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# WORLD LAW BULLETIN

## November 2004

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

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Center for Human Rights Closed  
Military Assistance in Case of Terrorist Threat  
Flu Shots  
Identity Cards for All Belgian Citizens  
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Theresa Papademetriou

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## **WORLD LAW BULLETIN**

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## AFRICA

### **BOTSWANA – Labor Relations**

The Trade Disputes Act No. 15, 2004 (*Supp. to the Rep. of Botswana Govt. Gazette*, Apr. 23, 2004, at A81-A90) repealed previous legislation on the subject contained in chapter 48:02 of the *Laws of Botswana*. The new law establishes a panel and new procedures to settle labor and trade disputes. A new Industrial Court has also been created. The Act also includes new provisions on collective labor agreements, their enforcement, and the effect of decisions issued by the Industrial Court.

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

### **MALAWI – Armed Forces**

A new, detailed Defense Forces Act has been enacted in Malawi (No. 11 of 2004, *Supp. to Malawi Govt. Gazette*, Jan. 21, 2004). It contains provisions on all aspects of the Malawi military. These include the constitution and maintenance of defense forces, the Defense Council, enlistment, terms and conditions of service, discipline, offenses, courts-martial, militias, and reserve forces.

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

## AMERICAS

### **CANADA – Flu Shots**

In Canada, the Department of Public Works has purchased approximately ten million flu vaccines for the 2004-2005 season from two manufacturers. Virtually all of this supply will be distributed to provincial health authorities. Flu shot policies vary from province to province. This year, all of the provinces have agreed to provide free shots to children between six and twenty-three months old, as well as to the elderly and other persons in high-risk categories. (*Flu Shot Program Expands to Include Infants, Caregivers*, EDMONTON JOURNAL, July 10, 2004, at A6.) The Province of Ontario also offers free flu shots to all persons enrolled in its health insurance programs. Other provinces charge uncovered persons for their shots. However, approximately 1.5 million additional vaccines have been distributed to the private sector. Some of these vaccines are offered free of charge by employers. Most of the rest of the doses are distributed to physicians and pharmacies.

Because the Department of Public Works does not know exactly what the provincial demands will be for this year, it does not yet know how much will be available for distribution in the United States. United States officials have made inquiries directly to provincial authorities. One problem for the U.S. Food and Drug Administration is that the most common type of flu vaccine in Canada is not licensed in the United States. FDA officials have stated that vaccines can be imported on an experimental basis, but that even then certain conditions have to be met that do not make this potential option very promising. (*Flu Shot Imports Unlikely This Season*, CHICAGO TRIBUNE, Oct. 15, 2004, at 14.)

(Stephen Clarke, 7-7121, scl@loc.gov)

**CANADA – Ontario To Ban Pit Bulls**

On October 13, 2004, the Attorney General for Ontario announced that his Government will introduce legislation to ban ownership of pit bulls born three months after the date of the act's passage. Dogs born before that time will be allowed, but will be subject to severe restrictions that will require pit bulls to be muzzled and kept on a leash. The proposed law would double fines up to Can\$10,000 (about US\$8,215) and give judges discretion to imprison violators for up to six months. These provisions will also apply to other types of dogs found to be dangerous.

The bill to ban pit bulls in Ontario follows widely reported attacks that have left several people severely injured. Some Canadian municipalities, including Winnipeg and Kitchener-Waterloo, already prohibit ownership of pit bulls. In those cities, attacks have reportedly declined dramatically. However, the bill has already drawn severe criticism from many owners and breeders of pit bulls. (OTTAWA CITIZEN, Oct. 16, 2004, at A1.) (Stephen Clarke, 7-7121, [scla@loc.gov](mailto:scla@loc.gov))

**COSTA RICA – International Warrant Against Former President**

On October 8, 2004, a criminal court in San José, Costa Rica, issued an international warrant for the arrest of former president Miguel Angel Rodriguez. On the same day, he resigned from his post as Secretariat General of the Organization of American States. President Rodriguez has been charged with corruption. Among the several accusations is that he allegedly received bribes from the French multinational company Alcatel. Upon his return to Costa Rica, he was put under preventive house arrest for six months while he is being investigated. (*Juzgado Dicta Orden Internacional de Captura Contra Rodriguez*, LA NACIÓN, Oct. 8, 2004, at <http://www.nacion.com>; Daniel Brenes, *Former OAS Chief Under House Arrest in BribeProbe*, WORLD-REUTERS, Oct. 16, 2004, at <http://story.news.yahoo.com>.) (Norma Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

**MEXICO – Genocide Case Appeal**

On October 13, 2004, the Supreme Court of Mexico agreed to render a decision on the appeal submitted against a ruling by a district court judge, who denied the issuance of a warrant for arrest of former President Luis Echeverría and several former officers of his administration, because, according to the court, the statute of limitations had run out. The accused have been charged with genocide for the June 10, 1971, slaying of student protestors (for coverage of the case in the lower court, see 8 W.L.B. 2004).

The Mexican Attorney General stated that in reviewing this case, the Supreme Court will have the opportunity to establish a precedent with respect to crimes against humanity and to decide on the constitutionality of the rules established by the Mexican Senate at the time of its ratification in 2002 of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. Under these rules, the non-applicability of statutory limitations does not apply to crimes that were committed before the Convention entered in force for Mexico. (Jesús Aranda, *La Suprema Corte Atrae Caso Sobre Prescripción o no de Genocidio*, LA JORNADA, Oct. 14, 2004, <http://www.jornada.unam.mx>.) (Norma Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

## MEXICO – President Fox Defends Consular ID Cards

President Vicente Fox announced on October 12, 2004, that he is going to fight “tooth and nail” to defend the consular ID cards issued by Mexican consulates in the United States and criticized the card’s rejection by several American states. He stated that Mexicans living in the United States are neither criminals nor terrorists, but people with dignity who contribute greatly to the American economy. President Fox made this declaration during the U.S. Binational Health Week in the state of Guanajuato, which is his home state. The population of Guanajuato is 4.5 million persons; it is estimated that 1.8 million of them work or reside in the United States. At the same time, President Fox instructed the Health Secretary to initiate a mechanism to incorporate Mexican workers residing in the United States into Mexico’s “Popular Insurance” plan, which will cover their major medical bills.

