### Written Questions with Answer

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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2004/C 70 E/001)

WRITTEN QUESTION E-2576/02
by Kathleen Van Brempt (PSE) to the Commission
(16 September 2002)

Subject: Reimbursement for Viagra

The sickness insurance scheme under which 45 000 European officials are covered has just decided to reimburse the cost of the impotence pill Viagra on certain conditions. It is the first sickness insurance scheme in Europe to do so. According to the French newspaper 'Le Monde', the decision was taken at a time when the scheme, which is two-thirds financed by the EU, is showing a deficit for the first time in its history.

How many European officials are eligible for reimbursement for Viagra?

Why does the Commission consider it necessary to include Viagra in its sickness insurance cover?

If erectile dysfunction is a problem, should the EU not take steps intended to lead to the introduction of reimbursement for Viagra by sickness insurance schemes in all the Member States?

(2004/C 70 E/002)

WRITTEN QUESTION E-2577/02
by Kathleen Van Brempt (PSE) to the Commission
(16 September 2002)

Subject: Deficit in the sickness insurance scheme for European officials

The sickness insurance scheme under which 45 000 European officials are covered has just decided to reimburse the cost of the impotence pill Viagra on certain conditions. It is the first sickness insurance scheme in Europe to do so. According to the French newspaper 'Le Monde', the decision was taken at a time when the scheme, which is two-thirds financed by the EU, is showing a deficit for the first time in its history.

What is the size of the deficit shown by the sickness insurance scheme for European officials to which Le Monde refers?

What are the costs to the sickness insurance scheme of providing reimbursement for Viagra?

Does the Commission consider it appropriate to allow reimbursement for Viagra pills at a time when the sickness insurance scheme is showing a deficit?

How does the Commission envisage making the sickness insurance scheme budget balance again?
Joint answer  

to Written Questions E-2576/02 and E-2577/02  
given by Mr Kinnock on behalf of the Commission  

(28 October 2002)

The Honourable Members Questions both refer to an article published in ‘Le Monde’ on 9 August 2002. This article, like several subsequent publications in other newspapers, appeared to be based on a series of imprecise or incorrect statements concerning the Joint Sickness Insurance Scheme (JSIS). Even though reporting some factual information, the newspaper articles draw misleading or wrong conclusions.

In 2002 the JSIS accounted for expenditure of EUR 128.2 million and receipts of EUR 134.5 million, the overall result thus was a surplus of EUR 6.3 million. This surplus, as in all preceding years since 1991, was added to the financial reserve. The reserve is currently equivalent to some 12.5 months’ expenditure.

A more detailed analysis shows that, out of the total of EUR 134.5 million, some EUR 126.6 million was recovered from contributions and the remaining EUR 7.9 million represents interest received on the financial reserve. The ‘deficit’ of EUR 1.6 million to which ‘Le Monde’ referred is the difference between contributions and expenditure, not income and expenditure.

A total of 86 000 people are insured under JSIS. At present, applications for reimbursement of purchase costs of Viagra have been accepted, after obligatory consultation of the Medical Officer, in less than 30 cases — 0.035% of the total number of persons insured.

Based on the existing cases and on the assumption that in each case the maximum number of prescribed tablets will be consumed, the total annual expenditure will be approximately EUR 20 000 — 0.015% of the total annual income of the JSIS.

Medical, technical and pharmaceutical progress means that the JSIS — like any other public or private insurance scheme — has to regularly review and update the range of services and products it covers. In the early phase of the commercialisation of Viagra, purchase of the product by persons in the insurance scheme was not reimbursed by the JSIS. However, certain national schemes (e.g. the National Health Service in the United Kingdom in early 1999), decided to recognise it. In other Member States (like Germany), reimbursement followed individual court rulings. In March 2002, the Sickness Insurance Management Committee gave a favourable opinion in the case of a former official requesting the reimbursement of Viagra after a major surgical operation. Subsequently, general rules were adapted. Claims that the JSIS is the first European health system to provide Viagra are therefore not true.

The regular revision of the services and products covered by the JSIS is not directly linked to the financial situation of the scheme. Instead, it is intended to ensure that the scheme provides its members with access to treatments considered effective and cost-effective.

Furthermore, many medical treatments are provided with the intention of giving relief from conditions which have a seriously deleterious effect on quality of life, rather than simply to prolong it.

In severe cases, erectile dysfunction is a distressing condition which can have a significant psychological effect on those suffering from it. Other treatments not involving Viagra are available under the JSIS, but since Viagra appears to be a more effective treatment in some circumstances, it is appropriate for the JSIS to provide it.

The maximum number of reimbursable tablets is, however, limited and may be granted only in the rare cases where erectile dysfunction is a direct consequence of a serious illness (e.g. severe diabetes) or after radical prostatectomy. Every case has to be presented individually to the Medical Officer and reimbursement is strictly limited to the medical conditions described above.

As explained above, the JSIS is currently showing an overall surplus (EUR 6.3 million in 2001), not a deficit. The quoted ‘deficit’ of EUR 1.6 million is limited to the purely ‘operational’ side. The medium-term financial forecast of the scheme prepared for the JSIS Annual Report in 2001 suggests that, as a consequence of the changing age structure, the operational deficit is likely to continue to grow. However, until 2010-2013 (depending on the underlying assumptions) the operational loss should be clearly offset.
by the financial revenue and consequently the financial reserve will continue to grow until that date. Nevertheless, the financial forecast is reviewed annually, and if a financial imbalance of the scheme is detected, measures will be proposed to rebalance the situation in ways that are similar to those adopted in 1990 following the significant deficits experienced in the late eighties.

The range of benefits offered by health insurance varies considerably between Member States, between types of insurance, and within the same insurance type. Community provisions on social security do not provide for harmonisation, but for simple co-ordination of the national systems. Every Member State is free to determine the details of its national social security scheme, including which benefits are to be granted and under what conditions.

**WRITTEN QUESTION E-2606/02**

by Michl Ebner (PPE-DE) to the Commission

(18 September 2002)

Subject: Charges that distort competition in trade between countries

Charges in respect of copyright are required to be paid in Germany, Austria and Italy, Member States of the EU, with a view to protecting the intellectual property of authors, composers and music publishers.

Is it in accordance with the principles of the free market and in the interests of the EU that charges in respect of copyright are payable in Germany and Austria on the works of authors, music publishers and composers and that, following export, the charges are again required to be paid in Italy prior to resale?

Does such a practice not constitute distortion of competition?

**Answer given by Mr Bolkestein on behalf of the Commission**

(22 October 2002)

In line with international obligations and the Union legislation on copyright and related rights, the national copyright laws of the Member States provide authors with a number of exclusive rights. The distribution right provides authors with the right to control the sale or other transfer of ownership of physical copies of their literary, musical, audio-visual or other types of works and to receive royalties for their distribution such as through books, videos or CDs.

According to the established jurisprudence of the European Court of Justice, the distribution right, however, exhausts upon the first sale of the copy of a work in the Union or the European Economic Area (EEA), provided that such sale is made by the rightholder or with his consent. This means that, for example, once an author or a book publisher on his behalf has marketed books protected by copyright in one of the Member States, these books may circulate freely in the whole of the Union and may be resold without further authorisation by the author (or the book publisher as his licensee) and without the further payment of royalties.

This jurisprudence, which reconciles the principle of free movement of goods throughout the Union or EEA with the protection of the specific subject matter of intellectual property rights, has been confirmed by several Directives on copyright and related rights, first with respect to specific categories of works, i.e. computer programs(1) and databases(2), and in 2001 for all other categories of works(3), such as literary works incorporated in books or musical works incorporated in CDs. Thus, the author's consent must be sought and a royalty has to be paid for the first distribution of a copyright protected good. In case of further sales or other transfers of ownership within the Union or EEA no further consent or royalties are due. The Commission is not aware of any double payment occurring in a situation of further distribution.
Royalties may also be due for other uses of a copyright protected good, such as for copying of a work, and the payments in question may be raised on the marketing of certain products. These payments would, however, not be a ‘double payment’ for further distribution as they would not be linked to the act of distribution of a copyright protected good. For instance, in most Union Member States, authors enjoy a right of remuneration for the copying of their works for private use. This remuneration is in general raised on blank carriers of audio or audio-visual material and/or on recording equipment and has normally to be paid by the manufacturer or the importer of such products. The remuneration schemes have to be in line with the general principles set out in Article 5(2)(b) of Directive 2001/29/EC on copyright in the information society, which Member States have to implement by December 2002. This Directive allows Member States to provide for exceptions to the rights regarding private copying, including remuneration schemes. However, as these schemes have not been harmonised at Union level, the exact conditions of such schemes may differ from one Member State to another. The remuneration is in general only due if the sale of the products in question will take place in the territory of the Member State but not if it is destined for export.


(2004/C 70 E/004) WRITTEN QUESTION E-2617/02
by Michl Ebner (PPE-DE) to the Commission (18 September 2002)

Subject: Differential allowances in the pay scheme of European Schools

Since September 2000 European Schools have had a new pay scheme for their teachers.

Teachers are appointed by the authorities in their home nations and are paid the normal rate for a teacher according to the pay scales in their home nation. All income tax, social security contributions, etc. are deducted from this salary in the home nation. As the rates of pay for teachers differ greatly in the various home nations, the teacher's salary is rounded up by the Governing Body of the European Schools so that teachers in the European schools (ES) are paid at 'the same rate for the same work'. The new approach in the Adjustment Differential is thus. It was pointed out that different teachers were paying different proportions of their salary in income tax, because the home nations have very different tax regimes. The Governing Body of the ES now declared this situation to be unfair. In order to introduce fairness, so it was explained, the Governing Body would in future take as a benchmark the amount of tax a European civil servant would pay if he/she were earning the same salary as a European School teacher and reduce or increase the teacher's pay accordingly.

In this way the new pay scheme interferes in the tax situation which pertains between the teacher and the national tax authorities, which means that the teachers have to give detailed information about their income tax in their national country to the Schools.

Secondly, anything that legally reduces tax bills in the Member States simply puts up the sum deducted by the ES. The teachers, however, still have the right to set these expenses against tax in their home state, but the benefit of this right is immediately deducted from the teachers' pay. In many cases like for British citizens, this results in double taxation regarding pension tax.
Formal objections to the new pay scheme have been made but dismissed as groundless by the European Schools. Also formal appeals to the Court of Appeal of the European Schools have been rejected. It seems that there is no organisation outside the structure of the European Schools to which an appeal can be made. This is in part because the ES do not accept any other organisation as having any jurisdiction over their affairs.

The European Commission is therefore asked to explain the legal and juridical situation of ES and to check that this apparently very unfair situation complies with EU-legislation.

**Answer given by Mr Kinnock on behalf of the Commission**

(8 November 2002)

As the Honourable Member knows, the European Schools are managed by a Board of Governors, an intergovernmental body made up of representatives of the Ministries of the Member States responsible for education and/or international cultural relations. One Commission representative also sits on the Board of Governors.

The Regulations for members of the seconded staff of the European Schools to which the Honourable Member refers were adopted by the Board of Governors of the European Schools on 23 and 24 April 1996 under the Conventions of 12 April 1957 and 21 July 1994. These Regulations became applicable from 1 September 1996, with a transitional period for existing staff of 4 years, which came to an end on 1 September 2000. The Regulations are based on agreements to which all the signatory states have subscribed and as such constitute international law.

These Regulations, as the Honourable Member mentions, set the basic staff salaries. Article 49(c) stipulates in particular that:

Should the amount levied in taxes on the national salary be different from the amount which would be levied on the remuneration provided for in these Regulations pursuant to the regulations applicable to officials of the European Communities laying down conditions and procedures for applying the tax for the benefit of the Community, a positive or negative adjustment, equal to the difference between the above two amounts, shall be made in order to ensure an equal salary for members of staff from different countries of origin.

The final calculation of this adjustment shall be made on the basis of the tax certificate drawn up by the national tax authorities competent for the member of staff, disregarding income other than national salary but ensuring that any tax advantages reducing the amount of national tax payable are taken into consideration.

The Commission notes that the calculation of this differential allowance, whether positive or negative, is not without difficulties. However, the Board of Governors — which includes 15 Government representatives who are, for obvious reasons, well aware of various potential tax and associated implications — deemed this to be the most appropriate means of ensuring equal treatment of teachers and the best way of putting their tax situation on a par with that of Community officials in a fair and relevant way.

Disputes between teachers and the Schools can be referred in the first instance by administrative appeal procedure to the Representative of the Board of Governors in the case of administrative or financial issues, or to the Board of Inspectors in the case of educational issues. Subsequently, a complaint can be made to the Board of Appeal which is an independent administrative tribunal of the first and last instance. The decisions of the Board, as an independent body, are final and enforceable.

In this context the Commission would like to point out that a Round Table on the future of the European Schools involving all parties concerned (including interested Members of the European Parliament as well as the Commission) is being organised on 7 November 2002 in Brussels. This Round Table will provide an opportunity for all issues related to the European Schools to be raised.
Meanwhile, if the Honourable Member has a particular case in mind he is invited to put it to the Commission, with any relevant accompanying material, so that further assistance can be given with clarification.

(1) The Convention defining the statute of the European Schools entered into force on 1st October, 2002, the first day of the month following the deposit of all instruments of ratification by the Member States and of the acts notifying conclusion by the European Communities (Article 33 of the Convention).

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WRITTEN QUESTION E-2627/02  
by Konstantinos Hatzidakis (PPE-DE) to the Commission  
(18 September 2002)

Subject: Problems with implementation of environmental programmes

A report drawn up by the Economic and Social Committee in Greece notes that it is doubtful whether Greece is able to utilise the appropriations for the operational programme on the environment or to implement programmes which will be sustainable once their funding has expired.

1. What difficulties has the Commission identified in regard to the implementation of environmental programmes and what are their causes?

2. Is there a risk that Community funds for environmental programmes will be discontinued?

Answer given by Mr Barnier on behalf of the Commission  
(30 October 2002)

1. The difficulties inherent in launching the operational programme (OP) for the environment stem from the time required to establish a managing authority, the time required to comply with the national administrative procedures in force and the complexity of the projects proposed for part-financing under this OP.

At the meeting of the Monitoring Committee for this programme held in Athens in June 2002, the Greek authorities thought that most of these difficulties had been overcome so that implementation could go ahead as planned.

Similar difficulties arose as regards implementation of the agri-environmental measure forming part of the programming document for rural development in 2000-2006 under Regulation (EC) No 1257/1999.

2. In partnership with the Greek authorities, the Commission is monitoring progress of the environment OP particularly carefully in order to avoid any risk of loss of Community funds under the ‘n+2’ rule. This rule will apply for the first time at the end of 2003 and it is too early at present to assess the possibility of such a loss.

As regards the rural development measures part-financed by the EAGGF Guarantee Section, the risk of losing funds requires an evaluation at the level of the Member States as a whole rather than at the level of individual national programmes.

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WRITTEN QUESTION E-2637/02  
by Rosa Miguélez Ramos (PSE) to the Commission  
(18 September 2002)

Subject: Protection of forests against atmospheric pollution in Galicia (Spain)

The value of the forests of southern Europe and the risks to which they are exposed have led the European Community to take steps to protect them against atmospheric contamination by promoting surveillance and the study of forest ecosystems.
Council Regulation (EEC) No 3528/86 (1) of 17 November 1986 on the protection of the Community’s forests against atmospheric pollution established a Community scheme for the protection of forests for the period 1987-2001. It set out the five principal objectives of establishing a forest observation network, drawing up a periodic inventory of the damage caused to forests (especially by atmospheric pollution), implementing continuous and intensive surveillance of forest ecosystems, carrying out experiments to further understanding of the effects of atmospheric pollution and of methods of observing and measuring it, and devising methods of maintaining and restoring the forests affected via pilot projects.

The financial allocation for the period 1997-2001 was EUR 35.1 million.

Could the Commission give details of the measures that the European Community has funded in connection with this Regulation in the Autonomous Community of Galicia?

Has the Spanish Government presented any other plans for the future implementation of measures to protect the forests of Galicia against atmospheric pollution?


Answer given by Mr Fischler on behalf of the Commission

(16 October 2002)

The Commission wishes to indicate that the Council Regulation (EEC) No 3528/86 of 17 November 1986 on the protection of the Community’s forests against atmospheric pollution (1) was last amended by Regulation (EC) No 804/2002 of the Parliament and the Council of 15 April 2002 (2). The latter Regulation extended the duration of the former by one year and adjusted the Community financial allocation for the period 1997-2002 to EUR 42.6 million, in line with the amount entered in the budget for 2002.

The Commission can not provide a detailed account of the measures funded in Galicia, as they were included among those proposed every year by the Spanish Administration for the country as a whole. During the period 1987-2002, the Community has funded measures in Spain for a total amount of EUR 4498010.

The breakdown of this amount according to the types of measures is the following:

- Measures related to the forest condition monitoring activities carried out within the large scale network of observation plots established on the basis of the 16 × 16 km grid (Level I — systematic monitoring):
  - Community financial contribution: EUR 1859412.

- Measures related to the forest condition monitoring activities carried out within the network of permanent observation plots (Level II-intensive monitoring):
  - Community financial contribution: EUR 1699601.

- Experiments to further understanding of the effects of atmospheric pollution and of methods of observing and measuring it:
  - Community financial contribution: EUR 938997.

At present, the Spanish forest condition monitoring network is made up of 620 systematic monitoring plots (Level I) and 53 intensive monitoring plots (Level II), out of which 52 Level I plots (8.4%) and 3 Level II plots (4.5%) are located in Galicia.

With regard to the future, the Commission has presented a proposal for a new Regulation concerning the monitoring of forest and environmental interactions in the Community (3). The purpose of the proposal is the establishment of a new Community scheme on monitoring of forests and environmental interactions to protect the Community’s forests. The scheme will be built on the achievements of the two Council Regulations (EEC) No 3528/86 of 17 November 1986 on the protection of the Community’s forests against atmospheric pollution (1) and (EEC) No 2158/92 of 23 July 1992 on protection of the Community’s forests against fire (4) and it will incorporate new elements in order to assess forest ecosystems conditions in a
broader context. The proposal foresees that the monitoring activities to be carried out by the Member States, in particular the collection of data, studies, experiments and demonstration projects will be implemented under multi-annual national programmes. The new proposal provides a multi-annual framework covering initially a six-year period from 2003 to 2008.

(1) OJL326, 21.11.1986.

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(2004/C 70 E/007)               WRITTEN QUESTION E-2996/02
                                 by Rosa Miguélez Ramos (PSE) to the Commission
                                 (23 October 2002)

Subject: Measures to reduce fisheries accidents

Paragraph 29 of the EP's resolution of 5 April 2001 on Fisheries: safety and causes of accidents (1) 'calls on the Commission to draw up a specific directive for the fishing industry on health and safety at the workplace in accordance with Article 16(1) of the Framework Directive 89/391/EEC'.

What steps has the Commission taken?


Answer given by Mrs Diamantopoulou on behalf of the Commission

(5 December 2002)


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(2004/C 70 E/008)               WRITTEN QUESTION E-2997/02
                                 by Rosa Miguélez Ramos (PSE) to the Commission
                                 (23 October 2002)

Subject: Measures to reduce fisheries accidents

Paragraph 33 of the EP's resolution of 5 April 2001 on Fisheries: safety and causes of accidents (1) 'calls on the economic and social operators, through the social dialogue, to work towards establishing collective agreements so as to develop aspects relating to safety at work including vocational and continuing training'.

Has the Commission done anything to encourage this social dialogue, or does it intend to do so? What progress has been made in this area?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 December 2002)

In its Communication entitled ‘Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006’ (1), the Commission pointed out that the social dialogue is an excellent instrument for establishing innovative approaches. It allows effective application of existing legislation and considers all the questions linked to the promotion of well-being at work while taking account of the risks and specific problems associated with particular branches and professions.

Furthermore, as far as the common fisheries policy is concerned, in the aforementioned Communication the Commission stated its intention to invite the social partners to identify measures aimed at improving living, working and safety conditions in the fisheries sector.

In this context, with a view to encouraging and supporting cross-industry and sectoral social dialogue, the Commission organises meetings of the social partners in the framework of the maritime fisheries sectoral social dialogue Committee.

Within this committee, the social partners identify and consider issues of common interest, such as vocational training and workplace safety.

In this context, the social partners are considering the establishment of a European network for vocational training and employment (Refope).


(2004/C 70 E/009)

WRITTEN QUESTION E-3186/02
by Eluned Morgan (PSE) to the Commission

(7 November 2002)

Subject: Protection of pensions

What measures does the Commission propose to put in place in order to protect employees' pensions and contributions which are tied to EU companies, when those companies go bust?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(5 December 2002)

Council Directive 80/987/EEC of 20 October 1980 (2) is intended to protect employees in the event of insolvency of their employer. It contains not only provisions relating to the payment of employees’ outstanding claims by guarantee institutions but also provisions on social security. Member States are thus obliged to take the necessary measures to ensure that non-payment of compulsory contributions due from the employer, before the onset of his insolvency, to their insurance institutions under national statutory social security schemes does not adversely affect employees’ benefit entitlement.

Member States must also ensure that the necessary measures are taken to protect the interests of employees and of persons having already left the business at the date of the onset of the insolvency in respect of rights conferring on them immediate or prospective entitlement to old-age benefits, including survivors’ benefits, under supplementary company or inter-company pension schemes outside the national statutory social security schemes.

WRITTEN QUESTION E-3226/02
by Theresa Villiers (PPE-DE) to the Commission
(14 November 2002)

Subject: Safety of crash barriers for motorcyclists

In a meeting between Mr Carlos Bautista and Commissioner Loyola de Palacio in September 2001, the Commissioner admitted that the current design of crash barriers is dangerous for motorcyclists. The Commissioner assured that immediate action would be taken to resolve this problem.

1. Could the Commission explain what steps have been taken to improve the safety of crash barriers for motorcyclists?

2. What future plans does the Commission have to improve the safety of crash barriers for motorcyclists?

Answer given by Mrs de Palacio on behalf of the Commission
(18 December 2002)

The high level of unsafety of motorcyclists is of major concern to the Commission and the problem is therefore attacked from different angles. It should be reminded that Member States are responsible for equipping roads with effective safety restraint systems including crash barriers.

The Commission has mandated the Committee for European Normalisation (CEN) to elaborate a new harmonised European standard on the basis of the existing EN 1317 on road restraint systems, which will require any road restraint systems to be submitted to CE marking. Thus restraint systems that are put to the market will have to meet minimum common safety performance requirements. In its current form, this standard does however not include specific tests for motorcyclists. At this point in time, different experimental solutions exist to fulfill the needs of this group of road users.

Black spot management and information to motorcyclists at stretches of road that have shown to be prone to motorcycle accidents are reckoned to be effective on a short term basis. To this end, the Commission has announced a proposal for a directive on black spot management in its workplan for 2003 (1).


WRITTEN QUESTION E-3469/02
by Ward Beysen (NI) to the Commission
(6 December 2002)

Subject: The concentration on the Czech electricity market in the process of enlargement

Currently, the Czech government is preparing a concentration of competitors through an acquisition by the joint stock company CEZ a.s. of shares in eight regional electricity distribution companies from the National Property Fund. This has been published in the Commercial Bulletin on 24 July 2002.

On the one hand, this initiative will constitute a vertical integration of generation and supply of electricity on the Czech markets; on the other hand will this also create horizontal integration of the distributors. As a result, the new CEZ-Group will control more than 70% of the generation and 2/3 of the national electricity supply.
Therefore, it is useful to clarify following questions:

1. Could the proposed concentration have negative effects on the relevant markets, particularly in generation, sales and trading between Czech competitors and consumers and those from the EU?

2. Could the proposed concentration negatively influence the competition or even reverse the benefits of liberalisation of the electricity market? Would it influence choice and prices for competitors and consumers? Would it affect the level of interest of potential and current investors? Could it eliminate the development of objective, transparent and non-discriminatory market conditions?

3. Is the purchase price a market price which could be obtained if the package of shares of the regional distribution companies would be sold on the basis of a public tender? If not, does the concentration represent a public subsidy in the form of a discounted sale of shares?

4. In connection with the concentration, CEZ is supposed to sell a part of its shares in CEPS, the principal Czech electricity transmission company, to the Ministry of Labour and Social Affairs and another company wholly owned by the State Property Fund. If the price to be paid for these shares to CEZ is substantially above the fair market price, does this represent a support granted to CEZ from public funds? In combination with the discounted sale mentioned under 3, does it represent a case of cross subsidy by the state? Could this affect the trade between the Czech Republic and the EU, because of the competitive advantage of CEZ?

5. Is this concentration covered by Article 79 of the CZ-EU Association Agreement, according to which the Czech Republic has to develop the energy sector according to the rules of a market economy? Finally, does this concentration respect the ‘acquis communautaire’ and the European competition rules?

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**Answer given by Mr. Verheugen on behalf of the Commission**

*(28 January 2003)*

The Commission continues to monitor developments in the energy sector of the Czech Republic with reference to the energy ‘acquis’ and the competition policy obligations of the Czech Republic under the European agreement and in the framework of the commitments made in the accession negotiations.

However, the concentration referred to by the Honourable Member is subject to the jurisdiction of the Czech competition authorities, since the Union merger regulation applies only to companies with a minimal turnover of EUR 250 million in the Community.

Subject to the above, the following remarks can be made in response to the questions which have been raised.

1. It is possible that concentration of generation, sales and trading may limit the extent of competition somewhat in the national market and therefore is not ideal from that point of view.

2. The proposed concentration does not reverse the benefits of the ongoing liberalisation process. It should be noted that the eligible customers will retain their right to freely choose a producer. The latter is subsequently guaranteed access to the transmission and distribution network by law. Furthermore, the development of transparent and non-discriminatory market conditions remains the responsibility of the Energy Regulatory Authority which has been established in compliance with the acquis.

3. It is the responsibility of the national competition authority to ensure that the purchase price of the shares of regional distribution companies does not represent hidden state aid.

4. Similarly, it is the responsibility of the national competition authority to ensure that the selling price of the shares of the transmission company CEPS does not represent hidden state aid.

5. This concentration is covered by Article 64 of the Association Agreement between the Czech Republic and the Union regarding the application of the competition acquis.
The policy pursued by the Czech government is not in contradiction with the competition/liberalisation ‘acquis’ in the Union. Some European companies in the electricity sectors are vertically integrated and the European Union liberalisation directives currently in force in these sectors only require separate management and accounts, not legal or ownership unbundling. The Commission’s proposals for a new Directive on the electricity and gas markets would in addition require legal unbundling but this already exists in the Czech Republic.

The Czech electricity transmission operator is an independent legal entity, which is compatible with the Directive 96/92/EC of the Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity (1).


(2004/C 70 E/012) WRITTEN QUESTION E-3542/02 by Glenys Kinnock (PSE) to the Commission (11 December 2002)

Subject: Trade-related assistance

Would the Commission clarify how the calculation will be made for the amount of funding for which ACP countries will be eligible for trade-related assistance?

Answer given by Mr Nielson on behalf of the Commission (27 January 2003)

For some time now development cooperation with African, Caribbean and Pacific (ACP) countries has paid attention to trade-related assistance. This took place in a variety of forms, for example as a key component of support for regional integration initiatives, or to address specific issues such as improving customs data. In many cases trade-related assistance was part of a wider operation such as agricultural export promotion or infrastructure development.

Despite the importance that is attached to trade issues, the Cotonou Agreement does not prescribe a particular allocation for trade-related assistance. Within the available envelopes for national and regional programmes, it is the dialogue with and among the beneficiaries and stakeholders that determines the allocation. Hence, there is no specific calculation for the amount of funding for trade-related assistance. The same applies to any other important development theme.

The 9th European Development Fund (EDF) guidelines for regional programming suggested a minimum allocation of 20 per cent for trade-related assistance. With most of the regional programmes now finalised, it is clear that this figure has been greatly exceeded: the allocation for regional integration and trade-related assistance in regional indicative programmes is between 40 and 50 per cent of the initial amount i.e. EUR 280 to EUR 350 million. The regional infrastructure programmes also include significant trade facilitation components. In addition, there are intra-ACP funds of which EUR 50 million have been earmarked for trade-related assistance.

Because the national strategy papers and indicative programmes often contain open-ended capacity building and technical assistance programmes, it is not possible at this stage to put a strict figure on the share of trade-related assistance. A rough estimate would put the amount of trade-related assistance to around EUR 150 million.

Adding to the above figures some intra-ACP programmes (including support for World Trade Organisation (WTO) and Economic Partnership Agreements (EPA) preparation and for Sanitary and Phytosanitary compliance) that recently came on stream, at least EUR 600 million are available for trade-related assistance to ACP countries for the coming years.
In line with the recommendations in its recent Communication on Trade and Development (1), the Commission intends to use the mid-term review of country and regional strategies to review the availability of funds for trade-related assistance.

Finally, at a more general level, it is important to add that in collaboration with other development partners, the policy dialogue with developing countries will address the issue of better integrating trade policy matters into the Poverty Reduction Strategy Papers and other national and regional development plans. Moreover, the Commission plays an important role in the Integrated Framework for Trade-Related Technical Assistance to Least Developed Countries (LDC) and has accepted to be a facilitator in three ACP LDCs.


WRITTEN QUESTION E-3543/02
by Glenys Kinnock (PSE) to the Commission
(11 December 2002)

Subject: Western Sahara

Would the Commission agree that Morocco is doing all it can to keep the Western Sahara off the agenda? Is there not evidence of Morocco's efforts to deny free access to the Western Sahara to journalists? What is the Commission's estimate of the impact of oil exploration on the prospect of a peaceful resolution of the issues involved — particularly since the United States and France's oil companies are prospecting for oil off the African coast?

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

The Commission has no evidence that Morocco tries to keep the Western Sahara question off the agenda. On the contrary, the Commission can actually confirm that during his last visit to Brussels, the Moroccan Minister of Foreign Affairs, Mr Benaïssa, addressed this issue in an open way in his talks with the Commission representatives.

