time a foreign woman who marries a national of a Community country may acquire her husband's nationality on request, with the exception of Belgium and Greece where a foreign woman who marries a Belgian or Greek citizen automatically acquires the nationality of her husband.

At the same time, a foreign man who marries a woman of a Community country never automatically acquires the nationality of his wife.

5. It should be noted that changes have recently been introduced in the laws of two member countries, Italy and Greece.

(A) In Italy the Constitutional Court of the Republic in its judgment No. 30 of 1983, declared unconstitutional:

- (a) Article 1(1) of 13.6.1912 No. 555 where it does not provide for the child whose mother is a national to become a citizen by birth;
- (b) Article 2(2) of the same law.

The Court also felt there was an urgent need for a structural review of the entire body of regulations on nationality which would take account of all the links between a new system of rules and the principles of international law relating to the individual.

To some extent the judgement of the Constitutional Court of the Italian Republic concurs with the opinion expressed by the Legal Affairs Committee of the European Parliament.

Subsequently, on 13 April 1982 the Committee on Home Affairs and the Committee on Law of the Chamber of Deputies meeting in legislative session approved a bill, already approved by the Senate, to eliminate the most blatant

discrimination against women. While the new measures leave open the need for a structural reform of the entire body of laws on nationality, they do eliminate the automatic transfer of citizenship by the husband to the wife and provide for the foreign or stateless spouse of an Italian national (irrespective of sex) to acquire Italian citizenship after 6 months residence within the territory of the Republic or after 3 years from the date of the marriage. Citizenship may be acquired at the request of the individual concerned or of the spouse. In the latter case the individual concerned may make known his or her wish not to acquire Italian nationality within 30 days of the communication. Provision is also made for cases in which the acquisition of nationality may be refused, of which one (namely the existence of substantiated grounds relating to the security of the Republic) gives the competent authority wide discretionary powers in deciding upon requests for citizenship.

In essence, in order to guarantee an end to discrimination, all measures of an automatic nature have been abolished, with a consequent increase in the discretionary powers of the state, and requiring a specific request on the part of the woman to obtain Italian nationality. However, from the point of view of equality between the sexes, there is no longer any discrimination.

Similarly, Article 5 of the new law states that a child of a father or mother who is a national, including an adoptive child, is an Italian citizen. The ability of the mother to pass on nationality to her legitimate child is recognized as equal to that of the father. In cases of dual citizenship the child must opt for a single nationality within 1 year after reaching majority.

(B) In Greece Decree Law No. 3.370/1955 as amended by Decree 461(1968) remains in force. However, on 1 January 1983 the principle of sexual equality laid down by Article 4(2) of the Constitution of 11 June 1975 came into full force. The transitional period, during which legislation, not consistent with the principle of equality between the sexes (Article 116(1c) remained in force, ended on 31 December 1982.

Consequently it might seem that measures discriminating against Greek women would no longer be applied. However, complex questions of interpretation still arise. Furthermore, Article 90 of the new Law 1329/83 on the application of the constitutional principle of equality between men and

women and on the review of the provisions of family law has added the following paragraph to Article 16 of the law on Greek nationality: Female Greek citizens who have married a foreign citizen abroad under a civil ceremony, before the entry into force of Law 1250/82 on the institution of civil matrimony, retain Greek citizenship notwithstanding the fact that by the retroactive recognition of the validity of their married status they may have acquired their husband's nationality.

This explicit alteration to a highly significant element of legislation could indicate that the surviving provisions of the law are still considered applicable.

On 22 December 1982, a committee was set up to study the revision of the code on Greek nationality which has yet to complete its work.

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6. It can thus be stated that:

- (a) there are still situations not consistent with equality of the sexes where transfer of nationality is automatic only in one direction (i.e. from the husband to the wife, unless the latter makes a specific request) or where in establishing the nationality of a legitimate child at the moment of birth the nationality of the mother is of no importance;
- (b) there is however a trend towards the reform of national legislation in support of equality.

7. Traditionally, the basic intention behind the laws on nationality in many Member States can be seen as the desire to ensure uniformity of citizenship to the family unit; at the time the laws were passed, family law was based on the idea of hierarchy, the predominant role falling to the head of the family, the husband and father, who had the right to pass on nationality: the woman acquired nationality from her husband and not the reverse; it was the father who passed on his nationality to the children and not the mother.

The fact that on the question of nationality conflict may arise between different laws applied to the same person, that the principle of sexual equality is now recognized as a fundamental right and the increasing tendency to guarantee the individual the right to make up his own mind where citizenship is concerned, have led to a relaxation of the concept of 'uniformity' and introduced elements of a 'dualistic' concept in that the current legislation, while not providing watertight guarantees, reflects equality between the sexes.

