WLB 2001.09, September 2001

WORLD LAW BULLETIN

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Churches Lose Property Tax Exemption - Mexico
Mandatory Recycling - Taiwan
Provincial Legislators Stripped of Immunity - Russia

PLUS:

UPDATES FROM **THE EUROPEAN UNION**
SPECIAL SUPPLEMENT: KEY FINDINGS OF BRITISH COMPARATIVE STUDY OF WOMEN IN PARLIAMENT

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WLB, No. 2001.09

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AMERICAS

COLOMBIA – Law Increases Military's Role

On August 13, 2001, President Andres Pastrana Arango signed a new security law that gives the military broad powers to fight leftist insurgents. Legislators passed the bill in June (*See* WLB 2001.07, July 2001). With these new powers, the military can exercise supreme authority in areas considered to be conflict zones, superseding the powers of governors and mayors. The law dilutes the ability of civilian prosecutors to investigate human rights abuses committed by the military and imposes a two-month deadline on completing such inquiries. The new law grants the military the power to detain and question suspects for an undetermined amount of time. Human rights groups fear that the new law will encourage torture, detentions and increased military control in Colombia. *(Los Angeles Times, latimes.com,* Aug. 17, 2001, via http://www.latimes.com/news/nationworld/aug.17.story?coll=la%2Dheadlines%2Dworld)
(Sandra Sawicki, 7-9819)

MEXICO--Churches Not Exempt from Property Tax

The Supreme Court of Justice of Mexico ruled recently that churches are not exempt from paying taxes on property acquired after 1992, the year that they were granted legal personality. The Court annulled a reform approved this year by the Congress of the state of Chihuahua, which exempted religious organizations from paying the building tax and the tax on transfer of domain on their properties. The justices, in a unanimous vote, supported the arguments of Attorney General Rafael Macedo de la Concha who stated that tax exemption violates article 115 of the Constitution. The Congress of Chihuahua must now repeal the article of the state code that provided for the exemption to churches. *(El Diario de Chihuahua, Diario Digital,* Aug. 15, 2001, via http://www.diario.com.mx/dch/nota1.html)
(Sandra Sawicki, 7-9819)

MEXICO--Indian Rights Law Promulgated

On August 14, 2001, the Mexican government promulgated a controversial law on Indian rights and culture, despite its rejection by some sectors of the population, including Indians who would presumably be the law's beneficiaries. Detractors of the new law believe it weakens the effects of the 1996 San Andres Accords. Indians are not satisfied that their demands for autonomy and free determination will be met by it (*see* WLB 2001.06, June 2001). Hundreds of protesters from Indian and other organizations demonstrated in front of the Federal Congress Building of Mexico on Aug. 16, 2001, the day after the law went into effect. (*CNNenEspanol,* Aug. 16, 2001, via http://www.cnnenespanol.com/2001/ latin/08/16/mexico.reut.index.html).

Mexican president Vicente Fox Quesada has ordered that the Exposition of Motives (which reveals the reasoning behind the law) and the text of the law itself be translated into the Indian languages of the country and distributed in their communities. *(El Universal,* Mexico City, Aug. 14, 2001, via http://www.eluniversal_com.mx/pls/impreso/version_imprimir?id_nota=14977&tabla=notas).
(Sandra Sawicki, 7-9819)

ASIA

CAMBODIA–Election Security

On August 3, 2001, Prime Minister Samdech Hun Sen issued a decision on the creation of a Central Security Bureau, to be directed by the Deputy Prime Minister, who is also Co-Minister of the Interior. Its mission will be the protection of commune and precinct elections. The Bureau will cooperate with the security subcommittee of the National Election Committee and will assign forces to work to ensure that the elections are free, correct, fair, and without violence. In addition, the new Bureau will distribute information to other security personnel on security measures for the elections and collect information and complaints from provincial and municipal offices for consideration and resolution. (*Reaksmei Kampuchea,* Aug. 1, 2001, at 1a & 5a, translated in FBIS, Aug. 10, 2001.)
(Constance A. Johnson, 7-9829)

CHINA–Expanded Import/Export Rights

Under a Notice issued in early August by the Ministry of Foreign Trade and Economic Cooperation, all restrictions imposed on private enterprises in import and export have been lifted, and they will be given equal treatment with State-owned firms in conducting foreign trade provided they have the requisite amount of registered capital. They will no longer have to trade through the agency of State-owned enterprises as required under previous regulations. The change is part of China's preparation for pending entry into the World Trade Organization.

