Of particular importance is the jurisdiction of the Court under Article 300 (6) EC to give an opinion on whether an international agreement envisaged is compatible with the Treaty. In its opinion in C-1/91 of 14 December 1991 the Court held that the system of judicial supervision which the draft EEA Agreement proposed to establish was incompatible with the EEC Treaty (4). In its opinion in C-1/94 of 15 November 1994, the Court held that the Community did not have sole competence to conclude all parts of the agreement establishing the World Trade Organisation concerning trade in services (GATS) and the trade related aspects of intellectual property rights including trade in counterfeit goods (TRIPs) (7). Thus, the Community is required either to change the content of the agreement envisaged or to amend the Treaty under Article 48 (ex Article N) of the Treaty on European Union.

The Commission regrets the delay in giving this supplementary answer.

(2) ECR [1960] p. 325.
(5) At point 99 of the judgment.

(2001/C 163 E/002) WRITTEN QUESTION E-2454/00
by John McCartin (PPE-DE) to the Council
(24 July 2000)

Subject: European border regions

Is the Council aware of a proposal by the Commission for an ‘Action Plan’ to help border regions cope with enlargement and has the Council considered whether this plan will require a change to the financial perspectives with a new ceiling in Category 2 so that existing poor regions will not lose assistance as a result?

Reply
(12 February 2001)

The Council has not received any Commission proposal along the lines referred to by the Honourable Member, and consequently has no plans to change the financial perspective to cover the actions described in the question. In this respect, the situation of existing poor regions is not in doubt.

As regards the second question, the Council would remind the Honourable Member that, in any case, the financial perspective already includes coverage for other actions, in particular strand A of Interreg III which aims to promote integrated regional development between border regions, including external borders and maritime borders.

(2001/C 163 E/003) WRITTEN QUESTION E-2575/00
by Ilda Figueiredo (GUE/NGL) and Arlindo Cunha (PPE-DE) to the Commission
(1 August 2000)

Subject: Rules governing the application of agro-environmental measures in Portugal

It appears that there are considerable loopholes in the implementation of some agro-environmental measures in Portugal, particularly those relating to the preservation of extensive methods of cultivating cork oak and holm oak and organic farming.
These loopholes exist at three main levels:

- a lack of preparation among the technical teams carrying out checks at regional level;
- the lack of a regulatory framework as regards supervision;
- the lack of prior information for farmers on the technical requirements to be met under the various measures.

As a result of these loopholes, there are frequent disparities as regards the interpretation of the legal and technical requirements for the correct implementation of the various measures and, consequently, farmers benefiting from these measures suffer unjust treatment.

Can the Commissioner responsible for agriculture and rural development provide detailed information on:

1. the legislation relating to the supervision of agro-environmental measures in Portugal;
2. the specific training provided for technical staff in the Portuguese Agriculture Ministry responsible for supervising agro-environmental measures;
3. whether it has recently carried out any inspections in Portugal in this connection?

Supplementary answer
given by Mr Fischler on behalf of the Commission
(4 December 2000)

In accordance with subsidiarity, Member States are responsible for implementing agri-environmental measures. Until 31 December 1999, Commission Regulation (EC) No 746/96 of 24 April 1996 laying down detailed rules for the application of Council Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside (1) required Member States to carry out administrative and on-the-spot checks. Since 1 January 2000, implementation of agri-environmental measures has been governed by Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (2); the verification requirements have not changed significantly.


2. The Ministry of Agriculture technicians responsible for monitoring agri-environmental measures belong to the regional agricultural directorates’ taxation and monitoring departments and are integrated into the unified monitoring system. In addition to basic training in agronomy, these technicians are also specifically trained to monitor inter alia agri-environmental measures by Ifadap (Portugal’s financial institute for the development of agriculture and fisheries), which manages the funds in question.

Where the measures to be checked are of a more specific technical nature, a specialist from the regional agricultural directorates joins the monitoring team.

3. The Commission last carried out an on-the-spot inspection of Portuguese agri-environmental measures in May 1999. More recently, in June 2000, a purely administrative check was carried out within the relevant payment agency in Portugal.