An example of this is the right of the woman to keep her own nationality in the case of marriage to a foreign national, although this is frequently offset by the mother's inability to transmit her nationality to her children, which constitutes an infringement of equality.

Resolutions 77/12 and 77/13 of the Council of Europe appear to offer suggestions for simultaneously safeguarding the rights of the individual, the principle of non-discrimination on grounds of sex, the needs of the family unit and for reducing the cases of dual citizenship (except for minors until the age of majority) and of loss of citizenship.

8. The Community's direct concern with the problem is reflected in the substantial proportion of marriages between people of different nationality Community territory, particularly in areas where immigrants tend to congregate. The simple fact that a large number of women are liable to lose custody of their children, irrespective of any recommendation or ruling on the part of the presiding judge, in cases of legal or de facto family separation, is not only in itself unjust, but is also likely to be a contributing factor towards serious social dislocation. More particularly, the complex problems arising from the disparity of treatment between one country and another may have a direct influence on the right of residence and settlement and consequently hinder the development of free movement within the Community.

It would be in the interest of the Community to standardize the conditions for Community citizens. Harmonization of the legislation of the Member States could obviously not resolve the problems of every case arising from marriages with citizens from non-Community countries, but it would be a considerable step forward.

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9. It now has to be decided whether there are sufficient grounds for Community action to urge the national legislators to introduce changes by bringing the respective laws into line with the general principle of equality between the sexes and with the interests of the Community.

As far as the general principles of Community law are concerned the strongest argument for acknowledging the importance of this issue for the Community lies in the jurisprudence of the Court which incorporates international instruments on the rights of the individual, including the principle of equality between the sexes, in the sources of Community law. A case in point is Article 235 of the Treaty of Rome whose terms contain the seed for development of the Community beyond the purely economic sphere.

It thus seems possible to call on the Commission, in accordance with Article 235 of the EEC Treaty, to draft a recommendation to the Member States to harmonize legislation on the basis of the principles set out in Resolutions 77/12 and 77/13 of the Council of Europe.

17. Question by Mr. NORMANTON (H-537/83)

Subject : Opinions of the European Parliament

I should like to ask the Council whether the opinions of the European Parliament are ever specifically and in detail reported and discussed by the Council during their meetings and if this is confirmed to be the generally agreed procedure, will he instruct the Council Secretariat to reflect this in the drafting of all Communiqué and in their announcements of the promulgation of Community decisions ?

16.11.1983

18. Question by Mrs QUIN (H-543/83)

Subject : Reaction of developing countries to the European Commission's proposals for a tax on oils and fats

Has the Council discussed the reactions of countries outside the EEC to the Commission's proposals for a tax on oils and fats ? In particular have any discussions with developing countries - including the members of ASEAN - taken place with regard to this subject ?

18.11.1983

19. Question by Mr PAPAEFSTRATIOU (H-546/83)

Subject: Harmonization of social legislation in the Member States of the EEC

Having regard to the provisions of Articles 117 and 118 of the Treaty establishing the European Economic Community and its resolution of 21 January 1974 - laying the foundations of a social action programme, which has been implemented in certain sectors only - can the Council of Ministers state how it is dealing with the question of harmonizing social legislation in the Member States for the benefit of the peoples of the EEC countries?

23.11.83

20. Question by Mr. MOORHOUSE (H-550/83)

Subject : International Air Couriers

International air couriers are now accepted as an essential business service. Although widely used by most major European companies, international air couriers have not yet had their right to free establishment recognised by some Member States, where postal legislation provides only for State monopolies in this area regardless of whether or not postal services can offer an international courier facility.

Will the Council take steps to rule that Article 55 of the Treaty should not apply to such activities, as these clearly do not impair the exercise of official authority ?

29.11.1983

21. Question by Mr ALAVANOS (H-551/83)

Subject : Revision of the ERDF

In its new comprehensive proposals to the Council on the revision of the European Regional Development Fund (ERDF), the Commission proposes that the amount for Greece should vary between 11.5% and 15.6%. This amount is very small in relation to Greece's needs, especially since the Commission itself has officially acknowledged that Greece's regions are the poorest in the EEC. On the other hand, the amounts proposed for economically developed Member States are much higher. What measures does the Council intend to take to ensure that the ERDF's resources are distributed on the basis of criteria that correspond to real regional development requirements in the Community ?

29.11.83

22.
Question by Mrs LIZIN (H-556783)

Subject: Draft Belgian Legislation on immigrants

Does the Council consider that draft legislation currently under consideration in Belgium which seeks to prevent the reunification of families and the right of recent immigrants to live or take up residence in certain districts of Belgium is compatible with Community law?