According to the Notice, companies with over US$603,800 registered capital, or over US$362,300 in central and western regions of China, can now apply to conduct import and export business. Manufacturing companies can export their own products if they have over US$362,300 in registered capital (over US$241,500 if in central or western China). In China's autonomous regions, the requirement is over US$120,700 for universities, colleges, research institutes, high-tech companies, and manufacturers of machinery and electronic products. The management of private firms' trade rights was mandated to be changed from a system of examination and approval to a combination of registration and approval as of July 10, 2001. (*Xinhua*, Aug. 2, 2001, via FBIS; *China Daily*, Aug. 7, 2001, via FBIS, Aug. 8, 2001)
(W. Zeldin, 7-9832)

CHINA–Joint Venture Implementation Rules Revised

As a part of China's preparation for entry into the World Trade Organization, the Law on Sino-Foreign Equity Joint Ventures, first issued in 1979, was revised in March 2001. On August 1, 2001, revised implementation rules for the Law were issued by the State Council; they became effective on the same date.

The changes in the Law, reflected in the new detailed provisions of the rules, concerned relaxation of previous requirements that joint ventures file their production and operations plans with authorities and that they procure raw materials within China when possible. In addition, the new rules do away with a special government department that was in charge of joint ventures. (*China Daily*, Aug. 4, 2001, via FBIS; *Xinhua*, Aug. 2, 2001, translated in FBIS; *Asia Pulse*, Aug. 2, 2001, via LEXIS/NEXIS, Asiapc Library.)
(Constance A. Johnson, 7-9829)

JAPAN–Weapons-Related Goods Export Controls

On August 1, 2001, the Ministry of Economy, Trade and Industry (METI) issued a notice on export controls. It increases restrictions on goods and technologies related to weapons of mass destruction. It also requires detailed information in advance to determine the end-users of restricted products. Trading houses must now request affidavits from customers about the use of the products before the exporters submit them to METI; writing "exports to a trading house" is no longer a valid means of obtaining a permit. If the final destination of the goods has not been determined, status reports must be submitted every six months. Affidavits are also required if a "final customer" resells and transfers the products.

The Notice reflects international frameworks for security-related trade controls. It applies to a wide range of goods, including carbon fiber, gyroscopes, computer chips, and heat exchangers, among others, but does not specify target nations. Japan's machine-tool industry will reportedly be most affected, in particular its sales to China. Under the Notice, Japanese exporters will have to report on sales to mainland China and keep track of Taiwan customers (about a third of whose purchases go on to the mainland). (*Nikkei Telecom 21*, Aug. 2, 2001, via FBIS)
(W. Zeldin, 7-9832)

TAIWAN–Campaign Finance

The Central Election Commission passed regulations on July 27, 2001, limiting campaign expenditures for candidates in the year-end legislative elections. The highest limit is NT$7.758 million (US$222,931) per candidate in Taitung County; the lowest is NT$6.083 million (US$174,798) in Lienchiang County on the island of Matsu.

The method of calculating expenditure limits is stipulated under the Law on Election and Recall of Public Officials (adopted on May 6, 1980; last amended on November 1, 2000). The number of legislators to be elected from each constituency is divided by 70 percent of the population in the constituency; the total is then multiplied by NT$15. NT$6 million is added to reach the grand total. There are plans to revise the campaign expenditure limits upward but the proposed amendment has not yet been screened by the legislature. (*Central News Agency*, July 27, 2001, via FBIS.)
(W. Zeldin, 7-9832)

TAIWAN–Mandatory Recycling

In accordance with a plan announced earlier this year by the Environmental Protection Agency, cities and counties in Taiwan are adopting regulations making it compulsory to sort garbage and recycle. Of the 25 administrative units in Taiwan, 13 had not made recycling mandatory by the July 1 deadline and appealed for a postponement so that local councils could act.