The Western Sahara conflict is also on the Agenda of the United Nations Security Council, which will address this question at the end of January 2003, shortly after the United Nations Secretary General has presented a new Report on the situation in Western Sahara.

The Commission's view concerning the Western Sahara conflict is that only a solution to which the parties in conflict agree will be fruitful. This is why the Commission continues to support the efforts of the United Nations Secretary General, Mr Kofi Annan, and his Personal Envoy, Mr. James Baker III, in order to bring the parties in conflict to reach a fair, lasting and mutually acceptable solution.

Regarding Morocco's efforts to deny free access for journalists to the Western Sahara territories, the Commission has not received any complaint nor found any mention of this matter in the ‘Reporters without Borders 2002 Report’.

Concerning the impact of oil exploration in Western Sahara on the prospect of a peaceful resolution of the conflict, the Commission considers that this issue does not seem particularly relevant to the resolution of this conflict.

Other considerations about the oil exploration in Western Sahara have been thoroughly explored in the legal opinion given by the United Nations Legal Counsel on this subject, in its letterof 29 January 2002, to the President of the Security Council.

The Commission is the main donor of humanitarian aid to the Sahrawis refugees through the European Humanitarian Aid Office (ECHO) in conjunction with its partner non-governmental organisations. This aid consists of food and medical aid, amounting to EUR 81 million between 1993 and 2001; and another EUR 14.3 million for Global Plan 2002. In addition, the Commission is asking the parties to adopt of
confidence-building measures, such as the release of war prisoners, the facilitation of contacts and visits between members of separated families and the respect of the civil guaranties. Those measures will help create better conditions for a fruitful dialogue between the parties in conflict.

At the last Ministerial Troika meeting in Algiers, on 5 June 2002, the Union transmitted simultaneously to Morocco, Algeria and the Polisario, European concerns and demands on humanitarian aspects of the Western Sahara conflict. The Union confirmed its support to the United Nations efforts to find a mutually acceptable solution, urging both parties in conflict to solve the problem of the fate of people unaccounted for and to release all those held since the start of the conflict. The Union also asked for the full respect of civil guaranties and human rights in the Western Sahara territories; and for both parties facilitate contacts and visits between members of the families separated by the conflict.

Finally, the importance of the ratification of the Association Agreements with Morocco (1) and Algeria (2) in this context should not be underestimated. These agreements foresee a regular and institutional political dialogue between the Union and each related country.

(1) In force since 1 March 2000.
(2) Signed in Valencia, on 22 April 2002, ratified by the European Parliament on 11 October 2002, needs to be ratified by every national parliament concerned, before it enters in force.

(2004/C 70 E/014)
WRITTEN QUESTION E-3553/02
by Marco Cappato (NI) to the Commission
(12 December 2002)

Subject: Serious violations of religious freedom in Belarus

The Belarus Parliament recently approved a new law on religion which bans any form of activity on the part of religious organisations which have not been registered by the State, introduces censorship on religious literature and considers acts of worship held in private houses to be illegal.

These new provisions are added to an adverse legislative and political background of serious restrictions on freedom of worship for non-Orthodox citizens:

(a) the Belarus authorities’ refusal to register a number of religious organisations (protestant organisations, the Belarusian Autocephalous Orthodox Church, oriental religious movements and four reformed Jewish communities) constitutes de facto discrimination in favour of the Russian Orthodox Church;

(b) the implementation of a decree issued by the Council of Ministers in 1995 restricting the activities of religious operators, in a attempt to protect the Russian Orthodox Church and inhibit the growth of evangelical religions;

(c) the introduction of rules governing the entry into the country of foreign clerics on the basis of which representatives of foreign religious organisations may be invited only by agreement with the State Committee for Religious and National Affairs, whose decision is final.

What diplomatic, political and economic pressure does the Commission intend to exert on the Belarus Government in order to induce it to ensure that freedom of religion, freedom of worship and freedom to change religion and express religious feeling in a form of worship are recognised as rights for the citizens of that country?

Does the Commission not consider that it should immediately review the effectiveness of its projects in the context of TACIS and assess the possibility of closing the TACIS office in Belarus for as long these serious violations of democratic rights persist in the country?
Answer given by Mr Patten on behalf of the Commission

(17 January 2003)

The Commission shares the concern over the recently adopted Belarusian Law on Freedom of Conscience and Religious Organisations. The effects of this law amount to a serious violation of religious freedom. The Union expressed its concern before the law was signed by President Lukashenko, by means of a joint demarche of Union Heads of Mission to the Belarusian authorities (Deputy Foreign Minister Sychov) in October 2002. The Union also issued a statement in the Permanent Council of the Organisation for Security and Cooperation in Europe (OSCE) on 10 October 2002 urging President Lukashenko not to sign the draft law.

It was a matter of deep regret to the Union that the draft was signed into law on 31 October 2002, and a further statement was issued by the Union in the Permanent Council of the OSCE on 14 November 2002 urging the Belarusian authorities to reconsider this legislation, and inviting the OSCE Advisory and Monitoring Group (AMG), currently located in Vienna, to monitor the implementation of the law closely and to report to the Permanent Council. The Union is ready to raise specific cases of violations in Belarus of OSCE commitments to freedom of conscience and religious belief.

The Union remains seriously concerned at the general lack of progress in democratic reform and the growing deterioration of individual freedoms and rights of expression in Belarus; and in the light of the effective closure of the OSCE’s AMG in Minsk at the end of 14 October 2002, Member States have decided, at the November General Affairs and External Relations Council (GAERC), to refuse to issue visas for President Lukashenko, the Head of the Presidential Administration, the Prime Minister and four government ministers as well as the Chairman of the Committee of State Security.

The Union maintains that links with and assistance for actors in civil society in Belarus should continue and EUR 5 million is allocated under the 2002-2003 TACIS Action Programme for this purpose. In addition, in the context of Union-OSCE co-operation, we will soon begin on a two-year programme to support democratic forces and civil society. The Commission will keep the effectiveness of its projects under review, but, in view of this ongoing financial assistance, the Commission does not believe that it would be a prudent response to the new law on Freedom of Conscience and Religious Organisations to close the TACIS office in Minsk.

(2004/C 70 E/015)

WRITTEN QUESTION P-3614/02

by Concepció Ferrer (PPE-DE) to the Commission

(9 December 2002)

Subject: Imports of raw materials from Morocco and the European leather industry

In view of the fact that the European leather industry is having great difficulty in importing hides from Morocco, what action is the Commission taking (or is it intending to take) under the EU-Morocco Association Agreement in order to remedy this state of affairs, which is seriously affecting the industry and undermining the competitiveness of the businesses working within it?

Answer given by Mr Lamy on behalf of the Commission

(17 January 2003)

The Commission is fully aware of the impact of export restrictions applied by Morocco on raw material available to the Union industry. The Commission has attracted the attention of the Moroccan authorities to this fact and to the provisions of the Association Agreement between Morocco and the Community. According to this agreement, there should be no quantitative restriction in trade (export and import) between both parties.

Moreover, the Moroccan authorities have mentioned that export restrictions were instaured following a huge increase in their export of raw hides as a consequence of the major epidemics in the cattle worldwide. They also mentioned that this surge in demand led to a critical shortage of raw material for their domestic industry.
Representations have been made to Morocco in this regard but so far without any significant change or elimination of the export restrictive measures. The Commission will look into the market and supply situation of the products in question with European industry to verify to what extent the Moroccan allegations of short supply can be corroborated on the basis of a factual analysis. Obviously, the burden of proof to demonstrate that a shortage of supply exists is incumbent on the Moroccan side. The question will then be raised during the next Association Council due to take place by the end of February 2003, where the Commission will consider the possibility of invoking the provisions of the Association Agreement with Morocco to seek redress of the situation.

(2004/C70 E/016)

WRITTEN QUESTION E-3646/02
by Hanja Maij-Weggen (PPE-DE) to the Commission
(17 December 2002)

Subject: Detention of Juan Carlos Gonzalez Leiva

As the Commission is aware, Juan Carlos Gonzalez Leiva, the chairman of the Cuban Human Rights Foundation and the Brotherhood of the Independent Blind People of Cuba, has been detained in prison in Holguín, Cuba, since March 2002 (see written question E-1458/02 (1)).

Is the Commission also aware that he is being assaulted and beaten, and is in danger of dying of malnutrition?

Will the Commission take action and bring pressure to bear on the authorities there in order to secure an end to the violent treatment meted out to human rights activists in Cuba?


Answer given by Mr Nielson on behalf of the Commission
(14 February 2003)

The Commission is being kept informed regularly of the situation of Mr Gonzalez Leiva. According to its information the human rights activist weighed only 90 pounds at the beginning of January 2003 due to a fast he began on 4 September 2002 and which he ended on 25 December 2002 in order to protest against the accusations against him and other activists involved in the case.

The Commission has repeatedly drawn the attention of the Cuban authorities to the situation of Mr Gonzalez Leiva and the human rights situation in general. As with other partner countries, the internal human rights situation is and will remain an important aspect of our relationship with Cuba. The Commission believes that a policy of engagement and dialogue is the most likely to help bringing about a positive evolution in this respect.

(2004/C70 E/017)

WRITTEN QUESTION E-3648/02
by Hanja Maij-Weggen (PPE-DE) to the Commission
(17 December 2002)

Subject: Freedom of religion in Laos

As the Commission is aware, freedom of religion hardly exists in Laos.

Is the Commission also aware that between June and August 2002, at least 39 Christians were detained in Laos because of their beliefs and that they are being held in prison under appalling conditions?

Will the Commission bring pressure to bear on the authorities in Laos to secure the release of these prisoners and a change in policy on freedom of religion?
The Commission is well aware of reports that freedom of religious expression remains restricted in Laos, including reports of members of Christian groups being persecuted and/or detained on grounds of their religious affiliation.

In relation to the particular events mentioned in the question, enquiries with Union and other partners in Laos have not yielded any reliable confirmation.

However, while the Laotian Constitution stipulates 'the right and freedom to believe or not to believe in religion', the authorities apparently restrict this right in practice, especially to non-Buddhist communities.

The level of tolerance of religious practice also seem to vary between regions. There have been reports of arrests and detention of religious believers and their spiritual leaders without charges. Some Christians have also been sentenced for gathering 'to create social turmoil'. Some reports also mention difficulties for religious groups seeking to establish new places of worship.

The Commission Delegation in Bangkok, which covers relations with the Lao People's Democratic Republic (PDR), together with the diplomatic missions of the Member States, follows this and other matters relating to human rights in Laos very closely. The Commission has on several occasions highlighted the need to strengthen respect for civil and political rights, including freedom of religion, in Laos. The opening of a Community Delegation in Vientiane in 2003 will give additional opportunity to raise our concerns in this field with the Lao Government.

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WRITTEN QUESTION E-3734/02
by Caroline Lucas (Verts/ALE) to the Commission
(19 December 2002)

Subject: Aid and the survival of the Caribbean banana industry

In June 2002 the ACP Council of Ministers meeting sent a resolution to the European Parliament, Council and Commission which drew attention to the fact that the new banana regime had 'resulted in prices plummeting to levels which threaten to displace ACP suppliers, most of whom have no alternative markets' and were 'already creating tremendous social and economic dislocation and eroding the achievements in the fight against poverty'.

This problem results from the implementation of phase 2 of the EU-US Agreement which transfers 100,000 tonnes of quota from ACP (quota C) suppliers to dollar (quota B) suppliers, which effectively increased the total volume of bananas entering the market by 100,000 tonnes, enabling EU supermarkets to pursue a highly competitive price policy.

Will the Commission permit the Special Framework of Assistance and Stabex funds to be used more flexibly to permit aid to be used, temporarily, in part to enable growers to have help in essential inputs pending the economic benefits from improved productivity?

Answer given by Mr Nielson on behalf of the Commission
(28 February 2003)

The Commission has already discussed the price situation in the banana industry in several meetings with its African, Caribbean and Pacific (ACP) partners and addressed their concerns.
The objectives of the Special Framework of Assistance (SFA), set out in Article 3 of Council Regulation (EC) No 856/1999 of 22 April 1999 establishing a special framework of assistance for traditional ACP suppliers of bananas (1), are improvement of competitiveness and/or support to diversification. So far, no project was refused on the grounds of its non-eligibility. In parallel with the technical assistance aimed at modernising the ACP banana industry, projects approved so far have included different forms of aid targeted at growers, including social support and training programmes. However, direct income support could not be allowed under the SFA, and therefore if support for inputs took this form, it too would not be allowed.

As a complement to SFA, Stabex funds are being used, with a great degree of flexibility, to support social and human development such as housing schemes, pensions, schools, and private initiatives.

The new instrument FLEX, which is included in Envelope B of the Financial Protocol of the Cotonou Agreement and replaces Stabex, might well constitute a possible source of funds in the future, provided the banana sector fulfils the requirements foreseen.


(2004/C 70 E/019)

WRITTEN QUESTION P-3743/02
by Hanja Maij-Weggen (PPE-DE) to the Commission
(13 December 2002)

Subject: Executions of Tibetans in China

Is the Commission aware that on 2 December 2002 a Chinese Court sentenced two Tibetans, Tenzin Delek Rinpoche and Lobsang Dhondup to death for alleged involvement in a bomb attack?

Is the Commission aware that the evidence on the basis of which this sentence was made is extremely thin and has been called into doubt?

Is the Commission prepared to act at very short notice in order to bring pressure to bear on the Chinese authorities to prevent the executions, the first of which is planned to take place on 12 December and the second within two years?

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

The Commission has been informed of the death sentence imposed on the two Tibetans Tenzin Delek Rinpoche and Lobsang Dhondup on 2 December 2002, on the basis of their alleged involvement in a bomb attack. The Commission also took note that the proof on which the sentence was based and the way the trial has been carried out has been contested.

The Union immediately expressed its concern officially to the Chinese authorities within the time limit allowed by them so as to permit to the two Tibetans sentenced to death to lodge an appeal. Such appeals have since been lodged (in December 2002).

(2004/C 70 E/020)

WRITTEN QUESTION E-3746/02
by Olivier Dupuis (NI) to the Commission
(20 December 2002)

Subject: Tibet/China: death sentence on Tenzin Deleg Rinpoche and Lobsang Dhondup

A court in the province of Sichuan in western China has passed death sentences on Tenzin Deleg Rinpoche, a senior Tibetan monk, and his attendant, Lobsang Dhondup, following what many international organisations regard as a completely unfair trial. The Chinese authorities have not released
any details of the trial of the Rinpoche and Dhondup, but Radio Free Asia has quoted a relative of one of them as saying that they were denied lawyers. Tenzin Deleg Rinpoche and Lobsang Dhondup were accused by the local Communist authorities of committing a series of bomb attacks (two last year in the Ganze region of Sichuan and a third in the provincial capital Chengdu), on the basis of statements by a former assistant of Tenzin Deleg to the effect that the Rinpoche had instructed him to carry out one of the attacks and of 'confessions' made to the police by Tenzin Deleg himself while in custody following his arrest on 7 April 2002, according to which he had masterminded this attack as well as six other previously unsolved cases of bomb attacks carried out earlier in Ganze.

According to a number of sources, including some in the People's Republic of China, Tenzin Deleg and Dhondup may have been targeted because of their peaceful activism. The Chinese authorities have kept the Rinpoche under strict surveillance in recent years. They tried to arrest him in 1998 after he attempted to found a monastery without official permission, and for leading protests against deforestation of the area by a local timber company.

What information does the Commission have on the trial of Tenzin Deleg Rinpoche and Lobsang Dhondup, and what does it intend to do to obtain an immediate judicial review in accordance with international standards of fair and due process? Has the Commission already conveyed to the Chinese authorities its official disapproval of the flagrant violations of fundamental rights of which Tenzin Deleg Rinpoche and Lobsang Dhondup are victims? Is the Commission aware that the Chinese authorities' attitude in this case stands in stark contrast to the signals of willingness to enter into dialogue with the Dalai Lama sent by these same authorities to western governments and the Tibetan government in exile when they invited two special representatives of the Dalai Lama to China and Tibet a few months ago?

Answer given by Mr Patten on behalf of the Commission

(10 February 2003)

The Commission has been informed of the death sentence imposed on the two Tibetans Tenzin Delek Rinpoche and Lobsang Dhondup on 2 December 2002, on the basis of their alleged involvement in a bomb attack. The Commission is also aware of the evidence on which the sentence was based and the manner in which the trial has been carried out.

The Union immediately expressed its concern to the Chinese authorities and has had several official contacts with the Chinese authorities on behalf of the two convicted Tibetans. The Commission is also aware that the United States and Australian Governments intervened on behalf of the two convicted Tibetans with Chinese authorities.

According to information available to the Commission, the two Tibetans have lodged an appeal which means that the execution can not be carried out until the sentence has been reviewed by China's People's Court.

The Commission will continue to closely follow this case and the general Human Rights situation in Tibet.

(2004/C 70 E/021)

WRITTEN QUESTION E-3750/02

by Mario Mauro (PPE-DE) to the Commission

(20 December 2002)

Subject: Relations between the EU and the Republic of Surinam

In May 2000, presidential elections were held in Surinam which radically altered the state of political instability which had characterised the preceding years.
The return of Ronald Venetiaan has prompted fresh action: better control over public expenditure, a reduction in subsidies and an increase in tax revenue. Furthermore, the government has decided to base exchange rates on the market and to cease financing the public deficit by increasing the amount of money in circulation.

Nonetheless, the new government has inherited a country which is on the verge of financial collapse and further reforms are called for if bankruptcy is to be staved off.

Will the Commission say what role it is playing in the democratisation of the country and what strategy it is pursuing in order to foster Surinam’s social and economic development?

In particular, does the Commission intend to establish bilateral agreements with Surinam?

Answer given by Mr Nielson on behalf of the Commission

(28 February 2003)

The Community contributed EUR 2 million to the electoral process leading to the general elections of May 2000, which were perceived as free and fair. Election observers from Member States participated.

The democratic process, which the country has gone through during the past years, is positively appreciated by the Commission and the international community. Its consolidation is now a priority and this is the subject of a continuous dialogue between Government, civil society and the international community. The Commission plays an active role in co-ordination with the Member States.

During the period 2001-2002, the government improved public finances. Due to global macro-economic setbacks and a 30% increase in public sector wages in 2002, the situation is now deteriorating. Government has very recently concluded agreements in the mining sector which should help, but the effects can only be expected in the medium term.

With respect to agreements, Surinam has benefited from all the Lomé Conventions and has ratified the Cotonou Agreement. A Country Strategy Paper under the Cotonou Agreement was signed by the Commission and Surinam in July 2002. The Strategy (EUR 19,1 million) is concentrated on transport infrastructure including the improvement of its institutional and legal aspects, actions to create conditions for economic growth. Furthermore, Surinam benefits from the Special Framework of Assistance for Traditional Suppliers of Bananas (EUR 11 million allocated over the past four years) and the preferential treatment on imports of rice into the Union.
WRITTEN QUESTION P-3851/02
by Arie Oostlander (PPE-DE) to the Commission
(23 December 2002)

Subject: Kidnapping of Mr Arjan Erkel in the Russian Republic of Dagestan

On 12 August 2002 Mr Arjan Erkel, 32, who works for Médecins Sans Frontières Switzerland, was kidnapped by three unknown gunmen in Makhachkala, the capital of the Russian Republic of Dagestan. Since then, nothing more has been heard of him.

Is the Commission prepared to approach the Russian authorities and take steps which may assist his release and return to the Netherlands?

Joint answer
to Written Questions E-3751/02 and P-3851/02
given by Mr Nielson on behalf of the Commission
(30 January 2003)

The Commission is extremely concerned at the fate of Arjan Erkel, the Head of mission of MSF-Switzerland who was abducted in Daghestan last 12 August 2002, a few weeks after another humanitarian worker, Nina Davidovitch, was abducted in Chechnya.

The Commission officially reacted through a Presidency declaration, on 26 August 2002, which strongly condemned both abductions and asked for the immediate and safe return of the hostages. In addition, the Union Presidency took the opportunity of the release of two workers of the International Committee of the Red Cross (ICRC), who had also been kidnapped subsequently, to reiterate its concerns, on 20 November 2002, and ask for immediate release of both aid workers that remain missing.

In parallel, the Commission is following the case very closely. It has raised the issue in several meetings with the Russian authorities and will continue to do so until the safe release of Arjan Erkel. The fate of both workers was addressed again in Moscow, on 23 December 2002, during a joint demarche of the Union Troika, the United States, Switzerland and the Netherlands to the Deputy Minister for Migration of the Russian Federation, Mr Chernienko. Unfortunately, co-operation from Russian authorities has so far not been as forthcoming as the Commission would have expected. Most recently, on 10 January, Commissioner Nielson took the opportunity of the release of Nina Davidovitch to publicly call for the immediate and safe release of Arjan Erkel.

MSF-Switzerland, funded by the Humanitarian Office through MSF-Holland, was one of the very few international organisations working in Daghestan at the time, providing essential health assistance to the vulnerable Chechen and local population in this poor republic of the Russian Federation. Since Arjan Erkel's abduction, MSF has had to stop all its operations there and its absence is another blow dealt at the victims of the conflict in Chechnya, whom Mr Erkel had courageously gone to Daghestan to help.

WRITTEN QUESTION E-3759/02
by Jan Mulder (ELDR) to the Commission
(23 December 2002)

Subject: Verification of the origin of ACP sugar

In its answer to my Written Question E-2533/02 (1), the Commission states that, while it is perfectly possible to carry out verifications of the origin of ACP sugar, such verifications have never been carried out. The Commission admits that it 'has no reason to believe that the sugar imported under the Sugar Protocol does not originate solely in the African, Caribbean and Pacific (ACP) countries concerned'. The vast difference between the price of sugar on the world market and the price in the European Union certainly constitutes a good reason for the carrying out of such verifications.
1. Why has the Commission never taken the opportunity of carrying out verifications?

2. When does the Commission intend to carry out such verifications?

3. In what way and how often does the Commission intend in the future to verify the origin of imported sugar from the 48 poorest countries (under the Anything-But-Arms proposal and the ACP Sugar Protocol)?

Answer given by Mr Lamy on behalf of the Commission

(12 February 2003)

The Commission is well aware of the risk of origin fraud with regard to sensitive products such as sugar, not only from the African, Caribbean and Pacific (ACP) States concerned but also from other preferential partners.

1. The fact that no inspections missions on the spot have been carried out by the Commission does not imply that the origin of sugar imported from ACP countries under a preferential tariff arrangement is not being verified. Indeed, such verification takes place continuously on the basis of documents (proofs of origin) that must accompany all preferential exports to the Community. As already indicated in the reply to Written Question E-2533/02 by the Honourable Member (1), Protocol 1 to Annex V of the Cotonou Agreement specifies the proof of origin that should be used in order to claim preferential treatment upon importation into the Community from the ACP States. This Protocol also lays down specific arrangements for administrative cooperation between the partner-countries, aimed in particular at checking the authenticity of the proofs of origin presented upon importation, as well as the correctness of the information given in these proofs. As a general remark, it should also be noted that the responsibility for the verification of proofs of origin lies with the Member State of importation and not with the Commission.

2. Adequate provisions allowing subsequent verifications of proofs of origin are in place and verifications are being carried out by the customs authorities of the importing country, either at random or whenever those authorities have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other provisions of the said Protocol. In addition and on a larger scale, the Commission has published on 5 December 2000 (2) a non-exhaustive list of the main circumstances liable to give raise to reasonable doubt as to origin. As far as sugar from the ACP States is concerned, the Commission has currently no elements available that would justify the publication in the Official Journal of the European Communities (C series) of a notice to importers explaining that there is a reasonable doubt as to imports of sugar originating in all ACP States. Such a notice is mainly aimed at calling for systematic verification of the proofs of origin for all the concerned imports.

3. The principles and the mechanisms governing the verification of the origin are identical in substance for goods imported under the Cotonou Convention and for those benefiting from the Everything-but-Arms (EBA) provisions. In addition, sugar is one of the products singled out by Council Regulation (EC) No 2501/2001 (3), which also governs EBA, for monitoring by the Commission, in close cooperation with Member States. So far, this monitoring has not demonstrated the need for additional, special verification of the origin of least developed countries (LDC) sugar.

However, in case of suspicion of fraud, the Commission is entitled to carry on the necessary spot checks and investigations in agreement and close cooperation with the authorities of the exporting country.

(1) OJ C 110 E, 8.5.2003, p. 66.
WRITTEN QUESTION E-3766/02
by Erik Meijer (GUE/NGL) to the Commission
(23 December 2002)

Subject: Avoiding irritations and delays during controls of traffic in transit between Russia and Kaliningrad via future EU territory

1. Does the Commission realise that, in 2001, 960 000 people travelled by train via future EU territory, Lithuania, between the separate Baltic province (oblast) of Kaliningrad and other, non-contiguous areas of Russia, many paying the cheap 'platzkartni' fare, as opposed to 105 000 who went by air (which is more expensive)?

2. Can the recently introduced strict controls on train passengers by customs authorities other than Lithuania's in the course of which mobile telephones and foreign exchange are checked and, at the border between Belarus and Lithuania, non-Russians are required to return to Minsk to buy a visa — be accounted for as preparation for future application of the transit arrangements agreed in November 2002 between the EU and the Russian Federation?

3. To what extent have irritations experienced by train passengers since November 2002 been deliberately provoked in order to be able blame the EU subsequently for time-consuming controls, confiscation of property and high transit costs?

4. Who is going to pay for a new, high-speed, direct rail link to be built between Belarus and Kaliningrad via Lithuanian or Polish territory? Will it be part of the Trans-European Networks? When will it be ready, thus making border controls unnecessary?

Source: 4 December 2002 edition of the Dutch newspaper 'De Volkskrant'

Answer given by Mr Patten on behalf of the Commission
(10 February 2003)

1. The Commission is aware of estimates by the Russian authorities that, in 2001, the total number of crossings between the Kaliningrad region and the rest of Russia were 960 000 by train, as compared with 620 000 by car. The Commission has not received Russian figures relating to air transit. The Commission would however note that, in the absence of a transit regime for Russian citizens, all figures should be treated with extreme care. In particular, it is not clear whether the various figures which have been published refer exclusively to direct transit from Kaliningrad to the rest of Russia, or whether they also include passengers engaged in small border traffic or traveling to and from Belarus. Estimates by the Lithuanian authorities, for example, of total transits by Russian citizens by all forms of land transport via Lithuania to the Kaliningrad region in 2001 were significantly lower — 500 000 to 600 000 transits.

2. As a result of the accession negotiations, the new Member States have been requested to implement the Community visa 'acquis' by accession at the latest. No transitional periods have been granted in this area. The new Member States have actually been urged to align their visa policy well in advance of accession. Any measures undertaken by the new Member States to reorganise the traffic across their national borders should be seen in this light. The agreement reached with Russia on transit to and from Kaliningrad refers only to citizens of the Russian Federation.

3. No particular difficulties for train passengers have been reported to the Commission since November 2002. Nor does the Commission have any basis for assuming that provocations have recently been staged at the future external borders of the Union with Belarus or the Russian Federation.

Furthermore, the Joint Statement agreed by the Union and Russia at the Summit on 11 November 2002, and the agreement on mutual travel of citizens between Lithuania and Russia of 30 December 2002, which succeeds the earlier bilateral agreement between the two countries, should ensure that in future, bureaucratic controls are kept to the minimum.
It will now be possible for Lithuania and Russia, with the participation of the Union, to ensure that transit of people between Kaliningrad and the rest of Russia takes place as smoothly as possible while respecting Lithuania's sovereignty and the obligations Lithuania has agreed to take on under the Community's acquis. Thus, direct rail passengers will gradually be required to obtain additional travel documentation from 1 January 2003. In addition to the possibility of obtaining a national Lithuanian visa there will from 1 July 2003, be the option of a 'Facilitated Rail Transit Document' which passengers may request on reserving a ticket and which will be issued by the Lithuanian authorities.

4. The General Affairs and External Relations Council (GAERC) conclusions of 30 September 2002 and 22 October 2002, confirmed by the Brussels European Council on 30 October 2002, state that, while the Union should explore, in full cooperation with the Republic of Lithuania, the feasibility of visa-free travel by non-stop trains for Russian citizens travelling between the Kaliningrad region and the rest of Russia, any eventual decision on such a scheme: 'could only be taken by an enlarged Union, on the basis of a thorough evaluation of the political and legal aspects and once the technical obstacles have been overcome.'

The GAERC conclusions of 22 October 2002 further agree that: 'A decision to launch a feasibility study in 2003 by independent consultants will be taken by the Union with the agreement of Lithuania when there is agreement with Lithuania on the Terms of Reference for the study'

The Union/Russia Summit on 11 November 2002, therefore, agreed that the Commission would, as soon as possible after the Copenhagen European Council (12/13 December 2002), initiate the process of developing Terms of Reference for a study on visa free travel by high-speed non-trains in cooperation in Lithuania.

In this context, it is clear that neither the technical, political nor legal feasibility of such trains has been established. The Commission has therefore made no proposal, nor the Council discussed, the prospects for Community subsidies, or designated any specific rail route connecting Kaliningrad with mainland Russia.

(2004/C70E/026)

WRITTEN QUESTION E-3790/02
by Jules Maaten (ELDR) to the Commission
(6 January 2003)

Subject: Treatment of tourists by police officers in the applicant countries

An inquiry carried out by ANWB — the largest Dutch organisation active in the field of tourism, leisure and travel — has revealed that reports have been coming in of corruption among police officers in the applicant countries in their treatment of foreign tourists. There have been many instances of tourists being improperly stopped and forced to pay on-the-spot fines. For example, there is a series of successive border controls at the Bulgarian border, with money having to be paid at each one for permission to continue or on the grounds of alleged infringements (of the speed limit, say). In most cases, tourists are asked to hand over their passports, and the officials do not return the passports until money has been handed over.

Is the Commission aware of tourists (from EU Member States) being treated in this way in the applicant countries?

What is the Commission doing to prevent tourists from being improperly stopped and fined?

