benefit from the full application of the Community mechanisms ensuring a high level of performance from classification societies. The Commission will ensure that the Maltese authorities, like every other delegating State, meets its obligations to monitor the delegated bodies every two years.

The Commission — while noting the clear and steady reduction in the rate of detention of Maltese ships in recent years — is particularly conscious of the fact that Malta is still on the Paris Memorandum of Understanding blacklist. In any event, the Commission would emphasise that the consequences for Maltese-flagged ships which are detained will not change with Malta’s accession to the Union: ships flying the Maltese flag which have been ‘detained more than twice in the course of the preceding 24 months in a port of a State signatory of the MOU’ will be refused access to ports in the Member States in accordance with the provisions of Directive 2001/106/EC(2) amending the port State control Directive.

The Commission considers it most important that flag States meet their obligations and would remind the Honourable Member that a legislative proposal on the implementation of international instruments by flag States in the Community is being prepared as part of the new legislative package it will be proposing.


(2004/C 84 E/0217)

WRITTEN QUESTION E-0225/04

by Dorette Corbey (PSE) to the Commission

(2 February 2004)

Subject: Food safety and developing countries

I found the Commission’s answer to my previous Written Question (E-3176/03) disappointing and unsatisfactory.

Can the Commission indicate whether the new food safety rules have made it easier or more difficult for developing countries to sell their products on the EU market?

Has the Commission had any reaction from third countries? If so, what reaction?

Have any efforts been made to estimate the impact on developing countries? If not, why not?


Answer given by Mr Byrne on behalf of the Commission

(16 March 2004)

The Commission regrets that the Honourable Member considers the answer to Written Question E-3176/03 disappointing and unsatisfactory. The Commission tried to give as complete a picture as possible of the consequences of the new legislation concerning food safety for trade with developing countries. The Commission stated that the picture cannot be complete because the import and export chapter of the General Food Law is not yet applicable, and the proposals for the hygiene package and for a regulation on Food and Feed Control are still under discussion. The Commission’s position was that as a result of the new legislation the production and control structures in exporting third countries might need to be adapted and that it is expected that due to this adaptation, exportation could be more difficult for
developing countries in the short term. The Commission however also expressed its expectation that with EU trade-related assistance and capacity building these difficulties can be surmounted. What to do specifically should be an element in the dialogue between the EC and its development partners.

The Commission has notified the proposals for the new food safety legislation to the World Trade Organisation (WTO). From the developing countries only Brazil reacted as regards the hygiene package. Brazil had no fundamental objections to the approach of this proposal but it expressed technical and procedural comments and time and financial constraints as regards the implementation of certain aspects. In the meetings of the Sanitary and Phytosanitary (SPS) Committee of the WTO no reaction was noted from the developing countries.

In the meantime discussions in the Council and Parliament continued. The impact of the proposal for a regulation concerning food and feed control (\(^{(1)}\)) on the developing countries was part of these discussions. As a result Member States suggested that Article 50 of this proposal oblige the Commission, through the Community Development and Cooperation Policy, to support developing countries in their general food safety policy and in building their institutional capacity to meet EC requirements. Member States also suggested to delete from the text the requirement for a control plan in exporting third countries as a condition for import into the EU. Instead the Commission could request information from third countries on their control systems and that on that basis specific measures can be taken. These discussions also revealed that in certain sectors such as in the horticulture sector some developing countries have not yet built up control structures. These issues form part of the dialogue between the Institutions with a view to rapid adoption of the proposal. With the tools that the final text should offer, including the setting of transitional periods, it is expected that existing trade can continue, even when there is no competent controlling authority for a certain sector in a third country, whilst efforts can be made to increase the institutional capacity of these countries.

The Commission is finalizing its internal procedures for launching a study to assess the potential impact of the proposed regulation on food and feed control on trade with African, Caribbean and Pacific (ACP) countries and to get recommendations on how trade-related assistance could help the developing countries to adjust their systems. The Commission is in close contact with ACP countries in connection with the above-mentioned study.

\(^{(1)}\) COM(2003) 52.

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**WRITTEN QUESTION E-0238/04**

by Joachim Wuermeling (PPE-DE) to the Commission

(2 February 2004)

Subject: Implementation of the directive on the safety of cableways

The European Union has recently adopted a directive on the safety of cableways. The Member States are in the process of transposing it into national law.

In Germany, the rules on cableway requirements are the responsibility of the Länder. The German Länder include city-states such as Hamburg, Bremen and Berlin and flat, coastal Länder like Mecklenburg-Western Pomerania and Schleswig-Holstein.

Is it true, as reported in the press, that the Commission intends to oblige even the above Länder to transpose the directive into a law on cableways or face a penalty, even though, for topographical reasons, cable cars can never be installed there?