One of these jurisdictions, Taipei County, has recently announced that the Environmental Protection Bureau (EPB) of the county will institute compulsory separation of trash for the purpose of recycling its components, beginning on January 1, 2001. The new system that classifies items now picked up as garbage into eleven categories will initially apply only to 773 public sites. The categories include such things as paper, paper containers, aluminum, glassware, batteries, and computer hardware. Among the places that will come under the new system are government departments, schools, rail stations, mass transit stations, and tourist centers. Enforcement of the new program for residential areas has been postponed until practical difficulties are resolved; each district within Taipei County will be able to select its own starting date for applying the regulation to residents. Those who fail to separate recyclable from non-recyclable garbage may be fined NT$1200-4500 (about US$35-$130). (*China Post*, Aug. 17, 2001, via http://www.chinapost. com.tw)
(Constance A. Johnson, 7-9829)

EUROPE

BELARUS--New Military Codes Adopted

In order to meet the requirements of the latest changes in national legislation, new Military Codes for the Belarusian Armed Forces, which include the Disciplinary Code, the Internal Service Code, the Garrison and Sentry Service Code, and the Code on Marching, were signed by the President of Belarus. Key new provisions include the extension of powers of unit commanders, state secrecy, and doctors' duties in regard to the medical examination of servicemen. According to the new Codes, military personnel, like their civil service counterparts, are now entitled to make collective complaints. The Codes contain rules for the use of special equipment (handcuffs and truncheons) by patrolmen and incorporate changes regarding keeping servicemen in custody according to the new Criminal Code of the Republic of Belarus. (*Vo Slavu Rodiny* (a publication of the Belarusian Defense Ministry), July 17, 2001, at 1.)
(Peter Roudik, 7-9861)

BULGARIA--New Media Law

After six years of discussion, the Parliament of Bulgaria passed the Mass Media Law, which provides for the State supervision of media operations through a National Radio and TV

Council. The Law establishes the procedures for registration of a TV or radio station and excludes foreigners from broadcasting in Bulgaria. It prohibits broadcasting by or on behalf of political parties, religious groups, professional unions, and non-profit organizations, and creates special procedures under which access to the media for political parties in the Parliament will be restricted. (*TS News*, July, 31, 2001, via: http://site. securities.com)
(Peter Roudik, 7-9861)

CROATIA--Power Industry Laws Adopted

The Croatian Parliament adopted a package of five laws, introducing market relations in the power sector and providing conditions for the restructuring and privatization of the national oil company and the power industry. The package includes laws on power, the regulation of power industries, the electricity market, oil and the oil products market, and the gas market. These laws come into force on January 1, 2002, except for the Law on the Regulation of Power Industries, which takes effect this month.

All the laws are based on a strategy of reform of the power sector adopted by the Parliament last year to adjust domestic power legislation to conform to that of the European Union. Under these laws, 16 leading companies would have privileged buyer status, and they would be able to negotiate the price of electricity with their suppliers and even import it. There would be two such buyers in the gas sector. The market for power products will be controlled by an independent council for the regulation of power industries, consisting of five members who are appointed by the Parliament at the government's proposal. (*Narodne Novine* [Croatian official gazette], 2001, No. 54, Item 1136.)
(Peter Roudik, 7-9861)

ITALY–Abortion Pill Developments

From previous news reports it appeared that getting the abortion pill RU486 approved in Italy was impossible due to the political climate there (*see* WLB July 2001). However, even though that climate has not changed, there is an important new development, set in motion by a physician, Dr. Silvio Viale, operating in what is considered the major gynecologic health institution in the country, Sant'Anna of Turin.