According to Foreign Secretary Luis Ernesto Derbez, President Fox will visit the United States after the November U.S. presidential elections to discuss the issue of the consular ID card and to hold “very forceful” conversations with California Governor Arnold Schwarzenegger on two aspects of the issue: 1) the fact that the card complies with all the requisite U.S. security requirements and 2) treatment of Mexican migrants should not be based on the presumption that they are criminals, and therefore they should be able to obtain a driver’s license by presenting the card. (José Luis Ruiz, *Defenderé la Matrícula Consular: Fox*, EL UNIVERSAL, Oct. 12, 2004, at <http://www.el-universal.com.mx>; Georgina Saldierna & Renato Dávalos, *Fox Sostendrá Conversaciones ‘Muy Fuertes’ con Schwarzenegger: Derbez*, LA JORNADA, Oct. 14, 2004, at <http://www.jornada.unam.mx>.) (Norma Gutiérrez, 7-4314, [ngut@loc.gov](mailto:ngut@loc.gov))

## ASIA

### CHINA – Antibiotics Guideline, Measures on Prescriptions

On October 9, 2004, China’s Ministry of Health reportedly issued the country’s first guideline on the clinical use of antibiotics. The guideline classifies antibacterial drugs into three types on the basis of their clinical effects and safety. Hospitals are to adopt different prescription rules for each type. In addition, the guideline sets forth principles on the application of antibiotics in disease treatment and prevention and on the use of such drugs under special pathologic and physical conditions. Wang Yu, a Health Ministry official, stated that “the ministry hopes the guideline will function as a reference to help standardize doctors’ use of antibiotics and improve Chinese hospitals’ treatment of bacterial infections.” (*China Issues First National Guideline on Clinical Use of Antibiotics*, XINHUA, Oct. 10, 2004, LEXIS/NEXIS, News Library, 90days File.)

It may also be noted that on August 10, 2004, the Ministry of Health issued the Measures on Control of Prescriptions (for Trial Implementation), which entered into effect on September 1, 2004. Among other provisions, the Measures give a definition of a prescription, prescribe the format in which prescriptions should be written, and stipulate their length of use. (Ministry of Health, <http://www.moh.gov.cn>, search for Doc. No. (2004) 269.) (Wendy Zeldin, 7-9832, [wzel@loc.gov](mailto:wzel@loc.gov))

**CHINA – Death Penalty Procedure To Be Revised**

On September 13, 2004, Chinese authorities announced that provisions on the approval of death penalty sentences in the Criminal Procedure Law (enacted 1979, revised 1996) will be amended. The proposal has been added to the legislative plan for the National People's Congress. The Supreme People's Court, China's highest judicial body, will have to hear all capital punishment appeals under the reform. The vice president of the Court, Huang Songyou, stated that China's signing of international human rights conventions and inclusion of human rights statements in the constitution make the changes necessary. China has long been criticized by international human rights groups for its broad use of the death penalty. (See for example Amnesty International, *The Death Penalty in China*, <http://www.amnestyusa.org/abolish/world/china/>.) Under current law, although all death penalty cases are submitted to the Court, the Court may adjudicate based solely on written reports of the cases, rather than a full hearing. Another change in criminal procedure that has been proposed is the addition of protection against prolonged custody of suspects. (*China to Amend Criminal Procedure Law*, XINHUA, Oct. 13, 2004; *China To Revise Death Sentence Law*, AGENCE FRANCE PRESSE, Oct. 13, 2004, LEXIS/NEXIS, ASIAPC library, Curnws file.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

**CHINA – New Regulation on Defense Patents**

On September 17, 2004, the State Council and the Central Military Commission jointly issued a new Law on Defense Patents, to enter into force on November 1, 2004, replacing the original statute of July 30, 1990. The Law covers the application, examination, and approval of defense patents. One of the new features of the Law is that henceforth China will designate special agencies to handle applications for the patents. (*Wen Jiabao, Jiang Zemin Sign New Statute on Defense-Related Patents*, XINHUA, Oct. 9, 2004, FBIS online subscription database.) (Wendy Zeldin, 7-9832, wz@loc.gov)

**KOREA, SOUTH – Capital Movement Plan Stopped by Constitutional Court**

President Roh Moo-hyun planned to relocate the capital of the Republic of Korea from Seoul to a region in Chungcheong Province. He stated that the relocation is key to achieving balanced national development. However, the Constitutional Court ruled on October 21, 2004, that the government's plan to move the capital is unconstitutional. The Court said that the government should have obtained approval with a national referendum or amended the constitution because, under the "unwritten constitution," Seoul is the national capital. (Na Jeong-ju, *Court Blocks Capital Move Plan*, KOREA TIMES, Oct. 21, 2004, <http://times.hankooki.com/lpage/nation/200410/kt2004102115490511950.htm>.) (Sayuri Umeda, 7-0075, sume@loc.gov)

**PHILIPPINES – Terrorists Charged in Ferry Disaster**

On October 11, 2004, Philippines President Gloria Arroyo acknowledged that terrorists linked to Al Qaeda detonated a bomb that sparked a deadly fire onboard a passenger ferry. President Arroyo stated that her administration has filed criminal charges against six members of the Abu Sayyaf Group (ASG), a terrorist gang historically tied to al Qaeda, in connection with the attack committed last February. Sixty-three bodies were recovered after the terrorist

attack, although police say 116 people perished, making it the worst terror attack in the country's history.

Arroyo said the ferry blast suspects also are responsible for the May 2001 kidnapping of three Americans (Christian missionary couple Martin and Gracia Burnham from Kansas and Californian tourist Guillermo Sobero) and seventeen Filipinos from a tourist resort. The terrorists decapitated Sobero; Burnham died during a military operation that resulted in the rescue of his wife after 376 days in captivity. The two ASG men in custody, Habil Dellosa and Alhamser Limbong, confessed to the beheading of Sobero, Arroyo said. (*Philippines Concedes Terrorists Caused Ferry*, Oct. 12, 2004, CYBERCAST NEWS SERVICE, Pacific Rim Bureau (CNSNews.com), at <http://www.cnsnews.com/ViewForeignBureaus.asp?Page=\ForeignBureaus\archive\200410\FOR20041012c.html>; see also *Statement of the President on the Super Ferry Bombing*, official website of the Philippines Government, at <http://www.gov.ph/news/default.asp?newsid=5861>.) (Gustavo E. Guerra, 7-7104, [ggue@loc.gov](mailto:ggue@loc.gov))