30.11.83



QUESTIONS TO THE FOREIGN MINISTERS OF THE TEN MEMBER STATES OF THE EUROPEAN
COMMUNITIES MEETING IN POLITICAL COOPERATION

23. Question by Mr HABSBURG (H-313/83) 'x'

Subject: Increase in the number of Cuban mercenaries in Angola

Do the Ministers agree that the evacuation of Cuban mercenaries from Angola is a precondition for genuine Namibian independence, since experience shows that failure to do so will undeniably expose this weak country to the danger of unwarranted intervention and even military aggression?

21.7.83

24. Question by Mr LAGAKOS (H-462/83) (x)

Subject: Problems of Central America

Can the Foreign Ministers state what developments have taken place in Central America, particularly in the light of the meeting of the troika with the Contadora group during the recent UN meeting in New York?

9.8.83

(x) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

25. Question by Mr ADAMOU (H-341/83) (x)

Subject : Heinous policy of the Evren junta

Two Turkish prisoners, Mehmet Demirtzan and Hasan Tzan, who were on hunger strike have died from exhaustion and continual torture in the prisons of Istanbul. Thousands of others are continuing the hunger strike, which began on 8 July in the prisons of Istanbul and spread to prisons in Tsanakale, Malatya, Diyanbakir and the Black Sea, demanding an end to torture and better living conditions. What measures do the Foreign Ministers intend to take to put an end to the torture of prisoners and save the lives of the hunger strikers in Turkey, having particular regard to the steadily growing movement throughout Europe in support of the hunger strikers and condemning the Turkish junta of Evren which suppresses all basic human rights?

19.8.83

26. Question by Mr. MORELAND (H-385/83) (x)

Subject : Piracy off Lagos

Do the Foreign Ministers believe that their protests to the Government of Nigeria on assaults on shipping by pirates off Lagos will have any beneficial effect ?

15.09.1983

(x) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

27.

Question by Mr ALAVANOS (H-411/83) (x)

Subject: Pressures on the Greek Government to determine its foreign policy

Can the Ministers meeting in political cooperation say to what degree 'political cooperation' is based on the principle of unanimity and whether it is possible only when there is unanimity of opinion among the Ten; and if it is so because there are such vehement reactions to the Greek standpoints on the Boeing affair from the partners in 'political cooperation' themselves?

28.9.1983

28

Question by Mr EPHREMIDIS (H-413/83) (x)

Subject: Unacceptable acts of war by the USA in Lebanon

Since the beginning of the second half of September American forces have been intervening directly in the civil war in Lebanon. These actions by the USA go clearly beyond the bounds and the original aims of the multinational force, which was set up to prevent clashes between Israeli and Arab forces, constitute foreign intervention in Lebanon's internal affairs, hit other countries in the region, such as Syria, and generate risks of a more widespread flare-up in the region. The USA's unacceptable acts of war have met with direct and indirect criticism from the governments of EEC Member States such as France, Italy, Greece and others.

Can the Foreign Ministers meeting in political cooperation say what specific measures they are going to take to condemn and discourage American military intervention in Lebanon, which is clearly outside the framework of the EEC's Middle East policy, and to secure the immediate withdrawal of the multinational force, as called for by the National Salvation Front of Lebanon?

28.9.1983

(x) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

29. Question by Mr SELIGMAN (H-460/83) (x)

Subject : Cooperation in Foreign Policy by Member States

After the disunity in Foreign Policy displayed on the South Korean Boeing 747 air disaster, what have the Foreign Ministers been able to achieve in restoring the former close cooperation in Foreign Affairs?

14.10.1983

30. Question by Mr ISRAEL (H-475/83) (x)

Subject: Libyan Government policy

Have the Ministers considered the dangers implicit in the Libyan Government's present policy as a result of the Libyan occupation of part of Chad (a signatory of the Lomé Convention) and its scarcely concealed support of practices condemned by the European Community and the entire international community?

19.10.83

31. Question by Mrs VAN HEMELDONCK (H-510/83) (x)

Subject: The disappearance in Africa of nationals of four Member States

On 2 July 1983 Jan-Willem Baudouin (Belgium), Trix Oosthuyzen (Netherlands), Torven Augustinus (Denmark) and Nodele Delany (Ireland) set out from Mpulungu in Zambia on a sailing trip on Lake Tanganyika, leaving their luggage and passports behind in Mpulungu. On that day, the powerful Kapata wind was blowing in a north-easterly direction, i.e. towards the Tanzanian border, which is not far from Mpulungu. The four have been missing since 2 July 1983.

What approaches have the Ministers made to Tanzania and Zambia, which are both signatories to the Lomé Convention, to try to locate these people and with what results?

28.10.83

(X) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

PE 86.662

32. Question by Mrs EWING (H-390/83)

Subject : Assassinations of Croats in Member States

In view of political assassinations by agents of the Yugoslav Government of Croats living outside Yugoslavia, some of which have occurred in Community Member States, will the Foreign Ministers, within the framework of contacts with the Yugoslav Government concerning the EEC-Yugoslav Trade & Cooperation Agreement, seek the cessation of such actions by the Government of a State which, like the Community, is a signatory of the Helsinki Final Act 1975 ?