In studying the Italian abortion law, Dr. Viale realized that the search for solutions capable of inducing abortions in the least traumatic and dangerous way possible is mandated by the law itself and that this provision could constitute a sufficient reason to justify a pilot study on the use of RU486 to be conducted in a major health institution. The pharmacological method of pregnancy interruption would necessarily be carried out under the conditions set forth in the abortion law. It may be worth noting that Dr. Viale's plan for a pilot study is not an isolated case; other physicians in other important hospitals have decided to follow his lead. (*L'Espresso*, July 25, 2001.)
(Giovanni Salvo, 7-9856)

LATVIA–New Offshore Transactions Limits

The Government of Latvia approved a number of regulations aimed at making offshore transactions more transparent and introducing more control over investments. To prevent the registration of fictitious enterprises, amendments to the Statute on the Latvian Enterprise Register require annual submission of a certificate of good standing from 100% offshore-owned companies. Information on the branches of offshore companies in Latvia must also be provided. According to the new Regulation, at least half of the board members of such companies must reside permanently in Latvia, parent companies will have to submit their annual reports to a new commercial register, and the register will have to be informed of changes in the parent companies' authorized personnel in Latvia. In order to control the companies' shareholders, a new register of proxies at the Enterprise Register must be created. Identification of a bank's shareholders is required if a bank increases its share capital or if a stake owned by a shareholder

increases to at least 10%. Other restrictions have also been introduced. (*Baltic Times*, Aug. 16, 2001.)
(Peter Roudik, 7-9861)

LITHUANIA--KGB Ties of Parliamentarians Checked

Even though the Lithuanian Lustration [screening of former collaborators of the secret police] Law of 1999 prohibits the collection of information about any Lithuanian citizen without a court order, the Lithuanian State Security Department has started collecting information about Members of the *Seimas* (parliament) who have been in contact with former agents of the Soviet KGB security police. These former police agents were asked to fill out forms containing questions about lawmakers, foreign ministry staff, and Lithuanian and foreign diplomats. Commentators do not rule out that the data collected by the Department might be used to discredit top officials of the country.
(Baltic News Service, *Daily News*, Aug. 17, 2001.)
(Peter Roudik, 7-9861)

THE NETHERLANDS–Privacy Protection Increased

On September 1, 2001, the Law on the Protection of Personal Information came into effect. This new Law, which replaces the Law on Data Protection, provides general statutory rules through which the protection of privacy has been increased. It regulates all kinds of treatment of personal information, such as collecting, storing, saving, comparing, linking, consulting and providing personal information to a third party.

A main objective of the Law is to enable people to know which data concerning them have been processed and for what purpose and to give them the opportunity to lodge a complaint with a special Board on the Protection of Personal Information. There are certain particular data, e.g., concerning a person's race, political views, sexual preference, and health, that are subject to strict conditions for use. These data may only be processed by bodies stipulated by law or with the explicit permission of the person involved. (Decree of July 5, 2001, *Staatsblad* [official law gazette of the Netherlands], 337.)
(Karel Wennink, 7-9864)

RUSSIA--Provincial Legislators Stripped of Immunity

In the case of a notorious Russian businessman holding a seat in the legislative assembly of one of the Russian provinces, the Supreme Court of the Russian Federation permitted the Office of the Prosecutor General to bring criminal charges against the local legislator. Interpreting constitutional provisions on the subject to mean that only members of the national legislature should have parliamentary immunity, the Supreme Court deprived all members of regional parliaments of immunity from prosecution , thus permitting the trials of provincial politicians. (*Kommersant*, Aug. 18, 2001, at 1.)
(Peter Roudik, 7-9861)

RUSSIA–Red Tape Cut for Enterprises

A number of laws designed to reduce bureaucratic obstacles faced by entrepreneurs and to implement previously adopted money laundering legislation entered into force. They provide for a simplified procedure to register a legal entity, introduce special requirements on licensing separate types of activities, and establish new accounting standards. (*RFE/RL Newsline*, Aug. 8, 2001.)
(Peter Roudik, 7-9861)

UNITED KINGDOM--A Comparative Study of Women in Parliament

A study commissioned by the Equal Opportunities Commission (EOC) in Britain offers a comparative evaluation of women's representation in parliaments in the United Kingdom and Australia, Finland, France, Germany, Spain and Sweden. The key findings

of the study are appended to this issue of the WLB as a Special Supplement.
(Kersi Shroff, 7-7850)

