WRITTEN QUESTION E-1589/06
by Charles Tannock (PPE-DE) and Peter Skinner (PSE)
to the Commission

Subject: Alleged discrimination against foreign EU retail outlets wishing to trade on Sundays in Belgium

Value Retail PLC, a UK Company, alleges dis72.631criminatory treatment by the Belgian Government while operating its high-end destination shopping outlet "Maasmechelen Village" which it owns with other international and local investors and operates in "Maasmechelen, Belgium. The project was established as part of the local authorities' program to attract investment to a depressed area that is in the process of being converted into a tourist destination. The authorities fully understood that in order to be viable the project's shops had to be able to operate on Sundays. Belgium has a statutory ban on seven-day trading and the employment of staff in retail premises on Sunday, but the ban is subject to Ministerial exemptions on a "tourist location-specific" basis or a "company-specific" basis. The law does not define objective criteria how the Government can grant or refuse exemption and the Ministers are placed under no statutory duty. The site has been designated by the competent authorities as a "tourist destination". However, the City of Maasmechelen's January 2003 application for a "tourist centre" exemption was rejected by the federal government acting under its labour law competences. In December 2003 a further application for exemption from the ban on Sunday employment was filed by the project but also rejected. Value Retail PLC allege the Belgian methods of granting exemptions from the seven-day trading and Sunday employment bans are applied in a manner discriminating against foreign EU companies so as to protect domestic retail interests, and in breach of Articles 10, 12, 28, 43, 56 and 81 EC Treaty.

Can the Commission indicate whether in its opinion this is so and what measures will it take to enforce compliance with EC law such as referring the case to the European Court of Justice?