## EUROPE

### **BELARUS – Ban On Adoption of Children by Foreigners**

On October 15, 2004, the President of Belarus issued a Decree prohibiting the adoption of Belarusian children by foreign citizens, except for cases individually resolved by the Minister of Education. The new Decree will enter into force on November 1, 2004, and will terminate the existing, complicated administrative procedure of adoption, which was under the exclusive jurisdiction of state authorities and outlawed the work of adoption agencies. Simultaneously, the criminal punishment in the form of imprisonment for illegal adoption and illegal transfer of children across the state border of the Republic of Belarus is increased to up to eight years. The Decree also requires that the Foreign Ministry provide annual reports about the well-being of all 2,585 Belarusian children adopted by foreigners during the last thirteen years, mostly by citizens of Italy and Germany. (V. Ianin, *A. Lukashenko Dobralsa do Detei* [A. Lukashenko Cares About Children], Oct. 18, 2004, at <http://www.gzt.ru>.) (Peter Roudik, 7-9861, [prou@loc.gov](mailto:prou@loc.gov))

### **BELGIUM – Electronic Identity Cards for All Belgian Citizens**

A Royal Regulation of September 1, 2004, has generalized the introduction of the electronic identity card to all Belgian citizens. The electronic ID card was officially launched on March 31, 2003, when the first cards were issued to a group of civil servants working for one of the eleven municipalities involved in the government's pilot project and then to the residents of these municipalities. Seventy thousand cards were distributed, at which time the pilot project was declared a success.

The credit card-sized ID card has the same functions as the traditional ID card and includes the usual information (name, photograph, date of birth, nationality, etc.). In addition, it contains two electronic signatures, one serving to identify the holder and the second for signing electronic documents such as declarations or application forms, which will have the same value and legal status as the documents that are traditionally signed by hand. The card is expected to become the main identification and authentication instrument for accessing e-

government services in Belgium. (*La Carte D'Identité Electronique est Généralisée Pour L'ensemble de la Population*, at [http://www.droitbelge.be/news\\_detail.asp?id=181](http://www.droitbelge.be/news_detail.asp?id=181).)

(Nicole Atwill, 7-2832, natw@loc.gov)

### **DENMARK – Dispute over Abortions Between Denmark and Faeroe Islands**

In Denmark abortions have been legal since the 1970s, but on the Faeroe Islands the abortion legislation is more restrictive, allowing abortions only in cases of rape, if the mother's health is in danger, or if there is a risk of a serious genetic disease. Faeroese politicians have reacted with anger to an initiative taken by a Danish women's advocacy group, together with a Member of Parliament from the Socialist Party, to raise money to help Faeroese women travel to Denmark to have abortions. The Faeroese do not believe Danish politicians should interfere in the Faeroes' internal policies. (Denmark.dk, *Danish Abortion Plan Riles Faeroe Islanders*, THE OFFICIAL WINDOW, Oct. 13, 2004, 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](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 AND WALES – Court Denies Aggressive Treatment for Terminally Ill Baby**

The Family Court of England and Wales has ruled that a severely ill baby with fundamental and irreversible brain damage, who doctors believe can only experience pain, should not receive further medical treatment if her condition deteriorates. Her parents believe that it is their duty to maintain their baby's life and pursue aggressive treatment to preserve it for as long as medically possible. The doctors considered that aggressive treatment would be a painful and invasive move and only cause the baby further discomfort and suffering. In a carefully considered decision, the judge ruled that further treatment would not be in the baby's best interests, would be intolerable to her, and would only serve to slightly advance the moment of her death. (*Portsmouth NHS Trust v Wyatt & Others* [2004] EWHC 2247 (Fam.) (Eng.).)

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

### **ESTONIA – Residence Registration Prescribed**

On October 5, 2004, the Government of Estonia approved a set of regulations that implemented provisions of the Law on the Population Registry and established the obligation of all residents in Estonia, regardless of their citizenship, to register their place of abode with local authorities. The regulations state that residents are responsible for maintaining the accuracy of the information about themselves, their underage children, and their wards in the Population Registry and must notify authorities about any change of residence within thirty days. Fines of up to US\$400 for providing incorrect information are envisaged. The regulations impose on local governments the duty to start proceedings against those individuals whose addresses are not included in the Registry. Social security, medical, rescue, and police personnel who in the course of performing their duties discover people whose addresses are not in the Registry or who do not live at the registered address must inform relevant authorities about such persons. In an explanatory letter that accompanied the regulations, the Government stated that this information is needed by state and local authorities to better plan the services they provide to the population and get in touch with the people if necessary. (Baltic News Service, BNS DAILY NEWS, Oct. 7, 2004, at <http://dlib.eastview.com/>.)

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

**ESTONIA – Witness Protection Program Initiated**

On September 30, 2004, the Riigikogu (legislature) adopted the Law on Witness Protection, aimed at protecting individuals who wish to and are able to cooperate with the authorities in solving crimes and bringing criminals to justice. The Law provides for the physical protection of the individuals involved and of their property, providing them with the means for self-defense if necessary. The government will also provide protected witnesses with new means of communication, new telephone numbers, and a new car license number and will secure a change of the place of work, the place of residence, or the place of study. The Law enables the government to move the protected individuals to new locations, provide them with new identities, and assist them in changing their looks with plastic surgery if necessary. The agency in charge of managing the program will be the Central Criminal Police, and the Public Prosecutor's Office will conduct oversight. An amount equal to US\$310,000 is allocated from next year's budget for the needs of the program. (Baltic News Service, BNS DAILY NEWS, Sept. 30, 2004, at <http://bnsnews.bns.ee/>.) (Peter Roudik, 7-9861, [prou@loc.gov](mailto:prou@loc.gov))

**FINLAND – Military Assistance in Cases of Terrorist Threat**

At present the Finnish military has no duty to aid the police in the event of a terrorist attack against Finland. According to a Government proposal that was referred to the Parliament on October 8, 2004, the Ministry of Interior should be able to request military aid from the Department of Defense in case of a terrorist attack. In the Finnish Security and Defense Policy Report released in September of this year, the likelihood of a terrorist attack against Finland is judged to be small, but the Government contends that the proposal is justified by the importance of being prepared for any eventuality. (Anne Suominen, *Terrorister ska stoppas på förhand*, HUFVUDSTADSBALDET, Oct. 8, 2004, available at <http://www.hbl.fi/cgi-bin/mediaweb>.) (Linda Forslund, 7-9856, [lifo@loc.gov](mailto:lifo@loc.gov))

**FRANCE – National Health Insurance Reform**

Law 2004-810 of August 13, 2004, on Health Insurance sets forth measures aimed at controlling costs and raising new revenues to try to first reduce and then balance by 2007 the health budget deficit, which reached €11.9 billion (roughly US\$14.7 billion) in 2003. Several additional decrees will be published by the end of the year to implement the Law. Some of the principal measures of the reform are listed below:

- Each patient will have a computerized personal medical file. The goal is to reduce duplication of tests and treatments and help physicians render better diagnoses. The patient will be the only one to have an access code to the file and may refuse access to the treating physician. However, reimbursement of care by the national insurance plan will be conditioned upon the physician reviewing the file. The file will be updated at each visit by the physician. The system will be officially launched in several pilot areas during the first trimester of 2005 and should be introduced to the whole country by mid-2007.
- The health insurance card will include a photograph of the patient and biometric information to reduce the incidence of fraud.