20.09.1983

33. Question by Mr KYRKOS (H-392/83)

Subject: US obstruction of Mr GROMYKO's attendance at UN assembly

The UN Secretary-General, Mr de Cuellar, has severely criticised the American authorities for obstructing the Soviet Foreign Minister, Mr Gromyko, on his way to attend the UN General Assembly.

Does the Council of Ministers meeting in political cooperation believe that the prevention of dialogue in the most responsible international forum assists the search for solutions or serves the cause of propaganda and fanaticism, which plunges mankind into the abyss of tension?

21.9.1983

34. Question by Mr TYRRELL (H-487/83)

Subject : Policy towards the Ukraine

As the Ukrainians commemorate this year the 50th anniversary of the "artificial famine" imposed on them by the foreign invader in 1933, which is said to have cost the lives of some five million people, can the Foreign Ministers state their policy towards the people of the Ukraine both resident there, and in exile?

24.10.1983

35. Question by Mr RIEGER (H-528/83)

Subject: European disarmament conference

What is the form and underlying purpose of the Member States' contribution to the preparations for the European disarmament conference, due to begin in January 1984? What do they expect to emerge from this conference?

14.11.1983

36. Question by Mrs LIZIN (H-557/83)

Subject: Letter sent to certain of their number by Yuri Andropov

Have the Foreign Ministers meeting in political cooperation discussed the terms of the letter sent to certain of their number on 28 November by Yuri Andropov, which sought to prepare the way for a new round of talks?

30.11.83

37. Question by Mr KAZAZIS (H-238/83) (x)

Subject: Deletion of Article 772 from the Preliminary Draft General Budget for 1984 relating to Community measures for certain crisis-hit industrial sectors

On the initiative of the European Parliament, the Commission set up Article 772 ('Community measures for certain crisis-hit industrial sectors') and wrote a token entry into the 1983 budget. In the present economic state of recession and loss of competitiveness at international level in which many sectors of the Community find themselves, and to make a stand against the difficulties arising from international competition, the rise in the price of energy and the application of new technologies, the Commission should have respected the unanimous wish of the European Parliament and activated that article when implementing the 1983 budget. Instead, the Commission arbitrarily deleted Article 772 from the 1983 preliminary draft budget. Can the Commission tell us why it was deleted (has European industry recovered its competitiveness in the meanwhile)? And does the Commission intend to rectify this mistake?

16.6.1983

38. Question by Mr BORD (H-284/83) (x)

Subject: Member States and the European Monetary System

Could the Commission outline the consequences for the Community of the withdrawal of one of the Member States from the European Monetary System?

5.7.83

(x) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

39. Question by Mr ISRAEL (H-285/83)(x)

Subject: Teaching of human rights in the Community

Will President Thorn, as the Member of the Commission responsible for cultural affairs and education, attempt to persuade his colleagues of the desirability of drawing up proposals for submission to the Council on the basis of the report adopted by the European Parliament on 18 October 1982 on the teaching of human rights in the European Community?

Is the teaching of human rights, particularly in civil service, military and police colleges, not considered sufficiently important to justify action by the Commission?

5.7.83

40. Question by Mr HABSBURG (H-312/83/rev.)(x)

Subject : Distortions in East-West trade

Further to the written reply given by the Commission to my Question No. H-203/83¹ on 6 July 1983, I should appreciate a reply to the following question:

What are the special provisions applying to imports from countries with a centralized planned economy and a foreign trade monopoly to which the Commission's reply refers, and does the commission really believe that they offset the distorting effect on competition of the current policies pursued by the Communist state-trading countries or afford our economy adequate protection?

21.7.1983

(1) Debates of the European Parliament, No. 1-302, p. 187(N)

(x) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

41. Question by Mr LOMAS (H-338/83) (x)

Subject : European Companies in South Africa

A report has been published in a British newspaper, The Observer, stating that the following companies in South Africa are breaking the E.E.C. Code of Conduct, by paying wages below even the E.E.C.'s rather modest minimum recommendations.

British Electric Traction.

Quinton Hazell (Of which the British Prime Minister's husband is a director).

Dunlop.

GKN.

Lonhro.

Low & Bonar.

Turner & Newall.

Wimpey.

Does the Commission propose to take any action to remedy this disgraceful state of affairs?

17.8.1983

42. Question by Mr COUSTE (H-395/83) (X)

Subject: See-through vacuum-packing method of preserving meat

Is the Commission aware of, and in the context of the development of Community agri-foodstuffs industries, what does it think of the new see-through vacuum-packing method of preserving meat, which is reportedly faultless from the bacteriological point of view?

