2. Is it right that it should be left to the discretion of national authorities to decide whether to place products on lists of pharmaceutical products which serve exclusively medical purposes, in the knowledge that this could result in national authorities arriving at different points of view, so that different rates of excise are levied on the same product in different Member States?


Answer given by Mr Bolkestein on behalf of the Commission

(24 February 2003)

1. Article 4 of Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco provides a definition of ‘cigarettes’. According to Article 7(2) of this Directive products consisting in whole or in part of substances other than tobacco but otherwise conforming to the definition of cigarettes, shall be treated as cigarettes as well.

On the other hand, products containing no tobacco and used exclusively for medical purposes shall not be treated as manufactured tobacco. Since they are not to be regarded as tobacco products Member States are not permitted to levy harmonised excise duty on them.

The reply of the Commission to written question E-0721/02 was based on its interpretation of the information provided by the Member States a number of years ago. On the basis of the information provided by the Honourable Member in his present question, the Commission intends to investigate the current application of the above mentioned rules by the Member States again and to clarify possible doubts on the occasion of the next meeting of the excise committee (beginning of April). The Commission will send this information directly to the Honourable Member.

2. When the Council agreed on the product definitions in Directive 79/32/EEC (replaced by Directive 95/59/EC), it did not define explicitly the exact meaning of ‘used exclusively for medical purposes’.

The decision whether a certain product is used exclusively for medical purposes – which is not a question of taxation – has to be made by national health authorities or equivalent official bodies in the Member States.

Such decision, however, must respect the aims of Article 7(2), second subparagraph, of Directive 95/59/EC, which is to leave goods outside the scope of harmonised excise duty, provided they contain no tobacco and are used exclusively for medical purposes.

(2004/C 88 E/0597) WRITTEN QUESTION P-3926/02

by Niels Busk (ELDR) to the Commission

(9 January 2003)

Subject: Production levy in France

Further to my question No. P-2720/01 (1), will the Commission provide details of the measures taken on this matter and the grounds on which they were taken?

Can the Commission also say when a solution may be expected?

Further to its first answer, the Commission is now able to provide the following information. Following an initial examination of the case, the Commission decided on 9 July 2003 to initiate a formal examination procedure within the meaning of Article 88(3) of the EC Treaty with regard to France’s contributions to the national intertrade association for livestock and meat.

The Honourable Member is requested to take note of the details of that procedure when they are published shortly in the Official Journal of the European Union. The Commission will endeavour to take a decision within 18 months of the start of the procedure, and will inform the Honourable Member of the final outcome of its examination.

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WRITTEN QUESTION P-0020/03
by Claude Moraes (PSE) to the Commission
(10 January 2003)

Subject: Caste-based discrimination in India

Dalits, formerly called untouchables, suffer from every conceivable form of discrimination. They are classed as below the lowest group of the social caste system in India and are not allowed to live with, marry or even drink the same water as those born into high-caste families. On 10 October 2002 at the third EU-India Summit, the EU issued a declaration with India, affirming a mutual commitment to strengthening human rights and to maintaining continual bilateral dialogue on the issue. Just days after this declaration, five Dalits were beaten to death by upper-caste locals for skinning dead cows (something which they do to earn a living) due to a rumour that they had illegally slaughtered the animals. This incident exemplifies the caste tensions and continuing caste discrimination that characterise life in rural India.

What specific measures does the EU envisage taking in bringing pressure to bear on the Indian authorities to stop the widespread discrimination and repression suffered by India’s repressed castes?

Does the Commission agree that discussion in the EU should be more strongly promoted in order to sufficiently address the issue of caste-based and related forms of discrimination, and what steps are likely to be taken towards this?

Answer given by Mr Patten on behalf of the Commission
(30 January 2003)

The Commission is aware of the many cases of caste discrimination that, regretfully, still persist in modern India. Nevertheless, important progress has been made. For example, India’s most populous state (Uttar Pradesh) has a female Dalit as Chief Minister, something that would have been inconceivable not too long ago.

As the Honourable Member rightly points out, the joint Press Statement at the 2002 Union-India Summit in Copenhagen reiterates the firm commitment by both partners to maintain a dialogue on human rights. This endeavour is already followed up in all high level meetings between the Union and India.

It should, however, be remembered that India is a democracy governed under the rule of law and that the press is free and active. The internal debate is the most important vehicle for change in this area. Furthermore, India has the world’s largest and oldest affirmative action programme. Not only are jobs in government or places at university reserved for the people on the basis of their caste, but also 85 out of 535 seats in parliament are reserved for Dalits.