



The Law Library of Congress

WORLD LAW BULLETIN

September 2004

Directorate of Legal Research
9 W.L.B. 2004

Highlights:

Abortion Ban Modified	-	Iran	-	<i>Gholam Vafai</i>
Anti-Graft Measures	-	China	-	<i>Wendy Zeldin</i>
Hague Convention Used in Custody Case	-	Finland	-	<i>Linda Forslund</i>
Human Embryo to be Cloned	-	U.K.	-	<i>Clare Feikert</i>
Invasive Alien Species Act	-	Japan	-	<i>Sayuri Umeda</i>
Online Divorces	-	Australia	-	<i>Donald DeGlopper</i>
Obligatory Military Service	-	Georgia	-	<i>Peter Roudik</i>
Restrictions For Funding of NGOs	-	Russia	-	<i>Peter Roudik</i>
Resolution on Somalia	-	UN	-	<i>Theresa Papademetriou</i>
Ties With Panama Broken	-	Cuba	-	<i>Gustavo Guerra</i>

Law Library website for U.S. Congress only: <http://www.loc.gov/law/congress>

Email service: Contact cojo@loc.gov to be added to the W.L.B. email distribution list

WORLD LAW BULLETIN

Note for the Reader

The WORLD LAW BULLETIN is a monthly awareness service prepared by over twenty foreign law specialists and other members of the staff of the Law Library of Congress. Selections are edited by Constance Axinn Johnson and Wendy Zeldin. This and past issues are available online at: www.loc.gov/law/congress. This issue may be cited as: 9 W.L.B. 2004.

The selections presented in the WORLD LAW BULLETIN have been chosen for their special significance to the U.S. Congress, either as they relate to a particular or general legislative interest, or as they may have a bearing on issues affecting the United States and its interaction with other nations. Selections should in no way be interpreted as an indication of support or preference for any legal or political stance. Many selections also contain hyperlinks to websites that are not part of the loc.gov domain. The Law Library provides these links to cite authority for the reader to the source of information we have relied upon to prepare the selection and as a convenience for the reader; however, some of these online references may be to subscription services not generally available to others, and the hyperlinks in the electronic version of the W.L.B. may not function, depending upon your browser version or the mechanics of the website. The Law Library does not endorse, approve, certify, review, or otherwise control in any way those external websites or the material contained therein. The Law Library also does not guarantee the accuracy, completeness, availability, or timeliness of any information or data located at or contained in such websites.

We hope that you find the WORLD LAW BULLETIN informative and helpful. The Law Library of Congress maintains the world's largest collection of legal materials and provides international, comparative, and foreign law research for the U.S. Congress. We invite you to visit the Law Library website at www.loc.gov/law, which details all of our services and provides access to the Global Legal Information Network (GLIN), a cooperative international database of official texts of laws, regulations, and other complementary legal sources of many foreign jurisdictions. To receive the WORLD LAW BULLETIN monthly by email or to request past issues, please contact Constance Johnson by email at cojo@loc.gov.

If you have any additional questions or requests concerning the services available at the Law Library of Congress; the Global Legal Information Network; or international, comparative or foreign law, please contact the Director of Legal Research, Walter Gary Sharp, Sr., who may be reached by phone at (202) 707-9148, by FAX at (202) 707-1820, or by email at WSharp@loc.gov.

WORLD LAW BULLETIN

Table of Contents

AFRICA

Seychelles Government Control of Property
Seychelles Terrorism

AMERICAS

Cuba Ties With Panama Broken
Mexico New Regulation of Emissions and
Transfer of Contaminants
Mexico Suspected Drug Kingpin Arrested

ASIA

Armenia National Identity Cards Introduced
Bangladesh Protection of Consumers' Rights
China Amendments to Securities Law
and Company Law
China Anti-Graft Measures
China Foreign Labor Services
China Rules on Offshore IPOs
Georgia Obligatory Military Service
Introduced
Hong Kong .. Court Rules Against Anti-Graft Body
India Telecast of Political Advertisements
Japan Invasive Alien Species Act
Japan Legislation to Privatize Highway
Corporations
Korea, S. .. Information Disclosure By Government
Moldova Government Defends Morality
Pakistan *Karo-Kari* (Honor Killings) Bill
Sri Lanka Court of Appeal in Every District
Taiwan Constitutional Amendments Passed
Taiwan Draft "Truth Commission" Law
Turkmenistan Tobacco Chewing and Cosmetics
Prohibited

EUROPE

Cyprus Suppression of Terrorism
Cyprus Trade Between North and South
Denmark Immigration Rule To Be Reviewed
England Internet Pharmacies Permitted
Finland .. Hague Convention Used in Custody Case
Finland Penal Law Amended to Combat
Violence in Families
France New Public Health Law
Germany Immigration Law
Germany Unfair Competition
Iceland President Vetoes Media Law

Ireland Judge Investigated
Lithuania Strasbourg Court Rules Against KGB
Employment Law
Macedonia Electoral Redistricting
Malta Divorce Ban Challenged
Netherlands Piercing and Tattooing of Minors
Netherlands Stockholders Vote by E-Mail
Norway Environmentally Friendly Energy
Solutions
Russia New Law on Commercial Secrets
Russia Restrictions for Funding of NGOs
Sweden Children's Rights in International
Adoptions
Sweden Rights of Investigated Individuals
United Kingdom Human Embryo to be Cloned

NEAR EAST

Iran Abortion Ban Modified
Iran First All-Female Police Station
Iran Loans for First-Time Married Couples

SOUTH PACIFIC

Australia Online Divorces

INTERNATIONAL LAW & ORGANIZATIONS

ASEAN Charter Proposed
Australia/U.S. ... Free Trade Agreement Approved
Denmark/U.S. Modernization of the 1951
Defense Agreement
Finland/European Commission Equal Treatment
Case
Mexico/OPIC Bilateral Agreement
Mexico/U.S. Border Governors' Conference
Nordic Countries Lowered Alcohol Duties
Debated
UN Resolution on Somalia
UN/Pakistan Accord on Drug Trafficking

SPECIAL ATTACHMENT:

Recent Developments in the EU

Commission Investigates Microsoft/Time/Warner/
ContentGuard JV
Electronic Waste in the EU
Commission's Battle Against Chemical Pollution
Implementation of EU Environmental Law
European Center for Disease Prevention and Control

AFRICA

SEYCHELLES – Government Control of Property

The Property Management Corporation Act No. 4 of 2004 (*Supp. to Seychelles Official Gazette*, Apr. 12, 2004) established the Property Management Corporation, a statutory body through which the government controls the residential property of all people in Seychelles. The Corporation also functions as a utility provider, regulating rates payable on utilities used throughout the country. In addition, the Corporation has the power to acquire, buy, sell, dispose of, rent, lease, exchange or pledge, mortgage, or carry out any activity in the management of residential property in the country. A managing director runs the Corporation through a board of directors.

(Charles Mwalimu, 7-0637, cmwa@loc.gov)

SEYCHELLES – Terrorism

The Prevention of Terrorism Bill No. 7 of May 2004 (*Supp. to the Seychelles Official Gazette*, May 10, 2004) enhances the ability of Seychelles to fight terrorism. Cognizant of its international obligations to cooperate with other nations to prevent and suppress terrorism, the Bill contains measures to fight terror.

Under section 2, a terrorist act or threat involves the death of a person or causing serious bodily harm. Other acts of terrorism include serious damage to property or life or serious risks to the health or safety of the public. Terrorist acts can be caused by the use of firearms or explosives or by releasing hazardous materials or substances in the atmosphere or environment. These include radioactive, poisonous, or otherwise harmful substances.

(Charles Mwalimu, 7-0637, cmwa@loc.gov)

AMERICAS

CUBA – Ties with Panama Broken

On August 27, 2004, Cuba broke diplomatic ties with Panama after the outgoing Panamanian president pardoned four Cuban exiles whom the communist government accuses of trying to assassinate President Fidel Castro. Panamanian President Mireya Moscoso issued the pardons on August 26, 2004, six days before she was to leave office, despite Havana's threat to sever relations over such a move and what she said were threats against her life.

The four Cuban exiles – Luis Posada Carriles, Gaspar Jimenez, Guillermo Novo and Pedro Remon – were serving prison terms in Panama after they were found guilty of the crimes of endangering public safety and falsifying documents. Moscoso said she wanted to prevent a future government from extraditing them when they finish their prison terms. "We know that if they stay, they would face the possibility of being extradited to Venezuela or Cuba where I am sure they would have been killed," she told a news conference.

Moscoso handed over the presidency on September 1, 2004, to Martin Torrijos, son of populist military strongman Omar Torrijos, who had friendly relations with Castro. The two nations have had relatively friendly relations since restoring ties in the early 1970s. The

younger Torrijos, now the president-elect, has said he would try to re-establish relations with Cuba when he takes office and called Moscoso's decision to pardon the men "unacceptable." (CNN.com, at <http://www.cnn.com/2004/WORLD/americas/08/27/cuba.panama.ap/index.html>.)

(Gustavo Guerra, 7-7104, ggue@loc.gov)

MEXICO – New Regulation of Emissions and Transfer of Contaminants

Mexico recently promulgated a new Regulation Concerning the General Law on Ecological Equilibrium and Environmental Protection on Matters Pertaining to the Registration of Emissions and Transfer of Contaminants. The purpose of the Regulation is the control of factories and other establishments required to report to the federal authorities their industrial activities that emit and transfer contaminants to air, water, soil, subsoil, material and hazardous waste, and any other substance so determined by the Secretariat of the Environment and Natural Resources. The Regulation, which has thirty-two articles, has provisions related to the integration and updating of a Registry database of companies with factories creating emissions, plus requirements about the structure and diffusion of the information, the operation and organization of the Registry, technical guidelines, inspections, and oversight and administrative sanctions. The Regulation came into force on June 4, 2004. (*Diario Oficial de la Federación*, June 3, 2004, at 8-17).