Answer given by Mr Verheugen on behalf of the Commission
(10 February 2003)

Considering that the criteria for membership agreed by the Copenhagen European Council in 1993 (21/22 June 1993) include the guaranteeing of the rule of law and human rights, the Commission attaches great importance to the development of effective and non-discriminatory law enforcement in all candidate countries. The Commission monitors respect of this commitment and informs the Parliament and the Member States periodically through its Regular Reports.
The case cited by the Honourable Member concerns Bulgaria and the Commission is not aware that this is a problem experienced across all candidate countries. As concerns Bulgaria, the Commission clearly states in the 2002 Regular Report that police corruption is perceived to be a problem and that cases of bribery in the traffic and border police have been raised by Union citizens driving in and through Bulgaria. Following the Commission’s request for improvements at the last meeting of the Union/Bulgaria Association Committee, the issue will continue to be discussed in the framework of both the Europe Agreement and the negotiations. Bulgaria’s progress in this area will be continuously monitored until the date of accession.

The fight against corruption is considered to be a priority for PHARE assistance in Bulgaria and four anti-corruption projects were approved in 2002. One of these exclusively covers corruption within the police force.

Further to the complaints from Union citizens received by the Commission, the Commission has been presented with detailed information on apparent corruption-related cases which closely resemble the cases reported by ANWB, and ‘Stichting Inspraakgvaan Turk en’ in the Netherlands. The Commission will invite Bulgaria to take appropriate measures in order to prevent incidents of the specific character described in the complaints and to inform the Commission of the results of its actions. The Commission will inform the Honourable Member of the reply.

(2004/C 70 E/027) WRITTEN QUESTION E-3820/02
by Jonas Sjöstedt (GUE/NGL) to the Commission
(9 January 2003)

Subject: Movement of the euro against other currencies

How closely has the Commission studied the movement of the euro against other major currencies on the world market?

Which currency has fluctuated most, the euro or the Swedish krona, against each of the three currencies, the US dollar, the Japanese yen and the pound sterling, since 1 January 1999?

Answer given by Mr Solbes Mira on behalf of the Commission
(31 January 2003)

The Commission is in charge of the multilateral surveillance and for this purpose the Commission monitors economic and financial developments in each Member State and in the Community as well. In this context the Commission monitors the euro’s movements against other currencies and its impact on the euro area economy.

The foreign exchange rate is a relative price. Variations in the exchange rate between two countries can occur either by developments in the home country, or by developments in the foreign country. The experience with floating exchange rate regimes shows that exchange rate movements can be large. Standard measures of dispersion can be calculated as an indication of a currency’s variation against other currencies, bearing in mind that currency variations depend on several factors that are not always anchored in changes in relative fundamental factors. If a change in a currency pair is the result of a change in relative fundamental factors, such a currency movement may be warranted. Conversely, if a change in a currency pair cannot be attributed to any change in relative fundamental factors, that movement could be considered unwarranted. Hence, exchange rate variation as such has little informative value on its own; the factors behind an exchange rate move must also be considered.

The table below displays some standard measures of dispersion, such as the standard deviation and variance, over the period 1 January 1999 to 19 December 2002. According to these measures, the relation between the Swedish krona and the US dollar (USD) have displayed a greater dispersion than the relation
between the EUR and the USD. The same is true for the relation between the Swedish krona (SEK) and the Pound Sterling (GBP). The relation between the Swedish krona and the Japanese Yen (JPY) have displayed a somewhat smaller dispersion than the relation between the euro and the Japanese Yen.

<table>
<thead>
<tr>
<th></th>
<th>EUR/USD</th>
<th>SEK/USD</th>
<th>EUR/JPY</th>
<th>SEK/JPY</th>
<th>EUR/GBP</th>
<th>SEK/GBP</th>
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<td>6.6</td>
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<td>7.6</td>
<td>7.3</td>
<td>3.3</td>
<td>4.6</td>
<td>3.8</td>
</tr>
<tr>
<td>AVEDEV (2)</td>
<td>5.6</td>
<td>7.2</td>
<td>6.3</td>
<td>5.7</td>
<td>2.5</td>
<td>3.9</td>
<td>3.2</td>
</tr>
<tr>
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<td>70062.0</td>
<td>60468.0</td>
<td>54481.0</td>
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<tr>
<td>VAR (4)</td>
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<td>67.8</td>
<td>58.5</td>
<td>52.7</td>
<td>10.7</td>
<td>21.3</td>
<td>14.7</td>
</tr>
</tbody>
</table>

(1) Standard deviation.
(2) Average of the absolute deviations of data points from their mean.
(3) Sum of squares of deviations of data points from their mean.
(4) Variance.

(2004/C 70 E/028)  
WRITTEN QUESTION P-3856/02
by Eija-Riitta Korhola (PPE-DE) to the Commission

(6 January 2003)

Subject: Retail prices of fair-trade products

Fair trade accounts for a relatively large share of consumption in Europe. In 1997 the turnover of fair-trade products was estimated at EUR 200-250 million. 11% of European consumers buy such products, and surveys have revealed that there is very substantial demand for them.

The EU has already adopted fair-trade initiatives, and NGOs and organisations which award fair-trade status also do their bit. Projects are also funded in developing countries. In the field of legislation, the EU has implemented fair-trade principles using numerous instruments, for example measures under the EU’s Generalised System of Tariff Preferences. Despite all these measures, fair-trade products still cost far more than normal products, at least in Finland.

How much support is provided for fair-trade products?

Does the Commission know how the retail prices of fair-trade products currently compare with those of normal products, and what are the biggest cost items which contribute to the formation of the retail prices of fair-trade products?

To what extent can national authorities influence these prices?

Answer given by Mr Lamy on behalf of the Commission

(24 January 2003)

The increased attention on the part of the public towards fair trade products is the result, among other reasons, of the various awareness raising campaigns that have been organised at the national level, that the Community has co-financed on several occasions. Such co-financing of private initiatives is part of the limited financial support for activities relating to fair trade that the Commission has already provided to non-governmental organisations (NGOs) within the Union and to producer groups in developing countries. Other forms of support may exist at the national level, but the Commission does not monitor the total amount of such forms of support.

The Commission has never carried out any detailed study on the price-structure for fair trade products, as these are commercial decisions taken within the context of the relevant organisations and may, indeed, differ widely depending on the product and the source in question. It is, however, widely accepted that
their retail prices are higher than those of other comparable non-fair trade products, due to the additional costs linked to their production and marketing, the commitment to pay above the market price for the commodities in question and the limited economies of scale that have been achieved so far.

As far as the possibilities that exist for the various national authorities to influence these prices, any such activity must remain coherent with the Union and international obligations of the Member States and of the Union. In the long run, however, only a sustained trend of increased demand for fair trade products by European consumers is likely to lead to large reductions in prices.

(2004/C 70 E/029)

WRITTEN QUESTION E-3877/02
by Jorge Hernández Mollar (PPE-DE) to the Commission
(10 January 2003)

Subject: A single European penal code

The proposal for a single European penal code that would apply in all the Member States is now on the table, and at the very least this idea deserves to be examined by academics and criminologists, as it is potentially of major importance in the context of joint means of dealing with criminal offences which particularly affect the Community sphere.

The introduction of uniform penalties in the Member States, notably for such offences as drug trafficking, sexual abuse of minors, illegal trafficking in human beings and environmental crimes, could prove a highly effective means of protection for the Community as a whole against the damaging effects of those criminal activities.

Does the Commission believe that it could promote a broad discussion on the possible introduction of a single European penal code, to be facilitated by the funding of studies, debates and other means of comparing legal opinions among criminologists and other experts, which would result in a concrete recommendation on the desirability of such an initiative?

Answer given by Mr Vitorino on behalf of the Commission
(10 February 2003)

The Commission agrees with the Honourable Member that an approximation in some areas of substantive criminal law is necessary to achieve a genuine area of justice in criminal matters. The Union has already begun to approximate national rules relating to the constituent elements of criminal acts and to penalties. The Treaty of Amsterdam, the Vienna Action Plan and the Tampere European Council conclusions identify areas, which should be harmonised as a matter of priority. The degree of harmonisation is, however, not total, partly because the exercise must respect the principles of subsidiarity and proportionality in accordance with Protocol 30 to the Treaty of Amsterdam, and partly because the approach adopted is deliberately progressive.

However, the Commission has serious doubts about whether a Single European Penal Code would be a feasible or appropriate path to follow at this stage. The question of the approximation of substantive criminal law is sensitive. Member States’ Penal Codes reflect different legal traditions often well-rooted in history. That is why the development of a genuine area of justice has been mainly governed by the principle of mutual recognition, with approximation of substantive law only in some particular areas. This pragmatic approach is reflected in the Commission representatives’ contribution to the discussions on the Convention on the future of Europe. Each action to harmonise substantial criminal law should be justified in relation to at least one of the following criteria: the phenomenon in question is included in the list of ‘European crimes’ set out in the new Treaty and/or where the absence of action at Union level would threaten a shared European interest which is itself already the subject of a common policy. To supplement this, harmonisation is also justified where action at Union level is considered necessary to ensure the full application of mutual recognition of judicial decision and to guarantee the effectiveness of common tools for police and judicial cooperation.

Therefore, the Commission does not envisage for the time being funding any study or activity aimed at analysing the feasibility of a European Penal Code.
Subject: EU budget and development cooperation

1. Could the Commission indicate how much the EU allocated to the development cooperation budget heading under its 2002 budget, and the breakdown of that amount between each beneficiary third country?

2. Could the Commission indicate how much of the amount allocated to the development cooperation budget heading for 2002 was earmarked for the development of the fisheries sector in third countries, and what the amount was for each beneficiary country?

3. Could the Commission indicate how much the EU has allocated to the development cooperation budget heading under its 2003 budget, and the breakdown of that amount between each beneficiary third country?

4. Could the Commission indicate how much of the amount allocated to the development cooperation budget heading for 2003 is earmarked for the development of the fisheries sector in third countries, and what the amount is for each beneficiary country?

Answer given by Mr Nielson on behalf of the Commission

(19 June 2003)

1. A table detailing commitments and payments by country of external assistance for 2002 on the Community Budget is sent direct to the Honourable Member and to Parliament’s Secretariat. These numbers are of a provisional nature, and the definitive figures by country will only become available towards end of April 2003. The figures by region are in general higher than those in the geographical budget chapters, because expenditure under the thematic budget lines (such as fisheries agreements, humanitarian aid, food aid, cofinancing with non-governmental organisations, human rights, etc.) has been allocated, whenever possible, to the beneficiary country.

2. The figures giving the sectoral breakdown of the Community’s assistance are sent directly to the Honourable Member and to Parliament’s Secretariat.

3.and 4. There is no earmarking of funds in advance to a particular country and/or to a particular sector for a given budgetary year, therefore, it is not possible to respond to this question.

Subject: Spanish National Hydrological Plan (NHP): Júcar-Vinalopó transfer scheme

The construction scheme for transferring water from the basin of the river Júcar to that of the Vinalopó was approved as part of the Júcar Basin Hydrological Plan, and ratified in Annex II of the NHP in July 2001. The course to be followed by the transfer channel runs parallel to the existing Tagus-Segura link, and converges with the planned transfer of the Ebro to the Spanish south-east. The water transfer is designed to develop new irrigation areas for heavily subsidised continental crops in the upper and middle reaches of the Júcar, as well as unsustainable tourist and urban development. All this will have increased negative repercussions on the lower reaches of the Júcar and the Albufera, and on the quality of Valencia’s water supplies. The scheme’s environmental impact assessment did not assess alternatives, nor take account of these and other problems, such as environmental impact on the Natura 2000 Network and areas of ornithological importance.
On 4 October, the Spanish Government asked the Commission to cofund the project (EUR 54 million). The Commission indicated that its reply would be given within three months, i.e. before 4 January 2003. Without waiting for the EU decision, the Spanish Prime Minister laid the first stone of the new channel on 14 November 2002.

Can the Commission tell me what stage has been reached with regard to processing this request for aid?

Has the Commission made any assessment of the project and of the accompanying environmental impact study?

**Supplementary answer given by Mrs Wallström on behalf of the Commission**

(27 November 2003)

On 4 October 2002 the Spanish authorities sent the Commission a request for confirmation of the level of cofinancing for the ‘Conducción Júcar-Vinalopó’ project under the integrated operational programme for the Valencia Region (2000-2006). To provide the Honourable Member with accurate information, it should be pointed out that the amount of Community aid requested is EUR 80,121 million, given eligible expenditure of EUR 155,244 million and a total cost estimated at EUR 254,639 million.

Regarding the questions on the processing of the request for aid:

- the Directorate-General for Regional Policy consulted the European Investment Bank (EIB), within the framework of the collaboration agreement with the EIB and the regulatory provisions, to obtain an independent opinion. It asked the EIB for a technical report on the viability of the project. The EIB delivered its report on 1 August 2003;

- the Directorate-General for Regional Policy examined the recommendations of the study and sent them to the Spanish authorities. On 20 October 2003 the Spanish authorities sent the Commission a formal reply, which is now being assessed. In addition to the abovementioned EIB report, the Commission also has the economic assessment and the environmental impact statement of the authority responsible;

- as this is a complex dossier still being examined, the Commission has not yet taken a final decision on the request for cofinancing.

(2004/C 70 E/032) **WRITTEN QUESTION E-0704/03**

by Baroness Sarah Ludford (ELDR) to the Commission

(10 March 2003)

Subject: Cat and dog fur

Does the Commission have any plans to propose legislation to ban the import into the EU of pelts from domestic cats and dogs?

**Answer given by Mr Lamy on behalf of the Commission**

(23 May 2003)

The cat and dog fur issue is not one of purely external trade but also one of domestic production and use. Indeed the common commercial policy must be seen as a complement to the single market: trade restrictions in the absence of equivalent measures on domestic production and marketing might be contestable as discriminatory and an obstacle to the principle of national treatment.
Therefore, the question of a trade policy initiative in the field of cat and dog furs (a ban on import of cat and dog furs) should not be imposed in isolation from the more general issue of a domestic policy concerning the production and marketing of cat and dog furs on the internal market.

WRITTEN QUESTION E-0730/03
by Rosa Miguélez Ramos (PSE) to the Commission
(11 March 2003)

Subject: ‘Prestige’: Measures for Natura 2000 network areas

In 19 December 2002, the European Parliament adopted a resolution on safety at sea and measures to alleviate the effects of the ‘Prestige’ disaster, paragraph 22 calls on the Commission, in conjunction with the Spanish authorities, to draw up special plans for the regeneration of the Natura 2000 areas affected.

On 21 November 2002, Parliament had already adopted a resolution on this issue: paragraph 14 reads:

Calls on the Commission to adopt specific measures in order to guarantee a proper ecological balance in the SCI areas of the Natura 2000 network affected by this catastrophe.

How does the Commission view these requests from Parliament?

What measures has it taken or does it intend to take in response?

Answer given by Mrs Wallström on behalf of the Commission
(2 May 2003)

According to its Resolution of 19 December 2002, the Parliament asked the Commission to provide specific measures in order to guarantee the ecological balance of the Natura 2000 site.

The role of the Commission in relation to the Natura 2000 network is clearly established in the Habitats Directive, (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora) (1). In this case the Commission is not responsible for the maintenance and restoration at a favourable conservation status of the Natura 2000 sites. This is a Member States responsibility. However, the Commission is aware of the exceptional circumstances of this situation.

Within the framework of Commission responsibilities the Commission has carried out the bio-geographical seminar for the Atlantic region in order to adopt the Atlantic list of sites of Community importance in order to guarantee Member States the application of provisions under Article 6(2), (3) and (4) of the Habitats Directive.

The Commission would like to refer the Honourable Member to its replies to written questions E-3661/02 (2) and P-0001/03 (3) where the possibilities of using financial instruments available at the EU level are described.

Finally, the Commission could consider — upon request — any specific measure regarding restoration activities in the framework of the Habitats Committee.

(3) OJ C 161 E, 10.7.2003, p. 166.
WRITTEN QUESTION E-0897/03
by Hedwig Keppelhoff-Wiechert (PPE-DE) to the Commission
(21 March 2003)

Subject: Proposal for a Council regulation on the common organisation of the market in ethyl alcohol of agricultural origin (COM(2001)101 final — C5-0095/01) in particular, measures for the agricultural alcohol market/Article 10

In Germany, it is usually family farms which run corn distilleries producing agricultural alcohol. The Commission now intend to destroy these traditional agricultural production methods with the above proposal for a regulation. This agricultural activity will suddenly and without good reason be transformed into an industry.

A distinction must be made between the terms 'ethyl alcohol' and 'spirits'. Distillates should only be classed as 'spirits' when they are ready for use. Coarse and fine corn distillates are agricultural and not commercial products.

Why does the above proposal for a regulation not distinguish between coarse and fine corn distillates on the one hand and the finished product corn schnapps on the other?

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

The Article 10 to which the Honourable Member refers provides for the application of rules on national aid in the alcohol sector in accordance with Article 34 of the Treaty. The Commission is fully aware of the German production structure's specific situation and a compromise solution on that article was found in order to enable that system to operate during a ten-year transitional period. The Council therefore adopted the Regulation (1) with the agreement of all delegations except Italy.

The Commission is of the opinion that, since distillates possess all the characteristics of spirit drinks, they are to be classified as such even if they are not yet ready for direct human consumption. By contrast, distillates which are used to make ethyl alcohol of agricultural origin are to be regarded as products falling under Annex I to the EC Treaty. Korn is a spirit drink defined and protected in Community legislation (2). There is nothing in the definition of that drink to suggest that this distillate, like the distillate of any other spirit drink covered by that legislation (such as whisky or wine spirits) may be regarded as an agricultural product which would become a spirit drink (ready for human consumption) and therefore a non-agricultural product. The product which is distilled in accordance with the rules laid down in the definitions contained in the above Regulation and which is obtained from the distillation process is to be regarded as a spirit drink and marketed as such.


WRITTEN QUESTION E-1076/03
by Peter Skinner (PSE) to the Commission
(31 March 2003)

Subject: Motorola Computer Group and Wordsworth Technologies Ltd and price fixing

I have received a letter regarding Motorola UK who have refused to accept purchase orders from Wordsworth Technology Ltd. They believe that they are being cut out because they have identified a price fixing scam run by the Motorola Computer Group. They have tried to source parts from Germany, but feel they were prevented from doing so by Motorola, and their current source in Hong Kong is under the same threat.
It is my understanding that Wordsworth Technologies had made a complaint to the European Commission in January 1999 regarding Motorola’s price fixing, squeezing Wordsworth out of the market.

Has there been any progress in investigating this complaint and if so what has the outcome been?

Answer given by Mr Monti on behalf of the Commission
(21 May 2003)

As the Honourable Member is aware, the Commission opened an investigation into the distribution arrangements of Motorola Computer Group (a business division of Motorola Inc) for certain of its products with a view to ascertaining whether these arrangements were in accordance with Articles 81 and 82 of the EC Treaty. This investigation was opened after the Commission had received a complaint by Wordsworth Technologies Ltd in January 1999.

The Commission has been investigating this complaint by Wordsworth Technologies Ltd actively. It has sent a very significant number of formal requests for information to Motorola Computer Group, its distributors and customers as well as Wordsworth Technologies Ltd, in order to be in a position to analyse all facts in their proper economic and legal context. It has also held various meetings with the parties in this case, including Wordsworth Technologies Ltd.

The Honourable Member may be interested to know that Motorola Computer Group has introduced various modifications to its distribution arrangements as a direct result of the Commission's investigations in this case.

The Commission is currently elaborating its final analysis of all the issues that were raised by Wordsworth Technologies Ltd. This analysis will not only take account of the issues that Wordsworth Technologies Ltd raised in its initial complaint but also of those raised in later correspondence, including those the Honourable Member is referring to, which were actually only brought to the Commission's attention late in 2002.

The Commission is confident that it can inform Wordsworth Technologies Ltd in the near future about the Commission's position in this case. Wordsworth Technologies Ltd will then be given an opportunity to comment upon this position.

WRITTEN QUESTION E-1146/03
by Paulo Casaca (PSE) to the Commission
(1 April 2003)

Subject: Abolition of pension weightings

In direct and total contradiction with the statements made by the Commission representative at the meeting of the Committee on Budgetary Control on 28 November 2002 and its answer to Question E-0088/03 (1), it is absolutely clear that the judgement of 14 December 1995 in case T-285/94 in no way justifies the application of weightings to officials’ retirement pensions.

The issue raised by the plaintiff in paragraph 28 of the judgement has not been considered by the Court, as paragraph 52 of the same judgement shows.

Under these circumstances, will the Commission say what disciplinary measures it intends to take in respect of an official who has not only deliberately falsified the facts, but involved a Commissioner in repeating this falsehood?

Given that this is the only argument put forward so far by the Commission to defend this absurd and unfair system, will it say when it intends to abolish weightings for officials' retirement pensions?

Answer given by Mr Kinnock on behalf of the Commission

(4 June 2003)

The Honourable Member refers to paragraph 28 of the judgement of 14 December 1995 in Case T-285/94 and states that the issue raised by the plaintiff, Mr Pfloeschner was not considered by the Court. His questions refer to paragraph 52 of the same judgement and he asks what disciplinary measures the Commission will take in respect of an official who falsifies facts and involves a Commissioner in this. He also asks when the system of the weightings will be abolished.

The Honourable Member appears to have inadvertently misinterpreted legal details which are very relevant to the case.

It is true that the issue raised by the plaintiff was not considered by the Court: However, this is in no way decisive factor. The Court did not in any way reject Mr Pfloeschner’s argument, it merely did not have to consider it since the case could be dealt with on the basis of the first argument, which was illegality of Council regulation 2175/88. However, in considering that argument — relating to Regulation 2175/88 — the Court expressly referred to the justification for the weighting factors, and the justification is equal treatment under the explicit terms of the Staff Regulation. That was why the Commission referred to the Pfloeschner case and why it continues to do so.

The Court’s reasoning in grounds 46-47 of the judgement is that Article 82 of the present Staff Regulations only provides that the weighting factor should be 100 where no other factor had been fixed. However those Regulations do not allow the Institutions to actually fix that factor as 100. This reasoning was based not only on the textual analysis of Article 82, but also upon the purpose of the weighting factor. Ground 47 says ’Such a weighting factor [i.e. equal to 100] amounts, in a case like this one, to non-application of a weighting factor. It should be pointed out, in this connection, that the weighting factor is a means of correcting salaries and payments, whose purpose is precisely that of ensuring equivalent purchasing power for officials, whatever the country in which they are established’.

Equivalence of purchasing power is an expression of the fundamental principle of equal treatment. The Commission’s reference to the Pfloeschner case was therefore entirely relevant, correct and accurate. Neither the Commissioner appearing at Cocobu nor Parliament have been misled and no facts have been falsified.

The Honourable Member will be aware that, in the context of the negotiations on the Reform of the Staff Regulations, the issue of pension weightings has been the subject of much debate and, indeed, their non-discriminatory nature has been called into question. As a consequence of this, legal precedent and political will do not — for the time being — coincide. The future of the weightings system will not be resolved with certainty until legislation of proposals relating to the Staff Regulations, now before the Council, has been concluded.

The Commission is sure that the Honourable Member understands that, in referring to jurisprudence on cases before the Court that have previously taken place, Commission officials are bound to reflect the legal situation established or clarified by those cases. They are not legally or procedurally in a position to base advice or action on speculation about what future political changes relating to pension rights and allowances might or might not occur.

(2004/C70E/037)

WRITTEN QUESTION E-1228/03

by José Ribeiro e Castro (UEN) to the Commission

(2 April 2003)

Subject: Floods in Mozambique

According to media reports, since Mozambique was hit at the beginning of this month by Cyclone Japhet the centre of the country has been afflicted by flooding, heavy rain and gale-force winds.
The same sources state that several thousand people have been affected, notably by the overflowing of the river Save. There have been reports, following the flooding of transport links, of communities being effectively cut off and having to be airlifted food supplies under World Food Programme (WFP) auspices.

The humanitarian situation is critical, even more so since the communities affected had already been hit by severe drought-induced food shortages.

Can the Commission state:

- what information it has on the volume and effects of the flooding?
- what measures has the Commission taken, or what measures does it intend to take, in support of the communities affected?

**Answer given by Mr Nielson on behalf of the Commission**

(23 May 2003)

The Commission is aware that Mozambique has suffered severe adverse weather conditions in 2003, firstly when Cyclone Delfina caused torrential rains in northern and central Mozambique during the first week of January 2003, and secondly as a result of floods caused by Cyclone Japhet in central Mozambique in the first week of March 2003. Effects of the flooding have included serious disruption to transport, power, water and agricultural systems; damage to houses, schools and health centres; over 50,000 people affected or displaced by the floods and 75 deaths. Inhabitants of villages close to the River Save, which burst its banks on 11 March 2003, were especially vulnerable due to food shortages existing before the recent floods, and because this area was affected by flooding in both 2000 and 2001.

The Commission responded swiftly to assist the flood victims, by means of food security and water projects that it was already funding in the affected areas. These projects reoriented their activities rapidly in favour of those in need as a result of the floods. Items which have been supplied include food, cooking equipment, buckets, water treatment packages and plastic sheeting.

Moreover, staff responsible for the Community’s multi-annual food security programme (EUR 44 million) are currently assessing the food security situation in central Mozambique, following a recent Call for Proposals (EUR 10 million) under the food security budget line.

Close co-ordination with other relief organisations, such as World Food Programme, the Red Cross and the Mozambique government’s National Disaster Management Institute (INGC), are an essential feature of flood response. An important aspect of ongoing Community assistance is disaster preparedness implemented by the National Institute of Meteorology with Commission financial support. This is extremely useful to the Government in preparing for floods and similar events.

Concerning possible future actions, the Commission is monitoring the humanitarian situation in Mozambique closely, ready to take further action if appropriate.

(2004/C70E/038)

**WRITTEN QUESTION E-1236/03**

by Bart Staes (Verts/ALE) to the Commission

(2 April 2003)

Subject: Sale of PCs with preinstalled operating system

As numerous complaints from users testify, the great majority of PCs are now sold with the MS Windows operating system preinstalled. That trading practice has reached the point where PCs with no operating system preinstalled are virtually unobtainable without extra charge. Customers for such a machine not only
frequently have to pay for an operating system they don’t want, they are also expected to pay extra to have it removed from the PC they want to buy. There can be little doubt that this amounts to an irregularity on the internal market. These practices would appear to constitute a form of tied sales, not least because consumers cannot, for example, freely chose a different operating system without incurring extra costs.

Is the Commission aware of this state of affairs?

Does it consider this manner of trading as complying with Community law in force?

What action will it take to put a stop to these practices and again allow consumers a free choice?

Answer given by Mr Monti on behalf of the Commission

(22 May 2003)

The Commission is aware of the difficulties encountered by consumers in obtaining a personal computer (PC) from PC vendors without an operating system pre-installed. The Commission understands that Microsoft’s licensing agreements with PC manufacturers require the pre-installation on PCs of an operating system, although this does not have to be a Microsoft operating system. The Commission intends to examine this question in greater detail once its ongoing Microsoft investigation has concluded.

WRITTEN QUESTION E-1246/03

by Kathleen Van Brempt (PSE) to the Commission

(2 April 2003)

Subject: Safety of crash barriers

A report by FEMA, the Federation of European Motorcyclists’ Associations, indicates that somewhere between 10 and 15 percent of fatal accidents involving motorcyclists are attributable to crash barriers. Associations representing motorcyclists say that safe crash barriers could significantly reduce the number of deaths. Although many safe crash barrier systems have now been developed, there are still no new European regulations on safety requirements for crash barriers.

Can the Commission say whether it is thinking of introducing European safety requirements for crash barriers?

What are its plans?

What is the timetable?

Answer given by Mrs de Palacio on behalf of the Commission

(21 May 2003)

The Honourable Member is asked to refer to the answer given by the Commission to written question E-3226/02 by Mrs Villiers (1).

(1) See page 10.
Subject: Human rights in Vietnam

Is the Commission aware of the list of political prisoners in Vietnam drawn up by the Liberty Flame Foundation?

Is the Commission aware of the oppression of political dissidents by the Vietnamese Communist Party in Hanoi and, in particular, the recent arrest and imprisonment of young dissidents who have criticised the party on the Internet, for example the attorney Le Chi Quang, the journalist Nguyen Vu Binh and Dr Pham Hong Son, and dissidents who founded the Democratic Party, such as former colonel Pham Que Duong, Tran Khue, the journalist Ho Thu and the writer Tran Dung Tien?

Is the Commission prepared to take action to promote freedom of opinion and democracy in Vietnam?

Answer given by Mr Patten on behalf of the Commission

(8 May 2003)

The Commission would like to confirm to the Honourable Member that it is well aware of the list of prisoners of conscience established by the Liberty Flame Foundation and of the individual cases referred to in the question.

The Commission’s policy towards Vietnam is to encourage and support continued progress on human rights and democratisation, and to raise concerns where abuses occur or were a deterioration in the situation becomes evident. The Commission works closely with the Member States in monitoring human rights developments in the country and participates in all Union démarches to the Government of Vietnam on human rights issues, including those pertaining to the situation of Persons of Concern.

The Commission shares the concerns expressed by the United Nations Human Rights Committee regarding the shortcomings of the implementation of the International Covenant on Civil and Political Rights (ICCPR) in Vietnam. Extensive limitations on the right of freedom of expression in the media have been reported which are worrying and incompatible with Article 19 of the Covenant. The Commission regrets that the situation seems to have worsened during 2002. Moreover, the absence of specific legislation on political parties and the fact that only the Communist Party is permitted remains of concern.

The Union, Commission and Member States, have repeatedly urged the Government of Vietnam to strengthen its respect for political and religious freedoms, to further strengthen economic and social freedoms and to create a legal framework for a supportive environment to allow the development of a strengthened civil society, from which Vietnam would greatly benefit. Commission and Member states have expressed these requests in their joint declaration at the Consultative Group meeting in Hanoi in December 2002.

The Commission will continue to follow closely the human rights situation in Vietnam, together with the Diplomatic Missions of the Member States in Vietnam, and take appropriate action.

Subject: GATS and privatisation of water services

The EU is now targeting 109 poorer countries with ‘requests’ to privatise their water services.

