In light of the contents of Article 1 of Directive 75/442/EEC on waste as amended, and of the interpretation of this provision provided by the Court of Justice, the Italian Decree No 138 of 8 July 2002, which, according to the description provided by the Honourable Member, provides criteria on the interpretation of the terms ‘intention to discard’ and ‘obligation to discard’ and as a consequence is liable to restrict the scope of application of Directive 75/442/EEC, could be in breach of the Community waste legislation.

The Commission will take the appropriate steps in order to verify the compliance with Community law in this specific case. Should the Commission identify a breach of Community law in this specific case, it would not hesitate, as the guardian of the Treaty, to take all necessary measures conferred on it by the Treaty, including infringement procedures under Article 226 of the EC Treaty, in order to ensure compliance with the relevant Community law.


(2002/C 309 E/262) WRITTEN QUESTION P-2395/02

by Hiltrud Breyer (Verts/ALE) to the Commission

(30 July 2002)

Subject: Testing for illegally irradiated, unlabelled food products by Member States

A UK Food Standards Agency survey revealed in June 2002 that products sold in the UK are being irradiated in breach of food regulations. Herbs, spices, dietary supplements, prawn and shrimps were tested. None were labelled as irradiated, in breach of EU and UK law. 42% (58 out of 138) of the dietary supplements had been irradiated or contained an irradiated ingredient. Five prawn and shrimp samples and one spice sample had also been irradiated. In the UK, only correctly labelled irradiated herbs and spices are currently permitted.

Unregulated food irradiation is a potential health hazard, and breaches of irradiation labelling laws mislead consumers. The sale of illegally irradiated, unlabelled foods has occurred repeatedly within the EU in recent years, despite the fact that detection tests are now available. Such foods could still be on sale to consumers in many EU Member States, especially in those States that conduct no irradiation detection surveys.

What action is the Commission planning to take following the alarming results of the FSA survey?

How does the Commission make sure that the demands of Directives 1999/2/EC (1) and 1999/3/EC (2) are being fulfilled by the Member States?

Is the Commission able to give information on the number and results of irradiation detection surveys in the Member States?

Réponse donnée par M. Byrne au nom de la Commission

(20 September 2002)


The irradiation of dried aromatic herbs, spices and vegetable seasonings is authorised in the Community (Directive 1999/3/EC of the Parliament and of the Council of 22 February 1999 on the establishment of a Community list of food and food ingredients treated with ionising radiation). In addition, five Member States maintain national authorisations for certain foods in accordance with Article 4(4) of Directive 1999/2/EC.

According to Article 6 of Directive 1999/2/EC any irradiated food or any irradiated food ingredient of a compound food need to be labelled by the words ‘irradiated’ or ‘treated with ionising radiation’.

For the enforcement of the correct labelling or for the detection of irradiated non-authorised products, several analytical methods have been standardised by the European Committee for Standardisation (CEN), following a mandate given by the Commission.

According to Article 7(3) of Directive 1999/2/EC the Member States shall forward to the Commission each year:

– the results of checks carried out in the irradiation facilities, and
– the results of checks carried out at the product marketing stage.

Some Member States did not transpose the Directives 1999/2/EC and 1999/3/EC into national law in time, i.e. until 20 September 2000. The Commission launched infringement procedures against these Member States. Meanwhile, the Directives have been transposed by all Member States.

The Commission requested the Member State authorities to submit the results of checks carried out in the irradiation facilities and the results of checks carried out at the product marketing stage for the period of 20 September 2000 to 31 December 2001. The Commission is currently compiling this information in a report entitled ‘First food irradiation report of the European Community’ which will be published in the Official Journal of the European Communities.

In the United Kingdom, the authorities have detected that 42% of certain dietary supplements on the market are irradiated. Most of these products are not very common (aloé vera, alfalfa, cat’s claw, devil’s claw, garlic, ginger, ginkgo biloba, ginseng, guarana, kava kava, saw palmetto, silymarin, turmeric). As the treatment of most of these products by ionising radiation is not allowed in the Community, the Commission informed the Member States about these findings in the Standing Committee on the Food Chain and Animal Health and requested the Member States to check this sector in order to ensure that the requirements of the Directive are respected.

With the exception of these dietary supplements, the results from Member States’ food control authorities show however that in general only a few irradiated products are on the market which are not labelled as ‘irradiated’ (about 0,5%). These products are mostly spices, herbs and foods containing spices or herbs as well as a small number of frog legs, shrimps, prawns and vegetables.

In total more than 6 500 food samples have been checked of which, together with the irradiated dietary supplements in the United Kingdom, about 1,5% where irradiated but not labelled. Some of them, in particular most of the dietary supplements, are not authorised for treatment by ionising radiation in the Community. The Commission expects that the number of irradiated dietary supplements will decrease sharply as a consequence of additional checks by the food control authorities of the Member States. On the basis of these results, the Commission draws the preliminary conclusion that the compliance of food business operators with the provisions of Directive 1999/2/EC is good.
Further information about food irradiation is available via the following web site of DG Health and Consumer Protection of the Commission: http://europa.eu.int/comm/food/fs/sfp/sfp_index_en.html.


WRITTEN QUESTION P-2402/02
by Armin Laschet (PPE-DE) to the Commission

(30 July 2002)

Subject: Direct aid of EUR 10 million per month to the Palestinian Authority

A financial agreement for the payment of EUR 10 million per month in direct aid, concluded on 31 May 2001 between the European Commission and the Palestinian Finance Ministry, is due to expire on 31 July 2002. Has it been extended beyond that date?

Is it true that the Israeli Government is prepared to resume the withheld transfer payments of tax and import duties, which it suspended in 2000, to the Palestinian Authority?

Will the Commission continue to provide flat-rate aid, even if Israel pays an initial instalment of EUR 40 million to the Palestinian Authority in the near future?

Answer given by Mr Patten on behalf of the Commission

(13 September 2002)

On 27 February the MED Committee approved EUR 120 million in direct budgetary assistance (DBA) for the Palestinian Authority. Accordingly, on 26 March the Commission granted the Palestinian Authority the first EUR 50 million under DBA III to cover payments over the period March through July. A financing agreement was signed with the Palestinian Authority the same day. The five EUR 10 million tranches have already been disbursed.

On 7 August the Commission approved a further EUR 30 million under DBA IV for the period August through October. This sum will be the subject of a rider to the DBA III financing agreement.

According to reports in the international press, the Israeli government announced, on 24 July, that it would shortly be releasing some ILS 210 million (about USD 44.7 million) in tax revenue withheld from the Palestinian Authority since the second Intifada started in September 2000. The Jerusalem Delegation tells the Commission that the Israeli government has released an initial tranche of ILS 70 million (about USD 14.8 millions) and that the Israeli government and the Palestinian Authority are now discussing the payment of the balance.

The Israeli government is still holding on to almost USD 600 million in tax transfers belonging to the Palestinian Authority and has not agreed to resume monthly transfers equivalent to USD 30 million.

In this situation, and given the Palestinian Authority's worsening revenue crisis, the Commission will be continuing its assistance to the Authority. The Union's budget aid is, it should be pointed out, subject to conditions, including administrative, judicial and financial reforms, and these conditions are regularly reviewed and updated.