(Norma C. Gutiérrez, 7-4314, ngut@loc.gov)

MEXICO – Suspected Drug Kingpin Arrested

On August 23, 2004, in the latest in a series of high-profile arrests, Mexican officials announced that they had captured a man allegedly involved in shipping nearly half of the illegal drugs moved across the U.S.-Mexico border. Attorney General Rafael Macedo de la Concha said at a news conference that Gilberto Higuera Guerrero was arrested Sunday at a house in Mexicali, across the border from Calexico, California. The U.S. State Department last year offered a \$2 million reward for Higuera's capture.

While the United States has asked for Higuera's extradition, Macedo said the prisoner would first be prosecuted in Mexico, where he faces nearly a dozen charges of drug trafficking, arms violations, and organized crime. Macedo said Higuera's capture resulted from intelligence gathered by both Mexican and U.S. officials, but he declined to give specific details. (CNN.com, at <http://www.cnn.com/2004/WORLD/americas/08/23/drug.arrest.ap/index.html>.)

(Gustavo Guerra, 7-7104, ggue@loc.gov)

ASIA

ARMENIA – National Identity Cards Introduced

The Government of Armenia has determined that the Law on Identity Cards, adopted in 2002 and delayed due to numerous protests from non-government organizations, will enter into force on January 1, 2005. Obtaining a card will become an obligation for all three million residents of the country age fourteen and older. Cards are to be issued to Armenian and foreign nationals, stateless persons, refugees, and individuals without immigration status who permanently reside in the Republic of Armenia. Holders will be obliged to be in possession of

the card whenever they are away from their residence. The card will contain a ten-digit identity number, date of birth, indication of gender, and passport number. The plan is to store the data for 400 years. The United States government has provided US\$1.3 million to launch the system, while the Armenian share of the costs has reached about US\$200,000. The Armenian Apostolic Church, which dominates religious life in the country, gave its blessing to the project after the government promised to change any number that featured 666. To date, 900,000 people have received the cards. (Institute for War and Peace Caucasus Reporting Service, No. 245, Aug. 4, 2004.)

(Peter Roudik, 7-9861, prou@loc.gov)

BANGLADESH – Protection of Consumers’ Rights

The Bangladesh Government approved in principle the Protection of Consumers’ Rights Law and sent it to the Ministry of Law for scrutiny before it is placed before the Cabinet for final approval. The Minister of Law, Justice and Parliamentary Affairs, Moudud Ahmed, explained that the Ministry will review the laws of other countries on the subject as well before returning the draft to the Cabinet for final approval and presenting it to the Parliament for enactment.

The draft law proposes a sentence of up to ten years in prison for offenders selling adulterated and inferior quality products. The law also envisages setting up a special tribunal for trial of offenders who engage in selling and producing fake commodities that are injurious to public health.

According to the draft law, a national consumer council of six members, mainly from the private sector, will be set up for the formulation of policies to protect consumers’ rights. A consumers’ bureau will investigate allegations by consumers and then will refer verified complaints to the tribunal. (THE DAILY STAR WEB EDITION, Aug. 10, 2004, at <http://www.thedailystar.net/2004/08/10/d4081001033.htm>.)

(Krishan Nehra, 7-7103, kneh@loc.gov)

CHINA – Amendments to Securities Law and Company Law

On August 28, 2004, the Standing Committee of the National People’s Congress of the People’s Republic of China issued decisions amending several laws, among them the Securities Law and the Company Law. Changes to the Securities Law entailed removal of two powers of examination and approval that had been held by the China Securities Regulatory Commission (CSRC). Henceforth the issue prices of stocks issued at a premium will be determined through consultation between the issuers and the underwriters, and the listing of corporate bonds will be verified and approved by the stock exchanges. The Company Law was revised to reflect the first-named change in the Security Law.

Amendments to these two laws, deemed minor, are considered part of an active transfer of authority by the CSRC to lower levels, due to the recent enactment of the new Administrative License Law. A major amendment of the Company Law, however, is underway, and may include further derogation of CSRC powers, e.g., assignment to the stock exchanges of the authority to examine and approve initial public offerings and to terminate listings. (19 ISINOLAW WEEKLY, Aug. 30-Sept. 5, 2004, from webmaster@isinolaw.com.)

(Wendy Zeldin, 7-9832, wzel@loc.gov)

CHINA – Anti-Graft Measures

It is reported that since July 2004 a new pilot scheme to curtail the “massive flow” of embezzled public monies, which are often funneled outside China through corrupt officials’ children who are studying or working abroad, has been put in place (*Chinese Officials Required To Disclose Assets of Children Living Abroad*, BBC MONITORING INTERNATIONAL REPORTS, Aug. 20, 2004, Lexis/Nexis, Asiapc Library, Allasi File). It was implemented in early July on the orders of the Chinese Communist Party’s Central Discipline Inspection Commission and the Ministry of Supervision. The scheme affects officials at the director-general level in central government departments, county-level officials in local governments, and senior managers of state-owned enterprises (SOEs) at those same levels, as well as their family members.

Under the seven-point plan, which is first being implemented in selected government work units and SOEs in Hubei and Shanxi Provinces and Beijing municipality, cadres must submit reports on the assets and sources of income of their children living abroad to the discipline inspection committee (DIC) of their work unit. They are required to provide bank account numbers and the residence and school addresses of any of their children overseas before and after their departure from China. Punitive measures are also outlined in the scheme. Current financial disclosure rules reportedly exempt cadres’ family members from declaring their assets; officials need only report their use of state funds to their direct superiors, not to the unit’s DIC. According to Professor Dan Wei of the Supreme People’s Procuratorate Institute of Procuratorial Theory, the new scheme’s success depends on the ability of the DICs to be independent of political pressure: “I don’t know if reporting to the discipline committee is better than reporting to one’s boss. If the corrupt cadre can influence the unit, then the rules will have little use.” (*Chinese Officials Required To Disclose Assets of Children Living Abroad*, BBC MONITORING INTERNATIONAL REPORTS, Aug. 20, 2004, & *Senior Officials, Managers Face Graft Checks*, CHINA DAILY, Aug. 20, 2004, Lexis/Nexis, Asiapc Library, Allasi File.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

CHINA – Foreign Labor Services

China’s new measures to administer foreign labor services became effective as of August 26, 2004. They are designed to regulate the foreign labor service market and protect the interests of Chinese workers sent overseas. They specify that only recognized, qualified agencies may hire people to be sent abroad as laborers. Enterprises seeking to qualify as foreign labor services agencies must meet numerous standards:

- They must be registered as legal persons for at least three years and have registered capital of three to five million in Chinese currency (about US\$362,900 to \$604,800), depending on where in China they are operating.
- They must have a certain management capacity, an equity-debt ratio not over 50%, and no record of illegality.
- There must be a fixed office site of no less than 300 square meters.
- They must practice sound administration, as demonstrated by certification in the ISO9000 Quality Management System.
- They must have the capacity to pay the full reserve fund for the proposed project.

- They must have at least five professional staff members with education above the level of junior college or with middle professional rank, plus at least two staff members devoted to training, two financial staff members, and one legal staff member.
- They must have the ability to exploit the market and perform “on-the spot management.”
- They must demonstrate experience in managing foreign labor services by having provided at least 300 contract workers to go abroad through other qualified agencies in the last three years.

(*New Measures for Foreign Labor Services*, 15 ISINOLAW WEEKLY, Aug. 2-8, 2004, received from webmaster@isinolaw.com.)

(Constance A. Johnson, 7-9829, cojo@loc.gov)

CHINA – Rules on Offshore IPOs

On August 12, 2004, the China Securities Regulatory Commission made public the “Notice on Several Issues Concerning Overseas Initial Public Offerings [IPOs] of Subsidiaries of Domestic Listed Companies.” The stricter rules are reportedly aimed at deterring companies listed in the mainland from spinning off their most valuable divisions for listing overseas and thereby better protecting the interests of domestic stock market investors.

Under the new rules, a listed company may meet certain conditions before being allowed to issue IPOs overseas. For example, it may not spin off operations that contribute more than fifty percent of consolidated net profits in the most recent financial year for separate listing, it must have made a profit in the last three consecutive years, and it cannot transfer assets financed with funds raised within the last three years into a subsidiary ahead of its being listed overseas. In addition, the assets transferred from the subsidiary to the holding company may not be more than thirty percent of consolidated net assets of a listed firm; a company and its spun-off subsidiary cannot compete with each other, share managers, and fail to retain separate financial structures; and the mainland company’s board and shareholders must clear any plan for an overseas listing. (Bei Hu, *CSRC Rules To Keep Spin-Offs At Home*, HONG KONG SOUTH CHINA MORNING POST, Aug. 12, 2004, at 2, Lexis/Nexis, Asiapc Library, Allasi File; 16 ISINOLAW WEEKLY (Aug. 9-15, 2004), received from webmaster@isinolaw.com.)