23.9.83

(x) Priority by reason of being carried over from preceding Question
Time pursuant to the President's decision of 14.12.76

43. Question tabled by Mr CECOVINI (H-437/83) (x) !

Subject : Increased taxation in the countries of the Community

Recent statistics show a striking increase in taxation in relation to the gross domestic product in almost all the countries of the Community. What steps does the Commission intend to take to encourage an easing of the tax burden ?

6.10.83

44. Question by Mr NORMANTON (H-457/83) (x)

Subject : Storm Damage

To ask the Commission what action they propose to take in respect of the claim submitted by the National Farmer's Union of Britain in respect of the widespread damage caused to the horticultural and farming interests of Cheshire by the violent storms which occurred on 7th January 1983?

13.10.1983

(x) Priority by reason of being carried over from preceding Question Time pursuant to the President's decision of 14.12.76

45.

Question by Mr NYBORG (H-471/83) (x)

Subject: Red tape at the French frontier

A Danish citizen travelling by train from Brussels to Paris on 1 October 1983 was confronted with a new document that had to be completed at the French frontier.

It is an orange card, entitled Carte de Contrôle Entrée - Sortie, and bears the codes 0.006.5106 (ex o.13.1708) (TR 1 C 3). The traveller has to enter his/her name and where appropriate maiden name, date and place of birth, nationality, place of residence, occupation and date and place at which the frontier is crossed.

The orange card, which is for the use of the French police, has to be completed only by travellers not of French nationality.

How does the Commission intend to impress on the Member States that Community citizens are tired of costly and time-consuming trivialities at frontiers, and that the Member States must learn to remove rather than increase the formalities that complicate intra-Community travel?

19.10.83

(x) Priority by reason of being carried over from preceding Question Time pursuant to the President's decision of 14.12.76

46.

Question by Mr. WEDEKIND (H-368/83) *

Subject : Discrimination against foreign inland waterway operators
in France

An example of discrimination against foreign inland waterway operators has recently been noted in France.

A levy of 10% is charged solely in respect of transfrontier waterway shipments by foreign operators and individuals, this levy being refunded in the case of French operators:

- Does the Commission not agree that this requirement, resembling as it does the mediaeval system of tolls, constitutes an infringement of the EEC Treaty?
- How does the Commission intend to discharge its duty under the Treaty and ensure that the provisions of the Treaty are respected in this case?

27.06.1983

* Former oral question without debate (0-49/83), converted into a question for question time.

47.

Question by Sir James SCOTT-HOPKINS (H-297/83)

Subject : Hard drugs

Is the Commission aware of the increased illegal use of hard drugs within the Community mostly by young people under 20 years of age? What action does it propose to take to stop this harmful and highly dangerous traffic in drugs such as Heroin, Cocaine and raw opium ?

7.07.1983

48. Question by Miss QUIN (H-302/83)

Subject : Inequalities of health care standards in the E.E.C.

What progress has the Commission made in drawing up a report on current provisions governing health care in the disadvantaged regions and deprived inner city areas of the E.E.C. as requested by the European Parliament in its resolution on the problemes of urban concentration in the Community Document 1-1001/82?

11.7.83

49. Question by Mr ROGALLA (H-348/83)

Subject: 'Steel Deal'

Is the Commission aware of the situation and projected measures described in the attached extract from the ECONOMIST of 9.7.1983 and, if so, why did it fail to respond to them during the urgent debate on steel problems of 7.7.1983, and how is the European Parliament being kept informed of developments?

13.7.1983

50. Question by Mr. MARSHALL (H-496/83) *

Subject : Free Movement of Community Citizens and Spain

As one of the principles of the Community is free movement between the various countries of the Community, has it been made clear to Spain that before she joins the Community she will have to lift all restrictions on movement between Gibraltar and Spain?

16.08.1983

* Former oral question without debate (0-65/83), converted into a question for question time.

51. Question by Sir Peter VANNECK (H-519/83) *

Subject : Social Fund and Yorkshire and Humberside region

Can the Commission confirm that the Yorkshire and Humberside region of the United Kingdom will count as a priority region for the purposes of the Young Persons field of intervention under the Social Fund in 1983 ?

8.09.1983

* Former oral question without debate (0-73/83), converted into a question for question time.

52. Question by Mr KIRK (H-379/83)

Subject: French trade arrangements

Can the Commission state what progress has been made in negotiations with the French Government on the trade arrangements which were announced in a communiqué from the French Government on 16 October 1982 and which conflicted in all essentials with the EEC Treaty's provisions on free trade between the Member States (see the European Parliament's motion for a resolution Doc. 1-872/82, 15.11.1982)?

15.9.1983

53. Question by Mr. PURVIS (H-383/83)

Subject : Institute employment creation schemes

Several local Authorities were encouraged by the Commission to institute employment creation schemes in regionally assisted areas, to find that, having committed substantial amounts of their own funds, the Commission has found technical difficulties in disbursing its share.