One problem with external corporations providing water services in developing countries is that this essential service is an important stage of development in a country, and one of the key indications of a
decent government. There is therefore often great opposition, sometimes violent, to privatisation of water, which would be an irrevocable commitment.

If some of these countries are to open up their public services to overseas corporations, are they being given the best possible advice about how to introduce safeguards so that their services are not primarily run for profit?

And can the Commission give an example of where privatisation of water in a developing country has proved to be beneficial?

**Answer given by Mr Lamy on behalf of the Commission**

*(23 May 2003)*

The Community's General Agreement on Trade in Services (GATS) requests have been submitted to 109 World Trade Organisation (WTO) partners in July 2002. Of these 109 WTO members, the Community has requested commitments for environmental services from 54 developing countries and transition economies. The Community's requests on environmental services do also cover water collection, purification and distribution services, together with waste water management services.

In this context, the Commission is of the view that the primary responsibility for ensuring that access to water and waste water services for all parts of the population in an efficient, and equitable manner rests with governments. In many cases, the provision of these services will be done by the public sector. It is important to clarify that the Community's requests do not ask the privatisation of public undertakings, and do not intend to push governments into that direction.

The Commission agrees with the Honourable Member that an effective and appropriate regulatory framework is key to providing water related services, in particular when governments decide to involve the private sector in the provision of essential services such as water distribution.

The Commission is, however, of the view that involving the private sector in efforts, together with government and civil society, to improve water and sanitation services in particular in developing countries, and to strengthen investment and management capabilities, is one possibility to improve the provision of these services. However, it is clear that before deciding on a particular solution (including those involving the private sector) there is a need to objectively examine all the options, in order to select the most appropriate one, and to put in place adequate regulatory frameworks and establish monitoring mechanisms to ensure the protection of public interest. Liberalisation of trade in water related services in the context of WTO could be used as an instrument to facilitate infrastructure investments, strengthen water management capabilities and foster technological development, taking into account developing countries’ administrative capacities and regulatory framework.

In the end, it is up to each government to decide upon its objectives and how it wants to achieve them, and the Community will not try, via its GATS requests, to influence these policy choices.

The Community is, in the context of its development cooperation programmes, actively supporting developing countries in the improvement, and reform, of their water distribution and waste water management. The Commission has for example proposed the establishment of a European Union Water Fund, with a budget of EUR 1 billion, to help give people in the 77 African, Caribbean and Pacific (ACP) signatory countries to the Cotonou Agreement access to safe drinking water and adequate sanitation.

With regard to experiences of individual countries in the reform of the water sector, there is a wide range of very useful information available, in particular from the Organisation for Economic Cooperation and Development (OECD) which has worked intensively in this area, as well as donors such as the worldbank which have cooperated with individual beneficiary countries in the reform of the water sector.
Subject: International flood-management plans

During a recent working visit together with local and regional administrators from both the Netherlands and Germany, and including Members of the Netherlands Second Chamber, to the Ooypolder/Duffelt region of the Netherlands, I was confronted with a discussion on emergency flood plains providing drainage for overflow water from the river Rhine. A management plan has been drawn up by the Netherlands authorities that will extend no further than the Netherlands border, whereas the river basin extends far beyond that border.

1. Is the Commission prepared, in accordance with the water framework directive (2000/60/EC (1)), actively to encourage regional authorities in Germany and the Netherlands to draw up their flood-management plans jointly? And is it prepared — if the Member States concerned so request — to provide support for such action?

2. Does the Commission agree that this example only serves further to confirm that, in addition to water quality, water quantity — with all its ecological implications — should also be regulated, by way of a framework directive and under a European water authority established to that end, at European level?

3. If so, will the Commission be prepared to ensure that management plans drawn up by such a water authority will also be supported by the regional and local authorities and civic organisations concerned?


Answer given by Mrs Wallström on behalf of the Commission

(5 June 2003)

Comprehensive crossborder and transnational cooperation on flood prevention and protection is already ongoing, both within river basins and at European level. The regions on the Dutch-German border mentioned by the Honourable Member, are a successful example of such cooperation across borders, planning and acting within the basins of Rhine and Maas.

The International Rhine Protection Commission has, at a Ministerial Conference in Rotterdam in 1998, adopted the Rhine Flood Action Plan which is currently being implemented, and the recently signed new River Conventions for Maas and Schelde (2) have flood prevention and protection as key parts. Further, crossborder cooperation is prevailing in the Elbe, Danube, Oder and Schelde river basins, with flood prevention being a statutory objective within these crossborder river conventions.

Complementing this crossborder cooperation within river basins, the Commission, Member States and Candidate Countries have — beyond the formal scope of the Water Framework Directive (2) — commenced comprehensive cooperation on flood prediction, prevention and mitigation. Exchange of information, knowledge and experience will lead during 2003 to a joint document on best practices in flood prediction, prevention and mitigation. At the same time, the Commission is working on a horizontal initiative addressing environmental risks (forest fires, earthquakes, flood events, and technological risks), with a Commission Communication foreseen during the first half of 2003. Following discussion on this Communication and the collating of best practices, the Commission will consider need and scope of possible legislative frameworks. In parallel, the Commission’s Joint Research Centre has developed a flood prediction and modelling instrument for the Oder river basin, this instrument is now to be applied to and made operational for the Elbe and Danube basins as well.

Crossborder and transnational cooperation on flood prevention and protection is also encouraged and financially supported by the Community funding instruments. In the case of the region on the German-Dutch border mentioned by the Honourable Member, the transnational initiative ‘IRMA’ (Interreg Rhine Maas Activities) has just been successfully finalised. Planning and implementation involved, in transnational cooperation, countries, regions and local communities of Belgium, Germany, France, Luxembourg, the Netherlands and Switzerland. Community funding has been provided from the European Fund for Regional Development (ERDF), by the Community Initiative Interreg. For flood prevention and protection measures
in the Rhine and Maas regions, more than EUR 140 million have been made available from the ERDF, contributing to a total investment of more than EUR 400 million. The findings and successes of this transnational cooperation have just been presented at a conference in Düsseldorf on 11 April 2003, with participation of German and Dutch Ministers, regions and water boards (waterschappen) and in a booklet published ‘Hoogwater dreigt … samen sterk!/Impeding floods … united we stand!’, with a foreword by Mr H. Kamp, Dutch Minister of Housing, Spatial Planning and the Environment. In the current programming period of the structural funds (2000-2006), the Interreg III community initiative will continue the work started with the ‘IRMA’ programme, by means of the ‘North-West Europe’ programme. This programme has reserved some EUR 92.3 million, of which EUR 46.2 million from the ERDF, for flood prevention and protection actions with the measure ‘The prevention of flood damage’ (1).

The European Agricultural Guidance and Guarantee Fund (EAGGF) provides under the Rural Development Regulation (EC) No 1257/1999 (4), article 33, the possibility to support measures for water-management which could include flood prevention measures. The introduction of appropriate instruments to prevent the agricultural and forestry production potential against natural disasters is eligible under this Regulation as well. Member States can include these measures in their Rural Development Plans. Cross-border co-operation between the competent authorities is possible to design and implement such measures, as part of an integrated flood prevention concept.

(3) http://www.nweurope.org

(2004/C 70 E/043) WRITTEN QUESTION E-1380/03 by Anne Jensen (ELDR) to the Commission (15 April 2003)

Subject: Wage subsidies in Germany

According to Danish media reports, German tradesmen are entitled to receive wage subsidies from the German state, thereby substantially reducing the cost of their labour. Apparently, certain German building firms have endeavoured with the backing of such wage subsidies to enter the construction market in Denmark. This means that, thanks to the subsidy from the German state, they can practice price dumping and out-bid Danish building firms that are not in receipt of wage subsidies.

Will the Commission advise whether this kind of wage subsidy does in actual fact distort competition and run counter to the EU’s competition rules?

Answer given by Mr Monti on behalf of the Commission (4 June 2003)

The information available to the Commission does not allow to identify the German public support measure, as described in Danish media reports and as referred to by the Honourable Member. Therefore, the Commission requested Germany to provide all necessary information. Should the German measure exist and contain state aid in the meaning of Article 87 paragraph 1 of the EC Treaty, and should this aid
not be exempted from notification pursuant to the Commission Block Exemption Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (1), its compatibility will be assessed under the relevant State aid rules.


WRITTEN QUESTION E-1392/03
by Charles Tannock (PPE-DE) and Timothy Kirkhope (PPE-DE) to the Council
(15 April 2003)

Subject: Implications of the creation of the offence of Racism and Xenophobia in the context of the European Arrest Warrant

The principle of double-criminality was abolished for thirty-two offences covered by the European Arrest Warrant including Racism and Xenophobia.

During recent debates in the UK Parliament it has been suggested by the British government that under the terms of the agreement reached in the Council of Ministers it will not be possible for a person who has committed a racist or xenophobic offence to be surrendered by one Member State to another if the offence was not committed in the requesting state. Thus, a Belgian or French magistrate would not have the power to request surrender of a British national for an offence committed in Britain which was not committed in Belgium or France. Does the Council accept this as an accurate representation of the legal position reached by the Council?

The Council has also agreed to special measures designed to protect the freedom of the press. What is the exact form of this protection and will it lead to differential standards of protection of freedom of expression as between ordinary citizens and journalists?

Finally, Article 10 of the European Convention of Human Rights reads as follows:

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Are the offences of racism and xenophobia confined to actions or statements which involve incitement to violence or the threat of violence or intimidation against the person or which threaten public safety and, if not, how are the proposals consistent with the European Convention on Human Rights?

Reply
(8 December 2003)

The European Arrest Warrant (1) was adopted by the Council on 13 June 2002. It institutes a system which, in principle from 1 January 2004, abolishes the lengthy and complicated extradition system which until now has prevailed within the European Union on the basis of a Council of Europe Convention adopted in 1957.
The European Arrest Warrant makes it possible, under the conditions of the Framework Decision, to surrender persons for purposes of conducting a criminal prosecution or executing a custodial sentence or a detention order. That Decision lays down the time limits and procedures for the decision to execute the European arrest warrant (Article 17) and the time limits for surrender of the person (Article 23).

The Council believes that the introduction of a new simplified system for surrender of convicted or suspected persons for the purpose of the execution of sentences or criminal prosecution is in the interests of the administration of justice since:
- the trial takes place in the State that has issued the European Arrest Warrant;
- the offence has most often been committed in that State;
- it is in the interest of the victims, who usually would be in that Member State, to ensure that a trial can take place as rapidly as possible, while safeguarding the interests of the alleged offender.

The Council believes that the old extradition system did not sufficiently translate the Treaty objective of the creation of an Area of Freedom, Security and Justice and that it had to be replaced by a modern system which would also more appropriately safeguard the interests of the offender.

In order to achieve this objective, the Council has, inter alia, decided to abolish double criminality for thirty-two categories of offences, among which figure racism and xenophobia (see Article 2(2) of the Framework Decision). It is the law of the issuing Member State that defines the constituent elements of the act. For instance, if a European Arrest Warrant has been issued in France, it is French law that determines the offence.

However, in order to safeguard the interests of justice and those of the executing Member State, a number of mandatory or optional grounds for refusals (more than ten) have been included in the Framework Decision. One such ground for refusal would be when the European Arrest Warrant relates to an offence which is regarded by the law of the executing Member State as having been committed in whole or in part in the territory of that State or in a place treated as such (see Article 4(7)(a) of the Framework Decision).

For instance, in the example given by the Honourable Member, if a judge in one Member State issues an arrest warrant for an offence that has been committed in another Member State, the latter could refuse to execute such a warrant. Similarly, it could refuse to execute an arrest warrant if the offence has taken place outside the territory of the Member State which issued the arrest warrant and if its national law does not allow prosecution for the same offence when committed outside its territory (see Article 4(7)(b)).

For the application of these provisions, the issue of nationality does not come into play, but the Framework Decision contains other provisions as regards safeguards for the nationality of offenders.

The Council would also draw the attention of the Honourable Members to Article 1(3) of the Framework Decision, from which it expressly follows that the Framework Decision shall not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union. This follows already from the Treaty itself, so legally speaking it would not have been necessary to include such language in the Framework Decision, but the Council found it appropriate to do so in relation to this Framework Decision.

The Council would also draw attention to recital 12, which further reinforces the point just made. Moreover, all Member States are parties to the European Convention of Human Rights and are bound by its provisions.

The Council (JHA) has examined the draft Framework Decision on combating racism and xenophobia, most recently at its meeting on 27/28 February 2003. The draft was at that time subject to a number of reservations by different delegations. Despite further discussions on the draft held subsequently in the Article 36 Committee, it has not yet been possible to reach a compromise on the text. Questions outstanding include in particular the exact definition of the offences of racism and xenophobia and possible limitations of the scope of criminal liability for these offences, including limitations related to the freedom of the press.
Subject: Refunds on exports from Member States to the Vatican City State of butter and other fats and oils derived from milk, milk products

A table containing data on the quantities and value in euro of products eligible for export refunds was appended to the supplementary answer to question P-3202/02 (1).

Examination of this table shows that, for exports to the Vatican City State of 'butter and other fats and oils derived from milk, milk products' (code 0405):

(a) in 1998 exports from Austria totalled 155 kg for a refund of EUR 272,200.57, equivalent to aid of EUR 1,756.13 per kg of butter exported;

(b) in 1999 exports from Italy totalled 0.064 kg for a refund of EUR 402.90, equivalent to aid of EUR 6,295.31 per kg of butter exported;

In all likelihood, 155,000 kg were exported in 1998 and around 230 kg in 2000, at a more credible level of aid of between EUR 1.76 and EUR 1.75 per kg of butter exported.

If one were to make these corrections, total exports would be 174,215.50 kg for 1998, 156,230 kg for 1999, 145,560 kg for 2000 and 146,200 kg for 2001.

Under Regulation (EC) No 419/2002 (2), it should also be possible for the tabular data, extracted from the CATS database, to be used for monitoring and forecasting purposes.

It is specified in the table that the units of measurement, weights or quantities and the amounts in euro are provided by the Member States.

In the light of the above, could the Commission indicate:

− whether the data supplied by the Member States are checked and who is responsible for doing this;
− whether the quantities of butter and other fats and oils derived from milk, and milk products exported from Member States to the Vatican City State were subject to any monitoring, what form that this took, and what forecasts were made in respect of these quantities;
− whether it does not consider the level of imports to the minuscule Vatican City State to be too high, or in other words that it can be assumed these products are sold in Italy?


Subject: Refunds on exports from Member States to the Vatican City State of fresh and frozen beef

A table containing data on the quantities and value in euro of products for which export refunds are granted was appended to the supplementary answer to question P-3202/02 (1).
Examination of this table shows that, for exports to the Vatican City State of 'fresh and frozen beef' (code 0201):

(a) in 1999 exports from Italy totalled 39,592 kg for a refund of EUR 256,405.34, equivalent to aid of EUR 6,476.19 per kg of meat exported;

(b) in 2000 exports from Italy totalled 38,985 kg for a refund of EUR 305,341.16, equivalent to aid of EUR 7,832.27 per kg of meat exported;

In all likelihood, 395,920 kg were exported in 1999 and 389,850 kg in 2000, at a more credible level of aid of between EUR 0.65 and EUR 0.78 per kg of meat exported.

If one were to make these corrections, total exports would be 346,233 kg for 1998, 963,646 kg for 1999, 730,978,210 kg for 2000 and 212,249,800 kg for 2001.

Under Regulation (EC) No 419/2002 (1), it should also be possible for the tabular data, extracted from the CATS database, to be used for monitoring and forecasting purposes.

It is specified in the table that the units of measurement, weights or quantities and the amounts in euro are provided by the Member States.

In the light of the above, could the Commission indicate:

− whether the data supplied by the Member States are checked and who is responsible for doing this;
− whether the quantities of fresh and frozen beef exported from Member States to the Vatican City State were subject to any monitoring, what form that this took, and what forecasts were made in respect of these quantities;
− whether it does not consider the level of imports to the minuscule Vatican City State to be too high, or in other words that it can be assumed these products are sold in Italy?

(1) OJC 137 E, 12.6.2003, p. 172.
(2) OJL 64, 7.3.2002, p. 8.

In an interview published in March 2001 in the trade journal 'Eurocarni', Ruggero Guidoni, the head of Guidoncarni, which is based in Torrevecchia (Rome), stated that in 2000 'Unicarni of Reggio Emilia ... was awarded the contract to supply meat to the supermarket run by the Vatican Governorate, where around ten thousand consumers from that community, including purchasers for several religious houses, can buy goods on production of the appropriate pass. Ildo Cigarini, the chairman of Unicarni, asked us to manage the meat counters in the Vatican shop ... and we took up a 30% stake in the company Roma Carni 2000, which was set up for that purpose. CIR Surgelati also took up a stake. The estimated turnover was 15-20 billion per annum. It could be even higher. Unfortunately the crisis upset these forecasts.'

In the period 1998/2000 the Vatican imported 22,529.27 quintals of meat from EU Member States and received the export refunds provided for. These exports came from Belgium (579.84 q), Ireland (2,226.01 q), Italy (8,044.47 q) and the Netherlands (11,678.94 q).
In the light of the above, could the Commission indicate:

− what instruments the European Union has, or in other words what measures Italy has adopted, to ensure that the Vatican does not — directly or indirectly — remarket in the European Union products for which export refunds are granted;

− whether the company that was awarded this meat management contract, or rather its constituent companies, export meat to the Vatican directly or through an intermediary;

− the names of the Belgian, Irish, Italian and Dutch companies that exported meat to the Vatican in the period 1998/2001?

(WRITTEN QUESTION E-1480/03)

by Maurizio Turco (NI) to the Commission

Subject: Refunds on exports from Member States to the Vatican City State of beet and cane sugar and chemically pure sucrose in solid form

A table containing data on the quantities and value in euro of products for which export refunds are granted was appended to the supplementary answer to question P-3202/02 (1).

Examination of this table shows that, for exports to the Vatican City State of 'beet and cane sugar and chemically pure sucrose in solid form' (code 1701):

(a) in 1999 exports from Italy totalled 79,075 kg for a refund of EUR 385,731.05, equivalent to aid of EUR 4,878.04 per kg of sugar exported;

(b) in 2000 exports from Italy totalled 70,115 kg for a refund of EUR 356,906.17, equivalent to aid of EUR 5,090.30 per kg of sugar exported;

(c) no units of measurement are given for the two following sets of figures:

1. an export from France of 0.110 in 1998, equivalent to aid of EUR 44.18 and;

2. an export from Spain of 28,030 in 1999, equivalent to aid of EUR 1,268.38.

In all likelihood, the correct figures should be: a) 790,750 kg; b) 701,150 kg; c) 110 kg; d) 2,803 kg, at a level of aid ranging between a more credible EUR 0.40 and EUR 0.51 per kg of sugar exported.

If one were to make these corrections, total exports would be 727,810 kg for 1998, 793,553 kg for 1999, 1,012,800 kg for 2000 and 26,435,300 kg for 2001.

Under Regulation (EC) No 419/2002 (2), it should also be possible for the tabular data, extracted from the CATS database, to be used for monitoring and forecasting purposes.

It is specified in the table that the units of measurement, weights or quantities and the amounts in euro are provided by the Member States.

In the light of the above, could the Commission indicate:

− whether the data supplied by the Member States are checked and who is responsible for doing this;

− whether the quantities of beet and cane sugar and chemically pure sucrose in solid form exported from Member States to the Vatican City State were subject to any monitoring, what form that this took, and what forecasts were made in respect of these quantities;

− whether it does not consider the level of imports to the minuscule Vatican City State to be too high, or in other words that it can be assumed these products are sold in Italy?

(1) OJC 137 E, 12.6.2003, p. 172.
(2) OJL 64, 7.3.2002, p. 8.
Reply common to the various questions:

- Under Commission Regulation (EC) No 2390/1999 (1) the Commission receives from the Member States in electronic form, on an annual basis, details of all individual payments made to recipients of payments from the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section. This information is loaded into the Clearance Audit Trail System (CATS) database for further use.

- On arrival of the data the Commission makes a number of quality checks (correct codes used, reconciliation of total amounts with annual declarations, compliance with the Regulation, completeness of the data). Some of the data is also checked in greater depth in the context of specific audits or enquiries. This does not however mean that all data submitted by the Member States is the subject of an in-depth analysis. Firstly, not all schemes are the subject of an audit in all Member States. Secondly, the need for a data analysis depends on the nature of the audit.

- CATS is a very large detailed database of EAGGF Guarantee payments, currently containing over 138 million records. Each record can contain 128 different fields relating to payments, recipients, applications, products and inspections. It is therefore impossible to check every individual value. This is standard procedure in the case of such databases.

- The CATS database was set up to assist the Commission in carrying out audits of agricultural expenditure. While in general data quality is adequate for the purposes of clearance of accounts, care is currently needed over use of the data for other analytical purposes. As the Honourable Member has pointed out, some Member States have made errors in the unit of weight in which the quantities were expressed (kg or tonnes), but such errors can easily be detected.

Reply specific to Written Question E-1477/03:

- On butter exports to the Vatican City the Commission refers to its reply to Written Question E-2299/02 (2).

Reply specific to Written Question E-1478/03:

- For the beef and veal sector the CATS data, based on the actual payments notified by the Member States, is not a useful tool for monitoring or forecasting refund-aided exports, whether by destination or by Member State of origin, for the following reason.

- There can be considerable differences between the CATS statistics on refund payments and the Comext (3) statistics recording trade (with or without refund), owing to the considerable time lag that may occur between the request for an export licence (conferring refund entitlement), the export declaration, the physical export of the goods from Community customs territory and payment of the refund. This time lag may run to several months, even a year, depending on the management procedures of the customs and other authorities of the Member States involved. It can be even longer depending on the refund regime applied, i.e. pre-financing or direct export.

- On the quantities of beef and veal exported from the Community to the Vatican City, the figures referred to by the Honourable Member do not indicate the flow of trade in the years quoted (1998 to 2001) but the refunds paid during these years according to the notifications made by the Member States.
According to the Comext data Community exports of fresh and frozen beef to the Vatican City were:
1 041,0 tonnes in 1998, 870,3 tonnes in 1999, 516,5 tonnes in 2000, 517,0 tonnes in 2001 and
566,2 tonnes in 2002 (quantities expressed as product weight). These figures indicate a trade flow
more in line with the general trend on the market, with a clear impact from the bovine spongiform

Reply specific to Written Question E-1479/03:

- On the quantities of beef and veal exported with a refund to the Vatican City in the years 1998 to
2001, the Commission refers the Honourable Member to its reply to Question E-1478/03.

- As far as specific provisions covering products exported with a refund to the Vatican City are
concerned, there is both the Customs Convention between Italy and the Vatican City and the
Community legislation on export refunds, notably Commission Regulation (EC) No 800/1999 of
15 April 1999 laying down common detailed rules for the application of the system of export refunds
on agricultural products (4).

- For agricultural products exported from the Community to the Vatican City with a refund the Vatican
authorities certify their release for consumption within the territory of the Vatican City or within the
institutions and offices of the Holy See.

- In response to the Honourable Member's other two questions on the export activity of certain
companies, the Commission must point out that Article 2(3) of Regulation (EC) No 2390/1999
requires it to guarantee the confidentiality of the information received under that Regulation. It is
therefore unable to provide the names of the persons who received the EAGGF Guarantee Section aid
in question.

Reply specific to Written Question E-1480/03:

- There is no specific monitoring of the quantities of beet and cane sugar and chemically pure sucrose
in solid form exported from Member States to the Vatican City. The quantities exported appear
reasonable.

information to be submitted to the Commission for the purpose of the clearance of the EAGGF Guarantee Section
accounts as well as for monitoring and forecasting purposes, OJ L 295, 16.11.1999. Regulation last modified by

(2) OJ C 110 E, 8.5.2003.

(3) The Eurostat foreign trade database.


(2004/C 70 E/049)

WRITTEN QUESTION E-1486/03

by Claude Moraes (PSE) to the Commission

(2 May 2003)

Subject: Cyber-racism

The European Monitoring Centre on Racism and Xenophobia has recently commissioned research on the
proliferation of websites which are designed to incite racial hatred. Is the European Commission aware of
this proliferation and what is the Commission’s view on the increase in such sites?

Answer given by Mr Vitorino on behalf of the Commission

(18 June 2003)

The Commission firmly condemns racism and xenophobia, which are a direct violation of the principles of
liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles
upon which the Union is founded and which are common to the Member States as stated in Article 6 of
the Treaty on the European Union.
The Commission presented in November 2001 a proposal for a Framework Decision (1), a legislative instrument in the field of penal law to ensure that the same racist and xenophobic conduct are punishable by the same penalties in all Member States and secondly, to improve and encourage judicial cooperation by removing potential obstacles. The Commission’s approach on this issue is to ensure that racist and xenophobic content on the Internet is criminalised in all Member States. The basic idea would be contained in the principle, ‘what is illegal off-line is illegal on-line’. Moreover, the proposal also establishes some minimum criteria as regards to jurisdiction for this type of offences. At present, negotiations on this legislative instrument are blocked at Council and the Commission regrets that some Member States are not willing to strengthening the Union ‘acquis’ contained in the Council Joint Action (2) adopted in 1996 on this issue.

Regarding Community instruments, Article 15 of the Electronic Commerce Directive (3) lays down that service providers who store information supplied by and at the request of a recipient of the service need to expeditiously remove access to the information once they are informed of the illegality of this information.

Recital 48 of the Directive introduces the possibility for Member States to require hosting service providers to apply ‘duties of care’ in order to detect and prevent illegal activity.

At international level, fifteen countries — including ten Member States — have signed the Additional Protocol to the Council of Europe’s Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature, committed through the use of computer systems.

The Safer Internet Action Plan (4) also offers scope for funding action against racism (hotlines and awareness-raising) and the Safer Internet Forum which is being set up under the Action Plan will discuss practical ways of co-operating in this respect.

(1) OJC75E, 26.3.2002.
(2) OJL185, 24.7.1996.

(2004/C70 E(050)) WRITTEN QUESTION E-1491/03
by Proinsias De Rossa (PSE) to the Commission
(2 May 2003)

Subject: Article 10 challenges

Specifying the individual complaints and the EU directives or regulations concerned, could the Commission indicate how many letters of formal notice and reasoned opinions have been issued against Ireland under Article 10 of the EC Treaty since 1 May 1999?

Answer given by Mr Prodi on behalf of the Commission
(16 June 2003)

Since 1 May 1999 and further to the Commission’s reply to the Honourable Member’s oral question H-0256/03 during question time at Parliament’s May 2003 session (5), two letters of formal notice were sent on 15 May 2003 against Ireland under Article 226 of the EC Treaty.

The infringement procedures have been launched further to Commission investigations under its own initiative and not following individual complaints.

WRITTEN QUESTION E-1501/03
by Kathleen Van Brempt (PSE) to the Commission
(5 May 2003)

Subject: Cruise control in trucks

Trucks regularly collide at high speed with queues of stationary or slow-moving vehicles. In Belgium, during the proceedings of the States General for Road Safety, the subject of cruise control in trucks was raised. Representatives of the police, municipal authorities and insurers, as well as politicians, agreed that the use of the automatic pilot in trucks needed to be restricted. Truckers' unions have also concluded that cruise control causes a loss of alertness. It is therefore advocated that cruise control be banned in Belgium, but because the use of cruise control is regulated at European level, a ban by Belgium alone would fail to achieve its aim.

What view does the Commission take of the possibility of banning the use of cruise control in trucks?

Does the Commission agree with the conclusion reached in Belgium that cruise control causes a loss of alertness in drivers and is therefore dangerous? What research findings does the Commission have concerning the use of cruise control?

Will the Commission take steps with regard to the use of cruise control in trucks? If so, what information can it provide on the subject?

Answer given by Mrs de Palacio on behalf of the Commission
(20 June 2003)

The Commission has been informed about the discussion which has taken place in Belgium on the safety of electronic automatic speed systems (cruise control) fitted to lorries.

However, it does not have any information to show that the benefits of cruise control in terms of convenience for drivers, safety and the environment are negated by a loss of alertness in drivers.

It does not consider it advisable to ban the fitting or use of cruise control devices. It would ask Member States which encounter any problems to let it know about their experience and, if necessary, to discuss the need for a Community-level solution in meetings of experts designated for this purpose.

In any event, cruise control should only be used when traffic is moving smoothly. If necessary, the Commission could encourage information campaigns to make sure that this technology is used properly.

The Commission is also closely monitoring the rapid development of technology for vehicle manufacturers to combine cruise control with other equipment, such as systems which automatically check the distance between a vehicle and the one in front.
WRITTEN QUESTION E-1506/03
by Ilda Figueiredo (GUE/NGL) to the Commission
(5 May 2003)

Subject: Quality of new jobs

The Commission Communication 'Scoreboard on implementing the Social Policy Agenda'\(^{(1)}\) states that since 1997 more than 10 million jobs have been created — 6 million of which have been taken up by women.

However, it is not enough to create jobs. We need to know what kind of jobs they are and their quality.

Can the Commission therefore say, for each Member State:

1. how many jobs have been created each year in each Member State since 1997, broken down by gender and age group;
2. how many of these jobs are full-time ones, how many part-time and how many subject to a fixed-term contract;
3. in what main sectors new jobs have been created?

\(^{(1)}\) COM(2003) 57 final.

Answer given by Mrs Diamantopoulou on behalf of the Commission
(6 June 2003)

1. The tables at Annex 1 which is sent direct to the Honourable Member and to Parliament’s Secretariat indicate for each Member State the net employment creation (in 1 000 units) from year to year since 1997, based on figures from the Community Labour Force Survey (Eurostat) for the employment levels for the second quarter of each year. Data are presented in separate tables covering total net employment creation as well as net employment creation broken down by gender and by age group (using age the groups 15-24, 25-54, 55-64). For the Union as a whole, there has been net employment creation for each year from 1997 to 2002, a feature also reflected by the vast majority of individual Member States. The tables presenting the breakdown by gender show that the majority of the overall Union net employment creation has been due to a rise in employment levels for women. The age-group tables reveal that the 25-54 age group has benefited most from employment creation between 1997 and 2002, but it is also worth noting that there has been a rising trend in employment creation for the 55-64 age group over this timeframe compared to a generally declining trend for the other groups.