UNITED KINGDOM--High Court Lifts 15-Year Ban on Entry of Louis Farrakhan

A High Court judge has overturned a 15-year ban maintained by successive British governments on the entry into the United Kingdom of Louis Farrakhan, the leader of the Nation of Islam. Mr. Justice Turner quashed the exclusion order, but reserved judgment in the case and ordered a stay on his ruling taking effect until October 1, 2001, when he would give the reasons for his decision. Mr. Farrakhan, who remains barred from entering the United Kingdom until then, has announced his intention to visit the country in the fall. He hailed the ruling and said that it was "15 years overdue." Mr. Farrakhan had earlier offered the High Court an apology through his lawyers for offensive racist remarks and undertook to say nothing to jeopardize race relations in Britain.

The British Government has expressed disappointment that the decision could threaten racial harmony and spark public disorder in Britain. The stay of judgment will allow time for the Home Secretary to consider whether to appeal the decision. A minister in the Home Office stated, "We believe that it is the Home Secretary's right to defend the social cohesion and racial harmony of this country. That is what previous Home Secretaries since 1986 have tried to do in this case." The Immigration Rules grant the Home Secretary personal authority to refuse entry on the grounds that exclusion is conducive to the public good. Examples of previous exercise of this authority include a ban on scientologists (until 1980) and on an imperial wizard of the Ku Klux Klan. (*The Times*, Aug. 1, 2001.)
(Kersi B. Shroff, 7-7850)

NEAR EAST

ISRAEL--Extradition of US Citizen Who Acquired Israeli Nationality

On August 5, 2001, the Supreme Court rejected the appeal of a decision to extradite Chaim Berger to the United States. Mr. Berger is a 75 year-old man who fled to Israel and became an Israeli citizen in accordance with the Law of Return a few months before being indicted by the Southern District Court of New York on charges of bilking the United States government of millions of dollars from various assistance programs.

Under a 1999 amendment of the Extradition Law, 5714-1954, a person who at the time of submission of the extradition request is an Israeli citizen and a resident will not be extradited unless the requesting country agrees to return the person to the State of Israel to serve any sentence of imprisonment that is imposed. The majority opinion in the Berger decision held that the amendment was not meant to allow criminals to use Israel as a haven. Berger's escape to Israel did not create a genuine residence in such circumstances. (http://www.court.gov.il/bama/ cgi/verdict)
(Ruth Levush, 7-9847)

SOUTH PACIFIC

AUSTRALIA–New Laws Try To Deter Boat People

Australia's Prime Minister, John Howard, intends to introduce new legislation to make it more difficult for asylum seekers, who are with increasing frequency arriving by boat from Indonesia, to qualify as refugees. Proposed amendments to the Migration Act will, according to the Minister for Immigration, "restore the application of the Refugees Convention [the 1951 Convention Relating to

the Status of Refugees] to its generally accepted interpretation." The amendments cover such matters as tests for persecution, definition of a "particularly serious crime" committed by someone claiming refugee status, and Ministerial review of some decisions by the Administrative Appeals Tribunal. (*The Sydney Morning Herald*, Aug. 18, 2001, at http://www.smh.com.au; Media Release, Aug. 13, 2001, at http://www.minister.immig.gov.au/media_releases/)
(D. DeGlopper, 7-9831)

AUSTRALIA--Oil Exploration on the Great Barrier Reef

Australia's Federal Environment Minister has acted to promote oil exploration near the Great Barrier Reef, a protected World Heritage Area. Seven months after the Queensland State government labeled the proposed survey of 4900 kilometers of seabed "dead in the water," the Federal government has approved an environmental impact assessment of the survey, which would use blasts of air pressure at the rate of one a minute for 50 days to generate seismic profiles. (*The Australian*, Aug. 17, 2001, at http://www.theaustralian.com.au)
(D. DeGlopper, 7-9831)

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by Sayuri Umeda, July 2001. Order No. LL-FLB 2001.02

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by Constance A. Johnson, June 2001. Order No. LL-FLB 2001.01

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Recent Publications from Great Britain Obtainable from the Law Library

Department of Trade & Industry. PRODUCTIVITY AND ENTERPRISE: A WORLD CLASS COMPETITION REGIME. Cm. 5233. London: The Stationery Office, July 2001. 61 p.

