In regard with the suggestion by scientists to assess the stock of anchovy at the beginning of the fishing season, in order to take a mid-year decision on the total allowable catch (TAC), the Commission has already adopted this approach for 2000 and is studying the possibility to adopt it as a management strategy whenever there is a warning that the stock is at risk. Advice has been requested from the scientific, technical and economic committee for fisheries.

The Commission agrees that the setting up of a provisional TAC, to be reviewed during the year pending scientific assessment, may create difficulties to the fishing industry. For this reason, the Commission intends to reserve such a scheme only for cases of biological danger. In normal circumstances, the traditional approach of an annual TAC will be preferred.


WRITTEN QUESTION P-1049/00
by Olivier Dupuis (TDI) to the Commission
(29 March 2000)

Subject: OLAF

Further to the answer given by Mr Kinnock to Written Question E-0262/00 (1), can the Commission:

— say whether, since the establishment of UCLAF, the conduct of any member of the UCLAF or OLAF staff has been found to be in breach of Article 28 of the Staff Regulations of officials or of Articles 12(2) and 55 of the Conditions of employment of other servants? If so, can the Commission, while maintaining the requisite confidentiality of information, give out the facts and indicate the measures it has taken?

— confirm that, in the event of accusations which prove to be defamatory, it will not take direct action against the previous who made the defamatory accusations but, under Article 24, will leave it to the official concerned by the defamatory accusation to defend himself/herself?

Can the Commission also say what measures of assistance it can give under Article 24 to an official concerned by a defamatory accusation? How does the Commission envisage guaranteeing that the holding by a member of the OLAF staff of secret information acquired during the performance of his/her duties and possible trade union activity by that official will not result in ethical conflicts (of powers and responsibilities)?


Answer given by Mr Kinnock on behalf of the Commission
(23 May 2000)

Before engaging a new member of staff the Commission verifies on the basis of appropriate documents submitted by candidates that the basic conditions laid down in Article 28 of the Staff Regulations and in Articles 12(2) and 55 of the Conditions for employment of other servants are met. The Commission has no information which suggest that officials and other servants working for the Unit on Coordination of Fraud prevention (UCLAF) did not comply with these conditions.

Under the terms of the relevant Regulation, the Director of the European anti-fraud office (OLAF) has a similar obligation as appointing authority for OLAF staff. Any breach of the Staff Regulations by OLAF personnel will therefore be treated in the same disciplinary way as illegal behaviour of any Commission official. Although the Director of OLAF has indicated to the Commission that there is no element to his knowledge suggesting that officials or other servants working for OLAF did not comply with the rules mentioned above, he has nevertheless indicated that a disciplinary procedure is under way concerning possible misconduct involving an OLAF official. At this stage, a final decision has not been taken and no further information can therefore be given to the Honourable Member.
Where there are serious unfounded accusations against the professional integrity of an official, the administration is required under Article 24 of the Staff Regulations to take all necessary steps to restore the good name of the official concerned. In such cases the administration enjoys a wide discretion, subject to review by the Community judicature, regarding the choice of the ways and means of providing the official with assistance. It must refute those allegations and do everything possible to restore the good name of the official concerned. Assistance under Article 24 can therefore take various forms depending on the type of threat or action and the wishes of the victim.

Under Article 17 officials are required to exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course or in connection with the performance of their duties. Secret information acquired by a member of the OLAF staff should therefore not be used for any other purpose than the execution of the tasks conferred to the official.

It is for the Director of the Office to take the necessary organisational measures if he considers that potential ethical conflicts could arise between the duties of an official and his activities in a trade union.

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**WRITTEN QUESTION E-1051/00**

by Brigitte Langenhagen (PPE-DE) to the Commission

(4 April 2000)

Subject: Minimum landing size for flatfish under EU Regulation 850/98

Annex XII of the new EU Regulation 850/98 (1) has omitted to specify the minimum landing size for various species of flatfish (turbot, brill, lemon sole, witch flounder, flounder and yellowtail flounder), as the previous regulation had done. Will the Commission say:

1. Is this omission accidental, or deliberate?

2. In the latter case, why did it take this step?

3. Does it agree that there should be a minimum landing size for every species of fish destined for consumption, so that the fish are able to spawn at least once, thereby preserving stocks?

4. Is it aware that undersized fish cannot be marketed owing to the lack of flesh?

5. Does it agree therefore that the minimum size for plaice should not be lowered to below 25 cm if it is to qualify as a fish for consumption?


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

(31 May 2000)

The omission is deliberate and was agreed by Member States during debate leading to the revision of the technical measures package for the north-east Atlantic as laid down in Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.

The major thrust of the Commission in establishing the revised technical measures package was to improve, wherever possible and to the extent possible, the selectivity of fishing gears with respect to the major fish species in Community waters. With some minor exceptions, the fish species referred to in Annex XII of Council Regulation (EC) No 850/98 are the species which support the major fisheries. Again to the extent possible, the Commission then attempted to establish minimum landing sizes for these species in relation to the selectivity of the fishing gears used in their capture.