- The patient will have to designate a general practitioner through whom treatment will be managed. This physician will direct the patient to specialists if needed. Patients wishing to consult specialists directly will still be able to do so, but will have to pay a larger part of the fee.
- There will be stricter controls to reduce the abuse of sick leave. Physicians as well as patients may receive financial sanctions.
- A more favorable environment for generic drugs will be created. At present, generics make up only six percent of the volume of reimbursable drugs sold in France. The delay before which a generic version of a drug can be sold will be progressively shortened, from an average time of fifteen years to ten years.

Several measures will help in raising revenues. The cost of a consultation (for a general practitioner) will remain at €20 (about US\$25), but the reimbursement will be reduced from €14 to €13. The daily hospital charge paid by a patient, which is €13 at present, will be progressively increased to €16 by 2007. There will be a charge of €1 for each individual medical act (e.g. consultation, blood sample, prescription) not reimbursable by complementary insurers. One billion euros from tobacco taxes will be allocated by the government to the national health insurance plan to reduce the deficit, and the *Contribution Sociale Généralisée* (a tax to fund social security paid by the working population) will be increased. (Law 2004-810, at <http://www.legifrance.gouv.fr/>, & *Comprendre la Réforme*, at <http://www.assurance-maladie.sante.gouv.fr/>.)

(Nicole Atwill, 7-2832, natw@loc.gov)

### ICELAND – Poll on Separation of Church and State

A recent Gallup poll in Iceland suggests that fifty-seven percent of Icelanders favor a separation between the Church and the State. Still, a majority of those polled state that the position of the Church is strong in Iceland, and they believe that the Church should take an active part in national discussions. The state religion in Iceland is Lutheranism, which ninety percent of the population follows. (*Separation of Church and State*, ICELANREVIEW-ONLINE, Oct. 13, 2004, available at <http://www.icelandreview.com/default.aspx?nodeID=60631>.)

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

### IRELAND – Beginning of New Dail Term

The Dail (House) of the Oireachtas (the Irish Parliament) began a new legislative term on September 29, 2004. One newspaper account described the new term as “expected to be the most fractious so far in the lifetime of the 29<sup>th</sup> Dail,” with opposition parties gaining significant ground against the current government. (*Opposition Gets Friendly as Ahern Plans Shake-up*, THE SUNDAY BUSINESS POST ONLINE (POST.IE), Aug. 29, 2004, at <http://archives.tch.ie/index.asp>, last visited Oct. 25, 2004, copy on file with specialist.)

On the first day of the Dail’s new legislative term, a new Cabinet was announced. Opposition leaders immediately criticized the Cabinet as a mere “reshuffle” and a “confidence trick on the electorate,” rather than a real change in government. (*Ministers Receive Seals of Office*, RTE NEWS (RTE.IE), Sept. 29, 2004, at <http://www.rte.ie/news/2004/0929/>

[cabinet.html](#). [Note: Radio Telefís Éireann (RTE) is the Irish Public Service Broadcasting Organization].)

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### **LATVIA – Foreigners Allowed To Purchase Land**

On October 14, 2004, the Saeima, the Latvian Parliament, passed amendments to the Law on Land Reform that permit citizens of the European Union member states and legal entities registered in those countries to purchase land in Latvia. Even though major restrictions on land acquisitions are lifted, the Law provides for a transition period until May 1, 2011, during which only those EU citizens and juridical persons that conduct business in Latvia will be permitted to buy land in the country without restrictions. Amendments prohibit the use of the acquired land for farming and forestry business. Latvian residents who are not EU citizens are prohibited from buying land. (LETA [Latvian News Agency], LATVIAN BUSINESS NEWS, Oct. 15, 2004, at <http://dlib.eastvie.com>.)

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### **LITHUANIA – Incentives for Small Investors**

On October 12, 2004, the Government of Lithuania adopted a new investment program aimed at attracting investors, preferably foreign, willing to invest LTL5-20 million (equal to US\$1.8–7.5 million) in less developed regions of Lithuania. The National Development Agency, which will administer the program, is authorized to secure tax benefits, customize export and import duties, and simplify licensing conditions for the investors. The Ministry of the Economy will match investment projects with EU funds for infrastructure improvement. Under the program, investors may also expect assistance from the Ministry for Education and Science for the creation of new jobs and personnel retraining. (Baltic News Service, BNS DAILY NEWS, Oct. 12, 2004, at <http://bnsnews.bns.ee/>.)

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### **THE NETHERLANDS – Calamity Announcement via Mobile Phone**

At the end of 2004, the Ministry of Economics of the Netherlands will start to use a mobile phone system to inform people about calamities that have taken place in their geographic area. The warning system will use the so-called “Cell Broadcast” technique, which allows for the sending of messages to millions of people at the same time. The Netherlands will be divided into 5,000 regions, so that very specific information with respect to accidents, traffic problems, disasters, or epidemics can be sent to all mobile phones in a given region. There will be no costs involved for the receiver of the messages, however prior permission to receive such messages is required. (Ministry of Economic Affairs, *Press Release*, Aug. 9, 2004, at <http://www.regering.nl/>.)

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### **THE NETHERLANDS – Smoking Ban**

An agreement has been reached between the Minister of Health of the Netherlands and representatives of the hotel, restaurant, and café industries temporarily postponing the previously established total smoking ban in The Netherlands. Under the agreement, smoking will be gradually outlawed in public places. After four years, three-quarters of all cafés and

discos must have a smoke-free zone. At the end of 2008, all restaurants must be totally smoke-free, and all hotels must have smoke-free rooms. Agreement was also reached to drastically reduce the sale of tobacco products. (*Government Press Release*, Sept. 3, 2004, at <http://www.regering.nl/>.)