2. Based on the same data source, Annex 2 which is sent direct to the Honourable Member and to Parliament’s Secretariat as well, provides data on net employment creation between the years 1997 and 2002 in terms of the changes in employment levels for full-time jobs and part-time jobs. Similarly, further tables are provided on the net employment creation between these two reference years in terms of permanent and temporary (fixed-term contract) employment of employees. The data show that for the Union as a whole over the 1997 to 2002 period net employment creation involving full time employment was more than twice that for part time employment, and that net employment creation involving permanent employment was almost four times that for temporary employment. Only Belgium, Germany and Austria saw a fall in full time employment levels over this period, and part time employment levels declined only in Denmark and Sweden. All Member States experienced a rise in employment involving permanent jobs. The level of temporary employment declined in Denmark, Ireland Austria and the United Kingdom.

3. The table at Annex 3 which is sent to the Honourable Member and to Parliament’s Secretariat shows for each Member State the development in employment levels within the main sectors (agriculture, industry, services) between the years 1997 and 2002, also using data from the Community Labour Force Survey (Eurostat). From this it is clear that there has been a reduction in net employment in the agricultural sector in all Member States between 1997 and 2002, while all Member States have experienced noticeable employment creation in the services sector. Developments in employment in the industry sector show a mixed picture across Member States, with Greece, Spain, France, Ireland, Italy, Portugal and Finland, as well as to a more limited degree the Netherlands and Austria, having experienced an increase in employment levels in this sector during 1997-2002. This resulted in net employment creation for the industry sector for the Union as a whole.
WRITTEN QUESTION E-1600/03
by Giles Chichester (PPE-DE)
and Charles Tannock (PPE-DE) to the Commission
(12 May 2003)

Subject: Arbitrary expropriation of property in the Valencia region of Spain

Can the Commission confirm that a property law introduced in the region of Valencia in 1994 during the time of the last socialist administration in Spain which allows property developers to seize land from its owners if approved by the local authority is still extant? It is reported in the British press that private developers are doing deals with local councillors which result in increasing numbers of seizures of properties and land with owners required to respond to proposals within fifteen days, and that these proposals are often sent during the holidays when the owners are away. One British resident, for example, was reported to have spotted two men walking through the vineyards surrounding his property and discovered a year later that they were, in fact, developers who had applied to the local authority to have his home ‘urbanised’. After a long legal battle he was eventually forced to hand-over two-thirds of what he owned, including his swimming pool, kitchen and bedroom as well as approximately EUR 6,650 in cash. In addition to being arbitrarily dispossessed or partly dispossessed, owners are required to pay for the installation of new roads, street lighting and drainage schemes for the new homes built by the developers. The charges are set not by the local authority, but by the developers and can run into thousands or even tens of thousands of Euros.

A large proportion of residents affected are believed to be foreign EU residents. A great deal of foreign capital has moved from other EU states to Spain over the last fifteen years contributing significantly both to Spain’s recent prosperity and to its export figures. The EU treaties prevent discrimination against other EU nationals. Article 14 (2) of the Consolidated Version of the Treaty Establishing the European Community also states that: The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty,’ whilst Article 28 states that ‘Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.’

Can the Commission indicate whether it is aware of this extraordinary situation, whether it has raised the matter with the Spanish government and whether there are any legally binding treaty commitments on the part of Member States not to arbitrarily expropriate or allow the arbitrary expropriation of property?

Will the Commission endeavour to find out if it is correct that these expropriations disproportionately affect non-Spanish EU residents or even single them out, and if that proves to be the case would the Commission regard that as a flagrant breach of the treaties which would require a termination of the relevant laws or, if that does not happen, a referral by the Commission to the Court of Justice?

Answer given by Mr Vitorino on behalf of the Commission
(13 June 2003)

The conditions governing such matters as the expropriation of land are determined by the Member States and there are no EC Treaty provisions on this question.

The Commission is not aware of the applicable legislation on expropriation in Spain nor of the alleged fact that expropriations affect foreign Union residents in a disproportionate way.

The Commission will request the Spanish authorities information on this question in order to ensure that that the principle of non discrimination laid down in the EC Treaty has not been breached.
WRITTEN QUESTION E-1601/03
by Daniel Varela Suaznes-Carpegna (PPE-DE) to the Commission
(12 May 2003)

Subject: Lifting of the temporary restriction on the use of fishmeal in animal feed

Annex I to Commission Decision 2001/9/EC (1) concerning control measures required for the implementation of Council Decision 2000/766/EC (2) concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein lays down the conditions under which the Member States may authorise the feeding of fishmeal to animals other than ruminants. Even though the measures taken in Decision 2000/766/EC allow the use of fishmeal in the feeding of pigs, poultry and aquatic species, the measures laid down in Annex I to Decision 2001/9/EC are so restrictive as to render such use virtually impossible.

Is the Commission aware of the economic harm which these measures are causing for the European fish oil and fishmeal industry?

What steps has the Commission taken or will it take to resolve these problems and mitigate the damage caused?

Bearing in mind that the Commission must review the application of these measures by 30 June 2003, their precautionary nature and the fact that they were adopted without any scientific basis, and taking account of the adverse socio-economic impact on the EU industry and the suitability of this raw material for animal feed, does the Commission not consider it appropriate to repeal these measures and lift the consequent temporary ban on the use of fishmeal in animal feed?

Answer given by Mr Byrne on behalf of the Commission
(30 June 2003)

Council Decision 2000/766/EC (1) (the extended feed ban), implemented by Commission Decision 2001/9/EC (2), both last amended by Commission Decision 2002/248/EC (3), aims at preventing cattle from being exposed to ruminant meat-and-bone meal, potentially contaminated with prions causing bovine spongiform encephalopathy (BSE). It is a crucial tool in the control and eradication of BSE in cattle and therefore necessary to guarantee safe beef.

Fishmeal itself does not present a risk for BSE. The reason for banning fishmeal in feed is a matter of control. In particular, the presence of fishmeal may hamper the control of the presence of ruminant meat-and-bone meal in feed. Preliminary results of a recent ring trial indicate that it is difficult to detect a contamination of 0.1% mammalian proteins in feed containing 5% of fishmeal with the present detection method. However, by modifying the microscopic test, an analytical tool to improve the differentiation of fishmeal from other animal proteins may become available on short term.

The extended feed ban applies as a transitional measure until 30 June 2003, pursuant to Regulation (EC) No 999/2001 of the Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (4). The Commission has submitted a proposal to the Parliament and to the Council to extend all the transitional measures pursuant to Regulation (EC) No 999/2001, due to certain delays in establishing the BSE status of countries. As regards the feed ban however, the Commission is at the same time proposing to end its transitional character and to introduce the current provisions into Regulation (EC) No 999/2001. This is because in the current situation it is considered appropriate to maintain the feed ban in all Member States.

regardless of their future BSE status and because the preconditions for lifting the ban are not fulfilled. In particular, appropriate validated analytical methods to differentiate ruminant proteins from proteins of other species are not yet available and the Commission's Food and Veterinary Office is still reporting deficiencies in the control of the feed ban.

The Commission is aware that the conditions to use fishmeal in non-ruminant feed have presented difficulties, resulting in a reduction of the market for fishmeal in non-ruminant animal nutrition since 2001. The proposal aims to simplify some of the conditions for using fishmeal. A step-by-step lifting of the feed ban on a prudent and scientifically justified basis may be considered in the light of development of analytical tests over the next six to twelve months.


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(2004/C 70/055) WRITTEN QUESTION P-1610/03 by Joan Colom i Naval (PSE) to the Commission  
(7 May 2003)

Subject: Conductivity and an ecologically sound rate of flow in the case of the Ebro diversion proposed under the Spanish National Water Resources Plan

In its reply of 28 March 2003 to this Member's Written Question E-0509/03 (1) on water quality and the Spanish National Water Resources Plan, the Commission acknowledged the conductivity problems affecting the waters of the lower Ebro but it took the view that the recommended maximum salinity levels would not be exceeded under the plan submitted by the Spanish Government. This assertion has been rebutted by a number of scientists and experts who have studied the last few years' average conductivity levels for the stretch of river in question and have concluded that there is no guarantee that the 1 000 microSiemens per centimetre level can be maintained. This would mean that if the river is indeed diverted the recipient river basins will be required to use poor-quality water rendered expensive by the cost of making it drinkable.

In addition to the question of conductivity, the proposal for the diversion of the Ebro does nothing to settle the issue of the minimum rate of flow required in order to maintain a healthy environment — this being a matter of contention for all the social, political and ecological players concerned, including the Catalan Regional Government. Under the Spanish National Water Resources Plan it has been decided that preserving the environment in the Ebro Delta will require a flow rate of 100 m^3/second (equivalent to approximately 3 100 hm^3/year), together with a Comprehensive Delta Protection Plan which has yet to be drawn up. For its part the Catalan Government is proposing to increase the suggested flow rate to 135 m^3/second (4 200 hm^3/year) — an improvement on the proposal contained in the original National Water Resources Plan but still not sufficient to protect the biodiversity of the Delta and its environment (2).

If the diversion is carried out on the basis of a 100-135 m^3/second flow rate, this will swiftly lead to a reduction in the volume of water which can be diverted and to a greater need for regulation in the Ebro river basin — facts which will undoubtedly have an impact on the price ultimately charged for the diverted water (higher depreciation and operating costs).

What data has the Commission used as a basis for asserting that the water conductivity levels will not under any circumstances exceed the limits laid down in Directives 75/440 (3) and 98/83 (4)? Given the high salinity level of the Ebro's waters, does the Commission consider such permissive practices to be compatible with the framework directive on water?
Can the Commission state categorically that, under the plans for the Ebro diversion as they currently stand (including the target rate of flow), the cost of water will be lower than it would be under the alternative schemes which the Spanish Government is not considering (desalination, re-use)?

(2) For its research the Commission has used data drawn up by the ecologist Narcís Prat, according to which a flow rate of 350 hm³ will be needed in order to accommodate factors such as climate change.

Answer given by Mrs Wallström on behalf of the Commission

(13 June 2003)

As stated in the answer to the previous question E-509/03 on this issue submitted by the Honourable Member, Council Directive 98/83 EC of 3 November 1998 on the quality of water intended for human consumption identifies conductivity as an indicator parameter with a value of 2 500 microSiemens per centimetre. If monitoring programmes identify that this parameter has been exceeded, Member States shall consider whether non-compliance poses any risk to human health. In addition, Council Directive 75/440/EEC of 16 June 1975, concerning the quality of surface water intended for the abstraction of drinking water in the Member States, sets down a guide value of 1 000 microSiemens per centimetre which Member states shall endeavour to respect.

As also indicated in the answer to the above-mentioned previous question, the current conductivity measured in the lower Ebro is around 1000 microSiemens per centimetre. In this context, it should be remembered that the Water Framework Directive (Directive 2000/60/EC of the Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (1)), imposes a requirement to achieve good chemical status in waters by 2015. Therefore, for reasons of conformity with the Water Framework Directive, the conductivity of the water in the lower Ebro cannot be allowed to increase significantly.

It is possible with the increased projections for irrigation use in the delta river basin that this could exert an upward pressure on the conductivity in the lower Ebro. However, there is no a priori reason to assume that the proposed transfer of water from the river Ebro, will result in non-compliance with Community water legislation as to the issue of water conductivity.

With regard to the issue of cost, there is no Community legislation or policy, which would expressly require the Spanish Authorities to select the option which provides water at the lowest cost. It is, therefore, inappropriate for the Commission to comment on this issue.


(2004/C 70 E/056)

WRITTEN QUESTION E-1626/03
by Caroline Jackson (PPE-DE) to the Commission

(13 May 2003)

Subject: Consumer protection in relation to eggs and egg products imported from the US

In light of the health precautions in place in the EU in relation to the production of eggs, how does the Commission intend to ensure the same level of consumer protection in relation to eggs and egg products that are imported from the USA?

Answer given by Mr Byrne on behalf of the Commission

(30 June 2003)

The existing legislation in place is already designed to ensure that both imported and domestically produced eggs and egg products offer equivalent levels of safety. Recent checks carried out in Belgium have brought to light the presence of residues of banned substances in egg products, including in products imported from the United States. The Commission is, in accordance with the normal practice in such
cases, pursuing these findings with the authorities in the United States. In addition, the Commission has requested Member States to carry out an increased level of testing on egg products, of both Union and third country origin, for banned substances. Member States already have to carry out on a routine basis sampling in the egg sector, mainly to check for banned substances, in accordance with the provisions laid down by Council Directive 96/23/EC (1) and Commission Decision 97/747/EC (2).

Discussions have taken place with the Member States in the Standing Committee on the Food Chain and Animal Health and the situation will continue to be closely monitored, especially in the light of the results of the increased testing requested by the Commission. The Commission especially took the opportunity to remind Member States to sensitise all producers and traders of egg powder to the need to apply hazard analysis and critical control points (HACCP) to their activities and to consider as a critical control point the control of residues in the raw/starting materials. From a general point of view, Community legislation imposes a series of health and supervisory requirements, designed to ensure that imported animals and products meet standards at least equivalent to those required for production in, and trade between, Member States. Directive 92/118/EEC of 17 December 1992 (3) lays down the health conditions for the import of eggs and egg products. According to its provisions, these products must come from a third country appearing on the list provided for in Part VIII of Commission Decision 94/278/EC (4). In addition, they must fulfil the conditions laid down in Commission Decision 97/38/EC of 18 December 1996 setting specific public health requirements for imports of egg products for human consumption and be accompanied by a health certificate referred to in that Decision (5).

Furthermore, in accordance with the provisions laid down by Council Directive 97/78/EC, of 18 December 1997, laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (6), each consignment of eggs and egg products intended to be imported from the United States into one of the Member States, must undergo a documentary, an identity and a physical check, including possible laboratory checks, to verify if the products offer the same level of consumer protection required by the relevant Community legislation.


WRITTEN QUESTION E-1627/03
by Jan Mulder (ELDR) and Toine Manders (ELDR) to the Commission
(13 May 2003)

Subject: Financial consequences of avian influenza for hatching-egg producers

Avian influenza has now spread to several Member States, resulting in major financial problems for the sector.

Holdings which have been cleared receive compensation under European rules. Regrettably, that does not apply to hatching-egg producers.
In the vast majority of cases, producers are unable to market their eggs as hatching eggs; rather, they can sell them only as eggs for consumption, which have a much lower market value.

1. Does the Commission see any way of supporting producers who have been badly affected?

2. How, more specifically, does the Commission view the possibility of establishing rules for buying-in hatching eggs?

3. How does the Commission intend to deal in the longer term with the serious economic and secondary harm to those indirectly hit by such outbreaks of animal diseases? Is the Commission prepared to consider setting up largely privately funded systems to insure against such losses throughout the European Union?

Answer given by Mr Fischler on behalf of the Commission

(18 June 2003)

1. The Netherlands may obtain a financial contribution from the Community, by means of veterinary funds, of 50% of eligible expenditure for the compensation of farmers for the compulsory culling of animals and the compulsory destruction of eggs under eradication measures related to outbreaks of Avian Influenza.

2. The Member State concerned, under National Aid Scheme can establish a buying-up policy related to poultry and eggs in restriction zones, provided that such scheme comply with community rules for national aid in agriculture.

3. The Commission has already emphasized insurance policies as a potential mean to deal with indirect losses caused by large outbreaks of animal diseases. A study supported by the Commission is currently being finalized on this issue.

(2004/C 70 E/058)

WRITTEN QUESTION E-1628/03
by Eija-Riitta Korhola (PPE-DE) to the Council

(14 May 2003)

Subject: Promoting fair-trade products in the EU

During Fair Trade Week, which begins on 3 May, campaigners in Finland will draw attention to fair-trade products and seek to persuade members of churches, among others, to increase their use of fair-trade coffee.

In reply to my written question P-3856/02 of 24 January 2003 (1), Commissioner Pascal Lamy wrote: 'In the long run, however, only a sustained trend of increased demand for fair trade products by European consumers is likely to lead to large reductions in prices [of fair-trade products].'

Has the Council considered or does it intend to consider possibilities of promoting demand for fair-trade products by publicising European Fair Trade Week (3-9 May) in the Member States?

Will the Council promote demand for fair-trade products by means of public procurement in the Member States?

(1) See page 26.
Poverty reduction is the overarching goal of EC’s development policy. At its November 2002 meeting, the Council (GAERC) adopted its conclusions on Trade and Development, where it recognised that trade liberalisation in itself is not sufficient to combat poverty in developing countries and it stressed the need for balanced trade rules that benefit all countries, with particular attention to the least developed countries.

The Council is both aware and deeply concerned about the long-term decline of the prices of most commodities and is taking care of this issue in the context of a joint reflection with the Commission on the basis of a recent Commission paper on Agriculture Commodity Trade, Dependence and Poverty which deals inter alia with the potential of mainstreaming fair trade.

The Council welcomes fair trade insofar as it gives producers in developing countries higher revenues for their goods as well as increased opportunities to find new markets. In so doing, fair trade aims to contribute to establishing the conditions that can foster a higher level of social and environmental protection in developing countries.

Currently, the only fair trade products that have 4% or more of the market within the EC are bananas in the Netherlands (4.2%) and Luxembourg (4%). Fair trade coffee consumption is increasing but still remains very limited. Total turnover for all fair trade goods in Europe is estimated to be around EUR 260 million. Fair trade products are typically 5% to 10% more expensive than equivalent conventional products. In addition, the movement is a largely European phenomenon. In the US it is virtually unknown – e.g. fair trade coffee accounts for only 0.15% of their market.

Thus the potential for expansion globally exists, but closing the gap between the intentions of the consumers and their actual behaviour is likely to require time and would have to pass through a wider presence and recognition of these products by the consumers. European Fair Trade Week should therefore be actively supported.

The Council considers that promoting the demand for fair-trade products is part of a wider scenario of corporate social responsibility. At the ICO/World Bank Round Table on the Coffee Crisis held in London on 19 May 2003, the EC suggested inter alia encouraging private industry to invest in long-term relations with suppliers, based on mutual benefit, through the introduction of codes of conduct for the purchase of coffee, in which fair prices should be one of the essential elements.

Finally, the Council has welcomed the Commission’s intention to present a general review of the EU’s trade-related assistance in 2005. This review should be an appropriate occasion to consider possible ways to foster the consumption of fair-trade products.

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**WRITTEN QUESTION P-1705/03**

by Gabriele Stauner (PPE-DE) to the Commission

(16 May 2003)

**Subject:** Investigations into Planistat Europe SA

On 19 March 2003, the European Anti-Fraud Office, OLAF, filed charges against Planistat Europe SA with the Paris Public Prosecutor. The company was accused of being involved in fraudulent activities which adversely affected the Community budget.
OLAF's charge is manifestly based on a report by the Internal Audit Unit of the Statistical Office, Eurostat, which was drawn up as long ago as September 1999. The report claimed that Planistat Europe SA had issued large numbers of bogus invoices and had been involved in the creation of slush funds on which Eurostat officials were subsequently able to draw.

Despite these accusations, the Commission failed to terminate its business relations with Planistat Europe SA. The Commission's answer to my Written Question E-1283/02 states that the company received EUR 670 195 from the Community budget in 2000 and EUR 1 607 118 from the 2001 budget.

Can the Commission explain why Eurostat's business relations with Planistat Europe SA were not terminated?

Can it explain why Commissioner Schreyer did not herself intervene in order to stop any further payments, once the audit referred to above had been submitted to the Directorate-General for Financial Control, which operates under her authority, in spring 2000?

Can the Commission indicate the total amount of payments received by Planistat Europe SA from Eurostat over the last ten years, as well as the additional amount paid out of the slush funds referred to above?

Can the Commission also indicate the scale of payments received by Planistat Europe SA from other Commission departments?

(2004/C 70 E/060)

WRITTEN QUESTION P-1807/03

by Herbert Bösch (PSE) to the Commission

(23 May 2003)

Subject: Commercial relations between the Commission and the Planistat Group

On 19 March 2003 the European Anti-Fraud Office OLAF laid a charge against Planistat Europe SA before the Paris public prosecutor. The company is accused of being involved in fraudulent practices and, by means of fictitious accounts practices, of having helped set up illicit accounts, which were then able to be used by Eurostat officials.

The Commission's Directorate-General for Financial Control has apparently been aware of this state of affairs since spring 2000.

Could the Commission indicate why commercial relations with companies in the Planistat Group were not, however, broken off and new contracts were even awarded?

On its Internet site the Planistat Group states that it has a turnover of millions in its work for the Commission, and that it works for the following Commission Directorates-General and services:

- External relations DG;
- Entreprise DG;
- Development DG;
- Research DG;
- Energy and Transport DG;
- Trade DG;
- Delegations;
- Forward Studies Unit;
- SCR (Joint External Relations Service);
- TACIS (EU Technical Assistance to the Commonwealth of Independent States);
- Industry DG;
Can the Commission confirm this information? Could the Commission state what sums have been paid to the Group over the last 10 years, with a breakdown by financial year and Directorate-General?

(2004/C70E/061)

WRITTEN QUESTION P-1978/03
by Gabriele Stauner (PPE-DE) to the Commission
(10 June 2003)

Subject: Termination of business relations between the Commission and Planistat

On 19 March 2003, OLAF filed charges against the Planistat Europe SA group of companies with the Paris Public Prosecutor. Planistat stands accused of being involved in fraudulent activities, including helping to create slush funds by issuing bogus invoices and, subsequently, receiving payments from those slush funds.

On its Internet site, the Planistat Group claims to have done business with the Commission worth several millions. It claims that it works for the following directorates-general at the Commission: External Relations, Industry, Enterprise, Consumer Protection, Development, Environment, Research, Information Society, Energy and Transport, Taxation and Customs Union, Trade, and Eurostat.

Can the Commission confirm this information? Can it indicate the amount of the payments made to this group of companies since 1993?

Can the Commission forward a list of the contracts with the Planistat Group which were still in force in March 2003 when OLAF laid its charges?

Can the Commission indicate when it stopped payments to Planistat?

Can it indicate when it terminated or will terminate contracts still in force?

Can the Commission indicate when it began verifying all the contracts concluded with Planistat with a view to identifying further possible irregularities?

Joint answer

to Written Questions P-1705/03, P-1807/03 and P-1978/03
given by Mr Solbes Mira on behalf of the Commission
(22 September 2003)

As a matter of principle, the awarding of new contracts is subject to the provisions of the new Financial Regulation (1) in force since 1 January 2003. This also applies to the contracts with Planistat.

No recommendation was made in the audit report on the Datashops that the firm should be excluded from future contracts.
Planistat was not signaled in the Commission's Early Warning System until 23 July 2003. In addition, the Secretariat General was not informed of OLAF's findings until 3 April 2003, and this information was given in general terms without mention of the name of Planistat, as OLAF's investigations are subject to rules of confidentiality provided for in Community legislation (2) and these investigations were external investigations.

On 9 July 2003, the Commission decided, on the basis of information brought to its attention, to suspend all contracts with Planistat pending the ongoing enquiries. Eurostat has already suspended payments to Planistat with respect to activities in relation to Data Shops. Moreover, on 23 July 2003 the Commission instructed its authorizing officers to terminate all contracts with Planistat.

A thorough examination of all contracts in force and the work carried out by the firm is ongoing. For work effectively carried out, the Commission remains liable to pay the corresponding amounts. Should the ongoing investigations of OLAF and the judicial authorities in France reveal a breach of the financial rules, the Commission will take the appropriate action immediately. It should also be noted that the Commission has lodged a complaint under the procedure initiated by the Paris Public Prosecutor in response to information supplied by OLAF.

The total amount of payments made by Eurostat to the firm in question in the last ten years (from 01.01.1993 to 30.06.2003) is EUR 41,096,217.43. The total amount of payments made by other Commission departments to the firm in question in the last ten years (from 01.01.1993 to 30.06.2003) is EUR 7,960,050.34. The total amount of payments made to the firm in question in the last ten years (from 01.01.1993 to 30.06.2003) with a breakdown by financial year and Commission department can be found in the table sent direct to the Honourable Members and to Parliament's secretariat.

The part of the question relating to the possible existence of a 'slush fund' is currently under investigation.


(2004/C 70 E/062)

WRITTEN QUESTION E-1717/03

by Freddy Blak (GUE/NGL) to the Commission

(23 May 2003)

Subject: Stowaways

It is estimated that at any given time there are approximately 6 000 stowaways on board ships world wide. Typically, stowaways are people from poor countries fleeing starvation, poverty, political persecution or unemployment in the hope of a better existence. The journey as a stowaway often ends in tragedy as a result of the duration of the voyage in unaccustomed surroundings and uncertainty, possibly with death as the outcome through gas from the cargo or being enclosed in spaces which are not designed for transporting people.

Apart from the obviously tragic human consequences, stowaways entail considerable additional expenditure each year for the shipping industry — money which could be better spent.

The International Maritime Organisation (IMO) has issued resolution No A.871(2) laying down certain guidelines for the treatment of stowaways. The IMO has also adopted further rules concerning stowaways in IMO resolution No FAL. 7(29) supplementing the above.

However, since these are only guidelines, far from all countries comply. Will the Commission therefore play a more active role in this area in the IMO and endeavour to persuade other countries to comply with these rules?
Answer given by Mr Vitorino on behalf of the Commission

(25 July 2003)

As the Honourable Member points out, the International Maritime Organization (IMO) has issued numerous documents on the situation of stowaways, as well as that of persons in distress at sea.

It has come up against two barriers in this connection: first, the fact that the IMO documents are rarely binding, and second, the fact that issues following on from the situation stowaways and persons of distress at sea are matters for the sovereign decisions of national governments.

The Commission would point out that the Community is not a member of the IMO and that the Commission has only observer status there, while the Member States are full members.

Nevertheless, under Article 5(1) of Parliament and Council Regulation (EC) No 2099/2002 of the European of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (1), ‘... with a view to reducing the risks of conflict between the Community maritime legislation and international instruments, Member States and the Commission shall cooperate, through coordination meetings and/or any other appropriate means, in order to define, as appropriate, a common position or approach in the competent international fora’. However, this cooperation reaches its limits, in relation to the question raised by the Honourable Member, as soon as issues of justice and home affairs are involved.

In the context of the control of external borders, immigration and asylum policy, the issue of stowaways is a subject of importance owing to its humanitarian and economic consequences as described by the Honourable Member. It should be noted, however, that in quantitative terms illegal immigration by sea takes place in most cases with chartered boats organised by criminal networks, as the recent landings in Italy also indicate.

Nevertheless, regardless of the method of transport, illegal immigration by sea gets serious and continuous attention within the Commission, as already emphasised in the Commission’s reply to written questions E.3112/02 by Mr Tannock (2) and P.0291/03 by Mr Pisicchio (3).

(2) OJ C 155 E, 3.7.2003, p. 92.

(2004/C 70 E/063) WRITTEN QUESTION E-1754/03
by Elisabeth Schroedter (Verts/ALE) to the Commission

(27 May 2003)

Subject: Bridge linking the island of Rügen with the mainland, question E-0543/03

In my question E-0543/03 (1) of 28 February 2003 I drew to the Commission's attention the project to construct a high-level bridge linking the island of Rügen with the mainland. The reason for my question was my concern that protected areas forming part of Europe's natural heritage could be permanently encroached upon using ERDF money.

In its answer the Commission informed me that the financing of the bridge did not fall within the Commission's responsibility, as the German authorities had not requested assistance for the project under EU funds. The implementation report on the OP in respect of the ERDF (infrastructure) shows expenditure
of EUR 23 400 for the B96n (new construction), part of which relates to the Rügen bridge. The Minister of Economic Affairs for Mecklenburg-Vorpommern indicated, during a discussion with citizens on 2 April 2003 in Bergen, that the authorities did not propose to submit an individual application for financing for the bridge to the Commission but an overall application for transport projects in general.

1. (a) Is the Commission aware that ERDF money has already gone into the above project?

(b) What is the Commission’s view of the provision of such assistance in the light of the circumstances set out in my last question (fact that there is no need for the bridge, implausible financing plan, damage to nature, bridge to stand in the middle of a route linking European protection areas for migratory birds and seabirds)?

2. (a) What is the Commission’s view of the wish of the Mecklenburg-Vorpommern authorities to submit an overall application?

(b) Does the Commission intend to agree to such an application? If so, will it ensure that projects included in it are adequately examined?

3. Has the Commission concluded, following its examination of the relevant documents, that the Federal Republic of Germany is fulfilling its obligations under Council Directive 92/43/EEC (2) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora?

(2) OJL 206, 22.7.1992, p. 7.

Answer given by Mr Barnier on behalf of the Commission

(17 July 2003)

The Commission is aware of plans to build a new bridge across the Ziegelgraben and Strelasund — to the west of the existing road-rail draw bridge. The new bridge is meant to be a suspension bridge arching over the Ziegelgraben to allow ships to pass underneath. It connects two segments of the new federal road B96n — one between the A20 and Rügendamm (land side) and one between Altefähr and Bergen (on the island of Rügen).

The authorities have confirmed that, following a request from the Commission, they are conducting an additional assessment of the possible effects of the bridge on the movement of birds. The Commission has not yet received the final report of this assessment and therefore cannot express an opinion on conformity with the requirements of Community law.

Responsibility for the new bridge is entirely a matter for the authorities in Germany and no Community funds are going into the bridge now or in the future.

The German Ministry of Transport, Construction and Housing submitted an application for the co-financing of the new B96n road in 2002. The Commission has analysed the application and has asked the authorities to provide details about their plans for the sustainable development and integrated transport development of the island of Rügen and the adjoining region. The Commission has not yet completed its examination of the dossier and the availability of Community support for the project has therefore not yet been decided.

Any such examination must be carried out in accordance with Articles 25 and 26 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (3).