(Wendy Zeldin, 7-9832, wzel@loc.gov)

GEORGIA – Obligatory Military Service Introduced

The Georgian Parliament adopted a new Military Draft on August 10, 2004. The Law makes one year of military service obligatory for all male Georgians. For those who complete their military training at a university, the term of the service will be decreased by six months. The Law also addresses the issue of buyouts from the service. Previously persons who wished to avoid military service could pay a prescribed fee: GEL 2,000 (US\$1,000) either as a single lump sum, or GEL 200 annually for ten years. The Law abolishes the option of payment in installments, thereby making it possible to send more people into military service. However, the Draft Law preserves the option of paying GEL 2,000 as a lump sum, which means that despite the Government's claims that everybody will be obliged to do military service, the wealthy will still be able to buy their way out of their military obligation. The government

plans to summon 6,130 conscripts during the 2004 autumn draft. (Reported in the Emerging Markets database, at <http://www.securities.com>, Aug. 12, 2004.) (Peter Roudik, 7-9861, prou@loc.gov)

HONG KONG – Court Rules Against Anti-Graft Body

Hong Kong's Court of First Instance ruled on August 11, 2004, that the Independent Commission Against Corruption (ICAC) was wrong in fact and in law when it sought search warrants against seven newspapers and several reporters and seized journalistic materials in a controversial raid conducted on July 24. The ICAC was investigating a leak infringing the Witness Protection Ordinance that caused the revelation of the identity of a woman allegedly helping the ICAC in a fraud case.

Mr. Justice Michael Hartmann ordered that the search warrants against Sing Tao Daily newspaper and one of its reporters be set aside; therefore, the ICAC must return the materials it took from them. He held that the ICAC should not have used "draconian" law when it could have used less intrusive means such as obtaining a production order requesting the newspaper's cooperation, and stated that the ICAC's powers should be viewed "through the prism of Article 27 of the Basic Law" (Hong Kong's quasi-Constitution) on freedom of the press. The judge also set forth seven principles that the authorities should observe before searching and seizing media materials. Such acts are only permissible if: other means have been tried without success; other means are unlikely to succeed due to a "real risk" that they might "seriously prejudice" the investigation; it is in the public interest; the targeted organ has not complied with a production order; it is not practicable for the investigators to communicate with anyone entitled to grant entry to the premises; a judge gives reasons for his decision on the application that need to be taken into account in granting the order; and the investigating agency discloses to the court all relevant matters. (*Hong Kong: Court Rules Against Newsroom Raids by Anti-Graft Office*, BBC MONITORING INTERNATIONAL REPORTS, Aug. 11, 2004, Lexis/Nexis, Asiapc Library, Allasi File.)

Since the ruling, *Sing Tao Daily* has permitted the ICAC to examine documents it had seized in the raid. The ICAC is appealing against Mr. Justice Hartmann's decision in order to obtain clarification of guidelines for law enforcement agencies. The hearing was scheduled for September 8 and 9, 2004. (Ravina Shamdasani, *Hong Kong: Sing Tao Lets Graft-Buster View Files*, Hong Kong SOUTH CHINA MORNING POST, Aug. 18, 2004, available at Asia Media website, <http://www.asiamedia.ucla.edu/print.asp?parentid=13718>.) (Wendy Zeldin, 7-9832, wzel@loc.gov)

INDIA – Telecast of Political Advertisements

A three-judge bench of the Supreme Court ordered that all political advertisements must be cleared by the Election Commission before they can be broadcast by television channels and cable networks. In its interim order, the Court had banned the telecast of "mudslinging," "slandorous," and surrogate advertisements in the electronic media. The Court in effect vested the commission with the powers to screen such advertisements and issue certificates, laying down strict guidelines for their telecast. It also directed that no TV channel or cable network should telecast any advertisement that did not conform to the law of the land and offended morality, decency, and the religious susceptibility of the viewers or was "shocking, disgusting and revolting in nature."

The Supreme Court, while staying the order of the Andhra Pradesh High Court suspending the operation of Rule 7 (3) of the Cable Television Network Rules, put in place comprehensive guidelines to be followed by political parties, candidates, and others on the issue of the telecast of political advertisements. The bench stated that prior clearance by the Election Commission or the Chief Electoral Officers in the states was essential to the insertion of such advertisements. The Commission would be empowered to seize the equipment of an offending television channel or cable network whenever such an advertisement was broadcast in violation of the stated guidelines. The guidelines require submission by political parties or the candidates of the content of the advertisement and the transcript to the Election Commission or its nominated official at least three days prior to the date of telecast to obtain a certificate of clearance. For others, advertisements must be submitted seven days prior to the proposed telecast.

The guidelines make it mandatory for the advertiser to state on an affidavit whether the insertion is being funded by political parties and whether the message is meant to benefit the electoral chances of a candidate or a political party. The affidavit to the Election Commission must also state the total cost of the production of the advertisement, the number of insertions and the total cost involved, in addition to naming the party or person for whose benefit it is being inserted. For an advertisement issued by a group of persons or a trust, the affidavit must also state the source of the funding. Payments for such advertisement must be only by check or bank draft, not cash. The Bench stated that the provisions requiring all canvassing to stop forty-eight hours before the polls open will also apply to the broadcast of political ads.

The Court further authorized the Election Commission to appoint a state-level Committee to look into grievances regarding the issuance or non-issuance of the clearance certificate. The Committee decisions would be binding on all political parties, candidates and others, and the only appeal against a Committee decision would be to the Supreme Court. (THE HINDU, Apr. 14, 2004, available at <http://www.hindu.com/2004/04/14/stories/2004041407490100.htm>.)

(Krishan Nehra, 7-7103, kneh@loc.gov)

JAPAN – Invasive Alien Species Act

In accordance with the recommendation under Decision VI/23 of the Conference of Parties to the Convention of Biological Diversity, Japan enacted the Invasive Alien Species Act on June 2, 2004 (Law No. 78 of 2004). The Act prohibits the raising and planting within Japan and the importation into Japan of invasive alien species (IASs) without permission. The Act also obliges owners of IASs to secure them inside appropriate facilities. The setting free or discarding of IASs is prohibited under any condition. (Convention of Biological Diversity, Decision VI/23, <http://www.biodiv.org/decisions/default.aspx?lg=0&m=cop-06&d=23>; and Ministry of Environment, *Seibutsu tayosei joyaku* (Convention of Biological Diversity), at <http://www.biodic.go.jp/cbd.html>.)

(Sayuri Umeda, 7-0075, sume@loc.gov)

JAPAN – Legislation To Privatize Highway Corporations

The legislation package calling for the creation of six privatized entities from four public highway corporations and the establishment of a separate asset holding and debt-

servicing independent administrative corporation passed the Diet in June 2004. The four public highway corporations had combined debts of 43.8 trillion *yen* (US\$400 billion). The independent administrative corporation will own the completed expressways and repay the public highway corporations' combined debts in forty-five years, from revenue generated by leasing the expressways to private entities. It would then hand over the expressway assets to the central and local governments before disbanding. The six privatized entities will undertake toll collection, expressway maintenance, and road construction while leasing expressways from the independent administrative corporation. Toll revenues will be used to cover the maintenance and lease fees.

Many critics have raised doubts over the scheme. The four highway corporations are not really privatized. The central and local governments will together own at least one-third of the shares in each of the privatized firms. The land minister will approve each company's president. In addition, the legislation does not stop the construction of new highways in rural areas. Although the government has been promising toll-free expressways for decades, it is argued that the public highway corporations should maintain toll fees to cover costs of construction expenses of pork-barrel expressways in rural areas. While the companies can refuse a government request to build a road if they consider it to be unprofitable, they will be forced to comply if an advisory panel to the land minister judges their decision unreasonable. (Tetsushi Kajimoto, *Laws to Privatize Road Entities Enacted by Diet*, THE JAPAN TIMES, June 3, 2004, at <http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?nn20040603a3.htm>.) (Sayuri Umeda, 7-0075, sume@loc.gov)

KOREA, SOUTH – Information Disclosure by Government

The Act on Disclosure of Information by Public Agencies (Act No. 5242, Dec. 31, 1996) allows Koreans to demand access to government records. This Act was amended by the National Assembly in December 2003, and the changes became effective on July 30, 2004. Before the amendment, the Act did not allow a requester to access information by which an individual could be identified, though there were some exceptions. The amendment expands access to such information, as long as the disclosure does not invade anyone's privacy. A government agency must notify the person concerned of the request to access the information. The person can request non-disclosure. If the government agency then decides against a non-disclosure request, the person can initiate administrative adjudication or litigation. (*Puraibashi shingai sinakereba kojim joho kokai kano ni* (Access To Personal Information Becomes Possible Unless Invasion of Privacy), DIGITAL CHOSUNILBO, at http://japanese.chosun.com/site/data/html_dir/2004/07/20/20040720000059.html.) (Sayuri Umeda, 7-0075, sume@loc.gov)

MOLDOVA – Government Defends Morality

On August 11, 2004, the Moldovan Cabinet of Ministers approved the Regulation on Morality Protection, which requires all providers of entertainment offering elements of eroticism and striptease in their programs to have a venue with an area of a minimum 100 square meters situated no higher than the second floor and located at least 150 meters away from any educational institution. The document provides for the establishment of the National Agency for Morality Protection in charge of determining to what extent works of literature, films, theatrical plays, etc., correspond to ethical norms. The Regulation requires the amendment of current legislation in order to accommodate such provisions as the prohibition

against publishing books and magazines having sadistic or pornographic illustrations and the maintenance by the Agency of constant supervision over television and radio programs, in order to ensure that adult programming is broadcast only through subscription and between the hours of 11 p.m. and 5 a.m. (Infotag Information Agency, DAILY BULLETIN, Aug. 12, 2004, at <http://www.infotag.md/knews/?mn=08&md=12&y=2004>.) (Peter Roudik, 7-9861, prou@loc.gov)

PAKISTAN – *Karo-Kari* (Honor Killings) Bill

The Pakistan People's Party Parliamentarian (PPPP), an opposition party, has pressed one of its own Members in the National Assembly to provide a legal remedy against customs like *karo-kari* (honor killings). The PPPP's Aitzaz Ahsan appealed for support from both the treasury and opposition benches for the Criminal Laws (Amendment) Bill, 2004, that seeks to eliminate alleged misuse of Islamic law to help those who, in the name of honor, kill women marrying against the wishes of their families.