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### **NORWAY – Seal Hunting as Tourist Attraction**

In June 2004, the Norwegian Parliament amended the Norwegian fisheries legislation to allow the hunting of seals by foreign nationals. Foreign nationals have up to now been able to hunt terrestrial mammals such as reindeer, but not seals. The decision has been criticized by environmental organizations in Norway, and a debate has raged over the issue following a statement by the Minister of Fisheries calling the seal hunting interesting from a tourist standpoint. The Minister stated that it would be positive for Norway's economy if seal hunting became a tourist attraction as it would create new jobs. Critics of the amended fisheries law believe that it is wrong to market the hunting of seals as a tourist attraction. (Beatrice Janzon, *Säljakt ska locka turister till Norge*, Swedish Radio's web page, Oct. 3, 2004, available at <http://www.sr.se/cgi-bin/ekot/artikel.asp?artikel=480947>.)

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

### **RUSSIAN FEDERATION – Attempts To Fight Illegal Immigration**

On October 12, 2004, Russian President Vladimir Putin signed into law amendments to the Code of Administrative Violations aimed at strengthening rules regulating the status of aliens. The amendments increase the fines imposed on foreigners and people without citizenship for illegally staying and working in Russia to a maximum of 200 times the federal minimum monthly wage. Officials and companies caught violating the law and dealing with illegal immigrants may be fined up to 5,000 times the minimum monthly wage, according to the new amendments. As of January 1, 2005, when the amendments enter into force, the federal minimum monthly wage will be equal to US\$25. (ITAR-TASS [Russian state news agency] PRIMENEWS, Oct. 12, 2004, at <http://www.itar-tass.com/eng/level2.html?NewsID=1345202&>.)

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

### **RUSSIAN FEDERATION – Cabinet Members Allowed To Become Political Leaders**

On October 13, 2004, the Federal Assembly (the legislature) of the Russian Federation adopted amendments to the Federal Law on Political Parties, allowing Cabinet ministers to hold leadership positions in political parties and other political and social organizations. The legislation is aimed at the implementation of the concept of party-based government and is one of the phases of the ongoing governmental reform, which is expected to be followed by introduction of the proportional voting system for parliamentary elections. However, the legislation does not provide for the right of the party that wins parliamentary elections to form the government. At present, members of the government are appointed by the President of Russia individually and are obliged to end their party membership upon agreeing to serve in the Cabinet. Russian legislation denies membership in political parties to judges, prosecutors, servicemen, and ombudsmen. (*Rossiiskaia Gazeta*, Dec. 14, 2004, at 1.)

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**SWEDEN – Bar Association To Review Attorney Ownership of Stock**

The Swedish Bar Association is reviewing a case involving a lawyer who is representing a company that is looking to buy another company in which the lawyer owns stock. The question, which will be reviewed by the Swedish Bar Association, is whether this is in breach of the Bar Association's guidelines requiring attorneys to be independent, loyal to their clients, and not promoting their self-interests. The General Secretary of the Swedish Bar Association stated that lawyers must be allowed to own stock in companies that they represent, but problems arise in situations where companies are bought or sold and the lawyers handle confidential corporate information. It is illegal in Sweden for lawyers to be paid in stock from a company they represent. This new case has re-ignited debate in Sweden regarding lawyers' ethics. (Björn Suneson, *Vinge-fallet granskas av Advokatsamfundet*, SVENSKA DAGBLADET, Oct. 8, 2004, available at [http://www.svd.se/dynamiskt/naringsliv/did\\_8255567.asp](http://www.svd.se/dynamiskt/naringsliv/did_8255567.asp); Björn Suneson, *Ramberg's påståenden väcker nytt liv i etikdebatten*, SVENSKA DAGBLADET, Oct. 8, 2004, available at [http://www.svd.se/dynamiskt/naringsliv/did\\_8258206.asp](http://www.svd.se/dynamiskt/naringsliv/did_8258206.asp).) (Linda Forslund, 7-9856, lifo@loc.gov)

**SWEDEN – Proposal To Abolish Inheritance and Gift Tax**

On October 7, 2004, the Swedish Government referred a proposal to the Council on Legislation regarding the abolition of the inheritance and gift tax as of January 1, 2005. The taxes are criticized for several reasons. For example, the increasing ratable values on properties are making it difficult for many surviving spouses to afford paying the inheritance tax. Furthermore, critics claim that these taxes are difficult for small businesses to bear when a business is passed on from one generation to another. The administration of the gift and inheritance taxes is also very costly, 48 million *kronor* per year (approximately US\$6.5 million). (Lagrådsremiss Slopåd arvsskatt och gåvoskatt, Referral to Council on Legislation, Oct. 7, 2004, available at <http://www.regeringen.se/content/1/c6/03/13/36/981dcbc9.pdf>.) (Linda Forslund, 7-9856, lifo@loc.gov)

**UNITED KINGDOM – Conscientious Objector Loses Appeal**

A Muslim reservist was convicted for the offense of being absent without leave when he refused to serve in the military on the basis that he was a conscientious objector. He was sentenced to seven days' loss of privileges by a military summary appeal court. He appealed this conviction on the grounds that his human rights, protected under the European Convention on Human Rights, were infringed. The court dismissed the appeal, holding that the European Convention on Human Rights did not offer a defense to the appellant's charge of being absent without leave and that it was not a breach of law not to expressly include "conscientious objection" as a specific ground for exemption from the military. (Khan v Royal Air Force Summary Appeal Court [2004] EWHC 2230 (Eng.).) (Clare Feikert, 7-5262, cfei@loc.gov)

**NEAR EAST****ARMENIA – Legislative Boycotts Legalized**

On October 14, 2004, the Parliament of Armenia adopted amendments to its own procedural rules that allow factions to boycott parliamentary sessions. According to the Rules,

factions are not allowed to boycott the legislature's work for longer than one semi-annual session, and they have to announce the boycott formally prior to each vote. The Rules emphasize that the boycotting members of the Parliament cannot be punished or prosecuted and preserve their mandates until the end of the Parliament's term. (ISI Emerging Markets, RADIO FREE EUROPE/RADIO LIBERTY NEWSLINE TRANSCAUCASUS AND CENTRAL ASIA, Oct. 18, 2004, at <http://site.securities.com/>.)

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

#### **AZERBAIJAN – State Public Register Service Established**

On October 14, 2004, President Geidar Aliyev of Azerbaijan approved the Rules for Maintaining the State Register of the Population, establishing the State Population Register Service as a separate agency under the Ministry of Justice. The Rules stipulate that all government agencies are entitled to use information that will be added to the Register, but they are prohibited from sharing this information with non-governmental organizations. In accordance with the Rules, the State Register will contain information about citizens and aliens permanently residing in the country, including their personal identification numbers; names, surnames, and patronymics; dates of birth; gender; citizenship information; places of residence; abode registrations; and identification numbers of spouses, parents, and children, including their names, places of residence, citizenship, and dates of birth. For individuals who are under the age of sixteen, the system will contain information about identification numbers and birth certificates. The information can be removed from the register due to a person's death or migration. (AZER-PRESNEWS, Oct. 16, 2004, ISI Emerging Markets website, at <http://site.securities.com/>.)