Have these difficulties been resolved and can the Commission assure the applicants that these schemes can proceed with EEC financing being available ?

15.09.1983

54. Question by Mr Gérard FUCHS (H-405/83)

Subject: Mobilizing NCI 3 on behalf of the ACP countries

Does not the Commission think that it should be possible for part of the appropriations available under NCI 3 to be used to carry out industrial products of Joint ACP-EEC interest in the ACP countries, and, if so, is it prepared to make a proposal to the Council for a new regulation to that effect?

The honourable Member thanks the Commission's services for their first answer to this question, which reminded him of the existing situation, of which he was in any case aware, as he has the good fortune of knowing how to read. However, can the Commission consider giving a more detailed answer?

27.9.1983

55. Question by Mr COLLINS (H-420/83)

Subject : Lead in petrol

Can the Commission indicate what progress has been made as to the interim report on lead in petrol, the elaboration of which Council required during the meeting of the Environment Council on 16/17 June 1983 with a view to preparing for the examination of the proposals which the Commission will be presenting around 15 April 1984 ?

29.09.1983

56. Question by Mrs EWING (H-434/83)

Subject : Protection of legitimate expectations

In view of the fact that the protection of legitimate expectations, and the need for legal certainty are accepted as principles of Community Law, can the Commission explain its intention to abolish with retrospective effect the provisions of Article 9 (2) of Council Decision 71/66/EEC, and consequently, to withdraw financial support from a highly successful and cost-effective scheme for generating additional employment opportunities in small businesses of the Highlands of Scotland?

5.10.1983

57. Question by Mr von WOGAU (H-449/83)

Subject : Conclusions to be drawn from the Commission colloquy in Karlsruhe on forest death

What conclusions does the Commission of the European Communities draw from the Karlsruhe colloquy as to the causes of forest death and what practical measures are to be taken as a result ?

12.10.83

58. Question by Mr CLINTON (H-465/83)

Subject : Negotiations with Spain on access to Community fisheries

Can the Commission please give an account of the state of negotiations with Spain concerning fisheries and access to Community fisheries by Spanish fishing vessels and can the Commission please say whether national opinions on the conduct of these negotiations have been requested?

17.10.1983

59.

Question by Mr PEARCE (H-482/83)

Subject : European Development Fund

Will the Commission indicate the legal basis for its establishing quotas for Member States on consultancy contracts under the European Development Fund and will it undertake either to abolish these or, alternatively, to apply Member State quotas on supply and construction contracts?

20.10.1983

60.

Question by Mr TYRRELL (H-488/83)

Subject : Social and Regional Development Funds

Can the Commission state how much money has been allotted from the Social Fund and the Regional Development Fund (Non-Quota) to projects and schemes in the London area, and particularly to East London where many EEC-related projects are being considered?

24.10.1983

61. Question by Mr SELIGMAN (H-499/83)

Subject : Ireland and the Community's Gas and Electricity Grids

What steps is the Commission taking to encourage investment in gas and electricity grids between Ireland and other Member States of the Community ?

27.10.1983

62. Question by Mr MARCK (H-504/83)

Subject : Greek presidency

I would like to know how many meetings held in Greece since 1 July 1983 have been attended by Commission officials and what additional travel and subsistence costs have been incurred as a result for officials, interpreters and other Commission staff?

27.10.83

63. Question by Mr VAN ROMPUY (H-512/83)

Subject : Tax-free zones

What are the Commission's views on drawing up a European statute for tax-free zones (T-zones) to promote employment opportunities?

28.10.83

64. Question by Mr. ADAMOY (H-514/83)

Subject: Imports of raisins from the USA and Turkey and measures
restricting Greek production

What arrangements apply to imports of raisins from the USA and Turkey, etc?
What quantities are imported in relation to Community production and why, in
view of the fact that the EEC's raisin production is smaller than its
requirements, has the Community proposed limits for the quantity of Greek
raisins produced?

28.10.83

65. Question by Mr WELSH (H-520/83)

Subject : Greek Pharmaceutical Imports

Further to my written question No. 932/83 ⁽¹⁾ would the
Commission confirm that it accepts that there is prima
facie evidence of the practices complained of and state
precisely what action has been taken under Article 169 of the
EEC Treaty to bring them to an end?

4.11.83

(1) OJ No. C326, 30.11.83, p.15

66. Question by Mr MOORHOUSE (H-521/83)

Subject : Electrically propelled heavy vehicles

What steps is the Commission taking to establish the
potential market for electrically wire-driven, pollution
free, heavy vehicles and buses in urban areas, including
the setting of electricity tariffs to encourage investment
in these vehicles and the appropriate electricity distribution ?