Women members of the National Assembly on the treasury benches thumped desks in unanimity when the sponsor sought leave of the house for introduction of the bill. Further discussion of the bill, which seeks ten amendments to the Pakistan Penal Code, 1860, was put off till the next private members' day. The Government has repeatedly promised to introduce its bill against honor killings but there has been no official word on when it would be done.

The sponsor of the bill stated that the custom of *karo-kari* may have existed for centuries, but the incidence of such killings increased after the military ruler, General Mohammad Ziaul Haq, enforced the Qisas and Diyat Ordinance in 1979, to provide for pardon for such action by the heirs of a victim. A statement of objectives and reasons accompanying the bill said that the recent increase in the incidence of *karo-kari* "has been facilitated by the ease with which the perpetrators escape punishment. Justifying the brutal crime as being rooted in archaic customs, they are forgiven in out-of-court processes that are recognized by law." The object of the Bill is to deny the perpetrators of the crime the facility of settlement out of court, so as to discourage and eliminate the practice of *karo-kari*. (THE DAWN, July 21, 2004, at <http://www.dawn.com/2004/07/21/top3.htm>.) (Krishan Nehra, 7-7103, kneh@loc.gov)

SRI LANKA – Court of Appeal in Every District

In an effort to clear the heavy backlog of appellate cases, the Minister of Justice submitted a Cabinet Memorandum to decentralize the work of the Court of Appeal by establishing courts of appeal in every district in the country. He also revealed that the government has already granted approval of the proposal.

Henceforth, a Court of Appeal will be established in the Jaffna, Trincolmalee, Batticaloa, Anuradhpura and Kurunegala, Kandy, Badulla, Galle, and Matara districts. (THE COLOMBOPAGE, Aug. 9, 2004, at <http://www.colombopage.com/archive/August9113436UN.html>.) (Krishan Nehra, 7-7103, kneh@loc.gov)

TAIWAN – Constitutional Amendments Passed

On August 23, 2004, the Legislative Yuan passed a landmark constitutional amendment bill, under which five existing articles of the Constitution are revised and one new one is added. Highlights of the bill include downsizing of the number of seats in that body from 225 to 113, extension of legislators' terms from three years to four, and reform of the electoral system from the current "multiple seats per constituency system" to a "single-member district, two vote system" (whereby only one candidate will be elected from a single constituency and voters will cast one ballot for the candidate and one for the party). The National Assembly, a non-standing body whose functions were limited to voting on constitutional amendments, presidential impeachment, or alteration of the national boundaries, will be abolished and its tasks taken over by the Legislative Yuan. Women are to be assured half of the thirty-four seats designated for "at-large" and overseas candidates; indigenous Taiwanese will be guaranteed six seats and overseas expatriates eleven. The bill also gives the people new referendum rights.

The revisions must be submitted to the National Assembly, to be convened for that purpose next year, for approval. As provided under the bill, the National Assembly will then be abolished. (*Lawmakers Take First Step To Cut Legislature Members to 113 Seats*, THE CHINA POST, Aug. 24, 2004, available at Chinapost.com.tw, http://www.chinapost.com.tw/p_detail.asp?id=51793&GRP=A&onNews; Jacky Hsu, *Bill To Halve Island Legislature Passes: Taiwan's Lawmakers Will Have Power To Impeach President, While the Public Can Initiate Referendums on Territorial Status*, HONG KONG SOUTH CHINA MORNING POST, Aug. 24, 2004, at 7, Lexis/Nexis, Asiapc Library, Allasi File; Debby Wu, *Constitutional Amendment Bill Passes*, TAIPEI TIMES, at <http://www.taipeitimes.com/News/front/archives/2004/08/24/2003199977>.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

TAIWAN – Draft "Truth Commission" Law

The Legislative Yuan passed a draft special statute on August 24, 2004, to establish a "truth commission" to examine the details of the election-eve shooting on March 19, 2004, of President Chen Shui-bian and Vice President Annette Lu. The statute stipulates that the commission will consist of seventeen professionals recommended by various political parties and will function along the lines of an independent prosecutor in the United States. It will have the same powers as civilian and military prosecutors and, if necessary, can request a civilian or military prosecutor to assist in the investigation. According to the statute, the commission will be in charge of evidence collection and investigation and indictment of criminal cases related to the shooting before they are brought to court for trial. Judicial authorities are obliged to hand over to the commission cases related to the incident, if any, from the date of promulgation of the law by President Chen. The statute provides that the commission must present a written report on the progress of its investigation to the Legislative Yuan every three months, until a resolution concerning the shooting is reached. (*CNA: 'Truth Commission' Law Passes Legislative Yuan*, Taipei CENTRAL NEWS AGENCY, Aug. 24, 2004, FBIS online subscription database; Y.F. Low, *KMT, PFP Finalize Draft for 'Truth Commission' Law*, CENTRAL NEWS AGENCY, Aug. 20, 2004, Lexis/Nexis, Asiapc Library, Allasi File.)

(Wendy Zeldin, 7-9832, wzeld@loc.gov)

TURKMENISTAN – Tobacco Chewing and Cosmetics Prohibited

On August 12, 2004, President Niyazov of Turkmenistan issued decrees banning the sale and use of chewing tobacco in all public places and official buildings throughout the country. According to the decree, all sellers of chewing tobacco must obtain special licenses issued by the government, and sales can be conducted only at a few specifically designated locations. Fines are introduced as a form of punishment for violations of the decree. Another decree provides for similar rules in regard to cosmetics, under the pretext that the use of make-up by women does not conform to national traditions. The decree gives managers the right to remove from the workplace women with excessive make-up. (8:154 RADIO FREE EUROPE/RADIO LIBERTY NEWSLINE, Aug. 13, 2004.) (Peter Roudik, 7-9861, prou@loc.gov)

EUROPE**CYPRUS – Suppression of Terrorism**

On August 6, 2004, Cyprus ratified the Protocol amending the Council of Europe Convention on the Suppression of Terrorism which had itself opened for signature in Strasbourg on January 27, 1977. The Protocol is the first document adopted by the Council of Europe in the aftermath of the events of September 11, 2001. It significantly amends the European Convention on the Suppression of Terrorism adopted in 1977 in the following areas: 1) it broadens the list of offenses not to be regarded as political offenses for extradition purposes, by including offenses that come within the scope of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation of 1988, the International Convention for the Suppression of Terrorist Bombings of 1997, and the International Convention for the Suppression of the Financing of Terrorism of 1999; 2) it requires Member States to consider all the offenses included in the list as extraditable offenses in any future extradition treaty; 3) it adds torture to the criteria, such as race, religion, nationality, or political opinion, that give contracting states the right to refuse extradition, if there are substantial grounds that the request for extradition is made for these reasons; and 4) it broadens the duties of the European Committee on Crime Problems established by the 1977 Convention to include monitoring of implementation of the Convention and making recommendations to the Committee of Ministers of the Council of Europe to invite non-member States to acceded to the Convention. (CETS No. 190, Council of Europe Website, at <http://conventions.coe.int/Treaty/en/Treaties/html/190.htm>.) (Theresa Papademetriou, 7-9857, tpap@loc.gov)

CYPRUS – Trade Between North and South

On August 23, 2004, for the first time since 1974, when the island of Cyprus was invaded and divided, trade commenced between Cyprus and the Turkish Cypriot Community. This is pursuant to the European Union rules on commerce that were recently adopted. Turkish Cypriot goods entering the Greek Cypriot market must comply with EU standards on food safety and plant health. The Turkish Cypriot Chamber of Commerce must produce certification indicating that the products entering the southern part of Cyprus have originated in northern Cyprus. In addition, the Turkish Cypriot community decided to lift the prohibition on the marketing of Greek Cypriot products in northern Cyprus. This trade is limited to semi-manufactured goods and raw materials originating in the south. The EU Council of Ministers

will vote in September 2004 on the proposed US\$320 million aid package for the Turkish Cypriots, and in October it will decide as to whether to open direct trade with northern Cyprus. (*Greek Cypriots Facilitate Trade, Travel Between North and South*, Western Policy Center, Aug. 6, 2004, at <http://www.westernpolicy.org/>) (Theresa Papademetriou, 7-9857, tmap@loc.gov)

DENMARK – Immigration Rule To Be Reviewed

Denmark's Prime Minister, Anders Fogh Rasmussen, has promised that the controversial "twenty-four-years-of-age" rule is to be reviewed and that a full report will be presented to the parliament following criticism from the Council of Europe. The rule prevents Danish citizens from bringing foreign-born spouses under the age of twenty-four to Denmark. Mr. Fogh Rasmussen has admitted that the rule is rather arbitrary, but defended it anyway, arguing that it helps integration and prevents forced marriages. (Denmark.dk, *Opposition Row Heats Up Again*, Aug. 11, 2004, THE OFFICIAL WINDOW, available at http://www.denmark.dk/servlet/page?_pageid=80&_dad=portal30&_schema=PORTAL30&_fsiteid=175&_fid=95424&_page_id=1&_feditor=0&_folder.p_show_id=95424.) (Linda Forslund, 7-9856, lifo@loc.gov)