The paper is a proposal for creating a "world-class" competition regime for the United Kingdom, based on the philosophy that vigorous competition between firms builds strong, effective markets, benefits consumers, and encourages innovation. The policies include having an Office of Fair Trading and a Competition Commission that are strong and independent, modernizing the merger regime, and reforming provisions on monopolies and instituting new powers to investigate markets and (in a few cases where public interest issues arise) to decide on cases where there are adverse competition effects. Other proposed policies are to strengthen criminal sanctions against individuals who engage in hard-core cartels and to provide redress to third parties harmed by actions that are illegal under competition laws. The Government has started to implement the recommendations. An enterprise bill will be introduced to implement those aspects of the reforms that require legislation.

_____. PRODUCTIVITY AND ENTERPRISE: INSOLVENCY–A SECOND CHANCE. Cm. 5234. London: The Stationery Office, July 2001. 29 p.

The paper describes proposed measures to reform personal and corporate insolvency law. The changes would include a reduction in the discharge period from three years to one year, so that a person would be free of the restrictions imposed by the bankruptcy sooner. In addition, the statutes on undischarged bankruptcies would be reviewed to reduce the stigma of failure, but there would be a tougher set of restrictions on individuals who are bankrupt due to irresponsible, reckless or otherwise culpable behavior. In the corporate sector, the proposal seeks to streamline the administrative procedure and restrict the right to appoint an administrative receiver. The current "Crown preference" in all insolvencies would be abolished.

_____. THE UNIDROIT/ICAO DRAFT CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT: A CONSULTATION DOCUMENT. URN01/1089. Aug. 2001. 105 p.

The International Institute for the Unification of Private International Law (Unidroit) and the International Civil Aviation Organization (ICAO) have drafted a Convention on International Interests in Mobile Equipment and a proposal specifically dealing with aircraft and aircraft equipment. The Convention will establish an international legal order for the security of high-value, internationally mobile equipment, in order to provide greater confidence to those financing the equipment and still safeguard the position of the borrower. A conference to finalize the Convention and the Protocol and open them for signature will be held in Cape Town, South Africa, beginning October 29, 2001. This paper contains drafts of the documents and analysis.

_____. Foreign & Commonwealth Office, London; & Ministry of Defence. STRATEGIC EXPORT CONTROLS ANNUAL REPORT 2000. London: The Stationery Office, 2001. 347 p.

The Government is simultaneously committed to maintaining a strong defense industry and to keeping British-made arms from contributing to overseas conflicts or to human rights abuses. For this reason, since 1997, there have been steps taken to make the arms export controls more effective than in the past. The measures include imposing export licensing criteria, an EU Code of Conduct on Arms Exports, and a ban on the export of the types of equipment used in torture, in addition to ratification of the Ottawa Convention on anti-personnel land mines. The Annual Reports provide transparency to the arms export control regime, describing licensing decisions and exports in the past year, as well as national and international policy developments.

Hellawell, Keith. UNITED KINGDOM ANTI-DRUGS CO-ORDINATOR'S ANNUAL REPORT 2000/01. July 2001. 53 p.

In 1998, the Anti-Drugs Co-ordinator launched a program to tackle the drug problem in Britain with four major long-term goals to accomplish by the year 2008: to halve the number of young people using Class A drugs, to halve the levels of repeat offenses by those using drugs, to double the numbers of addicts in treatment, and to halve the availability of the drugs. This report assesses the progress to date in reaching these four targets, in narrative and chart form. It concludes that good progress has been made, with an expansion of drug education in schools, an increase of 16% of the numbers in treatment, counseling and assessment programs in prisons, additional funding for arrest referral programs, drug treating and testing orders available through the courts, more drugs being seized by law enforcement agents, and assets seized from drug traffickers being channeled into anti-drug activity.