4.11.1983

67. Question by Mr PAPAEFSTRATIOU (H-522/83)

Subject: Exorbitant increase in transit charges for goods vehicles
in Austria

In view of the fact that the Austrian Government, following Yugoslavia's example, has now also announced an increase of 50% from January 1984 in the special road-transit charge paid by goods vehicles crossing Austrian territory, what really forceful measures does the Commission propose to take to secure the withdrawal of this unwarranted decision, which directly affects Greece and the other EEC countries in respect of the transport costs of their products?

7.11.1983

68. Question by Mrs LE ROUX (H-523/83)

Subject: Industrial fishing of immature fish

Does the Commission not think that the difficulties which arose during the negotiations on the TAC for herrings were attributable to the growing scarcity of herrings, mainly owing to the ravages caused by the practice of catching immature fish in industrial quantities and that efforts should consequently be made to find solutions aimed at phasing out that practice ?

11.11.1983

69. Question by Mr Lezzi (H-524/83)

Subject: Regional policy (Lomé Convention) and events in Grenada

In the context of the Lomé convention (I and II) the Community undertook to combat underdevelopment in the Caribbean countries. Regional policy under the Lomé Convention is fundamental to Community action against underdevelopment and to strengthen peace in the Caribbean region.

Does the Commission think that the events in Grenada will leave their mark on the area's regional policy?

11.11.83

70. Question by Mr VIE (H-526/83)

Subject: Financing for the airport at Pointe Saline

An article has appeared in the French press under the title 'The EEC finances subversion', accusing Mr CHEYSSON, at the time the Commissioner responsible for relations with the Third World, of having persuaded the EDF to provide finance under the Lomé II Convention for the airport of Pointe Saline on the island of Grenada, which was built by Cubans with materials supplied by Algeria and Libya.

The existence of this airport, whose capacity seems by far to exceed the requirements of tourism on the island and suggests that it was built to fulfil military rather than civil needs, prompts the question of what criteria the Commission based its case, assuming that the information reported is accurate, in order to obtain financing from the EDF?

11.11.83

71. Question by Mr PETERSEN (H-527/83)

Subject: Incidence of cancer among children in the vicinity
of the nuclear reprocessing plant in Windscale

Since it has been found that the incidence of cancer among children living in the vicinity of the nuclear reprocessing plant in Windscale in the North of England is 5 to 10 times higher than normal, what thoughts has the Commission on this matter with respect to the Community's nuclear programme?

14.11.83

72. Question by Ms CLWYD (H-529/83)

Subject: Dissatisfaction among officials with their employers

Would the Commission comment on a report that increasing dissatisfaction among officials with their employers, the respective European Community Institutions, is proving a costly and time-consuming business? The European Court of Justice is currently being asked to sieve through 1,283 staff cases to determine the validity of the particular grievance. These cases are estimated to cost the taxpayer some £1.3 m by the time they reach judgement.

Would the Commission agree that poor staff/management relations in the Institutions, and the waste of taxpayers' money, should not arise in well-managed institutions?

14.11.1983

73. Question by Mr ANSQUER (H-531/83)

Subject: Imports of cut flowers into the Community

In its answer to oral question No. H-326/83¹, the Commission deliberately evaded the issue of imposing quantitative restrictions on imports into the Community of cut flowers from certain third countries, merely pointing out that it was still actively considering the most appropriate solutions. Can the Commission state clearly its intentions as to possible new arrangements and clarify its position with regard to the solution based on annual quantitative restrictions on imports of these products into the Community?

15.11.83

¹ Debates of the European Parliament - No. 1-303, 14 September 1983

74. Question by Mrs VAN HEMELDONCK (H-532/83)

Subject: Application of the Council Directive of
20 March 1978 on toxic and dangerous waste

The Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste¹ seeks to regulate the production, carriage and storage of certain materials within the Community. Under Article 16(2) of this Directive, the Commission is obliged to report every three years to the Council and the European Parliament on the application of this Directive. Belgium, France and Greece have still not laid down national implementing regulations. What approaches has the Commission made to these countries to ensure that, pursuant to Article 16(1) of the Directive, they draw up a situation report every three years, and for the first time three years following the notification of this Directive, on the disposal of toxic and dangerous waste in their respective countries, and with what results? Why have these countries not yet laid down national implementing regulations? What is the Commission now going to do to rectify this, and when?

15.11.83

¹ OJ L 84 of 31 March 1978, p. 43

75. Question by Mr DONNEZ (H-533/83)

Subject: Freedom of establishment of the press in France

According to the French prime minister, the French Government intends to table a bill on ownership of the press and distribution of publications, which would prohibit, in particular, ownership of more than two national or regional newspapers. Does the Commission, as the guardian of the Treaties, take the view that these measures, if enacted, would be compatible with Community law?