ENGLAND – Internet Pharmacies Permitted

The government has followed recommendations in a report from the Office of Fair Trading that called upon the government to abolish the restrictions in place that control the entry of pharmacies dispensing medicines on the National Health Service (NHS). Under the current regulations, in order for pharmacies to dispense medicines on the NHS, they had to apply to the local primary care organization for a contract, and they could be refused if a pharmacy was already in existence in the area, as additional pharmacies were not considered necessary or desirable for the provision of NHS pharmacy services. The government has followed the recommendations made in this report and intends to ease the regulations governing pharmacies. Pharmacies now have greater flexibility concerning where they can be located and how many hours they can remain open. The most dramatic change is that pharmacies without a physical store, operating exclusively online or through mail order, can now be licensed if they provide a fully professional service. (HOUSE OF COMMONS HEALTH COMMITTEE, CONTROL OF ENTRY REGULATIONS AND RETAIL PHARMACY SERVICES IN THE UNITED KINGDOM, 5th Report, (June 2003) H.C. 571; Department of Health, *Better Access to Pharmacies and More Choice for Patients*, Press Release Aug. 18, 2004, at http://www.dh.govuk/PublicationsAndStatistics/PressReleases/PressReleasesNotices/fs/en?CONTENT_ID=4087902&chk=n7VbCg, accessed Aug. 19, 2004.) (Clare Feikert, 7-5262, cfel@loc.gov)

FINLAND – Hague Convention Used in Custody Case

On August 5, 2004, the Finnish Supreme Court ruled that two children are to be returned to their father in the United States from their mother in Finland. The parents, who divorced a couple of years ago, share custody of the two children, who live with their father in the United States. In August of last year, the children visited their mother during their summer vacation. At the end of the visit, the mother refused to send the children back to the United States. The court's decision is based on the Hague Convention of 25 October 1980 on the Civil

Aspects of International Child Abduction. (Finska Notis Byrån, *HD: Far I USA har rätt till sina barn*, Hufvudstadsbladet, Aug. 6, 2004, available at <http://195.255.83.67/cgi-bin/mediaweb>.) (Linda Forslund, 7-9856, lifo@loc.gov)

FINLAND – Penal Law Amended To Combat Violence in Families

The penal law has been amended to try to come to terms with violence in families. The changes include provisions on restraining orders and remission of charges.

New rules on the granting of restraining orders will come into effect on January 1, 2005. The new rules will make it possible to grant restraining orders in cases where the two parties share a residence. The person against whom a restraining order has been issued will be ordered to leave his or her home. Because this is a bigger infringement on the person's rights than an ordinary restraining order, the prerequisites for obtaining such a restraining order are stricter. The restraining order can only be obtained to prevent a crime against life, health, or freedom, or if there is threat of such a crime. The restraining order can only be granted for three months at a time.

In October 2004 the current rules on the remission of charges in cases of battery will be abolished. As the law reads, the District Attorney does not have to press charges if the victim by his or her own will requests that the charges be dropped. It seems that this rule has been given greater weight than was initially intended when the law was passed. From October on, a decision to not press charges should be based on a principle of reasonability. The victim's wishes can still be taken into account by the District Attorney when he or she makes a decision, but they will no longer be a determining factor. (Government Bill 144/2003, Regeringens proposition till Riksdagen med förslag till lag om ändring av lagen om besöksförbud och lag om upphävande av 21 kap. 17 § strafflagen, available at <http://www.riksdagen.fi/>.)

(Linda Forslund, 7-9856, lifo@loc.gov)

FRANCE – New Public Health Law

On July 30, 2004, the French parliament adopted a new, broad public health law that prohibits food vending machines in primary and secondary schools. The ban is to take effect in September 2005. The passing of the law was a major victory for health professionals and consumer groups.

The National Assembly approved the measures in April, when the Health Minister told the deputies that child obesity and weight problems had tripled in twenty years and now affects sixteen percent of children in France. The Senate reversed the ban, however, following intensive lobbying from powerful food manufacturers. A joint commission of deputies and senators met to resolve the stalemate and the Senate decision was revoked.

Regarding the advertisement on television of products known as “junk food,” including those with sweet, high fat, and/or salty components, the law provides that every advertisement must be accompanied by an approved health warning or manufacturers will risk having to pay a tax of 1.5% of their advertising budget to the National Health Education Institute.

The Law further reinforces the prevention of cancer, AIDS, alcoholism, and neuro-psychiatric illnesses. It creates a National Cancer Institute and a Public Health Advanced Studies School. It also provides for a national plan to prevent health risks linked to the environment and increases the power of the *Institut de Veille Sanitaire*, France's national health watch institute. (Law 2004-806 of Aug. 9, 2004, JOURNAL OFFICIEL, (JO) Aug. 11, 2004, at 14277, and *Ban on Junk Food*, THE TIMES EDUCATIONAL SUPPLEMENT, Aug. 6, 2004, Lexis/Nexis, News Library, 90 Days File.)
(Nicole Atwill, 7-2832, natw@loc.gov)

GERMANY – Immigration Law

An Immigration Act was enacted into law on July 30, 2004 (BUNDESGESETZBLATT I at 1950), after several years of intensive debate and legislative disputes. The legislation introduces a new Act on the Residence, Occupation, and Integration of Aliens that replaces the former Act on Aliens (BUNDESGESETZBLATT 1990 I at 1354) and amends numerous other laws dealing with asylum, passports, naturalization, and related matters. The overall purpose of the new Act is to make it easier for skilled aliens to settle in Germany when this is advantageous to German industry. To achieve this goal, permanent residence permits have been made easier to obtain after shorter waiting periods, and the integration of aliens is encouraged through the promotion of German language courses. However, the Act also takes heightened security interests into consideration by making it easier to deport dangerous aliens.
(Edith Palmer, 7-9860, epal@loc.gov)

GERMANY – Unfair Competition

Germany enacted an Act on Unfair Competition on July 3, 2004 (BUNDESGESETZBLATT I at 1414), that became effective on July 8, 2004. The new German Act transposes several European Union directives into German law, among them Directive 97/55/EC of October 6, 1997 (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES L 290/18), that permits comparative advertising.

The new German Act replaces a former German Act on Unfair Competition (REICHSGESETZBLATT 1909 at 499, as amended) that had many strictures that are no longer permissible. Among the newly introduced liberalizations of competitive behavior is the abolition of a restriction on retail sales at reduced prices, which, according to section 7 of the former Act on Unfair Competition, could only be held at the end of the season to dispose of seasonal goods in the apparel trade. However, it is expected in the trade that the German practice of having major sales in July and January will be continued (*Grösser und schöner*, FRANKFURTER ALLGEMEINE ZEITUNG 11 (July 26, 2004)).
(Edith Palmer, 7-9860, epal@loc.gov)

ICELAND – President Vetoes Media Law

In early June 2004, the President of Iceland, Ólafur Ragnar Grímsson, denied the ratification of a controversial law that would restrict media ownership. The Icelandic Parliament had already approved the law by a slim majority. The Icelandic Constitution states that the President has to ratify a law approved by Parliament to make it valid. In this manner, the President and the Parliament share the legislative power. Article 26 of the Constitution

states that the President can delegate the decision to ratify a law to the people through a referendum.

In the sixty years that Iceland has been a republic, no president had vetoed a law approved by Parliament. As a result, Mr. Grímsson's decision has ignited a debate regarding the presidential office. The President's critics maintain that he has politicized the office and that he favors big business, and they question whether the President does have the power to veto laws and thereby force a referendum. The latter question seems to have been resolved with an agreement that the President does have the power to veto. The question on whether to adopt the controversial law is going to be decided by a referendum. (Birgir Guðmundsson, *Medielov til folkeafstemning*, analysNorden, available at <http://www.norden.org/analysnorden/index.asp?lang=sv-se>.)

(Linda Forslund, 7-9856, lifo@loc.gov)

IRELAND – Judge Investigated

The National Parliament of Ireland (the *Oireachtas*) is engaged in an impeachment investigation and the judge being investigated is fighting back in a way that initially threatened to raise separation of powers questions, but that issue appears to have been settled for the moment.

According to news reports, police unlawfully seized a computer and other items in a 2002 raid on the home of Judge Brian Curtin. Pornographic images were found on the computer, but the case against him was dismissed when it was discovered the warrant was out of date. A joint committee is investigating the judge's behavior, but the judge went to court to obtain an injunction preventing the use of the evidence in the investigation. The government argued that the court had no jurisdiction. However, the motion was amended, apparently ending this issue. The judge is now expected to argue to the committee that the evidence should not be used in its investigation. *Government To Mount Challenge Against Curtin*, IRELAND ONLINE, July 13, 2004, at <http://212.2.162.45/news/story.asp?j=142030902&p=y4zx3y8x8&n=142031835>, accessed July 14, 2004; *Probe Into Curtin Affair To Continue*, IRELAND ONLINE, JULY 13, 2004, at <http://212.2.162.45/news/story.sp?j=29324592&p=z93z4779&n=29324838>, accessed July 14, 2004.)

(Diana Frazier Miller, 7-0639, dfra@loc.gov)

LITHUANIA – Strasbourg Court Rules Against KGB Employment Law

The European Court of Human Rights ruled that two Lithuanians who openly admitted to collaborating with the KGB during the Soviet occupation period had been unfairly denied work as a result of a law that severely restricted employment opportunities for former KGB agents, prompting a parliamentary review of the controversial law. The law in question, the Lustration Code, was passed in 1999, and requires that all citizens who had connections to the KGB register the fact with the government. Upon registration, they are restricted by the law from working in numerous government institutions and in certain areas in the private sector, including banking, private security, private detective work, and education. The Court ruled that the government violated the plaintiffs' rights by interfering in their search for private employment and awarded them 7,000 euros (about US\$8,460) each in damages. Also, the Court ordered that the provisions of the Code connected with employment in the private sector should be changed. The parliamentary legal affairs committee announced that a working group

to consider changes to the Lustration Code will be formed and that amendments should be adopted before the end of the Seimas (Lithuania's parliament) term in October. (THE BALTIC TIMES, Aug. 12, 2004, at 1.)

