

(2002/C 301 E/019)

WRITTEN QUESTION E-0010/02**by Erik Meijer (GUE/NGL) to the Commission***(17 January 2002)*

Subject: The possibilities for monitoring compliance with EU subsidy rules by lower layers of government and the continuing lack of information from Friesland in September

1. Does the Commission recall its reply of 3 September 2001 to my Question No E-1473/01 ⁽¹⁾ on the subject of 'Suppression of information about compliance with EU rules and subsidy conditions as a consequence of national, regional and local confidentiality rules', which began with the statement that the Commission did not yet have sufficient information to deliver a detailed opinion on the case I had raised, by way of example, of the confidentiality rule in the Netherlands province of Friesland, and in which the Commission limited itself to a general statement regarding the principle of granting subsidies and the possibility of terminating grant agreements?
2. Does the Commission, three months after its reply, have the information needed to draw a conclusion as to a possible clash between decision making in Friesland and EU regulations?
3. If point two is answered in the affirmative, can the Commission, on the basis of this information, now give me the answers to the six questions I asked in question E-1473/01?
4. If the answer to point 2 is in the negative, when does the Commission think it will have the necessary information, and can it provide me with the rest of the answer?
5. Does the Commission consider it possible that with the means available to it — i.e. without the use of unsolicited information provided by regional or European politicians — it will never discover whether and to what extent arrangements are being entered into in Friesland or elsewhere which violate the requirement for recipients of grants from EU funds to provide information?
6. If point 5 is answered in the affirmative, to what extent is it possible to implement the explanation given in the earlier answer on the principle of granting subsidies, given that the Commission cannot in practice adequately check whether the authorities in question are circumventing its rules?
7. Can the Commission confirm or deny that the government of the province of Friesland, partly as a result of the disclosure of controversial procedures, has now adopted a different approach to confidentiality from the one it took in 1997-2000? What is its opinion of this state of affairs?

⁽¹⁾ OJ C 81 E, 4.4.2002, p. 28.

Answer given by Mr Monti on behalf of the Commission*(1 March 2002)*

1. and 2. The Commission remembers former question E-1473/01 by the Honourable Member ⁽¹⁾ and has carried out the necessary checks as regards the use of the European Social Fund (ESF). The relevant department has not found evidence of infringement of the rules with respect to this investment.
3. (Former question 1 and 2) The Commission is aware that the questions relate to State aid granted to SCI-Systems. It has assessed several financial measures and initiated the investigation procedure of Article 88(2) by its decision of 6 February 1999 ⁽²⁾. It took a final decision on 13 February 2001, which has been published in the Official Journal ⁽³⁾. The Commission's investigations started when a third party alleged that State aid in various forms was given, going beyond the level that could be allowed under authorised schemes. The Commission subsequently asked the Dutch authorities for information on the aid measures. The Dutch authorities originally held that some of the measures did not constitute State aid in the meaning of Article 87(1) of the EC Treaty. Once the Commission asked specific questions, they provided detailed information. The Commission is also aware of press articles commenting on the involvement of a local politician in this case.

(Former question 3 and 4) The question whether the Commission is aware of other cases where local, regional or national authorities in Member States use confidentiality provisions to protect themselves from investigations into the misappropriation of Community financial assistance or infringements of European rules, is difficult to answer. Such information, if any, is not gathered in a systematic way. The Commission would like to stress Article 10 of the EC Treaty on cooperation by Member States.

(Former questions 5 and 6) From the facts in this case the Commission finds no reason to change its policy as regards State aid control. As regards this case, the Commission is confident that its decision is based on full information that is relevant to the case. In general, the Commission expects that its means of control and its competence to ask for information suffice to prevent it from making wrong decisions due to a lack of information. The Commission would like to point, e.g., to the provisions in the procedural regulation⁽⁴⁾ by which the Commission can by decision request a Member State to provide certain information. In the case at hand the Dutch authorities provided the information without such an information injunction.

4. Not applicable.

5. and 6. Yes. A duty to inform the Commission stems in the first place from Article 88.3 of the EC Treaty. The Council has adopted procedural rules for both notified and non-notified aid, but it cannot be excluded that sometimes an individual aid or an aid scheme is implemented unnoticed by the Commission. However, competitors of aid beneficiaries and private persons are becoming increasingly active in informing the Commission of potential non-notified aid.

7. The Commission is insufficiently informed on the internal procedures of the Province of Friesland and therefore is not able to answer the Honourable Member's question. Moreover, the procedures for State aid concern the relation between the Commission and the Member State. It is the competence of the Member State to determine which authority within that Member State is responsible.

⁽¹⁾ OJ C 81 E, 4.4.2002, p. 28.

⁽²⁾ OJ C 144, 22.5.1999.

⁽³⁾ OJ L 186, 7.7.2001.

⁽⁴⁾ Article 10, paragraph 3 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 83, 27.3.1999.

(2002/C 301 E/020)

WRITTEN QUESTION E-0030/02

by Doris Pack (PPE-DE) to the Commission

(21 January 2002)

Subject: Air transport: compatibility of alliances with competition

1. What is the Commission's appraisal, in terms of safeguarding competition, of the agreements on price-fixing and terms and conditions between European and non-European airlines within what are termed 'alliances'?

2. Does such cooperation, in the Commission's view, hinder or foster competition?

3. As regards consumers/passengers, what impact does the Commission expect such arrangements to have on air fares now and in the future?

4. What is the Commission's appraisal of the agreements entered into by airlines to pay commission to travel agencies or IATA agents?

5. Are such agreements on price-fixing and terms and conditions which involve the payment of commission compatible with EU competition law?