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#### **BAHRAIN – Center for Human Rights Closed**

The government of Bahrain announced the closure of the Bahrain Center for Human Rights. A statement issued by the Ministry of Labor attributed this action to the Center's violation of the Law of Associations. No further details were available. (*Ashaqalawast Newspaper* (Internet ed.), Sept. 30, 2004.)

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#### **EGYPT – Freedom of the Press**

Ousama Anwar Akkasha, an Egyptian writer, is being sued for expressing in the press and on television an opinion critical of Amr ibn al-As, one of the companions of the prophet Mohammed. An attorney initiated the legal proceedings in his capacity as a private citizen and is seeking to separate the writer from his Muslim wife for having committed apostasy (a crime against religion) against Islam. (*Asharq al-Awsat Newspaper*, Internet edition, Oct. 19, 2004.)

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#### **IRAN – Human Smuggling Bill Passed**

The Islamic House of Representatives passed legislation to ban human smuggling, providing for heavy punishments of two to ten years of imprisonment. The law, in its first article, defines human smuggling as “the exiting from the country, or bringing into the country,

transiting legally or illegally, of an individual or individuals from the borders of the country by coercion, threat, deceit, misusing authority or position, or misusing the situation of the individual or individuals, with the purpose of prostitution, removal of limbs or organs, slavery, or marriage. Likewise, taking delivery, transferring, concealing, or helping to conceal a person or persons after crossing the border with the same purposes all shall be considered to be smuggling.” Organizing or managing a group for the pursuit of the same purpose and carrying out the same activities, be it with their consent or not, will also be considered “human smuggling.”

Article 3 of the law states that if the smuggled person is younger than eighteen years of age and the act committed is not considered to be *Muhariba* (meaning to wage war against God and spread mischief, a crime under the Criminal Code of Iran, 1991, derived from the Quran), the person who has committed the crime will be sentenced to the maximum punishment. (*Hamshahri*, July 19, 2004, at 3, available at <http://www.hamshahri.org/hamnews/1383/830429/news/ejtem.htm>.)  
(Gholam H. Vafai, 7-9845, gvaf@loc.gov)

### **IRAN – Preparing for Emergencies**

The Council of Ministers approved a series of regulations regarding establishment of a Board to prevent and manage crises resulting from severe natural disasters and other unforeseen events. The First Deputy Prime Minister will preside over the Board, with other members including the Ministers of Interior, Housing and Urban Development, and Defense and Support of the Armed Forces, the Chairman of the General Staff, the organizations of the Voice and Vision (Iran’s official radio and television network), and the Red Crescent Association of the Islamic Republic of Iran, as well as two qualified experts. The Board will establish guidelines for all the government ministries and organizations to coordinate their duties and responsibilities in times of unforeseen crises, define and evaluate the severity of crises, and declare a state of national emergency; and it will set up rules for fast communications among the various organs of the government and the public at large. The Board will also formulate directives for informing the public, preparing them to cope with unforeseen catastrophic events through radio, TV, and other mass media publications. (*Ruzname Rasmi’eh Jumhuri’eh Islami Iran* [The official Gazette of the Islamic Republic of Iran], July 3, 2004, at 1 and 2.)  
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### **ISRAEL – Protection of Coastal Environment Law**

The Knesset (parliament) passed the Protection of Coastal Environment Law, 5764-2004 on August 4, 2004. The Law is designed to protect Israel’s coastal environment and its natural assets and to rehabilitate, preserve, prevent, and minimize to the extent possible any harm to it. Penalties are imposed on individuals who violate the law, including imprisonment and fines, with four times the specified amounts when the violator is a corporation. The Law authorizes the Minister for Environment to order a person who has harmed or is in the process of harming the coastal environment to stop actions that cause such harm and return the impacted area to its original state. The Law permits affected parties to request a court to cancel such an order.

In addition to the above penalties, a court that has convicted a person for violation of the Law is also authorized to order the guilty party to repair any harm caused to the

environment and to rehabilitate or clean the area, or order him to pay for expenses incurred as a consequence of such harm. (See official website of the Knesset, <http://www.knesset.gov.il> (in Hebrew).)

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### **ISRAEL – Restriction on Advertisement and Distribution of Tobacco Products**

The Restriction on Advertisement for Tobacco Products for Smoking Law (Amendment No. 3) 5764-2004 passed the Knesset on August 4, 2004. The Law imposes various restrictions and prohibitions on the advertisement, sale, and distribution of tobacco products. The amendment extends the application of relevant restrictions by amending the Law's title as follows: "Restriction on Advertisement and Distribution of Tobacco Products." The amendment also extends the definition of "tobacco products" to include those designed for smelling, chewing, and sucking, as well as smoking. According to the explanatory notes, the extension of the definition conforms to the definition appearing in the Framework Convention on Tobacco Control adopted by member states of the World Health Organization on May 21, 2003, and ratified by Israel on June 20, 2003.

The amendment adds a prohibition on sale of tobacco products to minors and allows business owners and workers to require potential buyers to present certificates verifying age of majority. (Official website of the Knesset, <http://www.knesset.gov.il> (in Hebrew); Nevo legal database, <http://www.nevo.co.il> (by subscription).)

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## **SOUTH PACIFIC**

### **AUSTRALIA – Sexual Servitude Prosecution**

In the first prosecution under Australia's federal (Commonwealth) sexual servitude law, the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999, four people from Sydney were charged with conspiracy to cause persons to enter into sexual servitude. If convicted, they face imprisonment for fifteen to nineteen years. The Act defines sexual servitude as the provision of sexual services by a person who is not free to cease providing the services and is not free to leave the place where they are provided because of the use of force or threats. Those indicted allegedly operated the Australian end of an international syndicate that trafficked women from Thailand, Indonesia, and China. Their defense barrister claimed that the women knew they were coming to Australia to work as callgirls and that it was not illegal to bring women to Australia to work in the sex industry. The Crown prosecutor said that some of the women were aware they would be working in the sex industry, but did not expect to be unpaid and confined in harsh conditions. (Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999, No. 104, 1999, available at <http://scaleplus.law.gov.au>; *Sydney Morning Herald*, Oct. 15, 2004, available at <http://www.smh.com.au/>.)