Home Office. CONSULTATION PAPER ON THE REVIEW OF PART 1 OF THE SEX OFFENDERS ACT 1997. London: Home Office Communications Directorate, July 2001. 40 p.

Part 1 of the Sex Offenders Act 1997 requires those convicted of certain serious sexual offenses, including those offenses involving children, to register with the police. A review, conducted jointly with the Scottish Executive, was undertaken in June 2000, covering the range of offenses that should trigger the registration requirement, the nature of that requirement, how the law should apply when the offender is a young person, and the application of the law to sex offenders who travel between countries. A number of changes to the legislation are proposed, including, among others, expansion of the range of offenses covered and specific reforms of the registration process. Among the latter are a reduction in the number of days allowed before the registration of a change of address; continuing the process of registering offenders even if they are under the age of 18, but not in some cases if they are under 16, and filing the registration of those under 18 with an agency other than the police; and requiring registered offenders to notify the police of any intention to travel abroad.

Lord Chancellor's Department. JUDICIAL STATISTICS: ENGLAND AND WALES FOR THE YEAR 2000. Cm. 5223. London: The Stationery Office, July 2001. 102 p.

This report contains statistics on the civil and criminal matters handled in the year 2000 by those courts in England and Wales for which the Lord Chancellor is responsible administratively. Each chapter includes a description of the functions and jurisdictions of the courts or tribunals covered. The volume starts with a brief overall description of the court structure and an outline in chart form.

_____. TOWARDS EFFECTIVE ENFORCEMENT: A SINGLE PIECE OF BAILIFF LAW AND A REGULATORY STRUCTURE FOR ENFORCEMENT. Cm. 5096. London: The Stationery Office, July 2001. 88 p.

The paper considers the impact of the regulation of warrant enforcement agents and having one regulation replace existing bailiff law. The new legislation would create a common regulatory system for all areas of warrant enforcement, including the High Court, county courts, magistrates' courts, parking fines, local and national taxes and duties, maintenance orders, and child support. Businesses now in the field of warrant enforcement would be affected. The study also covers issues related to fees charged for enforcement services.

RECENT DEVELOPMENTS IN THE EUROPEAN UNION

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

Draft Regulation on Traceability and Labeling of Genetically Modified Organisms (GMOs) and Food and Feed Products[1]

The new legislation, if adopted , will require that GMOs be traced throughout the chain "from farm to the table" and will give consumers sufficient labeling information on all food and feed products as to whether these consist of, contain, or are produced from GMOs. Producers are obliged to keep records concerning the existence of GMOs at each stage until the products are placed on the market. Such records must be kept for five years. Pre-packaged products consisting of or containing GMOs must bear the words "this product contains GMOs." Products produced from GMOs must indicate that each of the food ingredients, including additives and flavorings, is produced from GMOs.

Draft Anti-Trust Rules on Price Fixing[2]

Recently, the European Commission adopted draft rules designed to eliminate price-fixing and other cartels. The proposed rules are similar to the US anti-trust practice of "zero dollars in fines" for companies that provide information leading to exposure of cartels. The EU rules will replace the Leniency Notice of 1996 and provide immunity from fines to a company that provides sufficient information leading to a spot inspection ("dawn raid") on secret cartels.

New Safety Standards on Electromagnetic Fields[3]

The European Commission announced the establishment by the European Committee for Electrotechnical Standardization (CENELEC) of a new electromagnetic safety standard for mobile phones. The new standard requires that manufacturers of mobile phones must not expose users to high frequency electromagnetic waves. Manufacturers of mobile phones that are marketed in the European Union must comply with this standard. The Mobile Manufacturers Forum has stated that it will make public the Specific Absorption Rate (SAR) values of their phones.

