

(2002/C 205 E/083)

**WRITTEN QUESTION P-0134/02****by Albert Maat (PPE-DE) to the Commission**

(25 January 2002)

*Subject:* Maintaining the tradition of collecting plovers' eggs in Friesland

The hunting and collection of plovers' eggs at a certain time of the year is an old tradition in Friesland. The practice is subject to strict rules: eggs can only be collected from 1 March to 1 April and authorisation will not be granted unless a collector can show that 'aftercare' will be provided (including protection of the nest after 1 April). The way in which collection is now regulated could even be said to be a modern approach to nature conservation. This tradition is now under threat because the European Commission is not prepared to grant Friesland an exemption from implementation of the Birds Directive in the Netherlands. Although plovers are protected in Friesland they are hunted, for example, in France. Under Article 9(1)(c) of the Birds Directive this is permitted subject to stringent conditions. The Province of Friesland, in cooperation with the Ministry of Agriculture, Nature Conservation and Fisheries, is currently examining the possibility of tightening up the requirements with regard to selectivity and preservation policy under new ministerial rules.

This time-honoured tradition enjoys broad support within Friesland.

Is the Commission aware of the special nature of the Friesian tradition of collecting plovers' eggs during a certain period of the year?

Is the Commission prepared to make an exception under Article 9(1)(c), if the authorities in the Netherlands (Ministry of Agriculture, Nature Conservation and Fisheries and Province of Friesland) satisfy the necessary conditions?

If not, why not?

**Answer given by Mrs Wallström on behalf of the Commission**

(25 February 2002)

The Commission is aware of the traditional taking of lapwing eggs from the wild in the province of Friesland in the Netherlands.

Lapwing, as any other European naturally occurring bird species, falls under the scope of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ('<sup>1</sup>) (hereinafter referred to as 'the Directive').

Article 5 of the Directive strictly forbids inter alia, the taking of eggs from the wild.

Exceptions to this general prohibition under article 5 of the Directive may only be granted under the strict derogation system set out in article 9 of the Directive, provided that there is no other satisfactory solution, only for one of the following reasons:

- in the interests of public health and safety; in the interests of air safety; to prevent serious damage to crops, livestock, forests, fisheries and water; for the protection of flora and fauna;
- for the purposes of research and teaching, of re-population, of re-introduction and for the breeding necessary for these purposes;
- to permit, under strictly supervised conditions and on a selective basis, the capture, keeping or other judicious use of certain birds in small numbers.

The Commission is currently investigating a case concerning this practice of taking of eggs from the wild in the province of Friesland, in the Netherlands. In the context of this investigation, the Commission opened an infringement procedure, since it had no indication that the provisions of Article 9 of the Directive were respected in this case. In the framework of this ongoing case, a reasoned opinion pursuant

to Article 226 of the EC Treaty has been issued. In the absence of an answer to this reasoned opinion, the Commission decided to bring the case before the European Court of Justice. Shortly afterwards, the authorities of the Netherlands responded to the reasoned opinion. This answer is currently under assessment. If the assessment under way shows that the authorities of the Netherlands have acted in compliance with the provisions of Article 9 of the Directive, the case will be closed. Otherwise, the Commission could decide to implement its former decision to bring the matter before the European Court of Justice.

(<sup>1</sup>) OJ L 103, 25.4.1979.

(2002/C 205 E/084)

**WRITTEN QUESTION E-0138/02**

**by Jorge Hernández Mollar (PPE-DE) to the Commission**

(1 February 2002)

*Subject:* Regeneration of beaches on the Malaga coastline

The tourism authorities of the province of Malaga, Spain, have been the first to take action to tackle the disastrous condition of the beaches in many parts of the Costa del Sol as a result of the recent storms and the serious damage caused.

The main tourism authorities of the province at all levels have shown deep concern for this problem, since, unless the beaches are regenerated within a few months, the adverse effects on tourism in the Costa del Sol will be significant.

Will the Commission say what emergency Community aid could be used to help combat the effects of the disastrous storms which devastated the Costa del Sol's beaches?

**Answer given by Mr Barnier on behalf of the Commission**

(11 March 2002)

The Commission cannot grant exceptional aid because Parliament removed the specific budget line for emergency aid in the event of natural disasters in the Member States in 1997. That line had an annual budget of € 5 million. The Commission must therefore aid the reconstruction of the affected regions through existing instruments, under regional policy in particular.

The province of Malaga is covered by Objective 1 of the Structural Funds under the 2000-2006 Operational Programme for Andalusia. In their capacity as manager of the various operational programmes, the Spanish authorities can decide to jointly finance infrastructure projects and projects to redevelop damaged productive activities, provided that they meet the programme's objectives, are eligible for the Structural Funds and comply with the legislation in force.

The Commission will promptly consider any notifications submitted by the Spanish authorities, but any decision on whether to grant aid or not is for them alone to take.

(2002/C 205 E/085)

**WRITTEN QUESTION P-0142/02**

**by Giuseppe Di Lello Finuoli (GUE/NGL) to the Council**

(29 January 2002)

*Subject:* Creation of anti-globalisation units and a database for demonstrators

It is reported by a number of information networks that the Spanish Ministry of the Interior has set up 'anti-globalisation' units.