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## INTERNATIONAL LAW AND ORGANIZATIONS

### AUSTRALIA/JAPAN – Australian Whale Sanctuary Case

On October 19, 2004, the Australian branch of Humane Society International (HSI) filed an action in the Federal Court against the Japanese company that kills whales within the Australian Whale Sanctuary. HSI acted under Australia's Environment Protection and Biodiversity Conservation Act 1999, which provides that third parties such as conservation organizations can bring actions in the absence of Government action. If its action is successful, HSI will seek a declaration that the whale hunt is illegal and ask for it to be restrained. According to a representative of the organization, it hopes to embarrass the whaling company and the Japanese government and push the Australian government into prosecuting the whaling. The whaling sanctuary was created in 2000 under the 1999 Act and applies to waters in Antarctic territory claimed by Australia.

The Deputy Director of the whaling division of Japan Fisheries told an Australian newspaper that Australia's territorial claims on Antarctic waters are not internationally recognized and that the whaling sanctuary is based on domestic law only. However, Australian sources claim that Japan does not recognize a 1994 decision by the International Whaling Commission that permits Australia to establish a sanctuary within its Exclusive Economic Zone (EEZ). (Environment Protection and Biodiversity Conservation Act 1999, No. 91, 1999, available at <http://scaleplus.law.gov.au/>; Humane Society International, *News Release*, Oct. 18, 2004, available at [http://www.his.org.au/news\\_library\\_events/press\\_releases/N270.html](http://www.his.org.au/news_library_events/press_releases/N270.html); *The Australian*, Oct. 20, 2004, available at <http://www.theaustralian.com.au/>.) (Donald R. DeGlopper, 7-9831, ddeg@loc.gov)

### CAMBODIA/WTO – Membership

On October 13, 2004, Cambodia became the 148<sup>th</sup> member of the World Trade Organization. The membership agreement had been approved in Cancun on September 11, 2003, but ratification by Cambodia was reportedly delayed because of the country's difficulties in setting up a new government. The Cambodian Parliament finally ratified the agreement in September 2004, and in accordance with standard WTO practice, Cambodia became a member one month after informing the WTO of the ratification. Cambodia had applied for WTO membership ten years ago, in December 1994. (*Cambodia Raises WTO Membership to 148*, WTO NEWS: 2004 NEWS ITEMS, at [http://www.wto.org/english/news\\_e/news04\\_e/cambodia\\_148members\\_13oct04\\_e.htm](http://www.wto.org/english/news_e/news04_e/cambodia_148members_13oct04_e.htm).)

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### COUNCIL OF EUROPE – Monaco To Join

On September 2, 2004, the Council of Europe adopted a resolution inviting the Principality of Monaco to become a Member and accede to the Statute. In deciding favorably, the Council took note of Monaco's wish to become a member and of its intention to sign the Convention for the Protection of Human Rights and Fundamental Freedoms and ratify it within a year upon accession to the Statute. Moreover, the Council decided that the number of representatives of Monaco in the Parliamentary Assembly would be two and determined the Principality's financial contributions to the Ordinary Budget, the Pensions, and the European

Youth Foundation budget and to the extraordinary budget and the budget of the Enlarged Agreement. (Counc. Min. Res (2004) 10, available at <https://wcm.coe.int/ViewDoc.jsp?id=769299&Lang=en>.)

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### **INTERPOL – Anti-Crime Measures and Police Cooperation**

Interpol's annual General Assembly, held in Cancun, Mexico, ended on October 8, 2004, with delegates endorsing a number of important resolutions aimed at improving efficiency and cooperation among the world's police as they combat international crime. Interpol is the world's largest international police organization and was founded in 1923 to help police fight trans-border crime.

Interpol's 73rd General Assembly brought together almost 500 high-ranking police officers, law enforcement officials, and security experts from 143 countries. The following are some of the agreements reached during the four-day meeting:

- recognition of terrorism as a threat to all member countries and endorsement of plans for development of a bio-terrorism program;
- acknowledgement of the need for wider police access to Interpol's databases in order to better help law enforcement officials combat trans-border crime around the world;
- a new interpretation of article 3 of Interpol's constitution that will allow international “wanted persons” notices to be issued for individuals suspected of active membership in a terrorist organization;
- a pledge to strengthen support for Interpol Incident Response teams in the event of major terrorist attacks or other major criminal events;
- new rules governing access of intergovernmental organizations to Interpol's Orange Notices, which were introduced in 2004 to warn of potential threats posed by disguised weapons, parcel bombs, and other dangerous objects or materials; and
- an agreement to be signed with the International Criminal Court to improve cooperation and to allow the Court access to Interpol's communications network and databases.

*(Interpol General Assembly Adopts New Anti-Crime Measures. Delegates Endorse Ways To Boost World Police Cooperation, Oct. 8, 2004, Interpol official website, at <http://www.interpol.int/Public/ICPO/PressReleases/PR2004/PR200432.asp>.)*

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### **NORDIC COUNTRIES – Saami People's Right To Land**

The 18<sup>th</sup> Saami Conference was held in Norway October 6-9, 2004. The name of the conference was “Saami Land to the Saami - International Solidarity.” The declaration taken at the conference establishes that the Saami people, as an indigenous people in Finland, Norway, Russia, and Sweden, have an historic right to their own land and sea territories, as well as to natural resources. Any use of these territories shall, according to the declaration, require Saami approval. (Nordiska nyheter, *Samekonferansen krever rettigheter*, Nordic Council's webpage, Oct. 12, 2004, available at <http://www.norden.org/webb/news/news.asp?id=4255>.)

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

**UNITED NATIONS/BURMA – Human Rights Report**

In a recent, interim report to the General Assembly, issued before the removal of the Prime Minister by a military junta on October 19, 2004, Special Rapporteur Paulo Sérgio Pinheiro has described the human rights situation in Burma (Myanmar) as not improved. Many people are in detention, there are harsh sentences for peaceful political activities, and restrictions have been imposed on the operations of opposition parties. The Rapporteur had seen "credible and detailed reports of human rights violations in certain counter-insurgency areas in Myanmar" and is trying to clarify them. U Tin Winn, the Chairman of the country's UN delegation, rebutted the report, stating that "allegations of human rights violations in Myanmar are aimed at discrediting the Government for political purposes," and describing preparations for a second session of a National Convention to draft a constitution that would be a foundation for a system in which leaders would be selected in free and fair elections.