WRITTEN QUESTION E-1755/03
by Caroline Jackson (PPE-DE) to the Commission
(27 May 2003)

Subject: Taxation on European pension contributions

A British national, a consultant orthopaedic surgeon, has taken out a private pension through the Medical Council in Germany which presently offers a guaranteed minimum pension. He is, therefore, not contributing to a UK pension scheme.

He now finds that he is expected to pay tax to the British authorities on his German pension contributions.

Does this comply with EU law? What is the Commission’s view of the possibility of creating a flexible pensions market within the EU if national authorities are allowed to act in this way?

Answer given by Mr Bolkestein on behalf of the Commission
(17 July 2003)

The conditions for tax deductibility of non-obligatory pension contributions are set by each Member State under its respective tax and pensions policy. While such matters fall within the competence of the Member States, they must nevertheless exercise that competence consistently with Community law. Thus the conditions for tax deductibility may not place restrictions on the free movement of persons or the free provision of services, in particular by discriminating on grounds of nationality.

The Commission has serious doubts about the compatibility with the EC Treaty of the United Kingdom rules as far as they limit tax deductibility of contributions to domestic occupational pension schemes. The Commission will take appropriate action following up its Communication on the elimination of tax obstacles to the cross-border provision of occupational pensions (1). Infringement proceedings have already been initiated in relation to other Member States (2). Moreover, the Commission has made contact with the surgeon in question to assess the details of his case.

(2) See press release IP/03/179.

WRITTEN QUESTION E-1778/03
by Claude Moraes (PSE) to the Commission
(28 May 2003)

Subject: Asylum seekers and refugees ‘audit’

In my constituency of London, the devolved government (the Greater London Authority) has undertaken an ‘audit’ of the skills of asylum seekers and refugees.

Has the Commission done any research or undertaken a similar ‘audit’ of the potential employability of refugees and asylum seekers in EU countries? If not, why not?

Answer given by Mr Vitorino on behalf of the Commission
(7 July 2003)

The Union supports asylum seekers and refugees by reinforcing their human rights, setting out minimum standards for the reception of applicants for asylum and for the status of third country nationals as refugees, by creating more and better jobs through the European Employment Strategy and in particular by
combating all forms of discrimination and inequalities in connection with the labour market. The European Social Fund directly supports the employment strategy and support to asylum seekers and refugees is one of the priority themes of the Community Initiative EQUAL(1). Further projects may be funded at national level on the employability of refugees and asylum seekers under the reception and integration strands of the European Refugee Fund (2).

EQUAL explores the possibilities for facilitating asylum seekers’ access to the labour market and/or for maintaining and improving their individual skills and competencies. In the London area there is an EQUAL development partnership managed by British Refugee Council (BRC), in partnership with the Basic Skills Agency amongst others.

The objective of this development partnership is to develop:

- Common objectives:
  - Skills audit: joint development and testing of methods for obtaining basic information regarding asylum seekers’ education, skills and experience.
  - Documentation of opportunities and barriers for asylum seekers’ social and vocational integration in the respective countries.

- Complementary objectives:
  - Improved methods and contents of information, advice and guidance (IAG) for asylum seekers.
  - Development of materials and strategy for a public awareness campaign primarily aimed at employers and trade unions, but also politicians and the general public.
  - Developing a medium for presenting the information obtained in the skills audit in a recognisable way.

In order to benefit from experience gained elsewhere, there is a transnational cooperation agreement in place with Dansk Røde Kors Asylafdeling (Denmark Local Integration) who have conducted skills audits for the Danish labour market.

The Commission has also undertaken studies with a view to preparing legislative measures on asylum and refugees in accordance with Article 63 of the EC Treaty and the Conclusions of the European Council at Tampere (15/16 October 1999). In particular, in order to prepare the proposal for a Council Directive laying down minimum standards for the reception of applicants for asylum in Member States (3), a study was finalised in November 2000 on the legal framework and administrative practices in the Member States regarding reception conditions for asylum seekers, displaced persons and other persons seeking international protection. The study contains information on the employment strategy towards asylum seekers in the Member States (4). Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (5) has subsequently been adopted on 27 January 2003 and contains a provision on employment. Provisions on access to employment were also included in the Commission’s proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (6), underlining the Commission’s interest for refugee skills and employability. The Council has still to finalise negotiations.

(1) http://europa.eu.int/comm/employment_social/equal/index_en.html
Subject: Contact with Roma NGOs and governmental agencies

What contact has the European Commission had recently with Roma NGOs and governmental agencies in the accession countries?

Answer given by Mr Verheugen on behalf of the Commission

(27 June 2003)

The Commission is — in Brussels as well as through its Delegations in the Candidate Countries — in contact with a number of Roma non-governmental organisations (NGOs), such as e.g. the ‘International Romani Union’, the ‘Roma National Congress’, the ‘European Roma Rights Centre’, the ‘Pakiv European Roma Fund’ and the ‘European Roma Information Office’ in Brussels. In addition, the Commission has contacts with NGOs in the field of human rights, that also cover Roma issues, such as ‘Amnesty International’, the ‘Open Society Institute’ or ‘Project for Ethnic Relations’. In a number of cases, NGOs working on Roma projects are funded in the framework of PHARE, such as e.g. in the Czech Republic ‘Romodrom’ or ‘Athinganoi’, or in Romania ‘Romani Criss’, the ‘Resource Centre for Roma Communities in Romania’ and others.

In the context of preparing the Regular Reports on the candidate countries’ progress towards accession, the Commission has also been regularly contacting NGOs dealing with Roma issues, as well as other intergovernmental organisations such as the Council of Europe or the Organisation for Security and Cooperation in Europe (OSCE).

In the framework of the accession preparations, discussions with representatives of the governments from Candidate Countries and the Commission are regularly taking place on various levels. In addition, regular meetings in the context of the Europe Agreements provide for the possibility to raise Roma issues with representatives from the governments of the Candidate Countries. For example, meetings of the Association Committees with Hungary, the Czech Republic and Slovakia, which are chaired by the Commission, will take place in June and July 2003.

Subject: Incompatibility between the holding of a Community decision-making office and membership of the Bilderberg Club and the Trilateral Commission

The Bilderberg Club — one of the most secretive organisations wielding covert globalist power — can count amongst its members and/or assiduous participants at its closed meetings the Commission President, Roman Prodi, and the following Commissioners: Mario Monti, Erkki Liikanen, Frederik Bolkestein, Pedro Salbes Mira, Günther Verheugen, Chris Patten and Antonio Vitorino. A further associate is Tommaso Padoa Schioppa of the European Central Bank.

Furthermore, some of the above are also members of the Trilateral Commission, another covert centre of globalist power.

Will the Commission say whether the Commissioners in question can confirm the above information and, if so, whether they consider that, in the interests of transparency, they should disclose membership of such bodies in their official CVs?

Does the Commission not think that secret affiliations of this nature may lead to serious and irremediable conflicts of interest between Commission decisions and the purposes, objectives and secret (or, at least, highly confidential) decisions of the Bilderberg Club and the Trilateral Commission — non-democratic bodies whose members are co-opted and which are not subject either to the ballot box or to scrutiny by the media?
Answer given by Mr Prodi on behalf of the Commission

(6 August 2003)

The Commission would refer to the answer it recently gave to Written Question E-1370/03 by Ms Patricia McKenna (1) on the same subject.

As was explained in that answer, the status of member of the Bilderberg Club is not defined by the statutes of the Club and occasional attendance at one or other meeting does not mean that a person can be deemed to be a member of the Club, nor does it warrant a reference in the declaration of interests provided for by the Code of Conduct for Commissioners.

Moreover, no Commissioner is a member of the Trilateral Commission, whose statutes exclude persons holding public office from membership.

With regard to the last paragraph, which raises the question of a possible conflict of interest, it should be pointed out that this is not the case as occasional attendance at meetings of outside bodies does not imply that the person concerned shares their objectives or takes part in their decision-making processes.

(1) OJC268E, 7.11.2003, p. 192.

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WRITTEN QUESTION E-1865/03

by Anders Wijkman (PPE-DE) to the Commission

(6 June 2003)

Subject: National interpretation of EU legislation on protection of endangered animals

The scarlet macaw is a species of bird included on the EU’s list of endangered animals (Annex A). EU legislation, which is based on and strengthens the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) seeks to protect wild plants and animals from extinction by restricting and controlling trade therein.

The Swedish Board of Agriculture is the authority responsible for the implementation of the EU legislation in Sweden. According to staff of the Board of Agriculture, EU rules may be interpreted in such a way that a scarlet macaw which has lived in Sweden for fifty years, first in a pet shop and then in a tropical wildlife centre, and whose origin is not documented, may no longer be displayed to the public but must be impounded and possibly put down. However, the bird is ‘pre-convention’, i.e. it was imported into the country before the entry into force of the EU legislation or CITES. It should therefore be exempt. Moreover, the interpretation of the Swedish Board of Agriculture runs counter to the spirit of the legislation which is there to promote animal welfare.

Does the Commission consider that the Swedish Board of Agriculture has made a reasonable interpretation of the EU’s legislation?

Answer given by Mrs Wallström on behalf of the Commission

(17 July 2003)

The primary purpose of CITES and of Council Regulation (EC) No 338/97 (2), which implements it in the Community, is to protect wild species of flora and fauna from unsustainable trade.

The species listed on Appendix I of the Convention, which corresponds to Annex A of the Regulation, are those most at risk. In view of this, commercial use of wild-caught specimens is prohibited. The scarlet macaw is one of these species.
Derogations are provided for in this regard if the specimen entered the territory of the Member State before CITES legislation applied. However, such derogations are only granted on a case-by-case basis where the CITES Management Authority in the relevant Member State has satisfied itself regarding the facts of the case and issues a certificate accordingly. Otherwise, it would be possible to trade commercially in illegally taken wild animals or plants by misrepresenting them as 'pre-convention specimens' and the objective of Annex A listing would be undermined.

If the specimen is being used for commercial purposes and no derogation is granted, this constitutes an offence and the specimen must be seized and confiscated. Unless they can feasibly be returned to their country of origin, live specimens (of animals or plants) are sent to a designated rescue centre in such circumstances. If they cannot remain there in the long term, they are usually passed on to reputable zoos or breeders but the prohibition on commercial use remains.

The Commission has contacted the Swedish Management Authority about the present case. It had come to the attention of the authorities in Sweden that the bird was being displayed without a certificate. Quite correctly, the owner was advised to apply for a certificate. This certificate has subsequently been granted. In the meantime, on the basis of media reports, a misunderstanding arose that the bird would be killed if a certificate could not be granted. The Commission is informed that this was never the Swedish Management Authority's intention.

The Commission is satisfied that the Swedish Authorities interpreted Community legislation correctly and acted properly in this case. The welfare of the bird was not put at risk and the overriding objective of preventing fraudulent or unsustainable use of endangered species in Annex A species was respected.


(2004/C 70 E/069)

WRITTEN QUESTION E-1878/03
by Christopher Huhne (ELDR) to the Commission
(6 June 2003)

Subject: Impact assessment

Will the Commission detail what measures it is taking to improve the quality of the cost and benefit analysis attached to its legislative proposals? What are its objectives in this regard?

Answer given by Mr Prodi on behalf of the Commission
(31 July 2003)

The Commission has introduced an impact assessment (IA) procedure covering both regulatory aspects and sustainable development. The Better Regulation Action Plan and the Communication on Impact Assessment, adopted in 2002, establish a new integrated approach to IA as agreed at the Göteborg and the Laeken European Councils. The Communication (1) foresees that, for all major initiatives included in the Commission's Annual Policy Strategy and Work Programme, an impact assessment be carried out. This covers a preliminary assessment of the main impacts of the proposal.

This year, the Commission will carry out extended IAs (Ex IAs) for 43 of its initiatives. These proposals fall within the three main Commission priorities for 2003, being (1) Enlargement, (2) Stability and Security and (3) Sustainable and Inclusive Economy.

The Ex IAs should evaluate the economic, social and environmental impacts of the proposal concerned. The benefits and disadvantages of the various policy proposals should be described in qualitative, quantitative terms and, whenever possible, monetary terms. This should allow all stakeholders to understand the implications of Commission proposals giving them the possibility to draw their conclusions about the costs and benefits of the proposal concerned.
As can use different methodologies:

- cost-benefit analysis, comparing costs and benefits expressed in the same units, normally money;
- cost-effectiveness analysis, compares the costs of achieving a given objective;
- multi-criteria analysis, compares the costs and benefits expressed in a mixture of qualitative, quantitative or monetary terms.

The cost-benefit analysis that the Honourable Member refers to entails numerous advantages. It provides comprehensive information on all effects of a proposed measure and, by so doing, gives political decision-makers and indication as to whether these measures can be considered justified or not. However, cost-benefit analyses fail to capture impacts that cannot be adequately quantified and therefore tend to be underestimated. This is for instance the case of social and environmental benefits.

For this reason, cost-benefit analysis is not always the most appropriate methodology to assess the impact of Commission proposals. In these cases, other evaluation methods will have to be applied.

At this stage, three extended impact assessments have been adopted. These are the Commission’s Communication on the Employment Strategy (\(^1\)), the Communication on Immigration, Integration and Employment (\(^2\)) and the on unfair trade practices (\(^3\)).

List of extended impact assessments for 2003 is sent direct to the Honourable Member and to Parliament’s Secretariat.

\(^3\) COM(2003) 335 final.

(2004/C 70 E/070) WRITTEN QUESTION E-1930/03
by Lennart Sacrédeus (PPE-DE) to the Commission
(13 June 2003)

Subject: Population movements in the oil-rich areas of Sudan

The bloody civil war in Sudan has claimed two million lives. Four million people have fled their homes. European Coalition on Oil in Sudan (ECOS), a network of 70 European organisations, predominantly church-based and other Christian bodies, notes that tens of thousands of Sudanese nationals have been forced to flee from Reweng County in the West Upper Nile region as a result of conflicts over oil extraction, and with the knowledge of the oil companies. A large proportion of the revenue which oil brings into Sudan goes on military expenditure. Only 2% of the Sudanese budget is spent on health care, while 48% goes for military and police purposes, e.g. the purchase of Russian Mig 29 fighters, Mig 24 helicopter gunships and T 72 tanks.

What measures is the EU taking through the Commission to influence the Sudanese government and the oil companies to halt this deliberate movement of population from the oil-rich areas? What is the EU doing to persuade countries not to sell expensive high-technology weaponry to the warring parties in Sudan?
Answer given by Mr Nielson on behalf of the Commission

(17 July 2003)

The Union has always been concerned with the situation of Internally Displaced Persons (IDPs) from the different areas of the civil conflict, but in particular from those areas in which oil is extracted. This issue was raised in the Union/Sudan Political Dialogue that took place in December 2002 in Khartoum.

The signature by the parties in the context of the Intergovernmental Authority on Development (IGAD) Peace Negotiations of the two Memoranda of Understanding, which concern the cessation of hostilities and protection of civilians, constitute a major step forward. According to Commission's information IDPs are returning to their areas of origin.

The Commission has no competence as regards the behaviour of oil companies, in particular those that are active in Southern Sudan, since their countries of origin are not within the Union (China, Malaysia, India, etc.). The only European company present there, Lundin, suspended its operations for the last 18 months.

As regards the trade in arms the Union fully applies and complies with the United Nations resolution that forbids the sale of arms to Sudan. However, the Commission is aware that both parties are buying arms from countries outside the Union.

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WRITTEN QUESTION E-1944/03
by Bart Staes (Verts/ALE) to the Commission

(13 June 2003)

Subject: Internal market in television advertising in conjunction with programmes for minors

Since 1 April 2003, the Dutch music channel TMF has been broadcasting Nickleodeon programmes aimed at children. Nickleodeon forms part of Viacom, the same group which also includes MTV and TMF. Worldwide, Nickleodeon programmes are distributed in no fewer than 150 countries. TMF is also distributed on cable in Flanders, where it transmits programmes and content specifically aimed at viewers in Flanders.

As this Flemish version of TMF has a licence issued in the Netherlands, it need not comply, inter alia, with Flemish rules on blocks of advertising in conjunction with children’s programmes. Flemish legislation is more stringent than Article 11(5) of Directive 97/36/EC (1). Article 82(6) of the relevant Flemish decree reads: ‘No advertising or teleshopping programmes may be transmitted in immediate conjunction with children’s programmes’. For this purpose, in immediate conjunction ‘means within five minutes before or after a children’s programme.’

This means that commercial stations with a Flemish licence which, like TMF, address the whole Flemish market are on the contrary required to comply with these stricter rules.

The Flemish Media Minister has already stated on several occasions that this matter can only be regulated at European level.

Does the Commission consider that stations with Flemish broadcasting licences are being subjected to unfair competition from other stations which nonetheless are likewise specifically targeting the Flemish market?

If not, why not?

If so, can the Flemish authorities independently take measures to put an end to this manifestly unfair competition, and what can and will the Commission do in the near future to put an end to this form of unfair competition?


In order to avoid distortions, the Television Without Frontiers Directive contains rules which coordinate national laws with a view to ensuring that a number of values and objectives of general public interest are fulfilled in all Member States, such as consumer protection, protection of public health and of the integrity of works.

The protection of minors is one of the areas coordinated by the Directive, Article 11(5) of which provides that children’s programmes with a scheduled duration of less than 30 minutes must not be interrupted by advertisements or teleshopping spots. While these provisions ensure an adequate level of protection at Community level, stricter provisions may be adopted at national level, such as the rules adopted by the government of the Flemish Region. However, these rules may not be extended to programmes from broadcasters under the jurisdiction of another Member State. Accordingly, the government of the Flemish Region cannot take measures to block the reception or retransmission of the broadcasts in question on the grounds that they do not comply with the provisions of its law.


WRITTEN QUESTION P-1962/03
by Georges Berthu (NI) to the Commission
(5 June 2003)

Subject: Future accounting standards in the insurance sector

For several months, banking and insurance professionals have been exposing the dangers of across-the-board application of the future IAS accounting standards to their professions. While financing practices involve the pooling of risks, the use of standard IAS 39 may very well produce an untrue picture of the actual position of firms on the date of closure of accounts because it takes market value as the basis for valuing assets and liabilities.

My Written Question P-2507/02 (2) drew the Commission’s attention to the risks posed by this method. In a detailed reply dated 15 October 2002, Commissioner Bolkestein stated that the Commission was expecting fresh proposals from the IAS Board in this connection and that at all events, in its view, ‘any apparent reduction in the degree of prudence in the financial statements should not lead to less prudence in the prudential regulation of relevant entities’.

IAS is reported to have rejected, after all, the proposals submitted to it on amending IAS 39. What action does the Commission intend to take to avoid what are ever more worrying risks?

The Commission would like insurance professionals to become involved quickly. It should also be pointed out that the IASB will present its draft interim standard for insurance for public consultation in July 2003. The purpose of the standard is to facilitate the transition by insurance companies to IAS on 1 January 2005 by granting them a number of exemptions.

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(2004/C 70 E/073)

WRITTEN QUESTION E-1992/03
by José Ribeiro e Castro (UEN) to the Commission

(16 June 2003)

Subject: Europe and terrorism

According to reports in the newspapers Corriere della Sera (Italy) and Diário de Notícias (Portugal), the Saudi Arabian Ambassador to the United States of America, Prince Bandar, has warned the media that 'something big' is being prepared in Saudi Arabia or the United States, expressing fears that a large-scale terrorist attack is being planned.

The same reports mention a number of European countries (Italy, Belgium, United Kingdom, Netherlands, Sweden, Norway, Germany and France) where sleeping cells belonging to organisations linked to al-Qa’ida are reported to be ready to join groups of mujahedeen already in North America awaiting the signal to launch the attack.

The Commission:

– Does it have any information on these facts and can it confirm the fears expressed by the Saudi Ambassador to the US?
– Can it confirm the presence or suspected presence of al-Qa’ida cells or associates on the territory of EU Member States?
– What information does it have on Islamic fundamentalist terrorist activity on the territory of EU Member States?
– What information does it have on the activities of al-Qa’ida or its associates in North Africa and the Middle East?
– In what way is the Commission cooperating or is it prepared to cooperate with the countries of North Africa and the Middle East in the fight against international terrorism?
– What measures has it taken or will it take in response to this threat?

Answer given by Mr Vitorino on behalf of the Commission

(31 July 2003)

The Commission follows developments concerning all forms of terrorism closely. It remains concerned about the serious threats which international terrorism continues to pose to the Union.

Within the Union the fight against terrorism is first of all the responsibility of the Member States, in particular their security, intelligence and police services. At general policy level Member States and Commission co-operate actively in order to improve the Union’s overall effectiveness in the fight against terrorism in line with Article 29 of the Treaty on European Union.

The Commission is, therefore, not well placed to provide concrete information on the activities of international terrorist groups on the territory of the Member States. Similarly, the Commission can only play a small part in assessing the threat from terrorist attacks to European citizen’s safety and to European interests more generally, whether those threats are internal or external to the Union. This is a task for all
Member States as well as for the Presidency and the Secretary General/High Representative. It is an ongoing task which, by its nature, is not in the public domain. The same is true for measures that have been or may be taken in response to any terrorist threat.

However, the European response to terrorism goes wider than assessing the threat. The underlying factors which contribute to terrorism have also to be considered. Here the Commission can play a more substantive role. The Commission believes that the Union should use all the instruments at its disposal: development, trade, justice and home affairs policy and other aspects of the Barcelona process, as well as measures in the security field in order to combat the phenomenon of terrorism. It is not a task that will be completed overnight. But a concerted — and comprehensive — European approach is essential for us to have any chance of success.

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(2004/C70E/074) WRITTEN QUESTION E-2000/03

by Jan Dhaene (PSE) and Patricia McKenna (Verts/ALE) to the Council

(16 June 2003)

Subject: Radioactive discharges from Sellafield

The ‘Fisheries Section Committee’ of the International Transport Federation (ITF) has called on North Sea states to demand that the UK stop radioactive discharges from Sellafield. Several national transport unions have adopted this request. The problem is not limited to the UK; Cogéma in La Hague causes widespread radioactive pollution of the local environment.

One of the isotopes that concerns the ITF the most is Technetium-99 (Tc99). This isotope is discharged into the Irish Sea, although it is technically possible for it to be filtered out and collected before the waste water is discharged in to the sea.

1. Is the Council aware of the threat to the maritime environment connected with the discharge of radioactive waste from plants such as Sellafield and, in particular, to fish and shellfish and the consumers thereof.

2. Is the Council aware of the impact on fishermen and other crew on board vessels which frequently fish these areas close to the pollution source (Sellafield and La Hague)?

3. What is the Council’s view of the ITF proposal that the Technetium-99 should be filtered out of the waste water from Sellafield and La Hague?

Reply

(8 December 2003)

The Council is in a general way concerned about nuclear safety and radiation protection.

As the Honourable Member will know, Sellafield is supposed to operate in accordance with Community law, in particular:

- Articles 33, 35 and 37 of the Euratom Treaty;
- Council Directive 96/29/Euratom laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiations, which provides the basic obligations to be complied with;
Euratom Regulation 3227/76 concerning the application of the provisions on Euratom safeguards, which requires inter alia that regular reports are sent to the Commission on the activities of a nuclear site.

It is for the Commission to ensure proper application of this legislation, including inspections on the site. The Community, as a contracting party to the Ospar Convention, has endorsed the Ospar Strategy with regard to radioactive substances, the objective of which is the prevention of pollution of the maritime area from ionizing radiation. Furthermore, the Community’s Sixth Environmental Action Programme provides for the development of a thematic strategy for the protection and the preservation of the marine environment.

Regarding in particular nuclear waste, a Commission proposal for a Directive on the management of spent nuclear fuel and radioactive waste is being discussed in the Council bodies.

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**WRITTEN QUESTION E-2017/03**

by Jan Dhaene (PSE) to the Commission

(17 June 2003)

Subject: Technical equipment for trucks

In recent months, several appalling accidents involving truck drivers have happened on the international E17 Antwerp-Ghent-Lille motorway. In every case, the trucks were equipped with cruise control. Inattentive drivers collided at full speed with slow or stationary traffic which had been held up by roadworks.

This problem is not peculiar to the road concerned. All over Europe, accidents are happening in which cruise control is a factor, involving both trucks and private cars. These accidents cost lives. In recent weeks in Belgium alone, six people have been killed and 13 seriously injured in accidents involving cruise control.

Transport unions have also realised that cruise control does their drivers more harm than good.

On the other hand, the compulsory installation of systems to improve the field of vision (blind spot cameras and/or mirrors) on existing trucks has certainly made trucks less of a hazard to cyclists. Continuous side under-run protection (side skirts between the wheels of a truck) prevents cyclists from falling under the wheels of the truck if an accident happens.

The Commission:

1. Is it considering making it compulsory for trucks to have continuous side under-run protection? If so, how soon? May Member States introduce this requirement without European legislation on the subject?

2. Does it have sufficient data about the impact of cruise control in trucks on road safety?

3. Is it considering banning cruise control for trucks? If so, how soon is such a ban likely to take effect? May Member States impose such a ban without any amendment being made to the relevant European legislation?
Answer given by Mrs de Palacio on behalf of the Commission

(30 July 2003)

Directive 89/297/EEC(1) does not, strictly speaking, require the use of any means of flat, continuous protection, but does allow the use of one or more horizontal rails placed in such a way as to prevent cyclists from being caught under a vehicle. The Directive is optional and Member States may therefore make its application compulsory or optional in the framework of their national legislation. On 14 July 2003, the Commission proposed extending the type-approval procedure for motor vehicles covered by Directive 70/156/EEC(2) to include heavy goods vehicles and public passenger transport vehicles on the basis of a timetable to run from January 2006 to 2010 and by vehicle category. Once the Community procedure is in force, Directive 89/297/EEC will then apply to all lorries and semi-trailers registered for the first time.

With regard to cruise control devices, the Honourable Member is referred to the answer to Written Question E-1501/03 by Mrs Van Brempt(3). The Commission is concerned about the increase in the number of lorry accidents where the use of cruise control seems to be involved. It will endeavour to gather objective information to enable it to assess any measures which might be necessary.

(3) See page 48.

(2004/C70E/076)

WRITTEN QUESTION E-2063/03

by Ioannis Marinos (PPE-DE) and Stavros Xarchakos (PPE-DE) to the Commission

(20 June 2003)

Subject: Water supplies and quality of water in Greece

The 'Nea Dimokratia' party has officially accused the Greek government of cutting off funding (established on the basis of Greek Law 2065/92) for Public Water Supply and Sewerage Companies, thereby depriving over 150 public companies of the funds to which they are entitled and which are vital for the execution of projects. 'Nea Dimokratia' also declares that this state of affairs is creating self-evident problems, mainly in the execution of urgent infrastructure projects: in the Mornos water conduit alone (which supplies Athens with water) 55 km are uncovered (out of a total of 122 km), and debris, rubbish, dead animals etc. fall into the network, creating obvious health risks for the inhabitants of Athens and even endangering their lives (recently a small boy fell into an unprotected open water conduit and drowned).

It should be pointed out that last winter and this spring there was abundant rainfall in Greece, and it was therefore to be expected that large volumes of water would have accumulated in tanks. Despite this, the Greek media have been referring to the ‘risk of drought’ this summer and the ‘Water Supply and Sewerage Company of the Capital’ has already announced a 3.5% increase in rates.

Are the water supply infrastructure projects in Greece sufficient?

Have all the projects planned in this sector over the last ten years actually been executed?

What is the Commission’s view of the take-up of Community funds in the water supply sector in Greece?
Which important projects have been carried out in Greece with EU co-funding since 1994 and are fully operational (not those which are planned or still under construction)?

Is the Commission aware that almost half the network which carries water of the Mornos to Athens is completely uncovered?

**Answer given by Mr Barnier on behalf of the Commission**

*5 August 2003*

The Drinking Water Directive (1) sets binding objectives for the quality of drinking water at the tap and on regular monitoring of drinking water quality in the Union, but does not specify details of design, construction and maintenance of water distribution systems. The Water Framework Directive (2) sets the obligation to achieve good quality ('good status') for all waters (rivers, lakes, coastal waters and groundwaters) by 2015, but neither entails an obligation for drinking water supply nor for details of design, construction and maintenance of water distribution systems.

For water supply infrastructure work the present period is that of the 2000-2006 Community Support Framework prepared on the basis of a proposal from the Greek authorities. It indicates at strategy level the investments needed to improve supply to the biggest towns in Greece. Some of this investment is now being made.

In the previous period the ERDF financed a very large number of drinking water infrastructure projects (water collection, boreholes, conduits, purification works and above all town and commune networks) that are now completed and in operation. Since ERDF assistance is granted by programme and not by individual project, the Commission asks the Honourable Members to approach the Greek authorities for more detailed information on the actual projects. In the case of projects part-financed from the Cohesion Fund among the large towns to benefit from new water supply investment are Larisa, Volos, Patra, Livadia, Lamia, Naoussa, Khania and of course the cities of Athens (Evinos project) and Thessaloniki (Aliakmonas project beginning commercial operation this month).

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**WRITTEN QUESTION E-2065/03**

by Maurizio Turco (NI), Marco Pannella (NI), Marco Cappato (NI), Benedetto Della Vedova (NI), Gianfranco Dell'Alba (NI) and Olivier Dupuis (NI) to the Commission

*(20 June 2003)*

Subject: Belgian police operations on Dutch territory

On Friday, 26 April 2003, an Italian citizen resident in Belgium was arrested at the railway station in the town of Rosendaal in the Netherlands by a man in civilian clothing who discreetly presented himself as a police officer (without saying from which country). The officer, after asking the person arrested whether he had a train ticket and whether he had drugs in his possession (cannabis) and after being told that that was the case, asked the man to board the train for Antwerp-Berchem. At that point the individual under arrest was surrounded by at least five persons, all in civilian clothes, and put in the last first-class coach. He had no sooner boarded the train, which was still in the station, when the police officers took all his personal belongings, including 13.2 g of cannabis bought for EUR 50 a few hours earlier at a coffee shop in Rosendaal. He was then handcuffed. When the train arrived at Antwerp-Berchem station at about 7.15 p.m., he was handed over to the Belgian Federal Police and taken to the police station at Antwerp Central railway station to be searched and questioned. While in the waiting room at the police station, where questioning was taking place, he could hear shouting and ferocious sounds of fighting from inside.
After about a quarter of an hour, paramedics arrived; they left about a quarter of an hour later, carrying the person questioned, who was unconscious, on a stretcher. According to some police officers, an accident had occurred when that person had drawn a knife. The Italian citizen was then ushered in to the interior of the police station, where he saw a policewoman cleaning a room covered in blood. He was released at about 9 p.m. after a statement had been made.

