secondly, from 1 March 2001, waste subject to mechanical and biological treatment may be landfilled at existing sites until 15 July 2009 at the latest, or even beyond that date in certain cases, only if the organic content of dry residue of the original substance is no more than 18% by mass, expressed as TOC, and the biodegradability of the dry residue of the original substance is no more than 5 mg/g, expressed as aerobic activity (AT4), or 20 l/kg, expressed as the gas formation rate in the fermentation test (GB21);

- complies with the reduction targets laid down in Article 5(2) of the Landfill Directive, having regard to the Community principle of proportionality.

- With question 2 (b), the national court wants to know whether, under the Community principle of proportionality, there is a wide or a narrow margin of discretion in assessing the impact of overlaying waste that has not been treated prior to landfill with waste that has been pre-treated by thermal or mechanical and biological processes. Moreover, the court asks whether the principle of proportionality permits hazards caused by waste pre-treated by mechanical processes alone to be offset by other safeguards.

According to the Commission, the questions have to be answered as follows:

- Article 5(1) and (2) of Directive 1999/31/EC on the landfill of waste have to be interpreted in a way as to allow a national provision, such as the German Regulation on the Environmentally Sound Deposit of Municipal Waste of 20 February 2001, to lay down limit values regarding the quantity of biodegradable municipal waste and waste that can be disposed as such destined for landfill, even if these limit values may only be achieved by means of mechanic-biological treatments or incineration, and if they lead to the fact that, depending on the type of waste concerned, no more biodegradable waste of the said category may be landfilled from 2001, or 2005, onwards.

- A national provision such as the one in question goes beyond the requirements of the Directive and is hence a stricter protection measure according to Article 176 of the EC Treaty. The Community principle of proportionality does not apply to such a measure.

The Commission is not aware of the possibility under German legislation to continue accepting waste that does not fulfil the acceptance criteria for a period of three years after 2005. If such a possibility were to be given, Germany would have to notify the Commission of this change and of the measures taken to ensure that the targets set in Article 5(2) of Council Directive 1999/31/EC, in particular the target for the year 2006, are achieved.

WRITTEN QUESTION E-2134/03
by Margrietus van den Berg (PSE) to the Council

(26 June 2003)

Subject: Deployment of an EU force in Congo

Endorsing the Council’s decision of 5 June 2003 concerning Congo, a number of international organisations have pointed out that the mandate is too limited (geographically) and too short (expiring on 1 September).

Will the Council draw the attention of the United Nations Secretary-General and the Security Council to the desirability of a fresh mandate in respect of these two points?

Reply

(13 October 2003)

The UNSC in its Resolution 1484 (2003) authorised the deployment until 1 September 2003 of an Interim Emergency Multinational Force in Bunia. It was stressed that this force is to be deployed on a strictly
temporary basis to allow the UNSG to reinforce the presence of the United Nations Organisation Mission in the Democratic Republic of the Congo (MONUC) in Bunia. Answering to this call from the UNSC, the Council of the EU on 5 June 2003 decided to conduct a EU military operation in the DRC, named Artemis, in accordance with the mandate set out in UNSCR 1484(2003).

The mandate, limited geographically and in time, is thus designed to stabilise the situation in Bunia until the UNSG can deploy a reinforced UN presence to Bunia by mid-August 2003. The discussion of such a deployment of a reinforced MONUC, both in terms of manpower and mandate, is taking place in the UNSC for the moment with the active support of EU Member States sitting in the SC. MONUC's mandate already covers the whole of the DRC.

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(2004/C 51 E/226) WRITTEN QUESTION P-2137/03
by Marco Cappato (NI) to the Council
(19 June 2003)

Subject: Declaration by Umberto Bossi, the Italian Minister for Institutional Reform, on immigration policy

On 16 June 2003, Umberto Bossi, the Italian minister for Institutional Reform, publicly stated that 'Illegal immigrants should be thrown out, full stop. Only people with employment contracts should be allowed in. Out with the rest. There comes a time when one has to use force. The navy and Guardia di Finanza should line up to defend our shores and use the gun.' On the same occasion, Mr Bossi specified that 'After the second or third warning, that should be it ... bang. No more mincing words. Just shoot whoever they are. Otherwise we will never see the end of it.'

In view of the principles underlying the European common immigration and asylum policy, let alone the rights and fundamental freedoms laid down in Articles 6 and 7 of the Treaty on European Union, does the Council not feel, especially in consideration of Italy's Presidency of the EU, that the Italian Government should be asked to clarify whether the statements on immigration policy made by one of its members represent that government's position?

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Reply
(13 October 2003)

It is not for the Council to express a view on public statements made by a member of the government of a Member State.

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(2004/C 51 E/227) WRITTEN QUESTION P-2142/03
by Adriana Poli Bortone (UEN) to the Commission
(20 June 2003)

Subject: Accident at the Ilva Taranto plant (Italy)

A few days ago, two young men aged 24 and 27 died following an accident at the Ilva Taranto plant (Puglia, Italy).

Can the Commission state whether it intends to carry out an inquiry into the causes of this tragic event at this plant belonging to the Riva group, with a view, notably, to ascertaining what workplace safety measures were in place there?