

9. The Commission has produced and produces reliable accounts. In spite of certain remarks concerning accrual based accounting aspects, the Court of Auditors has consistently given assurance on the reliability of the accounts.

(<sup>1</sup>) Financial Regulation of 21 December 1977, as last amended by Council Regulation No 762/2001 of 9 April 2001 and Commission Regulation No 3418/93 of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation, as last amended by Regulation No 1687/2001 of 21 August 2001.

(<sup>2</sup>) This differs from cash-based implementation because of elements such as carryovers.

(<sup>3</sup>) The IFAC (International Federation of Accountants) issues international accounting standards for the public.

(<sup>4</sup>) OJ C 359, 15.12.2001.

(2003/C 242 E/029)

**WRITTEN QUESTION E-2557/02**

**by Erik Meijer (GUE/NGL) to the Commission**

*(13 September 2002)*

*Subject:* Financial control 1: vital need, in response to negative public opinion, to recruit and retain officials who take a critical attitude

1. Is the Commission aware that large sections of public opinion in the Member States have little faith in the purpose, effectiveness, resolve and transparency of the European Union, seeing it as a vast organisation which they suspect of maintaining an unnecessarily centralist bureaucracy, wasting money and being susceptible to nepotism, profiteering and fraud, an attitude which helped bring about the resignation of the previous European Commission in the spring of 1999 and led to a low turnout in the subsequent elections to the European Parliament?

2. Does the Commission wish to remove the suspicions felt by citizens by publicly providing convincing evidence to the contrary, or is it resigned to seeing the situation described in the first question continue indefinitely?

3. Does the Commission consider the unfortunate situation described in the first question as a reason to show itself to be even more meticulous than non-profit institutions, national authorities of the Member States, local authorities and companies in managing its finances and seeking to understand what has gone wrong and what needs to be improved?

4. Does the Commission agree that, in the light of the above, it is extremely inadvisable to remove from their posts officials who criticise the management of finances or to restrict their opportunities for voicing criticism, including in cases in which it considers that it has very strong grounds for refuting the criticism, since this gives rise to the suspicion that unlawful practices are being concealed, remain unpunished and are continuing?

5. Does the Commission agree that recruiting and retaining officials who take a critical attitude is a necessary and inevitable counter to the enduring suspicions referred to in the first question, and that this is an essential means of refuting such suspicions?

6. Would it not be advisable, in the view of the Commission, both in its capacity as manager of public affairs at EU level and in terms of protecting its own position, to present a positive image of an EU that counts among its ranks officials who take a critical attitude and that at all times allows independent experts to examine the way in which the Commission is organised?

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

*(7 January 2003)*

1. The Commission does not share the opinion expressed in the first paragraph of the question.

The Commission favours a strict, 'zero tolerance' approach to fraud and corruption.

Significant means have been put in place to deal properly with cases of this kind:

- The European Anti-Fraud Office (OLAF) initiates and carries out its investigations entirely independently;
- rules have been adopted on whistleblowing;
- a fraud-proofing mechanism for new proposals has been set up;
- new legislation gives new means to prevent and to combat fraud — for example the new Financial Regulation; and
- an Investigation and Disciplinary Office has been set up.

However, these instruments cannot interfere with the fundamental principles of the right to fair treatment under the law, protection of the rights of the defence and the presumption of innocence.

The Commission launched 36 specific financial management measures under its Reform White Paper presented in March 2000<sup>(1)</sup>. These actions are well under way and following the Council Decision on 25 June 2002, the new Financial Regulation will come into force on 1 January 2003.

The Commission rejects the accusation of centralised bureaucracy. About eighty percent of the Community budget is disbursed through shared management with the Member States.

With regard to the low turnout at European elections, more general questions need to be asked about falling public interest in elections, since the phenomenon is not confined to elections to the European Parliament. The Commission does share the Honourable Member's concern about the low turnout at European elections and contributes, together with the other Institutions, to improving and strengthening communication with the public.

2. The Commission is diligently pursuing all wrongdoing which affects the Community's financial interests or the integrity of its officials. It is open to scrutiny by the European Parliament and the Court of Auditors. The Commission answers queries from individuals, civil society and the press. But the Honourable Member will also understand that legal principles impose restrictions on information relating to current investigations, in the interests of protecting both the investigations themselves and the principle of the presumption of innocence (see reply to point 1 above).

3. The Commission shares the Honourable Member's view of the importance of rigorous and meticulous financial management, which must be at least as effective as that of organisations of equivalent size and responsibility and certainly as rigorous as that of non-government organisations, national or regional authorities and large companies.

