There are also plans to overhaul the IMO's Convention for the safety of life at sea, SOLAS, to take account of the problem of combating terrorism. This will have consequences affecting those who are allowed to handle cargo, containers, etc. in ports.

How does the Commission intend to take into account the problem of combating terrorism in the directive on market access to port services?

Will it be tabling a new proposal for a directive incorporating the aspect of combating terrorism? If not, can it explain how it will ensure a high level of security in connection with self-handling (see Article 13 of the directive)?

Answer given by Mrs de Palacio on behalf of the Commission

(25 February 2003)

The Commission does not believe that the proposed Directive on 'Market Access to Port Services' (1) is the appropriate legislative act to include security measures following the announcement or the adoption of such initiatives by the Community or by the United States.

As regards in particular the revised Safety of Life at Sea (SOLAS) Convention, the Honourable Member is informed that this Convention only covers security aspects onboard vessels and the immediate interface between ships and port facilities but not the entire complexity of port operations.

The Commission intends to bring forward a proposal aimed at incorporating the results of the International Maritime Organisation (IMO) Diplomatic Conference into Community legislation.

Furthermore, it is carrying out work on a legislative proposal dealing more specifically with port security. It is intended that this initiative would cover security aspects in the port as a whole as well as certain intermodal aspects concerning links between ports and the hinterland.

(1) OJC154E, 29.5.2001.

(2003/C 222 E/156)

WRITTEN QUESTION E-0018/03
by Mario Mantovani (PPE-DE) to the Council

(20 January 2003)

Subject: Floods in northern Italy

Following the serious damage caused by severe landslides and overflowing rivers in Italy in the last few days, in particular across the provinces of Varese, Como, Lecco, Bergamo, Brescia and Lodi as a result of the exceptional rainfall in the region, and taking into account the serious financial difficulties the affected areas have to tackle in order to pay for the damage, does the Council, in view of the exceptional circumstances of the disaster, intend to ensure that emergency use is made of the Solidarity Fund (Council Regulation (EC) No 2012/02 (1) of 11 November 2002) to help the affected areas cope with the consequences of the serious damage caused?


Reply

(8 May 2003)

In accordance with Article 2 of Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund, assistance from the Fund may be mainly mobilised in case a Member State is struck by a major natural disaster.
A major disaster within the meaning of the Fund means any disaster resulting in damage estimated either at over EUR 3 billion in 2002 prices, or at more than 0.6% of the GNI of the disaster struck Member State.

However, exceptionally, even when these quantitative criteria are not met, assistance from the Fund may also be mobilised in case a specific region or specific regions within a Member State are struck by an extraordinary disaster affecting the major part of its population with serious and lasting repercussions on living conditions and the economic stability of the region or regions affected. Assistance under this specific provision may not exceed 7.5% of the total annual budgetary resources of the Fund which are limited to EUR 1 billion.

It is for the Member State concerned to initiate the relevant procedure by lodging an application for assistance from the Fund to the Commission within ten weeks after the first damage caused by the disaster in accordance with Article 4 of Regulation 2012/2002.

Therefore, the Council invites the Honourable Parliamentarian to address his question to the Commission.

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(2003/C 222 E/157)  
WRITTEN QUESTION E-0019/03  
by Margrietus van den Berg (PSE) to the Commission  
(20 January 2003)

Subject: Contracting-out of train services in the Netherlands

In the Netherlands 31 train services shown by the current service provider, the Netherlands Railways (NS), to be profitable are on a list of services being put to tender. In recent years the privatisation of the Netherlands Railways has already caused major problems for passengers because of declining services. Many people question the wisdom of this measure and wonder whether the Netherlands Railways do not simply belong in public ownership.

1. Is it correct that current European legislation does not require the Netherlands to put 31 train services out to competitive tender?

2. Is it not so that a balanced assessment would also have to take account of the necessary investment in equipment in order to arrive at a sustainable approach and does the Commission consider that the omission of this cost heading entails an unacceptable erosion of passenger services?

3. Would it not be better for the regions concerned — such as the North, South and East Netherlands where these services are extremely important in social, economic and accessibility terms — to exempt the services from being put out to tender for the time being or to agree on a reflection period during which the primary consideration would be to safeguard the interests of passengers and the regions?

4. Is the Commission prepared to put this matter, which has already led to a deterioration in services and problems in many European regions, on the agenda for European transport ministers at the forthcoming Transport Council meeting?

Answer given by Mrs de Palacio on behalf of the Commission  
(27 February 2003)

Except in the cases of public works concessions, i.e. contracts where the counterpart for the works to be carried out consists fully or partly in the right to exploit the construction (1), the detailed rules foreseen by the European public procurement directives for the award of public contracts do not apply to the cases mentioned by the Honourable Member. However, if a contracting authority or a contracting entity decides to grant contracts for railway transport to a third party, it has to respect the principles of the EC Treaty, and in particular those of equality of treatment, non-discrimination and transparency. Concerning more specifically the principle of transparency, according to consistent case law the ‘obligation of transparency