Answer given by Mr Bolkestein on behalf of the Commission

(28 January 2000)

The Commission takes the view that Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (1), to which the Honourable Member refers, is of key importance to the development of electronic commerce.

The Directive is designed to enable personal data to move freely between Member States whilst ensuring throughout the Community a high level of protection for individuals' fundamental rights, including their right to privacy. Such protection is necessary if consumers are to have confidence in the use of on-line services and if electronic commerce is to expand accordingly.

The Commission is therefore keeping a close watch on the transposal of the Directive into national legislation. As transposal has not yet been completed in several Member States, the Commission has initiated proceedings against them for failure to meet their Community obligations.

As things stand, the Commission does not have any information on the disparities to which the Honourable Member refers. Such disparities may arise from the fact that the Directive has not been transposed.

If the margin for manoeuvre which the Directive leaves to Member States, particularly as regards the extension of protection to corporate data as referred to by the Honourable Member, were to present obstacles to the proper operation of the internal market, the Commission would not fail to draw the necessary consequences.


WRITTEN QUESTION P-2438/99

by W.G. van Velzen (PPE-DE) to the Commission

(13 December 1999)

Subject: Consequences of the rejection of the French Electricity Bill for the internal market

After the French National Assembly had passed the Electricity Bill at first reading on 2 March 1999, the Senate rejected it on Thursday, 18 November 1999. Formally, the European electricity directive ought to have been transposed into national law as of 18 February.

1. In view of the Commission's reply to previous questions by the undersigned, what implications is the rejection of the legislation likely to have for the liberalisation of the European electricity market?

2. The rejection of the Electricity Bill in France will distort the internal market for electricity in the European Union. Bearing in mind, inter alia, that the European directive ought to have been transposed into national law by 18 February, and that France is the only EU Member State which has not yet complied with this requirement, legal proceedings against France would be appropriate. However, such proceedings are likely to be protracted, and will not, therefore, remedy the situation in the near future. What will the Commission do in the short term to prevent distortion of the internal market for electricity?

3. Has the French Government informed the Commission of the situation, and has the Commission been informed how the French Government intends to prevent any obstacles to the internal market as soon as possible and what practical measures the French Government intends to take, in consultation with the Commission, to reduce the distortion of the internal market to a minimum?
4. What countermeasures by EU Member States will the Commission allow in order to implement the reciprocity clause?

**Answer given by Mrs de Palacio on behalf of the Commission**

*(13 January 2000)*

1. The Commission regrets the postponement of the adoption of the bill on the modernisation and development of the public electricity service, which was designed to transpose into French law Directive 92/96/EC of the Parliament and of the Council of 19 December 1996 *(1)* concerning common rules for the internal market in electricity and to guarantee the right of the electricity producers of the other Member States to supply potentially eligible French consumers and the right of French consumers to freedom of choice of supplier.

2. Following the failure of the Joint Committee of the French Senate and National Assembly of 18 November 1999, on 24 November 1999 the Commission sent France a letter formally requiring it to submit its comments within 15 days and on 23 December 1999 it sent France a reasoned opinion pursuant to Article 226 (ex-Article 169) of the EC Treaty.

On 2 December 1999, the French Energy Minister (Secrétaire d’État) informed the Council meeting on energy that the French Government had taken steps to ensure that the bill is adopted in February 2000.

3. Following an initiative from Electricité de France and in agreement with the French Government, industrial consumers that use more than 100 GWh (i.e. 22% of the market) benefit from access to the network on the basis of public tariffs for the transmission of any electricity purchased from suppliers in other Member States.

4. It is up to the Member States to take the decision to apply the balance clause of Article 19(5) of Directive 96/92/EC. The Commission will ensure that it is correctly applied and, in particular, that the market of the Member States concerned remains open to all potential suppliers for eligible consumers that use more than 100 GWh.


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**(2000/C 219 E/207)**

**WRITTEN QUESTION P-2440/99**

by Giles Chichester (PPE-DE) to the Commission

*(13 December 1999)*

Subject: Closure of Barsebäck nuclear power plant by Swedish Government

The Swedish Government has decided to close down by the end of November 1999 one of the country’s twelve nuclear reactors at the Barsebäck nuclear power station close to Copenhagen. The reactor is one of the two privately owned power plants, the other ten are owned by the Swedish Government, through the State Power Board. The Government has not undertaken an environmental impact assessment as to the consequences of the closure of the reactor nor has it made any commitment for compensation to the owners and employees.

The situation gives rise to important questions, which the European Commission should address as a matter of urgency in view of the planned closure date:

1. From a competition aspect, can the Commission state whether the Swedish Government’s decision to close one of the two privately owned reactors and not one of the ten state-owned plants, is a distortion of EU legislation?

2. Is the Commission satisfied that a full Environmental Impact Assessment has been correctly applied in this case and, if not, should not the closure date be cancelled immediately.

3. Why has the European Commission not already taken measures in this case when the Swedish Supreme Administrative Court, the final court of appeal, upheld the Government’s decision but failed to request a preliminary ruling from the European Court of Justice?