Can the Commission say:

– what type of agreement provides the basis for the Belgian police force to carry out such operations on Dutch territory?

– whether it is lawful for the Belgian police, on Dutch territory, to force an individual to board a train to Belgium in order, subsequently, to accuse him of international drug smuggling, and whether it is lawful for the Belgian police to question a foreign citizen on Dutch territory in connection with an offence punishable in Belgium on the assumption of intent to commit that offence?

– whether it has information about the ‘accident’ which occurred at about 8 p.m. on 26 April 2003 at the police station at Anvers Central railway station?

**Answer given by Mr Vitorino on behalf of the Commission**

(5 August 2003)

The Commission would like to inform the Honourable Members that it is not aware of the incidents related in their written question and that it, therefore, can not comment.

Since the case apparently involves the Belgian police, the Commission has informed the Belgian federal authorities about the question. The Commission judges it more appropriate for the Honourable Members to address the Belgian authorities themselves in order to get more information about the case.

The only information which the Commission can provide at this stage is that co-operation agreements exist between Belgium and the Netherlands, which allow police of both Member States to undertake controls on the territory of the other Member State, particularly in the field of the fight against drug trafficking.
3. What percentage of people from the countries concerned who are interested in visiting EU territory are prevented from doing so by these measures?

4. Is the aim of these restrictive conditions to make visits from these countries for people other than government officials, heads of large businesses and invited guests completely impossible?

5. Does the Commission think it wise to prevent inhabitants of countries which could become EU members in the future from visiting EU territory by means of a new kind of Iron Curtain?

6. How does the Commission intend to prevent the future withdrawal of the visa requirement in preparation for approaching EU membership from causing a rush to make up for lost time which will lead to the arrival of a much larger number of ill-prepared visitors and permanent residents from the countries in question?

Answer given by Mr Vitorino on behalf of the Commission

(3 September 2003)

As regards the evidence to be provided in support of an application for a short-stay visa, Article 5(1) of the Schengen Convention (1) lays down the conditions for entry into the territory of the Schengen States for stays not exceeding three months. In accordance with point (c) of that provision, a third-country national must, in order to be granted entry, ‘produce, if necessary, documents justifying the purpose and conditions of the intended stay and […] have sufficient means of subsistence, both for the period of the intended stay and for the return to their country of origin or transit to a third State into which they are certain to be admitted, or are in a position to acquire such means lawfully’.

In the case of third-country nationals subject to the visa requirement under Regulation (EC) No 539/2001 (2), compliance with the entry conditions is first checked when the visa application is being vetted. The Common Consular Instructions (CCI) (3) thus stipulate that the visa applicant must enclose with his application ‘where necessary, documents supporting the purpose and the conditions of the planned visit’ (4), on the understanding that ‘the number and type of supporting documents required depend on the possible risk of illegal immigration and the local situation […] and may vary from one country to another’ (5). The CCI give a number of examples of supporting documents regarding the purpose of the journey, the means of transport and return, the means of subsistence and accommodation (6).

The documents listed by the Honourable Member are some of the documents which, depending on the circumstances and local conditions, may have to be provided in support of an application for a short-stay visa.

As regards the fees levied, Council Decision 2002/44/EC of 20 December 2001 (7) replaced visa fees by ‘the fees to be charged corresponding to the administrative costs of processing visa applications’. These are, therefore, administrative fees that are charged irrespective of whether the visa is issued. It should be noted that the Council Decision must be implemented not later than 1 July 2004 but that the Member States may implement it before that date. Most Member States have already replaced visa fees by such administrative fees.

As regard visa rejections, the Commission does not possess any detailed statistics prepared by the Member States that make it possible to ascertain the number of cases in which visa applications were turned down because applicants were not in a position to establish by way of appropriate documents the purpose and conditions of their stay.

As regards the effects of visa requirements, the Commission understands the Honourable Member’s concern as to the barriers to which visa requirements might give rise.

It would make two observations:

− the common visa policy is one of the instruments that help to safeguard Member States against illegal immigration and public order infringements. This justifies an appropriate level of vigilance when it comes to processing visa applications;

− the effect of visa requirements must be viewed in the light of the overall statistics on the number of visas issued and visa applications turned down. These do not provide any justification whatsoever for the Honourable Member’s concerns regarding a new kind of Iron Curtain.
Lastly, as for visa conditions (entry and stay) in preparation for enlargement, ten accession countries as well as Bulgaria and Romania appear on the list — annexed to Regulation (EC) No 539/2001, of the third countries whose nationals are exempt from the visa requirement.

Ireland and the United Kingdom, which do not apply Regulation (EC) No 539/2001, have retained the visa requirement for one or other of these third countries. Accession to the Union, which will mean that nationals of the new Member States will benefit from the provisions of Community law relating to freedom of movement for citizens of the Union, will require Ireland and the United Kingdom to put an end to the visa requirement for such nationals.

After accession, stays by nationals of the new Member States on the territory of the present Member States will be governed by the provisions of Community law relating to free movement, with account also being taken of the relevant provisions in the Accession Treaty.

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(2) Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001.
(4) Point III.2(b) of the CCI.
(5) Point V.I.4. of the CCI.
(6) Point V.I.4. of the CCI.

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WRITTEN QUESTION E-2133/03
by Mario Borghezio (NI) to the Commission
(26 June 2003)

Subject: Illegal immigration: US Department of State against Greece and Turkey

The press agency Reuters reported on 12 June 2003 that the US Department of State had placed Greece and Turkey, a Member State and a candidate for membership of the European Union respectively, on its blacklist of countries implicated in international human trafficking.

As a result, Greece and Turkey could face sanctions from the US authorities from 1 October 2003.

Does the Commission not feel that the above clearly illustrates once again the EU’s inability to deal effectively with illegal immigration?

What steps does the Commission intend to take as a matter of urgency against Greece and Turkey, which are clearly facilitating the illegal trafficking in human beings into the EU and, in particular, towards the Italian coast?

Answer given by Mr Vitorino on behalf of the Commission
(5 August 2003)

In June 2003, the State Department of the United States issued the third annual Trafficking in Persons Report as required by the Trafficking Victims Protection Act. This document is a report about the efforts of governments to combat severe forms of trafficking in persons. Countries are placed in three different tiers, 15 countries — among them Turkey and Greece — are placed in tier 3. In this context the Honourable Member raises a question on the activities of the Union as far as the fight against illegal immigration and the smuggling of human beings is concerned.
The expressions 'smuggling' and 'trafficking' are often used synonymously, although a clear distinction should be drawn due to substantial differences. A clarification of terminology and definitions has been made in the framework of the United Nations Convention against Transnational Organised Crime and its two accompanying protocols on smuggling and trafficking, which were signed in Palermo on 12-15 December 2001 (1). Furthermore, at Union level trafficking and smuggling are covered by different legal instruments. On 19 July 2002, the Council adopted the Framework Decision of 19 July 2002 on combating trafficking in human beings (2). Human smuggling, on the contrary, is addressed by the Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (3) and by the Council Framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (4).

The definitions of both the United Nations and Union instruments make it clear that smuggling is connected with the support of an illegal border crossing and illegal entry. Smuggling, therefore, always has a transnational element. This is not necessarily the case with trafficking, where the key element is the exploitative purpose. Trafficking involves the intent to exploit a person, in principal independent from the question as to how the victim comes to the location where the exploitation takes place. This can involve, in cases where borders are crossed, legal as well as illegal entry into the country of destination. Illegal immigration can also cover parts of the trafficking situation, but has indeed a wider scope and relates more to the general illegal entry and residence of persons. Illegal immigrants in a wider sense are, therefore, not necessarily victims of traffickers (5).

Three action plans — one on illegal immigration specifically, one on integrated border management and one on return policy — define the Union action and schedule for common measures in the fight against illegal immigration. In preparation for the European Council in Thessaloniki on 19/20 June 2003, the Commission has just presented the current state of play in this area (6). In addition, the Thessaloniki European Council clarified in its conclusions the general roadmap for the ongoing activities. As already emphasised in the Commission’s reply to the written questions E-3112/02 by Mr Tannock (7) and P-0291/03 by Mr Pisicchio (8) illegal immigration by sea gets serious and continuous attention within the Commission.

As far as trafficking in human beings is concerned Article 5 (3) (‘Trafficking in human beings is prohibited.’) of the Charter of Fundamental Rights of the European Union clarifies that trafficking is a human rights’ violation. Therefore, protection and assistance for the victims is a core element of each policy addressing trafficking in human beings. This includes that first of all victims of human trafficking have to be considered and treated as victims. Furthermore, the Brussels Declaration, which came out of the European Conference on Preventing and Combating Trafficking in Human Beings — Global Challenges for the 21st Century, of September 2002, must be seen as an important step of Union policy in this field. The Brussels Declaration aims at further developing European and international co-operation, concrete measures, standards, best practices and mechanisms to prevent and combat trafficking in human beings. The Commission’s work is already guided by this declaration which will form the basis of further proposals at Union level, possibly structured by a communication and/or an action plan based on the opinion of an experts group set up to that end.

All these activities will contribute to the improvement of the situation in all Member States and candidate countries as regards both, smuggling and trafficking in human beings.

(1) Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air stipulates that ‘smuggling of migrants’ means ‘the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident’. Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines ‘trafficking in persons’ as ‘the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation’.
(2004/C 70 E/080)

WRITTEN QUESTION E-2167/03
by Erik Meijer (GUE/NGL) to the Council
(30 June 2003)

Subject: Permanent solution to the problem of addressing the sensitivities surrounding the name of the state of Macedonia, taking account of the different demands of Macedonians, Albanians and Greeks

1. Does the Council recall that, following the withdrawal of the Republic of Macedonia from the former Yugoslav Federation, demands were made to add a specific designation to the name of the country to distinguish it from Greek Macedonia, which incorporates the three northern regions bordering the Republic of Macedonia and the Aegean Sea?

2. How long can the provisional compromise reached in 1993 be maintained under which, in a reference to the recent past, the words ‘former Yugoslav’ were inserted before the name ‘Republic of Macedonia’, in the light of the fact that the name ‘Macedonia’ is commonly used by everyone both within and outside the country, while the obscure English abbreviation ‘FYROM’ is used by the EU and certain other states?

3. Can the Council confirm that in 1993 other extended names were also considered which did not relate to the past but to the present and future, such as Northern Macedonia, Nova Macedonia, Vardar Macedonia or Slavo-Macedonia? Was the latter name only dropped because the one-sided emphasis on a single large population group resulted in objections from the predominantly non-Slav population in the north and west?

4. Does the Council consider, following the recognition, encouraged by the EU, of the equality of the two population groups which each form the majority in their respective regions of the country, that it would help contribute to permanent peaceful coexistence on the part of the two peoples in a common state if the names of both majority populations were to be included in the extension — sought by those outside — of the official name of the country?

5. Is the Council prepared, in order to achieve a definitive solution and finally abandon the name ‘FYROM’, to look into whether a compromise between all concerned can be reached on the basis of a name like ‘Makedonija-Illirdia’ or variants in which ‘Shipero’ or ‘Albano’ are added to the name of the country?

Reply
(8 December 2003)

The Council would remind the Honourable Member that the EU recognises the country in question as ‘the Former Yugoslav Republic of Macedonia’. This is also the name under which it was admitted as a Member to the United Nations on 8 April 1993 pending settlement of the difference that had arisen over its name.

It is up to the countries and parties most concerned, not to the Council, to come to a final understanding on the issue.

(2004/C 70 E/081)

WRITTEN QUESTION P-2200/03
by Maurizio Turco (NI) to the Commission
(27 June 2003)

Subject: Speech of the Commission President on religion and the European Constitution (Alessano, Lecce, Italy, 13 June 2003)

On 13 June 2003, at a meeting in Alessano (Lecce) organised by the Don Tonino Bello foundation, the President of the European Commission spoke on the above subject of religion and the European Constitution. Mr Prodi said: ‘[…] Religion is one of the fundamental values of Europe and […] the history of Europe and the history of Christianity are indissolubly linked. Consequently, I regard the Preamble to the draft European Constitution as wholly inadequate. To ignore 1500 years of civilisation is to create a
vacuum in our consciousness, in our identity as Europeans. It would be better if there were no text at all rather than the text as it now stands. Better complete silence about our entire past than a lie. Others, more sanguine than us, will have the job of sorting this out at some later date. This is not by any means meant to reignite the antagonism between clericalism and anti-clericalism and between Christianity and other religions. Such antagonism has already caused more than enough harm in European countries. Nor do I mean to suggest that our minds are closed to opposing points of view in the European project we are trying to develop. We can refer to Christianity while at the same time rediscovering the roots that bind Europe to the Jewish people and declaring our desire for a dialogue with Islam. As believers we can refer to religion and as citizens to classical Greece and the traditions of humanism. (...) In order to enrich and stimulate the debate I have appointed two groups of eminent figures, one to examine the spiritual and cultural dimension of Europe and the other the question of intercultural dialogue within the European Union and in the Mediterranean region.’

Can the Commission:

- state whether Mr Prodi was speaking in his personal capacity or on behalf of the Commission and, in the latter case, whether the Commission shares the position of its President?
- state whether it shares its President’s position regarding the Preamble to the European Constitution?
- supply the names of the members of the working groups referred to by Mr Prodi, explain their missions and objectives, state whether they receive any remuneration or reimbursement of expenses (and if so how much), provide information on their experience and background, and specify when their work began, when it will be completed and what use will be made of it?

Answer given by Mr Prodi on behalf of the Commission

(18 July 2003)

As the Commission has stated on several occasions in reply to oral and written questions by Members of Parliament, its members are politicians who exercise a political function and provided they respect the obligations which go with their office, they remain free to express personal opinions in total independence and on their own responsibility.

The Honourable Member will agree that the question of religious values is for every citizen a subject of a highly sensitive and personal nature.

The Commission does not consider it inappropriate that its members express their own views on particular issues at public events, to which they have been invited, provided that they respect the obligations of their office.


The Commission would inform the Honourable Member that the members of those groups receive no remuneration, but the Commission bears the costs of their attendance at meetings in the usual way.

(2004/C 70 E/082)

WRITTEN QUESTION E-2205/03

by Gabriele Stauner (PPE-DE) to the Commission

(2 July 2003)

Subject: Continuation of OLAF’s investigations into Eurostat

On 19 March 2003 the European Anti-Fraud Office, OLAF, filed charges with the Paris Public Prosecutor’s Office against Planistat Europe SA, and drew the attention of the judicial authorities to the possible involvement of Eurostat Director-General Yves Franchet and Eurostat Director Daniel Byk in fraudulent activities. The charges were filed in France, not least because both Eurostat officials hold French nationality.
Although the Paris authorities had by then already opened proceedings, the Commission called on OLAF, in press releases of 19 and 21 May 2003, to continue with its investigations and take statements from the two officials.

Has the Commission satisfied itself that such parallel investigations will not obstruct or compromise the work of the French judicial authorities?

Was the agreement of the French judicial authorities obtained for continuing with the OLAF investigations in this matter?

How does the Commission respond to the objection that continuing the OLAF investigations in this case, after proceedings had been brought by the Paris Public Prosecutor, served no purpose, because the necessary objectivity no longer applied and the impression could be created that the intention was simply to collect additional proof for accusations that had already been referred to the judicial authorities?

Answer given by Ms Schreyer on behalf of the Commission

(22 September 2003)

The Datashops file is in two parts: an external part concerning the activities of Planistat Europe SA and an internal part concerning Community officials.

The Commission has been informed by the European Anti-Fraud Office (OLAF) that the charges filed with the Paris Public Prosecutor's Office on 19 March 2003 concerned the external part of the file.

Since the internal part of the file was not referred to the French judicial authorities, OLAF was not required to seek the latter's agreement for continuing its internal investigation.

(2004/C 70 E/083)

WRITTEN QUESTION E-2238/03

by Proinsias De Rossa (PSE) to the Commission

(7 July 2003)

Subject: Article 10 of the EC Treaty and Ireland

In the answer to my question E-1491/03 (1) regarding the number of letters of formal notice and reasoned opinions sent by the Commission to the Irish Government over its failure to respond to Commission queries on environmental complaints (i.e. non-respect of Article 10 of the EC Treaty) in the period since 1 May 1999, the Commission replied that two letters of formal notice were sent on 15 May 2003 against Ireland under Article 226 of the EC Treaty.

In this answer, why did the Commission not refer to the letters of formal notice and reasoned opinions as referred to in IP/00/1219 and IP/00/741 which highlighted the Commission's concern about the lack of cooperation from the Irish Government with regard to the application of the Waste Framework Directive (Dir 75/442/EEC (2)) at Poolbeg in Dublin, Kilbarry and Tramore in Waterford, Lea and Ballymorris in Laois, and Drumnaboden, Muckish and Glenall in Donegal, and the application of the Wild Birds Directive (Dir 79/409/EEC (3)) in Dublin Bay?

Could the Commission provide a definitive list of all its queries to the Irish Government that have given rise to the letters of formal notice and reasoned opinions to Ireland for non-respect of Article 10 of the EC Treaty since 1 May 1999 similar to those referred to in the above two press releases and also set out the current situation with regard to each of these queries?

(1) See page 47.
Answer given by Mr Prodi on behalf of the Commission

(24 September 2003)

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

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WRITTEN QUESTION E-2289/03
by Ioannis Marinos (PPE-DE) to the Commission

(11 July 2003)

Subject: Wage and pension levels in Greece

There have been particularly vehement protests in Greece about the relatively high rate of price increases in Greece compared to the rest of the EU, in conjunction with the low level of wages and, particularly, of most pensions. According to recent Greek press reports, Athens has been ranked 71st worldwide as regards the cost of living, moving up from 111th place in the same survey announced in 2002 (covering 2001). Public opinion surveys in Greece show that citizens believe that the establishment of the euro (and the rounding upwards of prices that followed) together with inadequate market inspections are responsible for the rise in inflation.

Will the Commission provide detailed comparative data concerning the level of basic wages and the minimum pensions and the cost of living in the 15 Member States of the European Union? What impact does it believe the increase in the prices in all the eurozone countries and the fact that psychological acceptance of the euro is diminishing are having on the image of the single European currency? Has it recommended specific measures to keep prices down in the eurozone countries?

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Answer given by Mr Solbes Mira on behalf of the Commission

(12 September 2003)

The source of the particular cost of living comparison the Honourable Member referred to in his question is not clear and hence the Commission cannot comment on it. Many such comparisons are produced by various institutions, for various purposes and often reported in the press. They differ with respect to the statistical methods used and in particular the targeted population groups, the baskets of goods and services covered and the internal weightings applied to these baskets.

Concerning the question of the supply of comparative data on the level of minimum wages, minimum pensions and measures of the cost of living, the Commission would like to point out that such information is already publicly provided by its services. For data on minimum wages and cost of living comparisons the source is Eurostat (see for example Eurostat's Statistics in Focus Theme 3: 10/2003 and Theme 2: 56/2002), while data on minimum pensions were compiled in table 1 of the Joint Report by the Commission and the Council on Adequate and Sustainable Pensions adopted on 6/7 March 2003 by the Employment and Social Affairs and Ecofin Councils (document number 6527/2/03 rev.2). The table is based on the Mutual Information System on Social Protection in the Member States (MISSOC) and the Directorate-General for Employment and Social Affairs (EEA), and contributions from the Member States.

As regards inflation in consumer prices, the annual average rate of change in the euro area for 2002 over 2001 was 2.3%, the same as in 2001, as measured by the Harmonized Index of Consumer Prices (HICP). In its latest study on the impact of the changeover to the euro, Eurostat estimated that the contribution of the euro changeover to the 2.3% total most likely fell within the range of 0.12% to 0.29% percentage points in the euro area as a whole (see the Annex to Eurostat News Release No 69/2003, 18 June 2003). This analysis confirmed that, although consumers experienced significant price increases for some types of goods and services, the changeover effect could not be seen as one of the main factors driving inflation in 2002. It is possible, however, that such significant price increases in some sectors (mostly small services and some frequently bought items) may help to explain the perception of higher than actual inflation in
some Member States. In this context, it is worth bearing in mind that any upward effect on overall inflation rates due to the euro changeover can be expected to be of temporary nature. Indeed, the Eurostat study mentioned above could not find any evidence of an effect of the changeover on the inflation rates measured so far in 2003. The medium to long-term impact of the single currency is to increase competition across the euro area and hence lead to lower consumer prices.

Finally, regarding the acceptance of the euro, the Commission notes that according to the latest Eurobarometer (spring 2003), 75% of the respondents in the euro area expressed support to the single currency. This figure increased by 4 percentage points compared to the Autumn 2002 survey and is back at the level reached right after the introduction of euro notes and coins on 1 January 2002, which was also the highest level since 1994.

(2004/C 70 E/085) WRITTEN QUESTION E-2309/03 by José Ribeiro e Castro (UEN) to the Commission (14 July 2003)

Subject: ‘Ecstasy’ — Holland

According to the media, the consumption of synthetic drugs, especially Ecstasy, is becoming increasingly popular among young people in the Member States of the European Union.

According to these reports, most of the drugs originate in the Netherlands. Because of a more permissive attitude towards the consumption and sale of drugs in general, the environment is conducive to less public condemnation and vigilance regarding the production and sale of drugs.

Can the Commission say:

− whether it can confirm that the consumption of synthetic drugs, especially Ecstasy, is increasing, particularly among young people in the EU Member States;
− whether it can confirm that most of the drugs come from the Netherlands;
− if so, what measures it has taken or intends to take to prevent drugs being exported from the Netherlands and distributed throughout the EU;
− whether it considers that the policy on drugs and addiction developed by the Netherlands has proved ineffective;
− what measures it recommends the neighbouring Member States should take to prevent the spread of the adverse consequences of the Netherlands’ drugs and drug-addiction policy?

Answer given by Mr Vitorino on behalf of the Commission (27 August 2003)

According to the 2002 Annual Report of the European Monitoring Centre for Drugs and Drug Addiction (Emcdda) cannabis continues to be the illegal substance most commonly used in all Union countries. Substances other than cannabis are used by much smaller proportions of the population. Amphetamines have been tried by 1 to 6 % of the population while ecstasy has been tried by about 0,5 to 4,5 % of the population.

The latest national population surveys among young adults (15-34 years old) report recent use (during the last month) of amphetamines by 0,5 to 6 % and ecstasy by 0,5 to 5 % of the target population in European countries.

The Emcdda in its annual report also indicates that the Netherlands is a major site for the production of ecstasy, amphetamines and related drugs but evidence of production in other Member States and in east European countries is also reported.
The Commission has emphasised that the issue of synthetic drugs must remain a top priority for the Union and its Member States. This has also been emphasised by the Justice and Home Affairs Ministers of the EU. Following on from a meeting of Justice and Home Affairs Ministers in September 2002 an implementation plan on actions to be taken in regard to the supply of synthetic drugs has been adopted by the Council. This plan proposes actions to address a number of issues with regard to the supply of synthetic drugs and identifies appropriate bodies to take the work forward.

(2004/C 70 E/086)

WRITTEN QUESTION E-2318/03
by Armando Cossutta (GUE/NGL) to the Council
(14 July 2003)

Subject: European citizens' right to privacy

The EU-US summit was held on 25 June this year. One of the topics was or should have been the TIA project (originally 'Total Information Awareness', subsequently changed to 'Terrorism Information Awareness'), basically a project to provide a gigantic apparatus for gathering and analysing information obtained from the most varied sources, ranging from existing data banks to commercial transactions, from people's movements to intercepted communications. According to Stefano Rodotà, the guarantor of the Italian privacy watchdog, we are witnessing a new dimension of surveillance, which increases the power of the State to obtain any personal data, irrespective of who gathered it and the original purpose for which it was gathered. The European Parliament, via its President Pat Cox, made its views clear: 'we cannot let the US dictate law in Europe'.

1. What was the outcome, as regards the TIA, of the summit meeting between the EU and the US held on 25 June this year?

2. Does the Council not consider that US legislation on the subject cannot and must not have extraterritorial validity and that, if necessary, the most appropriate way of settling such issues is by international treaty?

3. Did the Council uphold the principle that it is unacceptable that the United States should gather, by any means at its disposal, information resulting from communications freely exchanged between European citizens?

4. What steps will the Council take to safeguard the privacy of European citizens?

Reply
(8 December 2003)

The Council would inform the Honourable Member that there was no discussion of TIA at the summit with the United States on 25 June 2003. The Council notes the points on which the Honourable Member has expressed concern.

The Council would remind the Honourable Member that at the end of 2002 it approved an agreement between Europol and the United States covering, inter alia, the transmission of personal data. The Europol Joint Supervisory Body (the authority for the protection of personal data) gave a favourable opinion concerning that agreement. The EU's position concerning the protection of personal data is therefore well known to the United States. The Council intends to insist to the United States authorities — as the Commission is doing — on full respect for the European position and the need to find an appropriate solution that meets European standards. The Council also invites the Honourable Member to refer, in this connection, to the position stated on the transmission of data concerning passengers in Opinions 6/2002 and 4/2003 of the Article 29 Working Party on the Protection of Individuals with regard to the Processing of Personal Data.
WRITTEN QUESTION E-2329/03

by Pia-Noora Kauppi (PPE-DE) to the Commission

(16 July 2003)

Subject: Incorporation of carbon sequestration techniques into the emissions trading directive

The United States, the European Union and 13 other countries have recently established an international forum to tackle greenhouse gas emissions, mainly by promoting a technology to slow rising levels of CO₂ in the atmosphere. This initiative, called the Carbon Sequestration Leadership Forum, is an attempt to increase international cooperation to reduce global emissions of greenhouse gases.

The European Parliament and the Council of Ministers have recently found a compromise in the second parliamentary reading on the greenhouse gas emissions trading directive. The compromise asks the European Commission to review the directive after 2006 and come back with revision proposals.

What role does the European Commission give to carbon sequestration techniques? Could this technology be merged into the EU emissions trading regime? Does the European Commission see any role for carbon sequestration techniques as part of the EU policy to reach the Kyoto targets?

Answer given by Mrs Wallström on behalf of the Commission

(16 September 2003)

The inaugural meeting of the Carbon Sequestration Leadership Forum (CSLF) took place on 23 to 25 June 2003 in Washington, D.C. The main aim of the Forum is to stimulate international co-operation on research into carbon sequestration technologies by capturing carbon dioxide (CO₂) at source from fossil fuels and storing it in an environmental safe manner deep underground.

The Union committed itself in Kyoto to reducing its greenhouse gas emissions by 8% in the 2008-2012 period compared to 1990 levels, mainly through measures focused on energy efficiency and renewables. Since carbon sequestration is at the research phase the Union does not envisage it playing a significant role in the achievement of the 2008-2012 Kyoto target. However, emissions world-wide need to be reduced in the post 2012 period by more than 50% if climate change is to be stabilised and reversed. Carbon sequestration technology may have the potential to contribute to this process by capturing CO₂ and storing it underground.

For CO₂ storage underground to be an effective way of limiting CO₂ emissions, the CO₂ must be stored safely for several hundreds or thousands of years. CO₂ storage also needs to have low environmental impact, acceptable cost, conform to national and international legal requirements, and in addition be socially and politically acceptable. The public needs to be convinced as with other disposals of waste that CO₂ storage does not pose any significant risk. There is also the need to resolve a number of legal and regulatory issues.

The newly agreed Directive (1) establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (2), defines emissions as 'the release of greenhouse gases into the atmosphere from sources in an installation'. Therefore, the Directive has a legal framework which is open to the possibility of using carbon sequestration since greenhouse gases would not be released if they were sequestered. This approach is in line with the Directive's aim to encourage innovation to reduce emissions, rather than specify particular technologies to be used.
However, as stated above, carbon sequestration technologies are still at the research phase and so the guidelines for monitoring and reporting emissions to be adopted in autumn 2003 under Article 14 of the Directive will not provide for operators to use such technologies to count as a reduction in emissions. If on-going research can demonstrate that CO$_2$ can be stored in a safe and environmentally acceptable manner underground without CO$_2$ being released into the atmosphere at any point in time, and appropriate standards such as methodology agreed by the Integrated Pollution Prevention and Control (IPCC) were established for storage, then the guidelines for monitoring and reporting could be amended accordingly.

(1) http://europa.eu.int/comm/environment/climat/030723provisionaltext.pdf

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WRITTEN QUESTION E-2336/03
by Brian Simpson (PSE) to the Commission
(16 July 2003)

Subject: Project ACCESS: Advance Communication for Cumbria and Enabling Sustainable Services

Can the Commission give an indication of when it will be in a position to respond to the UK Government’s submission in regard to the above project (under Article 86(3)) so that this excellent scheme can go ahead and enable the area of Cumbria to have access to broadband communications?

Answer given by Mr Monti on behalf of the Commission
(14 August 2003)

By letter dated 26 June 2003 the United Kingdom authorities notified to the Commission in accordance with Article 88(3) of the EC Treaty the measures referred to by the Honourable Member. However, the notification was considered incomplete and the Commission requested additional information by letter dated 17 July 2003.

According to Article 4 of Council Regulation (EC) No 659/1999/EC (1), the Commission shall take a decision on notified aid within two months, beginning on the day following the receipt of a complete notification. Additional information submitted by the United Kingdom authorities was received on 22 July 2003 and is currently examined by the Commission services. Thus, a decision shall be taken by 23 September 2003, unless further information is considered necessary to enable the Commission to define its position on the proposed measures.