4. The Commission fully recognises the fundamental right of expression that officials and other employees of the Communities enjoy. That right includes the expression of opinions which differ from the position of the Commission. Obviously, however, and as confirmed by the European Court of Justice, freedom of expression, like any fundamental right, does not constitute an unfettered prerogative but may be subject to reasonable limits on the exercise of that right in the interest of the service.

Fair and well-founded criticism of the Commission's systems, procedures and activities is therefore acceptable. Where serious irregularities are involved, officials are obliged to report their suspicions. This obligation is set out in Commission Decision of 4 April 2002 on raising concerns about serious wrongdoings<sup>(2)</sup>, which also offers protection to members of staff who comply with this duty<sup>(3)</sup>. Building upon best practices in the Member States, the Decision further provides for the possibility of last resort to disclose information on possible irregularities outside the Commission in the unlikely case that neither the Commission nor OLAF have taken appropriate action within a reasonable time despite the official having raised concerns about serious irregularities in good faith.

Under the current reform, the Commission proposes to insert similar provisions into the new Staff Regulations. Parliament has been consulted on these proposals by the Council in June 2002.

However, where officials use that right to settle disagreements over lawful policies in a manner which denigrates those policies or the Institution which employs the official concerned, then this may obviously cause irreparable harm to the relationship of trust that must exist between the official concerned and the Commission. This relationship of trust is not only in the interest of the service, but also in the public interest. Writing criticism does not absolve the officials from doing their duty. When senior officials have the task to steer reform and modernisation, they are expected to take actions with others in the administration to bring in the agreed reforms. The Honourable Member is no doubt aware that the Staff Regulations contain specific provisions on the requirement that staff behave with integrity and discretion, even after they have left the service.

5. The Commission agrees that, irrespective of considerations of public opinion, employees with critical views are essential for any responsible organisation to be able to identify and remedy the weaknesses which inevitably occur in systems and structures of any degree of complexity. Various means of reporting such weaknesses are regularly used effectively within the Commission.

6. The Commission would refer to the answer to question No 5 above. Its organisation, its systems, procedures and activities are under close and continuous scrutiny of the Court of Auditors, the Council, the Parliament and the Ombudsman by virtue of the Treaty on the European Union and institutional arrangements.

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<sup>(1)</sup> COM(2000) 200 final.

<sup>(2)</sup> Adopted under No C (2002) 845.

<sup>(3)</sup> The new regime reinforces and extends the arrangement introduced in 1999 (Decision 396/1999 of 2 June 1999 — OJ L 149, 16.6.1999).

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(2003/C 242 E/030)

**WRITTEN QUESTION E-2560/02**

**by Erik Meijer (GUE/NGL) to the Commission**

(13 September 2002)

*Subject:* Conflicting concerns and views regarding the consequences for teeth and bones of fluorine intake by human beings

1. Is the Commission familiar with an article entitled 'Fluorine causing early ageing among Indian peasants' that appeared in the Netherlands daily paper 'De Volkskrant' on 21 August 2002 and in which it was reported that inhabitants of Jharana Khurd and other villages in the central part of the Indian state of Rajasthan are showing rapid signs of ageing at a young age as a result of contracting the disease fluorosis from the drinking of water naturally containing fluorine? Is it aware that, as reported in the article, fluorosis gradually leads to brittle bones and teeth and a crooked back and knees, and that, whilst it is possible to halt the process of deterioration with the help of vitamins C and E, calcium and antioxidants, the damage cannot be reversed?

2. Does the Commission recall that, in the 1950s and 60s, in a number of European countries, it was argued that fluorine waste from the steel, aluminium and nuclear power industries should be used to combat tooth decay in children by adding it to drinking water, following the example of the Americans? Does it also recall that this proposal met with a great deal of opposition because of fears of brittle and swollen bones, damage to the nervous system, hyperactivity in children and possibly cancer, with the result that fluorine ultimately did not automatically become a component of drinking water?

3. What is the Commission's view regarding the proposal announced at the end of July 2002 by the then Belgian Minister for Public Health and the Environment to actively discourage or to prohibit the use of fluorine in toothpaste, chewing gum, fluorine-containing food supplements for human consumption, fluoride tablets and fluoride drops? Would implementation of this measure contravene EU rules and if so, why?

4. Does the Commission have information available for comparing the effects on the health of those living in areas of the EU where the drinking water naturally contains fluorine, or where fluorine has been added to the drinking water, with those living in areas where that is not the case? Does that lead to the generally accepted conclusion that fluorine is in general bad for health, but that, where used only in small quantities which are not swallowed, it can be good for teeth?