Following high-level talks on September 29, 2004, with representatives of the regime, UN Secretary-General Kofi Annan stated that he hoped nations would support UN efforts to encourage democracy in the country. He referred to detained opposition leader Daw Aung San Suu Kyi, winner of the 1991 Nobel Peace Prize, and expressed hopes for her release. (*Myanmar Has Not Lifted Its Human Rights Performance, UN Rapporteur Says*, Sept. 28, 2004, UN NEWS SERVICE, & *Annan Calls for Help To Push Forward Democratic Transition in Myanmar*, UN NEWS SERVICE, Sept. 29, 2004, both via listserv 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

### Abrogation of the 1992 EU-US Aircraft Agreement

On October 8, 2004, the EU rejected as “groundless and unsubstantiated” the arguments advanced by the United States in abrogating the 1992 aircraft agreement concluded between the two partners. The EU claims that the U.S. did not provide evidence of non-compliance by the EU with the terms of the agreement and expressed its concern over the large subsidies to be given to Boeing 7E7 by the U.S. government. The EU holds the view that such subsidies are in violation of the WTO Agreement on Subsidies and Countervailing Measures. The EU requested consultations with the United States before the WTO. (*US-Boeing: EU Rejects US Unilateral Abrogation of the 92 Aircraft Agreement*, IP/04/1198, at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1198&format=HTML&aged=0&language=EN&guiLanguage=en>.)

### Cross-Border Consumer Fraud

Statistics indicate that cross-border consumer scams are a growing problem in the EU. A new Regulation adopted recently aims to prevent such scams by linking national enforcement authorities and enabling them to coordinate their actions against traders. It is anticipated that this legislation will result in consumer confidence in shopping in other EU member states and boost business. (*New Legislation To Crack Down on Rogue Traders: EU-Wide Enforcement Network Given Green Light*, at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1197&format=HTML&aged=0&language=EN&guiLanguage=en>.)

### Directive on Equal Treatment of Men and Women

The Council for Employment and Social Policy reached agreement on a Directive imposing equal treatment of men and women regarding access and supply of goods and services. Under this directive, insurance companies are required to treat women and men equally for premiums and benefits. Companies are not permitted to impose higher premiums on women for expenses accrued due to pregnancy and maternity. All Members agreed to it, except Germany, which abstained from voting. Germany stated, however, that in the next vote in December it will most likely favor the Directive. (*Agreement Reached on Directive for Equal Treatment of Men and Women*, [http://www.eu2004.nl/default.asp?CMS\\_ITEM=3C87418B4ACF4AF0BDA7163AFE0BB9E5X1X73297X47](http://www.eu2004.nl/default.asp?CMS_ITEM=3C87418B4ACF4AF0BDA7163AFE0BB9E5X1X73297X47).)

### Disclosure of Black List of Vessels Banned from EU Ports

As a result of several maritime disasters within the EU, in 2003 the EU adopted legislation imposing a number of safety standards in order to fight oil spills and rust-bucket ships. Vessels that fail to meet the required standards are not allowed access to EU ports. Moreover, information on these vessels must be made public by the Commission and the European Maritime Safety Agency (EMSA). Consequently, on September 30, 2004, the Commission published in the *Official Journal of the European Communities* a list of vessels that have been prohibited from accessing EU ports between November 1, 2003 and August 31, 2004. Nineteen vessels under the flags of eight countries are included in the list. The EMSA

also published the list on its website. (*Maritime Safety: Commission Publishes a New List of Ships Banned from EU Ports*, at <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1169&format=>)

### **Future Accession of Turkey**

On October 6, 2004, the European Commission published its Report and Recommendation on Turkey's Application to the European Union. The Commission had been requested to examine Turkey's readiness to join the Union by the European Council in December 2002. The Commission gave the green light to Turkey's future accession and recommended beginning negotiations. However, the final decision as to whether or not to give a date on opening negotiations rests with the European Council, which will convene in December 2004.

The road to accession is still a long process because of the imposition of a large number of recommendations. The Commission opined that Turkey has basically complied with the Copenhagen political criteria. The Commission took note of the positive developments in domestic legislation, in particular in the Constitution and the Criminal Code. While it also recognized the progress made in various areas, including women's rights, torture, religious freedom, trade union rights, and relations between the military and civilian authorities, it acknowledged that much remains to be done in these areas.

The Commission further suggested that a three-pillar strategy be adopted. The first pillar consists of strengthening and assisting the ongoing reform process in Turkey. In this regard, the EU will monitor the situation closely. The Commission expressed its intention to suspend negotiations in case of serious and persistent violation of human rights and the rule of law. The second pillar refers to applying special procedures in the accession negotiations. Such negotiations will take the form of an intergovernmental conference where decisions must be taken by unanimity. Existing legal obligations must be in conformity with the EU legislation prior to commencing negotiations. Moreover, a longer transition period will apply. The third pillar encompasses enhanced political and cultural dialogue in order to bring Turkish people and EU citizens closer.

The impact study that accompanied the report and that was undertaken at the suggestion of the European Parliament concludes that Turkey's accession overall will make a positive contribution to the EU. However, it stressed that a number of factors, such as the size and population of Turkey, its demographic growth, and disparities among its geographic regions, call for caution in conducting negotiations. (*Commission Recommends Starting Negotiations with Turkey Under Certain Conditions*. IP/04/1180, available at <http://europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1180&format=HTML&aged=0&language=EN&guiLanguage=en>.)

### **New Status For European Police College**

The European Police College, which was established in 2001 in order to better coordinate the different national police forces, is undergoing a transformation, following recommendations from the Council of Ministers and the European Commission. Acquisition of legal personality and a permanent seat in the United Kingdom are two important developments.

In addition, it will be financed from the EU budget, rather than through contributions from the Member States. It will also be accessible not only to senior police officers but to all enforcement personnel. Certification of a common curriculum will also be required. (*European Police College- European Commission Proposes New Status*, IP/04/1176, at <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1176&format.>)

### **Pet Passports**

As of October 1, 2004, it will be easier for pet owners to travel with their companions within the EU, as long as they have a pet passport. This document will provide evidence of rabies vaccination. It will be valid in all EU Member States, except Ireland, Malta, Sweden, and the United Kingdom, which have more stringent criteria. Member States may allow entry of non-vaccinated young dogs and cats under domestic legislation. An electronic microchip will gradually be introduced within the next eight years, in order to identify the pet and connect it to the passport. Until then, a tattoo will be permitted as a means of identifying the animal. (*Traveling with Pets: Pet Passport Now Obligatory*, IP/04/1155, at <http://www.europa.eu.int/rapid/pressReleasesAction.do?reference=IP/04/1155&format.>)