(Peter Roudik, 7-9861, prou@loc.gov)

MACEDONIA – Electoral Redistricting

The Law on Territorial Organization was approved by the Parliament of this former Yugoslav republic on August 2, 2004. The Law increases the size and decreases the number of existing administrative units from the present 123 to 80 in 2005 and to 76 in 2008. The Law is aimed at the implementation of the government's plan to decentralize the state administration by granting local administrations greater powers in the spheres of regional and financial planning, education, and health care. Each newly established administrative unit will become a separate electoral district. The existing ethnic divisions were used as the basis for determination of the district borders. Opponents of the Law expressed their concern that the redistricting could lead to the federalization of the country along ethnic lines. (8:147 Radio Free Europe/Radio Liberty Newline, Aug. 3, 2004.)

(Peter Roudik, 7-9861, prou@loc.gov)

MALTA – Divorce Ban Challenged

A judicial protest has been filed in the Maltese Courts requesting that legislation be introduced to regulate divorce within a month, to grant Maltese citizens the same family rights as its European Union counterparts. Malta, a strict Catholic state, does not allow divorce, and only provides for the annulment of marriages if certain criteria in the Marriage Act 1975 are met. Foreign divorces are recognized if the divorce is granted by a competent court in the country in which either party to the proceedings is resident or domiciled.

If legislation is not enacted or discussed in Parliament within the period stated in the judicial protest, the individuals who filed it have stated that they will then file a Constitutional Court Case on the grounds that individuals in Malta who want to divorce but cannot afford to go abroad to do so are being discriminated against. (Maltese Marriage Act 1975 c. 255; *Lawyer Threatens Constitutional Case over Divorce Law*, TIMES OF MALTA, Aug. 17, 2004 at <http://www.timesofmalta.com/core/article.php?id=161932&hilite=divorce+file>, accessed Aug. 19, 2004.)

(Clare Feikert, 7-5262, cfei@loc.gov)

THE NETHERLANDS – Piercing and Tattooing of Minors

In order to protect young persons against physical and psychological damage, proposals are under way in the Ministry of Health for legislation under which the tattooing and piercing of minors would only be permitted in the presence of their parents. Up to now there has been no legislation in this area. Under the same provisions, businesses that administer piercings and tattoos would be subject to hygiene and safety rules. (NIEWSSERVICE VAN RADIO NEDERLAND WERELDOMROEP, Owner-niews-ned@RNW.Nl, Aug. 25, 2004.)

(Karel Wennink, 7-9864, kwen@loc.gov)

THE NETHERLANDS – Stockholders Vote by E-Mail

The Government of The Netherlands has approved a proposal of law submitted by the Minister of Justice under which it will be possible for stockholders to participate in meetings and vote via the Internet or e-mail. The Government hopes that the introduction of these new provisions will increase the participation of stockholders in the corporation's dealings. Corporations that use this option will be able to make their own demands, such as, for example, requiring the use of an electronic signature. (NIEWSSERVICE VAN RADIO NEDERLAND WERELDOMROEP, Owner-news-ned@RNW.NL, Aug. 24, 2004.) (Karel Wennink, 7-9864, kwen@loc.gov)

NORWAY – Environmentally Friendly Energy Solutions

Government Report Number 47 on innovation for environmentally friendly gas-power technologies takes up three central themes. First, it proposes the establishment of a new “innovation organization” to ensure the development of environmentally friendly natural gas-power plants. Second, the government wishes to increase the use of natural gas inland. The market for natural gas is spread out among many areas and smaller cities, which is why the gas is now transported mainly by ship. The report suggests expanding the infrastructure in the areas where the market for natural gas is developing. Lastly, the report proposes the establishment of a market for electricity certificates between Norway and Sweden to strengthen the commitment to use renewable energy. A market for such certificates already exists in Sweden. Producers are obligated to register certificates based on how much electricity they produce, and the electricity merchants have to buy certificates in relation to their consumption. The producers get income from both the sale of certificates and the sale of electricity. The profit from the sale of the certificates covers the extra costs that arise in the production of electricity from renewable sources. (Government Report 47 (2003-2004), St.meld.nr.47 Om Innovasjonsverksemda for miljøvennlige gaskraftteknologiar m.v., available at <http://odin.dep.no/filarkiv/217471/STM0304047-TS.pdf>; Press Release 87/04, Norwegian Government Home Page, *Stortingsmelding om innovasjonsvirksomheten for miljøvennlige gasskraftteknologier*, Aug. 6, 2004, available at <http://www.odin.no/oed/norsk/aktuelt/pressem/>.)

(Linda Forslund, 7-9856, lifo@loc.gov)

RUSSIA – New Law on Commercial Secrets

On August 3, 2004, the President of Russia signed the Law on Commercial Secrets into force. The Law was adopted in order to meet World Trade Organization requirements and to prove that the intellectual property rights of Russians and foreigners are protected in Russia. According to the law, the information contained in the constituent documents of a juridical person and data about the number and structure of the staff, the labor remuneration system, available job opportunities, arrears of wages, and facts making an entity answerable for breaches of the law are not commercial secrets. It is possible to restrict access to most business information, but it is necessary to take legal steps to do so. According to the Law, commercial secret regulations cannot contradict the “rights and legitimate interests of other persons.” Even though the WTO insisted on tougher penalties for offenders, the Law does not impose them. The Law also does not address the responsibility of competitors for disclosure of another company's technological secrets.

The Law provides for the right of an unauthorized person to disclose properly classified commercial information “during the carrying out of research, systematic observations, or other activity.” It states that the owner of a secret “has the right to appeal to a court, claiming damages” and that the court can ban the defendant from using the commercial classified information. In all other respects, infringers face “disciplinary, civil, administrative, or criminal responsibility in accordance with the legislation of the Russian Federation.” Those who are willing to make sure that the protection of technological secrets is enforced must rely on other laws, not this one. The Law defines in detail the right of state authorities to demand the provision, free of charge, of data classified as commercial secrets. If the holder refuses to disclose the secret to the state, the information may be obtained via the courts. (32 SOBRANIE ZAKONODATELSTVA ROSSIISKOI FEDERATSII (Russian official gazette), Item 3451 (2004).) (Peter Roudik, 7-9861, prou@loc.gov)

RUSSIA – Restrictions for Funding of NGOs

The State Duma, the lower house of the Russian legislature, approved amendments to the Tax Code of the Russian Federation submitted by the federal government. Under these amendments, foreign organizations will be required to register each grant made to a Russian NGO with the government foreign aid commission. The Commission was established in 1999 to handle foreign charity and aid and had been operating under the Economic Development and Trade Ministry. If a foreign organization fails to register a grant, the NGO will have to pay a twenty-four percent tax on money it receives. Russian organizations that want to support NGOs will have to be included on a government list of approved grant makers; otherwise their contributions will not be recognized as grants and will be subject to taxation. Grant recipients will be obliged to provide the government commission with guarantees from the government administrations where the NGOs are located that the funds will go toward the programs for which they were intended.

The adopted amendments extend the scope of tax-exempt activities. In addition to the previously existing four areas of activities that were not subject to taxation – science, culture, education, and environment – the official tax exempt status will be given to human rights activities, health projects, and social assistance. (State Duma of the Russian Federation Information Channel, at <http://www.akdi.ru/gd/akdi.htm>, accessed Aug. 9, 2004.) (Peter Roudik, 7-9861, prou@loc.gov)

SWEDEN – Children’s Rights In International Adoptions

The Swedish government is proposing to strengthen the rights of children in the adoption process by introducing more and stricter regulations. Among the changes proposed, the government suggests that the Swedish National Board for Inter-Country Adoptions be abolished and that a new agency be created for international adoptions. The new agency would have many of the same responsibilities as the former agency, but would also be endowed with more means of supervision. If the changes are adopted by the parliament, it will become mandatory for prospective parents to take a parenting course designated by the local government. Furthermore, an adoptive relationship would be seen as equal to a biological relationship for the purpose of permitting marriages and civil unions. This means that an adoptive parent and adopted child would no longer be able to marry or enter into a civil union

with each other. (Government Bill 2003/04:131, Proposition 2003/04:131 Internationella adoptionsfrågor, available at <http://www.regeringen.se/content/1/c6/01/84/49/ba83324a.pdf>.) (Linda Forslund, 7-9856, lifo@loc.gov)

SWEDEN – Rights of Investigated Individuals

The Swedish Parliament has decided to introduce a system of public representatives in cases involving telephone bugging and secret camera surveillance. To date the relevant Swedish law has stated that courts can give the government permission to use bugging devices without the investigated party being present during the proceedings. The public representative's responsibilities will be to protect the integrity of the individuals who are being investigated, represent them during the proceedings, and if necessary, appeal the court's decision.