16.11.1983

76. Question by Mr MORELAND (H-535/83)

Subject: Ceramic industry

What does the Commission propose to strengthen the Community's ceramic industry to meet the competition from the Far East?

17.11.1983

77. Question by Mr PINTAT (H-536/83)

Subject: Energy objectives

In line with the Communication from the Commission to the Council of 9 February 1982 ('An Energy Strategy for the Community: the Nuclear Aspects', COM(82) 36 final) and the favourable opinion given by the Pintat report, which was adopted by the European Parliament at Strasbourg on 18 June 1982¹, a large public-opinion survey was conducted by the Commission; its findings were published in October 1983. This investigation of European public opinion and energy objectives offers the advantage of having been carried out simultaneously in the ten Community countries and has the credibility of a study conducted by an international organization. Energy problems have a decisive effect on the economies of the Ten; the Commission is therefore to be congratulated on its contribution to the raising of public awareness in this field.

The study reflects European public opinion as it was in 1982. How might the Commission follow up this initial study so as to permit the various authorities responsible to provide, with maximum public acceptance, the new power-generating facilities that are essential to ensure European independence.

17.11.83

¹ OJ C 182 of 19 July 1982, p. 129

78. Question by Mr SASSANO (H-538/83)

Subject : EEC directive on cosmetics

The Commission of the European Communities has further updated the list of harmful or suspect products, thereby improving the 1976 directive on cosmetics in the interests of the health of all Community citizens.

How does the Commission propose to ensure that the Member States, who in the last seven years have done nothing to comply with this directive, take the appropriate action as quickly as possible as regards its implementation?

17.11.1983

79. Question by Mr HARRIS (H-544/83)

Subject : Sonic booms from supersonic aircraft

Is any research being undertaken on a Community basis into sonic booms from supersonic aircraft, particularly Concorde, and, if not, is the Commission in contact with any research institutes, national authorities or airlines on this problem, which is especially acute in the South West of England ?

21.11.1983

80. Question by Mr GAUTHIER (H-545/83)

Subject: Oil consumption

According to information from the International Energy Agency, from 1984 onwards world oil consumption will start to rise again for the first time since the 1979 price increases. Can the Commission state whether it has taken account of this economic forecast in its proposals to the Council for a Community energy strategy?

22.11.1983

81. Question by Mrs BOSERUP (H-547/83)

Subject: Prolongation of trade sanctions against the Soviet Union

What, in the Commission's opinion, is the difference in principle between the previous Danish Government's application of Article 224 in connection with Community trade sanctions against Argentina in the spring of 1982 and the present Danish Government's application of it in connection with the prolongation of trade sanctions against the Soviet Union, and can such a difference justify the fact that the Commission has instituted infringement proceedings against the present government pursuant to Article 169 and not against the previous government?

24.11.83

82. Question by Mr ALAVANOS (H-552/83)

Subject : Aids for olive oil

Can the Commission state why it is proposing measures to reduce the regular aid to olive oil, which will create major problems for olive oil producers; why it is not directing its energies above all to limiting imports of fats and oils; and what specific measures are being taken to deal with the problems that will be created by the accession of Spain ?

29.11.83

83. Question by Mr EPHREMIDIS (H-554/83)

Subject : Freezing of Community financing for Grenada

According to a statement by a Commission representative, the EEC has decided to freeze Community financing for Grenada.

Since this action by the Commission also has political implications, particularly following USA military intervention in the island, why has the Commission decided to block Community financing for Grenada and what measures does it intend to take to discontinue the above action ?

29.11.83

84. Question by Mrs LIZIN (H-555/83)

Subject: Admissibility of the actions brought by a number of Luxembourg communes against restructuring decisions

What is the Commission's opinion as to the admissibility of the actions brought before the Court of Justice by a number of Luxembourg communes against restructuring decisions?

30.11.1983

85. Question by Mr VAN MIERT (H-558/83)

Subject: Problems facing the daily press

Why has the Commission fixed the duty-free quotas for newsprint at a level that does not satisfy the needs of the daily press with the result that customs duties have to be paid on the remainder imported, thus compounding the difficulties already existing in this sector, and what steps does it intend to take to achieve a rapid and lasting solution to these problems?

30.11.1983

86. Question by Mr O'MAHONY (H-560/83)

Subject: Community Combat Poverty Programme

What progress has been made to date in preparing the next stage of the Community's Combat Poverty Programme, and how soon will it commence?

2.12.1983

Question by Mr PATTISON (H-561/83)

Subject: Long-term effects of radiation from the Windscale Nuclear Processing Plant in England

Is the Commission aware of the recent reports concerning the long-term effects of radiation from the Windscale nuclear processing plant on the population of the East Coast of Ireland, and will it state what research has already been done, or is under consideration, dealing with this problem, and will it ensure that all Community protective legislation is implemented in full, and what sanctions exist against those who do not implement such legislation?

2.12.1983