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1 Http://europa.eu.int/eur-lex/en/com/greffe_index.html

2 Http://www.eurunion.org/news/eurcom/2001/eurecom070801.htm

3 Http://europa.eu.int/rapid/start/cgtxt=gt&doc=IP/01/1190/0//RAPID&lg=EN

WTO Confirmed the Objections Raised by EU Against Foreign Sales Corporations (FSC) Replacement Act[4]

On August 20, 2001, a World Trade Organization (WTO) panel upheld the arguments raised by the European Union a year ago against the FSC Replacement Act enacted by the US Congress to replace the FSC Act. The WTO ruling held that the Replacement Act is also in conflict with WTO rules because it constitutes a prohibited export subsidy, favors US goods, and violates the Agriculture Agreement.

EU and US Sign an Agreement To Compensate the EU Music Industry[5]

The European Union and the United States agreed on a procedural agreement to solve a copyright dispute. A year ago, the WTO held that the US Copyright Act violates the provisions of the agreement of Trade in Intellectual Property Rights (TRIPS) because the Act fails to provide for compensation of European performers and composers for their financial losses since it exempts restaurants, bars, and other similar establishments from paying royalties for the music played on their premises.

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[4] Http://europa.eu.int/rapid/start/cg...txt=gt&doc=IP/01/1214/0/RAPID&lg=EN

[5] Http://europa.eu.int/rapidstart/cg..txt=gt&doc=IP/01/1098/0/RAPID&lg=EN

WORLD LAW BULLETIN SPECIAL SUPPLEMENT

Key Findings of Comparative Study of Women in Parliament

by Kersi B. Shroff, Chief, Western Law Division*

A study commissioned by the Equal Opportunities Commission (EOC) in Britain offers a comparative evaluation of women's representation in parliaments in the United Kingdom and Australia, Finland, France, Germany, Spain and Sweden. Among the key findings of the study are:

- There is an under-representation of women, coupled with a significant variation in the extent of representation.

- Among the factors determining the level of women's representation are socio-economic, cultural and political. Of these, political factors are the most significant.

- The use of proportional representation (PR), multi-member constituencies, and party lists were found to be more conducive to higher representation of women than majority-based electoral systems. Research shows that women are twice as likely to be elected under PR as under a majority-based system.

- The use of a quota system, at the final stage of selection of candidates, has a positive impact on the level of female representation. Of the countries considered, only France has implemented quotas by law for local, regional, and European elections. The number of women representatives in the cities increased from 22 to 47.5 per cent following the first elections held under the new "parity" law. (Cf. WLB99.03 *Foreign Law Focus*, "France: Gender Equality in Elective Office," at 27-28.)

- Certain political parties have implemented quotas by internal party rules, for example, in Germany and Sweden.

- With regard to the existence of machinery to ensure women's active participation in the policy formation process, most countries under consideration have opted for a women's unit rather than a ministry for women.

- In the United Kingdom, the representation of women in Parliament dropped from 18.2 to 17.9 percent in the June 2001 election. There are two distinct barriers to entry into Parliament for women: nomination and election. Only the Labor Party has adopted a policy requiring that a certain percentage of parliamentary candidates must be women.

Speaking at the launch of the study, the Chair of the EOC said that the report proved that the only really effective way of increasing the number of women selected was the use of special measures:

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> International experience has shown that measures such as all-women shortlists, twinning or zipping do work. The Government has committed itself to introducing legislation to enable parties to use special measures to ensure more women are selected. It is vital that that legislation is passed as quickly as possible.

The EOC provides the following definitions: zipping: women and men are alternated on the lists of candidates; twinning: neighboring seats are twinned, taking into account their "winnability." Each pair selects one man and one woman. The members of the two constituencies select candidates together and can each vote for one man and one woman. The top man and the top woman are selected and decide between themselves who should have which seat.

United Kingdom legislation will be introduced to allow political parties to take positive action to increase the number of women selected. The legislation is expected to withdraw the selection procedure of parliamentary candidates from the reach of employment and sex discrimination law. In 1996, an employment tribunal held that the policy of the Labor Party to select only women candidates in some seats breached the Sex Discrimination Act, which prevents discrimination on the grounds of sex.

SOURCE: Equal Opportunities Commission, *Women in Parliament: a Comparative Analysis* (2001). Available at http: //www.eoc.org.uk. The study was authored by Judith Squires and Mark Wickham-Jones of the Dept. of Politics, University of Bristol.