WRITTEN QUESTION P-1814/03
by Mario Borghezio (NI) to the Commission
(23 May 2003)

Subject: Mario Cipollini’s arbitrary disqualification from the Tour de France

The world road cycling champion, Mario Cipollini, a professional sportsman and hence a worker, has been barred, along with his team, from competing in the Tour de France, even though, as can be seen from his latest brilliant victories in the Giro d’Italia, he is currently in superb form.

Does not this disqualification signify an instance of discrimination contrary to Union rules, in particular the principle of equal treatment and free movement of Community workers on Union territory?

Answer given by Mr Bolkestein on behalf of the Commission
(20 June 2003)

The Honourable Member has questioned the Commission about the fact that the racing cyclist Mario Cipollini and his team were not selected for the Tour de France. However, on the basis of the facts presented in the Written Question, the Commission does not have any information that would lead it to identify the presence of some form of discrimination or infringement of EU rules.

More specifically, the information available does not make it possible to establish whether the decision taken by the organisers of the Tour de France breaches the principle of equal treatment and freedom of movement within the internal market.

Furthermore, in accordance with the established case law of the Court of Justice (1), it should be pointed out that the Community provisions on the free movement of persons and services do not exclude rules or practices (such as selection criteria) which are justified on non-economic grounds relating to the nature and specific context of certain sports meetings and events, provided that these rules or practices are non-discriminatory and proportionate.


WRITTEN QUESTION E-1822/03
by Alexandros Alavanos (GUE/NGL) to the Commission
(2 June 2003)

Subject: Transfer to airforce of EKAB (National First Aid Centre) air rescue operations

In 2000, the EKAB air rescue fleet was set up with 75 % of the funding being provided under the second Community Support Framework. Following a series of accidents, the Greek Government decided to transfer the fleet to the airforce and reregister it accordingly with the Air Transport Utilities Command (DAYKO) for which the airforce will assume responsibility by 20 May 2003. However, the unit has not yet been legally formalised. This is causing serious concern, given that the strict JAA (Joint Aviation Authority) standards do not apply to the armed forces and that the accident involving the EKAB helicopter was largely caused by inadequate safety specifications.

1. Is the transfer to the armed forces of helicopter crews who, under the second CSF, were considered to be civilian emergency rescue personnel, thereby increasing the Community budget for the armed forces, in accordance with the principles governing CSF funding?
2. Does the Commission accept some of the responsibility for the fact that, following its transfer to the armed forces, the European Union-funded EKAB helicopter fleet will no longer be governed by the stringent JAA safety rules and, in particular, JAR Code 145 on technical backup for aircraft and JAR OPS-1 and JAR OPS-3 which lay down stringent standards regarding aircraft and helicopters, their equipment, the safety and flight experience of crew and JAA licensing, since it is specifically stated that these rules are binding on emergency air ambulance services but not on flights by aircraft belonging to the armed forces?

3. Has the Commission investigated the way in which Community funds are being used for the air ambulance fleet in Greece, the reasons for the accidents involving the A 109 Power Agusta helicopter and ways of preventing this from occurring again in the future? Has it also looked into the decision to purchase two Piaggio aircraft subsequently revealed to be unsuitable, leading to cancellation of the order?

4. What representations will the Commission make to the Greek Government with a view to ensuring that emergency air rescue services remain in the civil aviation sector, rather than the airforce, as is the case in all other Member States of the European Union, so as to guarantee full compliance with JAA specifications?

Answer given by Mrs de Palacio on behalf of the Commission

(23 July 2003)

1. The helicopter crews and other operational costs of the Greek National First Aid Centre (EKAB) have never been financed under the European Union's Community Support Framework for Greece.

2. The Commission does not bear any responsibility for the operational safety of these aircraft. The Greek authorities' decision to transfer the operation of emergency air rescue services to the armed forces means that their operation is not covered by JAA requirements. Furthermore, the provisions of JAR OPS 1 and 3 have not been transposed into Community law.

3. The Honourable Member is referred to the Commission's answer to Priority Question No P-546/03 from Mr Xarchakos (1).

4. The Commission does not have the power to make representations to a Member State about the civil or military nature of the body responsible for its emergency air rescue services. These services are covered by Community rules on freedom of movement of services, freedom of access to the market and competition. Therefore, measures to exclude or to prohibit activities by service providers may only be taken if they will guarantee that their intended objective will be achieved, but they may not go beyond what is necessary for that objective to be attained. It must be impossible to achieve the same result by imposing less restrictive rules. Furthermore, such measures must be justified by overriding public-interest requirements and not by economic factors and must be in proportion to the aims pursued.


WRITTEN QUESTION E-1823/03
by Monica Frassoni (Verts/ALE) to the Commission

(2 June 2003)

Subject: Failure to carry out a 'preliminary inspection' in respect of the entire Costa Dorada property complex on the coast between Malfatano and Capo Spartivento, Teulada (Cagliari), Sardinia, Italy

Along the coast between Malfatano and Capo Spartivento (Teulada district, Sardinia), five holiday/residential developments (apartment blocks, hotels, holiday homes, service units, golf courses, and so on) have been approved (1). They lie adjacent to one another and they form part of a single 189 000 m² complex, the plans for which have been submitted by the SITAS SpA company. The environmental associations Amici della Terra and Gruppo d'intervento giuridico have on a number of occasions asked the