To be able to use bugging devices under the current reading of the law, the authorities must be investigating a crime that carries a penalty of at least two years in prison. The use of these devices thus has been dependent on the minimum penalty for the crime. Under the new rules, the courts can authorize the bugging of individuals and the use of surveillance cameras in cases where the minimum penalty is less than two years imprisonment, if it can be assumed that the crime in the case being considered will carry a penalty of more than two years in prison. A theft at the Modern Museum of Art in Stockholm in the fall of 1993 is mentioned as an example in the bill. The crime was categorized as grand theft, which carries a penalty of a minimum of six months and a maximum of six years in prison. Because the minimum penalty was less than two years in prison, bugging and surveillance devices could not be used during the investigation. Under the new reading of the law, these devices would be permitted because even if the minimum penalty is less than two years in prison, it is reasonable to assume that the crime would carry a penalty of two years in prison or more. The new rules will come in to effect as of October 1, 2004. (Government Bill 2002/03:74, Regeringens Proposition 2003/04:74 Hemliga tvångsmedel – offentliga ombud och en mer ändamålsenlig reglering, available at <http://www.regeringen.se/content/1/c4/07/99/4c48e878.pdf>.) (Linda Forslund, 7-9856, lifo@loc.gov)

UNITED KINGDOM – Human Embryo To Be Cloned for Therapeutic Research

The Human Fertilization and Embryology Authority (HFEA) has granted a license that permits the cloning of a human embryo for therapeutic research purposes in the United Kingdom. The license allows the use of a cloned human embryo for research into treatments for diabetes, Parkinson's, and Alzheimer's diseases. This is the first license of its kind issued under regulations made in 2001 that permit the therapeutic cloning of human embryos for research into serious diseases and treatments for those diseases. The British government has taken a pro-science approach to the use of human embryos for this research. It has permitted the creation of human embryos specifically for research purposes since 1990 and has provided funding for a number of research projects. (Human Fertilisation and Embryology Authority, *HFEA Grants the First Therapeutic Cloning License for Research*, Press Release, Aug. 2004, at <http://www.hfea.gov.uk/PressOffice/Archive/1092233888>, accessed Aug. 19, 2004; Human Fertilisation and Embryology Regulations 2001, SI 2001/188; for further information on this topic see Law Library, *Stem Cell Research in the United Kingdom*, Report for Congress, 2004-967.)

(Clare Feikert, 7-5262, cfei@loc.gov)

NEAR EAST

IRAN – Abortion Ban Modified

The Islamic Criminal Law of Iran of 1991 banned abortion in all stages of pregnancy by punishing the abortionist with fines in various amounts depending on the age of the fetus (article 487 of the Islamic Criminal Code). A new Act passed by the Iranian Legislature in July 2004 allows abortion during the first four months of pregnancy to save the life of the pregnant woman or when there is the risk that the baby is deformed. (IRAN TIMES, July 23, 2004, at 6.) (Gholam Vafai, 7-9845, gvaf@loc.gov)

IRAN – First All-Female Police Station

The Islamic Republic of Iran has established the first Iranian all-female police station in Meshed, the capital city of Khorassan Province in the northwest region of the country. The city is the site of the Holy Shrine of the Eighth Imam of the Shi'a sect of Islam and the center of pilgrimage for millions of Shi'a Muslims all year long. The police authorities, happy with the operation of the all-female police station, are planning to open similar police stations in other cities. The Iranian police force admits, through state competition, on average over 200 women annually, to assume specialized functions such as intelligence, criminal investigation, and traffic control. (HAMSHAHRI, Aug. 5, 2004, at 2.) (Gholam Vafai, 7-9845, gvaf@loc.gov)

IRAN – Loan for First-Time Married Couples

Tehran municipality is offering an interest-free loan of one million *Tomans* (about US\$1,150) to be paid to each first-time married couple under the following conditions: 1) One member of the couple or their parents must have been a resident of the metropolitan area for a period of five years prior to the wedding. 2) The loan is paid only to those marrying for the first time. 3) The loan must be repaid over a period of thirty months. (KEYHAN DAILY, Tehran, Apr. 21, 2004.) (Gholam Vafai, 7-9845, gvaf@loc.gov)

SOUTH PACIFIC

AUSTRALIA – Online Divorces

Australia's federal government has made a concerted effort to use the Internet to deliver legal information and services to the country's widely dispersed population. The Federal Magistrates Court has launched an online divorce service, available on the Internet at <http://www.divorce.gov.au>. This has proved so popular that twenty percent of divorce applications now use the interactive form. The forms cannot be filed online and the A\$288 (about US\$207) filing fee must be paid in person or by mail. However, a Sydney law firm now offers a complete online service, which has proved quite popular with Australian expatriates. It is suitable for uncontested divorces where there are no issues involving property or children. The procedure is possible because the only requirements for a divorce are that the marriage is irretrievably broken and the couple has lived apart for one year. In addition to filing the application and paying the fees, the firm's solicitors will correct the divorce application, thus

avoiding unexpected problems in a process one lawyer described as “like do-it-yourself brain surgery.” (*Sydney Morning Herald*, July 27, 2004, at <http://www.smh.com.au>.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

INTERNATIONAL LAW AND ORGANIZATIONS

ASEAN – Charter Proposed

On August 8, 2004, the Malaysia Prime Minister, Datuk Seri Abdullah Ahmad Badawi, proposed a charter for the Association of Southeast Asian Nations (ASEAN), so that the organization would have an international legal personality. The charter, he suggested, should include all of ASEAN’s basic documents and “provide the legal framework for incorporating ASEAN decisions, treaties, and conventions into the national legislation of member countries.” He also argued that the organization should become more open, providing for participation by elements of civil society of the member states, so that the peoples of the region will have better knowledge of each other’s societies and cultures. (*PM Proposes Charter for ASEAN*, NEW STRAITS TIMES, Aug. 8, 2004, via Lexis/Nexis, Asiapc Library, Curnws File.)

ASEAN was founded in August 1967 in Bangkok and currently has ten members: Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand, and Vietnam. Its stated goals are to work for economic growth and cultural development in the region and to promote regional peace and stability through the rule of law in the relationships among the member countries. (ASEAN website, <http://www.aseansec.org/64.htm>.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

AUSTRALIA/UNITED STATES – Free Trade Agreement Approved

On August 13, 2004, Australia’s Federal Parliament passed legislation implementing a “Free Trade Agreement” with the United States. Australian commentary had already noted that the agreement was better described as a preferential trade agreement, as it maintained barriers to United States imports of Australian agricultural products such as sugar and beef. Implementing legislation had been passed by the United States Congress on July 16, 2004, and signed by President Bush on August 3. Australia’s Senate approved the Agreement only after the Government agreed to opposition amendments intended to protect local content in television and films and to limit the ability of US pharmaceutical firms to appeal the decisions of Australia’s Pharmaceutical Benefits Scheme on which prescription drugs to select for subsidized use.

The Agreement calls for both parties to exchange letters certifying that their implementing legislation does not diverge from the substance of the agreement. This is to be done by October 31, 2004, after which the Agreement is to go into force on January 1, 2005. On August 21, the United States Ambassador to Australia noted that his government has “concerns” over the amendments and that certification was not automatic. (Hon. Mark Vaile, M.P., Minister for Trade, Australia, Interview, Aug. 13, 2004, available at http://www.trademinister.gov.au/transcripts/2004/040813_ds.html; SYDNEY MORNING HERALD, Aug. 21, 2004, available at <http://www.smh.com.au/>.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

DENMARK/UNITED STATES – Modernization of 1951 Defense Agreement

A defense agreement was signed on August 6, 2004, between Denmark/Greenland and the United States. The agreement provides that the United States can upgrade the early warning radar at the Thule Air Base in Greenland to make it part of the American missile shield. Three documents were signed as part of the agreement: a modernization of the 1951 Defense Agreement, a declaration on economic and technical cooperation, and a declaration on environmental cooperation in Greenland. The agreement is also of importance because Greenland is one of the signatories, implicitly recognizing Greenland as an equal partner. Greenland's regional Cabinet minister for foreign affairs, Josef Motzfeldt, stated that by signing this agreement, Greenland has taken an important step toward increased foreign policy independence. (The Nordic Council, *Historic Treaty*, NORDIC NEWS, Aug. 6, 2004, available at <http://www.norden.org/webb/news/news.asp?lang=6>; Greenland Home Rule, *Defence Agreement Between Greenland/Denmark and the United States Modernised Today*, Aug. 7, 2004, available at <http://dk.nanoq.gl/nyhed.asp?page=nyhed&objno=67856>; Denmark.dk, *History made in Southern Greenland*, Aug. 10, 2004, THE OFFICIAL WINDOW, available at http://www.denmark.dk/servlet/page?_pageid=80&_dad=portal30&_schema=PORTAL30&_fsiteid=175&_fid=562597&_page_id=1&_feditor=0&_folder.p_show_id=562597#562602.)

(Linda Forslund, 7-9856, lifo@loc.gov)

FINLAND/EUROPEANCOMMISSION – Equal Treatment Case

The European Commission has taken action against Finland in the European Court of Justice. The Commission held that the local government of the Aland Islands has failed to execute the Council's Directive 2000/43/EC, "Implementing of the Principle of Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin." Finland has one month, from Friday August 6, 2004, to respond to the Commission's complaint. (Press Release 238/2004, Finnish Government home page, *Kommissionens talan gällande verkställande av direktiv*, Aug. 6, 2004, available at <http://www.valtioneuvosto.fi/>.)

(Linda Forslund, 7-9856, lifo@loc.gov)

MEXICO/OPIC – Bilateral Agreement

The Mexican federal official gazette, *Diario Oficial de la Federación*, of May 26, 2004, published the Decree by which the Mexican Senate approved the agreement between Mexico and the Overseas Private Investment Corporation (OPIC) of the United States, signed in San Francisco on June 9, 2003. The Agreement was on the bilateral agenda between the two countries for eighteen years. The OPIC helps U.S. businesses invest overseas, foster economic development in new and emerging markets, complement the private sector in managing risks associated with foreign direct investment, and support U.S. foreign policy. Given the Mexican Senate approval, OPIC will now be able to allocate capital for investment in projects in the education, municipal infrastructure, and environmental sectors. Opportunities in housing and water infrastructure sectors will also be considered. (DIARIO OFICIAL DE LA FEDERACIÓN, May 26, 2004; *OPIC Fact Sheet - OPIC-Mexico Bilateral Agreement*, Nov. 22, 2003, and *U.S. and Mexico Sign Bilateral Agreement Paving Way for Full OPIC Activity*, Press Release, June 9, 2003, OPIC website, both available at <http://www.opic.gov>.)

