

# European Communities

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## EUROPEAN PARLIAMENT

# Working Documents

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7 February 1979  
ORAL QUESTION (O-119/78)

DOCUMENT 612/78

with debate, pursuant to Rule 47 of the Rules of Procedure  
by Mr PRESCOTT on behalf of the Socialist Group  
to the Commission of the European Communities

Subject : Mr Adams and Hoffman-La-Roche

The recent judgement of the Swiss Federal Appeal Court that Mr Adams in giving information to the Commission and the Community about the illegal Community Trade practices of the Swiss multinational company Hoffman-La-Roche - commits an act of espionage prejudicial to the security of the Swiss State - raises doubt as to the validity of the EEC-Swiss 1972 Trade Agreement. Obligations under this agreement require each party to allow such information to be available and not subjected to criminal charges including espionage.

Will the Commission answer the following questions :

1. How many times has the 'Joint Committee' under the Trade Agreement been convened, when was the last meeting, who requested it and was the principles in the Adams case discussed ?
2. Who appointed Mr Adams lawyers, what were the costs involved and is the Commission convinced that all legal course have been exhausted including an application to the European Court of Human Rights ?
3. Is the Commission aware of the legal opinion that the judgement of the Swiss Courts is in conflict with Art. 113 of the Swiss Constitution concerning obligations arising from international

agreements and was this part of Adams defence submission ?

4. What assurances have the Commission received from the Swiss Government that should any other citizen provide similar information about illegal acts, they will not face charges of espionage ?
5. Does the Commission accept that the Swiss Government had the necessary power under Article 105 of 1934 Act to have intervened in this case and prevented a criminal prosecution if it had so wished ?
6. What period of notice is required from either contracting parties to the 1972 Trade Agreement between Switzerland and the EEC to terminate it and in view of this Swiss court's decision in the Adams case, does it consider this decision to make Swiss domestic law to be incompatible with the obligation in the Trade Agreement ?