WRITTEN QUESTION P-3826/00
by Massimo Carraro (PSE) to the Commission

(29 November 2000)

Subject: Improper use of the Valpolicella brand name in a publicity campaign against drink-driving

An article published on 12 November 2000 in the Verona newspaper ‘Arena’ reveals that Valpolicella Consortium advertisements have been used in Ireland in a campaign against drink-driving in an improper and damaging way. The Valpolicella brand name is shown in the campaign with the letters ‘police’, which appear within the word, highlighted in red so as to create an obvious connection between the name of the wine and checks by police officers.

Although a publicity campaign against drink-driving is a legitimate and praiseworthy initiative, does the Commission not consider that the use of a specific registered appellation of origin, such as the Valpolicella Consortium, constitutes a defamatory act resulting in considerable commercial damage to the brand name?

What steps does the Commission intend to take to resolve the situation?

Supplementary answer
given by Mr Fischler on behalf of the Commission

(21 March 2001)

The Irish authorities have informed the Commission that no official campaign against drink-driving has been organised in that Member State in the way described by the Honourable Member.

The publicity cited in the Verona newspaper ‘L’Arena’ appeared on some items imported from the United Kingdom and it was an isolated and accidental occurrence. The items were immediately withdrawn from the market once the Irish authorities became aware of the incident.

WRITTEN QUESTION E-3841/00
by Raina Echerer (Verts/ALE) to the Commission

(7 December 2000)

Subject: Transport of animals

As the Commission has often recognised the failure of some EU Member States in implementing Council Directive 91/628/EEC (1) (amended by Council Directive 95/29/EC (2)) within the EU borders, can the Commission provide an evaluation of the implementation of the provisions of this Directive during the export of animals from the last place within the EU’s borders to the first place of unloading within third countries of final destination?

Can the Commission specify the following:

- As Article 9 of Directive 91/628/EC provides for the application of certain welfare assistance standards to animals which are suffering or are injured (also as a result of the use of means of transport not complying with the provisions of the Directive), do such animals benefit from those assistance standards at the first place of unloading in third countries? And if not, can the Commission explain why?
How many veterinarians are employed for providing the checks at the first places of unloading in the third countries of final destination where such animals are exported as specified by Article 3 of Regulation 615/98/EEC (3)?

As Article 4 of Regulation 615/98/EEC states that ‘the consignments to be checked shall be selected on the basis of risk analysis’ carried out at the initiative of Member States or at the request of the Commission, can the Commission explain on which criteria such analyses are built up and by which body/authority?

Answer given by Mr Fischler on behalf of the Commission

(27 February 2001)

The Commission has recently adopted a report on the general application of the Directive and refers the Honourable Member to the reply to Written Question E-3765/00 by Mrs Maes (1) for more details on this matter. However no specific data are available to the Commission concerning the enforcement of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC, outside the borders of the Community.

Commission Regulation (EC) No 615/98 of 18 March 1998 laying down specific detailed rules of application for the export refund arrangements as regards the welfare of live bovine animals during transport, provides a mechanism, which ensures that an official veterinarian at the point of exit of the Community effects systematic checks on all consignments for which export refunds are to be paid with regards to all the aspects of the journey which can be possibly verified at this stage. The Inspection should in particular check the fitness of the animals to continue the journey, that the means of transport in which the animals will leave the Community complies with the provisions of Directive 91/628/EEC and that provisions have been made for the care of the animals during the journey.

Checks in third countries under Regulation 615/98 are not systematic and are carried out according to the particular characteristics of the measures taken. Firstly, Article 3 requires checks to be undertaken at the place where the animals are first unloaded in the country of final destination in two cases. These are where there had been a change of means of transport between leaving the Community and arriving in the country of final destination, and where the veterinarian at the exit point has called for a check to be carried out at unloading in the country of destination. Moreover, Article 4 requires the exporting Member State to organise unannounced sample checks in third countries, during transit or at the place of final unloading.

According to Article 3(1), these checks in third countries must be carried out either by an approved control and supervisory agency or by an official agency of the exporting Member State. In both cases the person who carries out the checks is a veterinarian by trade acting on behalf of those entities.

Finally, with regard to the questions on ‘risk analysis’ in Article 4, the Commission considers that risk analysis should be based on the general criteria developed in Commission Regulation (EC) No 3122/94 (2), supplemented with specific criteria related to this particular trade, such as whether the animals are transported for slaughter or for breeding, the transporter’s reputation, point of unloading or transhipment outside the Community, port of unloading in the third country of final destination, duration of transport, etc. The authorities designated by the exporting Member States should apply these criteria.