

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community⁽¹⁾. In its judgement of 5 March 1998 in case C-160/96 Molenaar⁽²⁾, the Court analysed the different types of German long-term care insurance benefits and stated that they could be classified as either benefits in kind or cash benefits from the health insurance scheme within the meaning of Regulation (EEC) No 1408/71.

In the opinion of the Court 'the long-term care insurance benefits partly consist of bearing or reimbursing the costs incurred by the state of dependence of the person concerned, particularly as regards medical costs. Such benefits, which are intended to cover the cost of care provided to the insured person either at home or in a special establishment, the cost of equipment and the work carried out, are defined as benefits in kind which are covered within the meaning of the Regulation' (point 32 of the judgement).

However, the Court considered that the care allowance, which is seen as 'financial support which enables the overall improvement of the standard of living of the dependent person by reimbursing the extra costs incurred by the state in which the dependent person is residing', is classified as a 'cash benefit' within the meaning of Regulation (EEC) No 1408/71 (points 35 and 36 of the judgement).

Regulation (EEC) No 1408/71, which coordinates but does not harmonise the different national social security systems, lays down rules which aim to determine the legislation to be applied, particularly with regard to sickness benefits, according to the category of persons (persons in employment, pensioners, unemployed persons).

With this in mind, the Commission called on the national authorities to submit their legislation on home help in order to enable it to examine whether this legislation applies to 'sickness benefits within the meaning of Regulation (EEC) No 1408/71' and, if appropriate, to take the necessary measures to ensure conformity with Community law.

⁽¹⁾ OJ L 149, 5.7.1971 (last consolidated version: Regulation (EC) No 118/97 — OJ L 28, 30.1.1997.

⁽²⁾ ECR 1998. p. I-843.

(2001/C 46 E/259)

WRITTEN QUESTION E-1903/00

by Marietta Giannakou-Koutsikou (PPE-DE) to the Commission

(16 June 2000)

Subject: The Adnan Oktar case

Science Research Foundation (SRF) is a non-governmental organisation which was established under Laws 743 and 903 and has been active in Istanbul since 1990. Adnan Oktar is the Honorary President of the SRF. With 90 other persons, he was arrested on 12 November 1999, and he is still in prison awaiting the end of the trial. A big police operation was carried out at around 3 a.m. in 48 different houses, as a result of which all these people were taken into custody, including Mr Adnan Oktar. On the basis of our information, there were several human rights violations during this police operation, as well as the use of violence during the arrest and afterwards. The police allege that the NGO is a criminal organisation. In the past, two other accusations had been made against Mr Adnan Oktar, but he had been cleared both times. The trial of Mr Oktar is under way. During the first hearing on 7 April 2000, the public prosecutor called for the detained SRF members to be released by the public prosecutor because not a single shred of evidence was found. The second hearing will be on 2 June 2000.

Given that Turkey is an applicant country, I should like to know if the Commission is aware of this case and, if it considers that this constitutes a human rights violation, what measures it intends taking to prevent the recurrence of such events?

Answer given by Mr Verheugen on behalf of the Commission

(7 July 2000)

The Commission would refer the Honourable Member to its answer to written E-1020/00 by Mr Manisco⁽¹⁾

⁽¹⁾ OJ C 26 E, 26.1.2001, p. 144.

(2001/C 46 E/260)

WRITTEN QUESTION E-1904/00

by Nirj Deva (PPE-DE) to the Commission

(16 June 2000)

Subject: EC Phare programme tender li 9701.01.04.02

Understanding that bids for contracts under this programme can only be accepted for full lots and that all the equipment must be of EC or Phare programme country of origin, can the Commission please advise who won the contracts under this tender, lot by lot, and what equipment (make and model) was included in the successful bids?

Answer given by Mr Patten on behalf of the Commission

(3 July 2000)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2001/C 46 E/261)

WRITTEN QUESTION E-2011/00

by Klaus-Heiner Lehne (PPE-DE) to the Commission

(21 June 2000)

Subject: Tax payable on entering Greek waters

According to a report in the 21/2000 edition of the German magazine 'Der Spiegel', the Greek Government is introducing a tax on foreigners, including EU citizens, entering Greek waters in private yachts, a tax which does not exist anywhere else in Europe. For example, yachts longer than 7 metres must pay a special tax amounting to the equivalent of DEM 12 per metre. Anyone wanting to cruise Greek waters for longer than 30 days must pay a second levy of the same amount.

The Commission:

- does it feel that this new Greek entry tax is in conformity with EU law?
- does this [Greek] legislation breach [Community] legislation prohibiting discrimination?
- what measures does the Commission intend to take to against this legislation before the summer holiday season starts?