Because such investment subsidies exist, it happens in practice that cold stores connected with the processing installations are deliberately constructed with a cold storage capacity which considerably exceeds the basic idea behind and the purpose of the said investment subsidies. This vast surplus storage capacity is then offered to third parties as commercial storage for frozen and deep-frozen products. The subsidies granted enable prices to be kept to a minimum, and that results in a substantial competitive disadvantage for commercial cold stores.

Is the Commission aware of this situation?

What steps are planned to eliminate this distortion of competition?

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

(24 May 2000)

The respect of the selection criteria for investments for improving the processing and marketing conditions for agricultural products pursuant to Commission Decision 94/173/EC of 22 March 1994 is part of the Commission Decision on the approval of single programming documents for Community structural measures for improving the processing and marketing conditions for agricultural products.

The recitals include the following obligation for the Member States: 'Whereas, during the implementation of the single programming document, the Member State will ensure that the individual projects included therein will conform with the selection criteria for investments for improving the processing and marketing conditions for agricultural products currently in force, in application of Article 8(1) of Council Regulation (EC) No 951/97 of 20 May 1997 on improving the processing and marketing conditions for agricultural products (').

The implementation of the aid scheme by the Member States includes the examination of the project proposals and the respect of the selection criteria by the authorities in the Member State or region.

If the Commission receives information which demonstrates that the approved conditions to grant aid are not respected, the Commission can take the appropriate measures foreseen in Council Regulation (EC) No 659/1999 of 22 March 1999 which provides the modalities of the application of Article 88 (ex Article 93) of the EC Treaty (').

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**WRITTEN QUESTION E-1397/00**

by Bernd Lange (PSE) to the Commission

(4 May 2000)

Subject: Implementation of Directive 92/61/EEC in Germany — specified types of tyre

The Commission’s original proposal that tyre types be specified as part of the type-approval of motorcycles was not included in Directive 92/61/EEC ('), as the European Parliament considered that the specification of tyre types by vehicle manufacturers in the context of the European type-approval procedure for motorcycles would place tyre manufacturers who had perhaps not been taken into account at a competitive disadvantage.

In Germany, however, it seems that vehicle manufacturers are still managing to specify particular types of tyre in vehicle documentation, even after the Directive’s entry into force, by using vehicle type-testing procedures.

Is the Commission aware of such practices? Does it consider German implementation of the Directive to be at odds with European legislation?

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(2) OJ L 83, 27.3.1999.
Answer given by Mr Liikanen on behalf of the Commission

(16 June 2000)

The legislative provisions governing technical requirements for tyres and their fitting are contained in Directive 97/24/EC of the Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles (1).

The Commission was informed of tyre brand restrictions attaching to certain passenger cars manufactured in Germany. Following exchanges of correspondence with the Commission, the German authorities addressed a communication dated 29 February 2000 to the Commission in which type-approval authorities have been instructed not to include in the future any such brand restrictions in vehicle documents. The communication also states that any existing brand restrictions contained in vehicle documentation are devoid of legal effect.

The Commission is of the view that tyre brand specifications for motorcycles are similarly unacceptable. The Commission will contact the German authorities in order to clarify the situation.


WRITTEN QUESTION E-1399/00

by Phillip Whitehead (PSE) to the Commission

(4 May 2000)

Subject: Certificate of Pharmaceutical Products

Can the principles of free trade be reconciled with the concept of exclusive distribution rights, which is an indirect effect of the Certificate of Pharmaceutical Products, particularly in respect of the supply of essential medicines for emerging countries?

Answer given by Mr Liikanen on behalf of the Commission

(16 June 2000)

The export certificates ('certificate of pharmaceutical products') drawn up by the national or Community authorities are based on the WHO (World Health Organisation) model.

Their main aim is to certify that the medicine for which the certificate has been requested is indeed covered by a marketing authorisation granted by the authorities in the exporting country.

That main aim is thus linked to the marketing authorisation and not to the distribution system or to access to the pharmaceuticals market. As such it does not confer any exclusive-distribution right. The certificate constitutes a guarantee and makes pharmaceutical products more accessible in the less-developed importing countries.

WRITTEN QUESTION E-1400/00

by María Sornosa Martínez (PSE) to the Commission

(5 May 2000)

Subject: Safety risks in Spanish mining dams

According to data made available by the WWF environmentalist group, there are at present 743 mining dams in Spain, of which 161 are subject to the risk of an accident similar to that which occurred in Romania in January 2000. On that occasion, the overflow of a tailings dam into a gold mine led to the pollution of the Danube and one of its tributaries.