(Norma C. Gutiérrez, 7-4314, ngut@loc.gov)

MEXICO/UNITED STATES – Border Governors’ Conference

The United States – Mexico Border Governors’ Conference took place in Santa Fe, New Mexico, on August 9 and 10, 2004. The U.S. Governors from Arizona, New Mexico, California, and Texas, as well as their Mexican counterparts from the border states of Baja California, Sonora, Chihuahua, Coahuila, Tamaulipas, and Nuevo Leon, attended the event. The Conference theme was *Building International Cooperation on Water and Trade*. The border governors approved resolutions dealing with a broad range of issues that affect border communities, including:

- **Border security:** The Governors agreed to joint security exercises along the border. Those exercises will allow states to simulate disasters, weapons of mass destruction incidents, and other terrorist acts.
- **Clean energy:** The Governors agreed to explore clean and diversified energy options for the border region, such as solar, wind, geothermal, biomass, clean coal, and advanced natural gas technologies.
- **Immigration:** The Governors called on both the U.S. and Mexican federal governments to quickly address bi-national immigration reform.

(Government of New Mexico official website, at http://www.governor.state.nm.us/2004/news/august/081004_2.pdf.)

(Gustavo Guerra, 7-7104, ggue@loc.gov)

NORDIC COUNTRIES – Lowered Alcohol Duties Debated

The topic of duties on alcohol was under much discussion during the Nordic Prime Ministers meeting, held in Iceland August 8-9, 2004. The Swedish Prime Minister may recommend that the alcohol duty in Sweden be lowered. The duty on alcohol in Sweden is higher than in most of the European countries. The sale of alcohol has, as a result, moved beyond Swedish borders.

The Norwegian Prime Minister had hoped that the Nordic countries would agree not to further decrease the alcohol duties. He fears that if one of the countries lowers its duties, it will lead to a domino effect where the other Nordic countries will have to follow suit.

Denmark and Finland have already lowered their duties on alcohol, and the Danish Prime Minister stated that the border trade in Denmark has decreased since the duties were lowered. Finland’s Prime Minister said that the Finnish decreased alcohol duty has led to an increase of ten to fifteen percent in alcohol consumption but has also prevented a large increase in border trade. As a result, Finland may increase the duty on alcohol again. Iceland’s duty on alcohol is approximately the same as Norway’s. (Niklas Lampi, *Dominoeffekt för Nordiska Spritskatter*, *Hufvudstadsbladet*, Aug. 10, 2004, available at <http://195.255.83.67/cgi-bin/mediaweb>; Tidningarnas Telegrambyrå, *Persson kan tänka sig sänkt spritskatt*, *Dagens Nyheter*, Aug. 8, 2004, available at <http://www.dn.se/DNet/jsp/polopoly.jsp?d=1042&a=295793&previous RenderType=6>.)

(Linda Forslund, 7-9856, lifo@loc.gov)

UNITED NATIONS – Resolution on Somalia

On August 17, 2004, the United Nations Security Council, acting under Chapter VII of the UN Charter, adopted Resolution 1558 on Somalia. The Resolution restates UN support for the sovereignty, territorial integrity, political independence, and unity of Somalia and condemns the flow of weapons and ammunition to and through Somalia in violation of the arms embargo. The embargo has been in place since 1992, based on Resolution 733 of January 23, 1992. The new Resolution calls on all States to comply fully with Resolution 733 and requests the Secretary-General to re-establish, within thirty days, a Monitoring Group for a period of six months. The group's mandate will focus on continuation of talks, updating information on the list of violators of the arms embargo within and outside Somalia, and providing to the Council a mid-term report and a final report on its findings. (UN Security Council Resolutions, at http://www.un.org/Docs/sc/unsc_resolutions04.html.) (Theresa Papademetriou, 7-9857, tpap@loc.gov)

UNITED NATIONS/PAKISTAN – Accord on Drug Trafficking

On August 21, 2004, the United Nations Office on Drugs and Crime signed a technical assistance agreement with Pakistan designed to strengthen agencies that are vital to the battle against the narcotics trade and other forms of organized crime. One purpose was to improve efforts against drug trafficking in countries bordering Afghanistan. The agreement was signed by Pakistan's Minister of Interior and Narcotics Control and a UN representative in Islamabad and provides for US\$811,000 over two years to be used for equipment for law enforcement agencies. The project will also include advisory services, training, and regional collaboration between Pakistan, Afghanistan, and Iran. (*UN and Pakistan Sign Accord To Strengthen Battle Against Drug Trafficking*, UN News Service, received from UNNews@UN.org.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

RECENT DEVELOPMENTS IN THE EUROPEAN UNION

Prepared by Theresa Papademetriou, Senior Legal Specialist, Western Law Division

Commission Investigates Microsoft/Time/Warner/ContentGuard JV¹

The proposed acquisition of a United States company, Content/Guard, by Microsoft and Time Warner jointly, has been the subject of scrutiny by the European Commission due to its anti-trust implications. Based on the EU's Merger Regulation, Microsoft and Time Warner requested clearance of their intentions to acquire ContentGuard. The latter is engaged in developing intellectual property rights related to Digital Rights Management (DRM) solutions. DRM covers the description, identification, protection, monitoring, and tracking of all forms of rights over both tangible and intangible assets. Having completed a preliminary phase of inquiry, the Commission is investigating whether such a merger will create a dominant position for Microsoft in the EU in the DRM solutions market. The Commission is obliged to deliver its opinion within four months, that is, by early January 2005.

Electronic Waste in the EU²

In 2002, the European Union, concerned about the waste generated by old used electronic and electric products, adopted two Directives: the Directive on Waste Electrical and Electronic Equipment and the Directive on Restriction of the Use of Hazardous Substances. The first requires most EU Member States to establish collection systems for electronic equipment by August 2005, with an extension to 2009 for the new Members. Consumers are obliged to take back the used equipment to shops and collections points, but there will be no charge. The Directive also provides for reuse and recycling targets for different products. The second Directive prohibits the use of certain hazardous substances such as lead and cadmium in electronic equipment as of July 1, 2006, due to risks to human health. The deadline for transposition of the two Directives into the national systems was August 13, 2004. However, only Greece met the deadline by enacting legislation to that effect. Other Members are in the process of doing so.

Commission's Battle Against Chemical Pollution³

The latest action in the European Commission's efforts to eliminate persistent organic pollutants (POPs) from the earth, is the August 2004 proposal to add nine POPs to the list of prohibited chemicals under the 2001 Stockholm Convention on POPs and the 1998 United Nations Economic Commission for Europe Protocol on POPs. The latter entered into force on October 23, 2003, while the Stockholm Convention became effective on May 17, 2004. Even though the majority of industrial POPs have gradually disappeared from the EU, the risk of

¹ *Commission Opens In-Depth Investigation Into Microsoft/Time Warner/Contentguard JV* (IP/04/1044), Aug. 25, 2004, available at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1044&format=HTML&aged=0&language=EN&guiLanguage=en>.

² *Implementation Of EU Environmental Law: Survey Highlights Serious Shortcomings* (IP/04/1038), Aug. 19, 2004, available at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1038&format=HTML&aged=0&language=EN&guiLanguage=en>.

³ *Chemical Pollution: Commission Wants To Rid The World Of More Nasty Substances* (IP/04/1039), Aug. 11, 2004, available at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1039&format=HTML&aged=0&language=EN&guiLanguage=en>.

contamination from them remains, since they are still produced and used in other countries. The Commission opines that it is of paramount importance to completely phase out such chemicals, due to their damaging properties of being highly toxic, persistent, and bio-accumulative as well as their being substances that have the ability to cover long distances and leave traces in humans, animals and the environment. Once the proposal is adopted by the Council of Europe, the Commission will commence negotiations with the parties to the Stockholm Convention.

Implementation of EU Environmental Law⁴

The “Fifth Annual Survey on the Implementation and Enforcement of EU Environmental Law” contains a wealth of information about the state of implementation of environmental law in the EU by the Member States. Its objective is to inform the public about the environment in accordance with the 1998 Aarhus Convention, which mandated public access to environmental information. During the covered year of 2003, the survey indicates which Member States either failed to transpose environmental directives into national legislation, failed to do so within the prescribed deadline, or implemented the provisions incorrectly. The survey also contains the environmental infringement procedures undertaken by the Commission in its role as the enforcer of community legislation. During the period under review, the number of pending infringement procedures associated with violations of environmental law was 509 and the number of new complaints was 505. The Commission realizes that rather than taking non-compliant Members to the European Court of Justice as a measure of last resort, it needs to apply other, more effective methods in order to ensure higher compliance rates. Consequently, the Environment Directorate-General has put in place a proactive plan designed to assist the Members in the implementation process, through regular visits with national authorities and provision of technical assistance.

The European Center for Disease Prevention and Control⁵

The European Center for Disease Prevention and Control, a new EU body, was founded in the spring of 2004 as a response to health and safety concerns from SARS, bird flu, and other infectious diseases. The Center has its seat in Stockholm, Sweden, and its key objective is to gather the scientific knowledge needed to tackle issues emerging from health hazards and coordinate the Members’ responses. The Center plans to hold its inaugural meeting of the management board in September 2004.

⁴ *Implementation Of EU Environmental Law: Survey Highlights Serious Shortcomings* (IP/04/1038), Aug. 19, 2004, available at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1038&format=HTML&aged=0&language=EN&guiLanguage=en>.

⁵ *EU Adopts Proposal to Create Centre for Disease Prevention and Control*, RA NEWS, http://www.raps.org/s_raps/sec_RANews_Detail.asp?TRACKID=&CID=116&DID=21464.