Pursuant to Article 247(3) of the EC Treaty, in June 2001 the Council consulted the European Parliament on the appointment of nine Members of the Court of Auditors. Seven of the Members concerned are to be appointed in the context of a part replacement, in accordance with Article 247(3) of the EC Treaty, whilst two others — including Mr Tobisson — are to replace Members who have resigned, in pursuance of Article 247(6) of the Treaty.

In a secret ballot the European Parliament delivered its Opinions, after the nine candidates had been heard by its Committee on Budgetary Control, at the meeting on 23 October 2001. The European Parliament’s Opinions on each individual candidate were all positive by a very large majority.

The EC Treaty stipulates that the term of office is to be six years in the context of a part replacement (Article 247(3) of the EC Treaty). However, in the event of a replacement following a resignation — as is Mr Tobisson case — the replacement runs, as stipulated in Article 247(6) of the EC Treaty, ‘for the remainder of the Member's term of office’. In the instance referred to by the Honourable Member that term of office, which runs from 1 January 2002, expires on 28 February 2006.

The nine Members of the Court of Auditors were accordingly appointed by the Council, acting unanimously after consulting the European Parliament, on 8 November 2001 (1).


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WRITTEN QUESTION P-2921/01
by Phillip Whitehead (PSE) to the Commission
(17 October 2001)


Does the Commission accept that a failure to notify an active substance under the second and third stages of the work programme (Commission Regulation 451/2000 (1)) may be due to the inability of small and medium-sized enterprises to meet the considerable costs involved in the notification and evaluation of the active substance, and not to their lack of interest or knowledge?

Does the Commission not agree that this may lead to a perverse situation where safer and more effective pesticides are compulsorily taken off the market while less safe and less effective pesticides are allowed to remain on the market, simply because they are supported by larger firms who can afford the very large sums which are charged for evaluation and notification?

In light of the ongoing review of the work programme as required by Article 8(2) of Directive 91/414/EEC (2), will the Commission consider allowing derogations on active substances that have not been notified by the date set out in Regulation 451/2000, where it can be proved that the lack of notification was due to the inability of reputable small firms, which are supposed to be at the heart of the EU’s strategy for economic growth, to meet the substantial costs of notification and evaluation which may exceed their actual annual turnover?


Answer given by Mr Byrne on behalf of the Commission
(20 November 2001)

The Commission is aware that pesticide manufacturers took many factors into consideration when reaching decisions on whether to notify individual substances under the second and third stages of the
work programme under Commission Regulation (EC) No 451/2000 of 28 February 2000 laying down the
detailed rules for the implementation of the second and third stages of the work programme referred to in
Article 8(2) of Council Directive 91/414/EEC. It acknowledges that economic reasons could have driven
decisions by manufacturers, including small and medium enterprises (SMEs), not to notify certain active
substances even though the Directive encourages the formation of industry task forces and the submission
of joint dossiers to reduce the costs of defending substances in the review.

In the absence of assessments of the safety of individual substances, the Commission has no basis on
which it could agree with the hypothesis that this may lead to a situation where safer and more effective
concerning the placing of plant protection products on the market will lead to a situation where only the
safe and effective use of pesticides will be permitted in the Community. Nevertheless, the Commission is
aware of the enormous challenge faced, in particular by SMEs with regard to their capacity for innovation
through the very comprehensive regulatory requirements that aim at guaranteeing health and environ-
mental safety and effective crop protection.

The Directive placed the protection of health and the environment above the needs of agricultural
production and provided for a Commission Decision not to include in Annex I those active substances for
which the requisite information and data were not submitted within prescribed time periods. Recital 15 of
Regulation (EC) No 451/2000 acknowledged that, if necessary, it may be appropriate to re-examine these
provisions for certain uses which are essential and for which there is no alternative available in order to
efficiently protect plants or plant products or to allow the development of alternatives replacing the use
of withdrawn products. It also recognised that the necessity of re-examining those provisions would have to
be demonstrated on a case-by-case basis. Recital 16 of the Regulation states that if, for a particular active
substance, the requirements concerning notification and submission of complete dossiers are not satisfied,
interested parties are not prevented from seeking inclusion of such active substances in Annex I to the
Directive at a later date in accordance with the procedures under Article 6(2) of the Directive.

(2002/C 134 E/151)

WRITTEN QUESTION E-2924/01

by Jens-Peter Bonde (EDD) to the Council

(25 October 2001)

Subject: Border checks and terrorism

Will the Council allow countries to re-introduce border checks if they see the need to do so in order to
catch terrorists?

Reply

(12 February 2002)

The Council would inform the Honourable Member that in accordance with Article 2(2) of the Schengen
Convention ’if public policy or national security require immediate action’ a Member State may
temporarily reinstate checks at its borders and ’at the earliest opportunity shall inform’ the other Member
States.

The free movement of persons established by the Treaty establishing the European Community (TEC) may
therefore be restricted when the Member States exercise their responsibilities under such circumstances

In this context, the Council would remind the Honourable Member that, under Article 64(1) of the TEC,
responsibility for maintaining law and order on the territory of the Member States of the European Union
falls within the exclusive competence of the authorities of each Member State. The Council is not
authorised to take a position on a matter which does not fall within the scope of the powers conferred
upon it by the Treaties.