On 12 July 2003, the Council adopted Recommendation 1999/519/EEC(1) limiting the exposure of the general public to electromagnetic fields in view of ensuring a high level of health protection. The recommended maximum limits are based on the guidelines established by the International Commission on Non-Ionising Radiation Protection and endorsed by the Scientific Steering Committee of the Commission. Full adherence to the basic restrictions and reference levels included in the Recommendation ensures that the public is provided with a high level of protection against both acute and long-term effects of non-ionising radiation across the whole spectrum. At the same time, the Commission is closely following and financing research in this area and will react, if necessary, to any new scientific evidence not yet taken into consideration.

The responsibility for integrating the provisions of the Recommendation mentioned above into national law lies with Member States. The issue should therefore be taken up with the relevant national authorities.


WRITTEN QUESTION E-1008/04
by Albert Maat (PPE-DE) and Neil Parish (PPE-DE) to the Commission
(1 April 2004)

Subject: OIE conference on vaccination against animal diseases

From 13 to 16 April 2004 the OIE will organise an international conference in Buenos Aires on vaccination against animal diseases.

1. Will the European Commission base its contribution to this conference on the report and resolution of the European Parliament's temporary committee on foot-and-mouth disease? If not, what will its contribution be?

2. Is the European Commission, together with the EU Member States, prepared to enforce, within the framework of the OIE, a policy that does not differentiate between protective emergency vaccination (whereby the vaccinated animals are kept alive) on the one hand and suppressive emergency vaccination and/or preventive culling on the other?

Answer given by Mr Byrne on behalf of the Commission
(30 April 2004)

The Commission informs the Honourable Members of its participation in and contribution to the International Conference on the Control of Animal Infectious Diseases by Vaccination, held in Buenos Aires on 13 to 16 April 2004.

At the request of the organising committee, the Commission representative is delivering a paper on: 'The use of antigen and vaccine banks in case of emergency vaccination in the European Community' and was invited to chair the Section on 'Antigen and vaccine banks as a safety measure for insuring control of disease spread'.

The paper is focused on the integration of emergency vaccination in the complex of measures to be implemented in the case of an outbreak of foot-and-mouth disease (FMD). It refers to the needs for contingency planning and explains the Community antigen bank within this context. One of the conclusions should be to raise awareness in countries practicing vaccination that highly purified vaccines and sufficiently sensitive and specific tests for the detection of antibodies against non-structural proteins are essential prerequisites to substantiate any claim for absence of virus circulation following the use of vaccination. In addition, surveillance conducted for that purpose should at least meet the requirements of the World Animal Health Organisation (OIE) and should include a thorough follow-up of and decisive actions in relation to herds which had been in contact with the virus.
The Commission contribution is based on Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease (1), which reflects the lessons learned from the 2001 outbreak, the resolution of the Parliament of 13 December 2002 and the conditions for recovery of the disease and infection free status as laid down in the Terrestrial Animal Health Code of the OIE.

With regard to the differentiation between protective vaccination to live and suppressive vaccination to kill, the Commission wishes to reiterate that the latter is part of a stamping-out procedure applied in infected or contaminated herds. However, where the different strategies are concerned with phasing out protective vaccination, i.e. regaining disease- and infection-free status three months after the slaughter for human consumption of the vaccinated animals as opposed to six months where the vaccinates remain alive, the Commission wishes to draw attention to Article 62 of the above Directive which provides for a derogation from the waiting period in the light of the outcome of the post-vaccination surveillance.

The Commission maintains its position that the internationally accepted requirements for regaining freedom from disease and infection following the resort to emergency vaccination must provide a high level of security. Taking into account the biology of the virus and the epidemiology of the disease, any fast track recovery of disease- and infection-free status may seriously enhance the risk of introducing FMD virus with products of animal origin. In line with the recommendations in the report of the Temporary Committee on FMD of the Parliament, the Commission is bound to minimise such risks while complying with commitments the Community has made in the framework of international trade agreements.

(1) OJL 306, 22.11.2003.

(2004/C 88 E/0274) WRITTEN QUESTION P-1009/04
by Johannes Voggenhuber (Verts/ALE) to the Commission
(25 March 2004)

Subject: Lobau motorway

The EIA Directive (97/11/EC (2)) requires EU Member States to carry out an assessment of the effects of certain public and private projects on the environment. An assessment of this kind is required also in the case of motorways and express roads, pursuant to Annex I of the Directive. In Austria, consent for motorways is granted by the issuing of decrees known as Trassenverordnungen, in accordance with Section 4 of the Austrian Highways Act. This means that consent for a project of this kind is given not on the basis of specific information but by a general and abstract decree.

The European Court of Justice has ruled (Case C-287/98) that, in connection with an environmental impact assessment, while authorisation may be granted in principle by an individual piece of national legislation, the details of a particular project must also be authorised by the relevant law or the decree.

The Austrian Constitutional Court has ruled, in a recent judgment on the Vienna orbital express road, that a Trassenverordnung cannot, by its legal nature, include any kind of subsidiary provisions (conditions) to meet the requirements set out by the EIA law for the authorisation of the project submitted. The Court further stated that, in the case of decrees of this kind, consideration of the findings of the environmental impact assessment was not binding.

Does the Commission deem that this method of authorising the construction of motorways, on the basis of decrees that cannot guarantee that the findings of an environmental impact assessment will be taken into account, is compatible with the EIA Directive?