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WRITTEN QUESTION E-2337/03
by Christopher Heaton-Harris (PPE-DE) to the Commission
(16 July 2003)

Subject: Alcoholic consumption in European cities

A number of constituents have raised concerns over how the English are portrayed in Europe. Their concerns arise mainly from experiences of young people using cheap flights to go abroad for stag and hen weekends.
Does the Commission collect data on the increase in violent incidents in ‘tourist areas’ of European capital cities arising from or connected with alcohol consumption? If so please could the Commission provide this information?

Answer given by Mr Vitorino on behalf of the Commission

(6 October 2003)

The Commission does not at present collect data on the number of violent incidents in ‘tourist areas’ of European capital cities arising from or connected with alcohol consumption.

Nevertheless, the Commission considers that it would be useful if the competent authorities of the Member States, which are responsible for maintaining public order on their territory, were to collect information for statistical purposes so that the extent of the problem could be correctly assessed and adequate measures taken.

Such information could be relevant for the report which the Commission is drafting on the economic and social burden of alcohol, which is one of the priorities of the public health program for the Community for 2003-2008.

Crime prevention including the prevention of alcohol-related criminality, remains a matter largely within the responsibility of local, regional and national authorities. Action at Union level in this field should continue to be limited to supporting exchange of information and best practice between the competent authorities, such as the European Crime-Prevention Network, which focuses on urban, juvenile and drug-related crime.

(2004/C 70 E/090)

WRITTEN QUESTION E-2344/03

by Toine Manders (ELDR) to the Commission

(16 July 2003)

Subject: Interreg bureaucracy

The rules governing Interreg subsidies in the Netherlands include passages which make administration unnecessarily difficult. For example, in order to be eligible for a subsidy it is necessary actually to show proof of payment of all invoices and wage/salary payments. This discourages organisations from applying for subsidies, so that inadequate use is made of the funds potentially available.

In the Netherlands, the procedure for applying for an Interreg BMG (Benelux-Middengebied/Central Benelux Region) subsidy is often seen as enormously cumbersome: merely producing a thorough project plan with defined end products already costs a huge amount. In addition, the administration is of considerable complexity: it is necessary to produce evidence of deployment of manpower, invoices, copies of pay slips and now, as mentioned above, also proof of payment.

This means in practical terms that each month a partner has to check which employees on the pay roll have contributed to the project and must print out a list of them, after which he must submit proof of payment/a copy of the bank statement providing the requisite overview. All this information is computerised and stored on payment diskettes, so that it is relatively easy to retrieve from the system, but it is difficult to print out because the relevant lists are enormously long. In a word, while partners’ administrative work and book-keeping are computerised, Europe is still insisting on manually produced evidence/copies.

Moreover, I have found that, as a result of the various national approaches and interpretations, project concepts which would be very suitable are often refused Interreg funding and an unnecessary amount of time is wasted because of inadequate coordination.

1. Is the Commission aware of the bureaucratic complexities involved in applying for Interreg subsidies, an example of which appears above?
2. Do the Interreg subsidy rules in other Member States likewise include such provisions, which promote bureaucracy? If so, what?

3. Will the Commission take measures to put an end to unnecessary bureaucratic procedures involved in the granting of Interreg subsidies? If not, why not? If so, what will it do?

4. Will the Commission investigate the scope for setting up one competent authority per Euregion for the central coordination of Interreg project applications, processing and finalisation?

**Supplementary answer**

given by Mr Barnier on behalf of the Commission

(18 November 2003)


In accordance with the rules on financial management, interim payments are made by the Commission in order to reimburse expenditure actually paid and certified by the paying authority. There is no requirement for receipts, invoices or equivalent accounting documents to be sent to the Commission or to the Managing Authority. Moreover, Article 38 (6) allows for the documents which the managing authority keeps available for the Commission to be stored on commonly accepted data carriers.

For the ‘Grensregio Vlaanderen/Nederland’ covering two sub-programmes for the Euregio Scheldemond and the Benelux-Middengebied, the Province of Antwerpen was designated by Vlaams Gewest as Managing Authority for the programme, the Province of Oost-Vlaanderen as Paying Authority. The programme is supervised by a Monitoring Committee under the chairmanship of the managing authority, which at a meeting held on 16 December 2002, approved the Handboek Administratieve Organisatie which included a description of the management and financial control systems.

While the Commission applies the rules set out in the regulations, it has sought to ensure that, in practice, management is as simple as possible. To this end, the Commission adopted a Communication on the simplification, clarification, coordination and flexible management of structural policies, 2000-2006 (2). The Member States and regions have been urged to make full use of the new provisions and recommendations and to simplify their internal rules and procedures with regard to the management of European programmes.

With regard to the possibility of having one competent authority per Euregion, the Commission must respect the decision on the part of the responsible Member States, Belgium and the Netherlands, to submit, according to point 22 (2) of the Interreg Guidelines, a programme ‘for a border with’ sub-programmes ‘for each cross-border region’. At the same time, it should be noted that the secretariat in Turnhout is the single authority for the central coordination processing and finalisation of Interreg applications as far as the Benelux Middengebied is concerned.

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(2004/C 70 E/091)

**WRITTEN QUESTION E-2347/03**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(16 July 2003)

Subject: Deaths of immigrants drowned in the seas of the south of the EU when attempting to reach the coast in search of work and a new life

In recent weeks, in the latest in a long line of similar incidents, hundreds of people have drowned in the seas of the south of the EU when attempting to reach the coast in search of work and a new life. Many of the people who died were women, some of them pregnant, and children. Regardless of the approach taken
Answer given by Mr Vitorino on behalf of the Commission

(26 September 2003)

As in the summer months of recent years the Union is experiencing an increasing inflow of illegal immigrants by sea. The passage is mostly organised by ruthless criminal networks involved in the smuggling of human beings. Despite moderate weather conditions in summer, some of the vessels used by the criminal networks are unseaworthy, which has led to severe humanitarian tragedies.

As stated in the Commission’s reply to the written questions E-3112/02 by Mr Tannock (1), P-0291/03 by Mr Pisicchio (2) and E-2133/03 by Mr Borghezio (3), illegal immigration by sea is given serious and continuous attention within the Commission and important steps to develop a Community policy framework have recently been taken.

Three action plans — one on illegal immigration specifically, one on integrated border management and one on return policy — define Union action and a schedule for common measures in the fight against illegal immigration. In preparation for the European Council in Thessaloniki on 19/20 June 2003, the Commission presented the current state of play in this area (4). In addition, the Thessaloniki European Council clarified in its conclusions the general roadmap for the ongoing activities.

In addition, the Commission has just presented to the Council a study on maritime borders which contains a thorough analysis of the phenomenon and a number of recommendations with regard to improving ship security in order to avoid these tragic incidents. The study considers possible developments in maritime law as well as on improved regional co-operation, in particular in the Mediterranean context.

In addition, the Commission has responded to the increasing influx from Libya and is preparing a second mission in close consultation with the Member States after an initial exploratory mission in May 2003.

The Commission considers also that, in order to develop an effective policy on fighting illegal migration, co-operation with third countries is essential and will require increased attention in the coming years. In its Communication on integrating migration issues in the European Union’s relations with third countries (5), the Commission presented the policy approach it will take. In this framework, the proposal for a Regulation establishing a programme for financial and technical assistance to third countries in the area of migration (6), and sent to the Council and the Parliament, aims to provide the financial means for such co-operation. Once this Regulation is adopted, the Community will have a specific financial instrument to assist third countries in their efforts to better managing migratory flows in all their dimensions, including illegal migration.

This Regulation will be the follow-up to the pilot phase of the B7-667 budget line ‘Co-operation with third countries in the field of asylum and migration’. In this pilot phase various projects to assist third countries in their efforts to fight illegal migration have already started. In line with the balanced and integrated approach as set out in its December Communication, the Community co-finances both a French and Spanish led co-operation project with Morocco that aims to improve Moroccan border control and two projects that aimed to strengthen local development and enhance job opportunities. The MEDA
programme for migration management in Morocco further builds on these first projects. The Commission intends to step up its efforts to elaborate similar migration management projects in other Northern Mediterranean countries in full partnership with the countries concerned.

(1) OJC155E, 3.7.2003, p. 92.
(2) OJC 280 E, 21.11.2003, p. 46.
(3) See page 77.

(2004/C 70 E/092)
WRITTEN QUESTION E-2362/03
by Stavros Xarchakos (PPE-DE) to the Council
(17 July 2003)

Subject: Research by a Turkish vessel in Greek territorial waters in the Aegean

It is reported in today's Greek press (8 July 2003) that from 4 to 19 July the Turkish oceanographic research vessel, the Piri Reis, will conduct research in the Aegean, in particular in Greek territorial waters. These reports state that the Greek navy has picked up an announcement broadcast by Izmir coastal radio station concerning the 'vessel's oceanographic research'. According to its programme of 'research' the Piri Reis (which, incidentally, belongs to Izmir University) will carry out research at a distance of up to five nautical miles from the rocky islet 'Kaloyeri' in the Cyclades and at 25 other spots in Greek territorial waters.

It should be pointed out that Turkey (an applicant country) has previously dispatched this vessel into the Aegean with instructions to carry out research in Greek (and therefore Community) waters, thereby causing tension in Greek-Turkish relations.

Is the Council aware of the intention of the Turkish authorities? Has the University of Izmir, which owns the vessel in question, received funding through any Community initiative (either directly or indirectly with loans or other Community funds)? What actions can the Council take forthwith to prevail upon Turkey not to go ahead with research in the territorial waters of an EU Member State?

Reply
(8 December 2003)

1. The Council has been informed that a Turkish marine research vessel had been conducting activities in the Aegean, but has no particular information about the specific scope of these activities or on the Turkish authorities' intentions. The Council is not aware of the existence of Community funding for the body owning the vessel.

2. As a candidate State, Turkey is required – under the principle of peaceful settlement of disputes in accordance with the UN Charter – to make every effort to resolve any outstanding border disputes and other related issues, as set out in point 4 of the European Council conclusions in Helsinki on 10/11 December 1999. This is, moreover, a specific priority in the revised Partnership Agreement for Turkey's accession.

3. Since March 2002, exploratory talks between Greece and Turkey have been taking place at the level of senior officials of their respective Foreign Ministries. Greece and Turkey have also put in place various sets of confidence-building measures in this area. The Council is closely monitoring progress achieved in this connection. In line with the Helsinki conclusions, the European Council will have to review the situation — including its repercussions on the accession process — before the end of 2004.

4. In the framework of political dialogue, the Council regularly encourages Turkey to continue making efforts to defuse and prevent tensions and to work together with Greece to that end.
WRITTEN QUESTION E-2365/03  
by Salvador Garriga Polledo (PPE-DE) to the Commission  
(17 July 2003)

Subject: Delimitation of fisheries zones as between Portugal and Spain

The president of the Spanish Association of Skilled Nautical Personnel has called for a clear delimitation of the fishing limits between Spain and Portugal, with a view to avoiding any further arrests of Spanish fishermen and putting the required end to such disputes between countries which are friends and neighbours and are both EU Member States.

The same person considers it unacceptable that such problems should exist between EU Member States. It follows, in the view of Spain's fishermen, that the fisheries zones need to be delimited in order to prevent any further conflicts.

Does the Commission believe it to be its responsibility, under the EU's common fisheries policy, to act with a view to resolving the conflict over the delimitation of fisheries zones as between Spain and Portugal, thus putting an end to the present unacceptable climate of conflict and, especially, the practice of punishing Spanish fishermen's incursions into Portuguese waters with prison sentences?

Answer given by Mr Fischler on behalf of the Commission  
(13 August 2003)

The new legal basis of the Common Fisheries Policy, Council Regulation (EC) No 2371/2002, clearly enshrines the principle of free access to waters and resources by all Community vessels, subject to the relevant Community rules on fisheries management.

Re-introducing limitation to access in areas of national jurisdiction on the basis of nationality would be contrary to the above principle. The Commission must ensure that fisheries access and conservation and management measures are based on the principle of non-discrimination.

The Commission also believes that the existence of certain conflicts among fishermen would not justify a failure to apply and enforce Community principles. The Commission is actively contributing to find a solution to the problem of the access to Portuguese continental waters in the context of the proposal for an effort regime in western waters. But the Commission is convinced that any solution in this regard must be fully in conformity with the above-mentioned principles.


WRITTEN QUESTION P-2374/03  
by Raffaele Costa (PPE-DE) to the Commission  
(16 July 2003)

Subject: Contracting and subcontracting by the Commission

In view of the recent OLAF investigation into the alleged misappropriation of about EUR 900 000 by senior Eurostat staff, the fact that the Commission has launched a reform of the accounting system, which is deemed to be inadequate, and that Eurostat subcontracted services to Eurogramme, Eurocost and Planistat, can the Commission specify what services have been contracted out and subcontracted in the last five years, how much they cost, and what the mechanisms for allocating contracts and selecting successful contractors are?
Answer given by Ms Schreyer on behalf of the Commission

(22 September 2003)

The Commission's modernisation of the accounting system aims to provide the institutions by 2005 with an accrual accounting system that complies with the most recent international accounting standards for the public sector in accordance with the Financial Regulation (1).

On the other matters raised, the Commission is collecting the very extensive information needed to answer the Honourable Member's question. It will communicate its findings in due course. It should be noted that, as part of the follow-up to the discharge for 2001, the Commission has mandated the Internal Audit Service (IAS) to examine the legality and the regularity of contracts awarded by Eurostat since 1999 and to include in its investigation contracts awarded by other Commission departments. Its findings will be announced in the autumn.

With regard to Planistat, the Honourable Member is invited to refer to the answer to Written Questions P-1705/03 by Ms Stauner (2), P-1807/03 by Mr Bösch and P-1978/03 by Ms Stauner.


(2) See page 56.

(2004/C 70 E/095)

WRITTEN QUESTION E-2377/03

by James Nicholson (PPE-DE) to the Council

(18 July 2003)

Subject: Insignia for European Union military forces

Recent press reports suggest that military forces to be sent to Congo will wear identification insignia based upon a map of the European Union.

Reports state that this insignia does not include representation of any part of Ireland.

Would the Council indicate if such reports are accurate and if so indicate the reasons for this omission?

Reply

(5 December 2003)

The Council hereby informs the Honourable Member that the only official insignia worn by personnel engaged in the Artemis operation is an armband in the European colours (yellow stars on a blue ground) bearing the name of the operation (Artemis); the armband does not feature the map of Europe.

(2004/C 70 E/096)

WRITTEN QUESTION E-2383/03

by Christopher Huhne (ELDR) to the Commission

(18 July 2003)

Subject: State aids assessment

1. Will the Commission expand on the reasons given in its press notice of 21 January 2003 (IP/03/89) concerning the authorisation of the United Kingdom's stamp duty exemption scheme for disadvantaged areas?

2. Will the Commission make publicly available, including to this Member, the United Kingdom's comments in reply to its invitation to submit comments pursuant to Article 88(2) of the EC Treaty on Aid C 13/02 (ex N27/02) concerning stamp duty exemption for non-residential property in disadvantaged areas?
Answer given by Mr Monti on behalf of the Commission

(12 September 2003)

1. It has to be noted that the press notice only gives a summary of the decision and, in order to obtain more details, the Commission would refer the Honourable Member to the reasoning in Commission Decision 2003/433/EC of 21 January 2003 on the aid scheme 'Stamp duty exemption for non-residential properties in disadvantaged areas' notified by the United Kingdom (1).

2. The Commission would like to remind that in the field of the administrative procedure instituted under Article 88(2) of the EC Treaty, it is settled case-law that: ‘the Commission is not obliged to forward to interested parties the observations or information it has received from the government of the Member State. However, it should be observed that the limited nature of the rights of parties concerned does not affect the Commission's duty under Article 253 EC to provide an adequate statement of reasons for its final decision’ (2). In the light of this jurisprudence, the Commission would like to indicate that United Kingdom's comments are all gathered under heading IV of the above-mentioned Commission decision and subsequently analysed under heading VI on ‘assessment of the aid’.


WRITTEN QUESTION E-2385/03
by Christopher Huhne (ELDR) to the Commission

(18 July 2003)

Subject: State aids assessment

1. Will the Commission state the reasons why, despite the scepticism in evidence in its invitation to comment published in the Official Journal of 27 April 2002, it changed its mind concerning these state aids? What are the criteria that it applied in this case?

2. Did cost effectiveness in the pursuit of public policy objectives in any way enter into the assessment and if not, why not?

3. Is the Commission of the view that this is one of the most cost-effective ways that a Member State has yet devised to encourage economic activity in disadvantaged regions?

4. Will the Commission give its estimate of the likely deadweight cost — i.e. the cost to the public exchequer not related to the achievement of the objectives — involved in the UK Government's decision to provide stamp duty exemption for non-residential property in disadvantaged areas?

Answer given by Mr Monti on behalf of the Commission

(12 September 2003)

1. The Commission would like to recall that the invitation to comment published in the Official Journal of the European Union (1) was the Commission Decision on the opening of procedure. Article 6 of the Council Regulation on State aid procedure (2) provides that a decision to initiate the formal investigation procedure must include a ‘preliminary assessment of the Commission as to the aid character of the proposed measure’.

It is settled case-law that: ‘It follows that the classification of a measure as State aid in a decision to initiate the formal investigation procedure is merely provisional. The very aim of initiating the procedure is to enable the Commission to obtain all the views it needs in order to be able to adopt a definitive decision on the point’ (3).

(3)
The Commission considers thus that it did not change its mind, as the Honourable Member suggests, but merely gave a preliminary assessment and invited interested parties to comment in order to be able to take a final decision. The criteria that it applied in that case were those stated in its final Decision (¹), in particular, under heading VI entitled ‘assessment of the aid.’

2 and 3. The assessment of the notified scheme was made on the basis of the following considerations:

State aid character of the measure, its legality and exemption grounds. Within the heading of exemption grounds, the Commission analysed the compatibility of the scheme with a number of its guidelines and finally its compatibility with Article 87(3)(c) of the EC Treaty in the light of Community objectives and the effect on trading conditions between Member States.

The cost-effectiveness of the scheme was addressed by the Commission in points 56 and 57 of its Decision. According to the first, ‘as a regeneration instrument, the stamp duty exemption could fulfill the economic rationale of contributing to reducing risks for investors in brownfield sites. Regeneration has traditionally been perceived as a high-risk, low-return investment, in particular because there is the perception of weak market demand; bureaucratic grant arrangements; unclear procedures in the programs and lack of funding initiatives. Favourable conditions for investment include a perceived total return as well as new business opportunities, transparent existing strategies and the level of risk in the project.’ Point 57 follows: ‘it is only when the risk is reduced that investment will increase; this would have several spin-off effects such as reducing the exit-cost, which in turn will further reduce the risks of investing in urban regeneration. The temporary exemption of the stamp duty is likely to contribute to activating the market for regeneration and derelict land in deprived areas as well as having spillover effects. The system itself would be transparent which matches market demands.’ This is in addition to paragraph 62 which states ‘the average amount of aid to the individual undertakings in the proposed scheme is GBP 50,000 (around EUR 78 500). Aid of this magnitude does not normally distort or threaten to distort competition. In cases where the aid beneficiary receives the stamp duty exemption several times, or receives it cumulated with other kinds of aid, the aid could be significant and thus affect competition and/or affect trade. It is therefore imperative that the cumulation of aid is closely monitored and controlled.’

Finally, the Commission would like to remind the Honourable Member that the cost-effectiveness of the measure will also be analysed ex post by the Commission at the time of receiving the detailed annual reports, imposed as a condition by Article 3 of the Commission Decision. The second paragraph of Article 3 requires a degree of detail of the reports to allow the Commission to make an evaluation of the effects of the scheme on the physical regeneration of the areas that benefit from it.

4. The Commission is well aware that for every aid scheme it approves, there may be beneficiaries who would also have invested, created jobs, provided training, etc. without the incentive of State aid. The aid might nevertheless have affected their choice of location, the size of the project or its timing. The Commission is unable to assess the real dead-weight cost of the Stamp duty exemption for non-residential properties in disadvantaged areas.

(¹) OJ C 102, 27.4.2002.

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WRITTEN QUESTION E-2396/03
by María Sornosa Martínez (PSE) to the Commission
(21 July 2003)

Subject: Measures to combat desertification in the EU

During the World Day to Combat Desertification and Drought organised by the United Nations in June 2003, data was made public on the effects of desertification in Mediterranean Europe. This deterioration of
land is far from slowing down, and already affects over 300 000 square kilometres of coastline. In the specific case of Spain, the risk of desertification has been evaluated at 31%, entailing a cost of EUR 200 million.

It its answer to written question E-1287/00 (1), the Commission emphasised its intention to devote attention to this serious environmental problem and granted Member States the possibility of applying for Community aid to combat desertification in the context, inter alia, of the policy supporting sustainable rural development and of the Cohesion Funds.

Has the Commission received from Spain, since 2000, any application for aid for specific programmes to combat desertification? If so, could the Commission give a breakdown of the projects that have received aid and the amounts granted?

Since Spain is one of the countries covered by Annex IV of the United Nations Convention to Combat Desertification, has it notified the Commission of the preparation of any national or regional action programmes to combat desertification?

Does the Commission have any plans, in the medium term, for a specific initiative to combat desertification at Community level?

(1) OJC113E, 18.4.2001, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(19 September 2003)

1. (a) Regarding the European Regional Development Fund (ERDF), most of the Operational Programmes of the regions affected by serious erosion problems (Comunidad Valenciana, Andalusia, Murcia) have specific measures within their environmental priorities specifically directed towards the fight against soil erosion. These measures include interventions dealing with the restoration of degraded land through the planting of new vegetable cover, the conservation and improvement of forested areas and the correction of torrential riverbeds. Currently there are no specific anti-erosion projects within the Cohesion Fund.

(b) The Common Agricultural Policy (CAP) provides support for a large range of agri-environmental commitments that, by applying more than the usual good farming practices, offer opportunities for building up soil organic matter, reduce erosion and prevent soil salinisation. Support is also provided for measures aiming at sustainable forest management and development of forestry, the maintenance and improvement of forest resources and the extension of woodland areas.

Though Spain's 2000-2006 rural development programme includes no action designed specifically to tackle desertification, the Commission has approved a series of measures which may help towards that end. These include water resource management measures designed to rationalise and economise the use of irrigation water by modernising and improving the existing infrastructure and forestry measures to tackle erosion by improving and/or reconstituting plant cover on the ground.

Improvement of water resources is included in Spain's two horizontal programmes to improve production structures, and the overall Community contribution from the European Agriculture Guidance and Guarantee Fund (EAGGF) intended for management of water resources is EUR 1 000 million. As for the forestry measures (mainly afforestation of agricultural land, improvement of forestland and prevention of forest fires) included in the national and regional programming, the Community contribution from EAGGF totals around EUR 1 500 million for Spain as a whole.

Although overall management of the structural fund and rural development programmes is shared between the Member State and the Commission, it needs to be underlined that the actual selection, implementation and execution of projects fall almost entirely within the competence of the national and regional authorities.
(c) The Commission’s Directorate-General for Research has co-financed several European research projects concerning desertification in the Mediterranean. In fact, a new call for proposals has just been launched under the Environment Programme, with a deadline of 9 October 2003. This call addresses issues of (i) Assessment of Vulnerability to Desertification and Early Warning, and (ii) Combating desertification, with a view to providing input to Annex IV to the Convention on Combating Desertification.

2. Within the framework of the United Nations Convention to Combat Desertification (UN-CCD), Spain is currently in the last phase of finalising its National Action Programme (NAP), which is the main instrument for implementing the provisions of the Convention. Furthermore, Spain is included in the regional Annex to the UN-CCD covering the Northern Mediterranean. A Sub-regional Action Programme (SRAP) is currently not available. An overview of projects of relevance to the Annex IV Group countries, as submitted at the UNCCD/CRIC-1 Meeting of November 2002, can be found on the UNCCD internet site.

3. In the medium term, the following Community activities are expected to further strengthen the fight against desertification significantly:

(a) On 16 April 2002 the Commission adopted a communication entitled ‘Towards a thematic strategy for soil protection’. This communication addresses desertification in the context of soil degradation processes such as erosion and depletion of organic matter. The communication acknowledges that the Mediterranean region is severely affected by erosion. The impact on the environment, water reservoirs and agricultural land represents a major threat for these regions. The communication represents a first step towards the development of a Soil Thematic Strategy as requested by the 6th Environmental Action Programme. The Commission is presently in the process of further developing this Soil Thematic Strategy. Detailed policy options in response to soil degradation due to erosion, organic matter depletion, soil contamination and soil monitoring will be presented in the forthcoming soil proposals for 2004;

(b) The 2003 Common Agricultural Policy (CAP) reform involves further measures contributing to soil protection. A new modulation system is established and the funds made available by it will increase the budget for rural development measures, including agri-environmental and afforestation schemes. There will also be an increase in the maximum Community co-financing rate for agri-environmental measures, which becomes 85% in Objective 1 areas and 60% in other areas. Moreover, a single decoupled farm income payment comes to replace most of the direct payments under several Common Market Organisations and is expected to reduce incentives for intensive production. Farmers receiving direct payments will be subject to a system of compulsory ‘cross-compliance’. This includes the obligation to maintain all agricultural land in good agricultural and environmental condition, which entails compliance with standards relating to soil protection, maintenance of soil organic matter and soil structure, to be defined by Member States. Where a farmer fails to comply with these standards, a reduction in payments will be applied as a penalty.

(1) http://www.unccd.int/actionprogrammes/northmed/northmed.php
(4) http://europa.eu.int/comm/environment/soil/index.htm

(2004/C 70 E/099)  WRITTEN QUESTION E-2414/03

by Peter Skinner (PSE) to the Commission

(21 July 2003)

Subject: IAS application to companies not incorporated in the EU

According to the IAS Regulation (Article 4), companies governed by the law of a Member State that also have securities admitted to trading on an EU regulated market will have to prepare their consolidated accounts in conformity with IAS as of January 2005. The Regulation allows (Article 5) EU countries to apply IAS to other companies. According to CESR’s consultation paper of June 2003 on disclosure requirements for prospectus, financial information must have been prepared according to IAS Regulation,
or IAS as applicable, or if not applicable, to local GAAP. The proposed Transparency Directive covers all issuers that have securities trading on an EU-regulated market and implies that IAS may be applicable although exemptions could be made on the basis of equivalent reporting.

Could the Commission clarify whether, under the IAS Regulation, Prospectus and Transparency Directives, non-EU incorporated companies with securities admitted to trading on an EU-regulated market are obliged to reconcile their accounts to IAS or if such reconciliation is subject to an equivalence test? Is the Commission aware of any EU country that wishes to require IAS reconciliation for non-EU domiciled companies?

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

Regulation (EC) No 1606/2002 of the Parliament and of the Council of 19 July 2002 on the application of international accounting standards (1) applies only to companies governed by the law of a Member State. Companies not governed by the law of a Member State are outside the scope of this Regulation. Therefore, this legislative text does not address the issue of disclosure obligations for non Union issuers with securities admitted to trading on an Union regulated market. Article 5 only provides an option to Member States with respect to certain Union companies.

Regarding the first question, it should be noted that the issue of disclosure obligations related to financial information of non Union issuers with securities admitted to trading on a Union regulated market is currently dealt with by the Securities Law Directives. The codified Directive 2001/34/EC of the Parliament and of the Council of 19 July 2001 on the admission of securities to official stock exchange listing and on the information to be published on those securities (2) contains the Union legal requirement on this issue. This Directive allows Member States to impose more stringent or additional conditions to the ones laid down in the Directive itself.

In the context of listing particulars (prospectus), it is specified in items 5.1.5 and 5.1.3 of Annex 1 Schedule A and B, that if the financial statements of an issuer do not comply with Community legislation on accounting standards and do not give a true and fair view of the issuer’s assets and liabilities, financial position and profits and losses, more detailed and/or additional information must be given. It is also important to note that disclosure obligations for wholesale markets such as ‘eurobonds’ are defined at national level and not at Community level for the time being.

The same obligation is imposed for periodic reporting (Articles 67 and 80 paragraphs 3 for annual accounts). For half yearly reporting, Member States’ competent authorities may require information from third country issuers equivalent to that required from companies based in their own jurisdiction (Article 76 paragraph 4).

These obligations apply to non Union issuers and represent the Union legal requirement for reconciliation of non Union issuers’ accounts with the national accounting standards of a given Member State.

In practice, these obligations have been applied in various ways by Members States because of their different understandings and assessments, whether or not a given set of third country accounting standards provides a ‘true and fair view’, as defined by Community legislation.

For instance, in France, a reconciliation is imposed upon non Union issuers on a case-by-case basis in the context of a prospectus but no reconciliation is required for periodic reporting, whereas in the United Kingdom (UK), an equivalent standard to UK Generally Agreed Accounting Principles is required in the context of a prospectus. In the UK, UK GAAP, US GAAP and IAS are the accepted accounting standards for annual and half yearly accounts. However, derogations under certain conditions are possible.

It is also important to note that Union issuers are obliged to present a reconciliation of their financial statements according to US GAAP when seeking a listing of their securities on a US exchange.
Turning to the second question, the Commission has no indication of how Member States will apply in practice the existing Community disclosure obligations to third country issuers when the IAS Regulation enters into force. It is, however, unlikely that Member States will consider any accounting standards in the world as acceptable when raising capital on their territory. For the time being, the Commission believes that Members States will maintain their national practices that derive from existing Community legislation until the implementing measures of the new prospectus Directive and the proposed transparency Directive are adopted.

The new prospectus Directive and the proposed transparency Directive should bring more consistency and harmonisation regarding the financial information to be disclosed by third country issuers who wish to raise capital within the Union. It will also cover securities aimed at wholesale investors. The content of the implementing measures of the prospectus Directive is not yet known and the proposed transparency Directive is in the early stages of the co-decision procedure.


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(2004/C 70 E/100) WRITTEN QUESTION E-2425/03

by Maurizio Turco (NI) to the Council

(21 July 2003)

Subject: Harmonisation of tax on the income from the savings of non-resident Union citizens and abolition of banking secrecy

Knowing that:

- At the Feira summit on 19/20 June 2000 the EU finance ministers decided that as of 2011 the automatic exchange of information would be introduced for all Union countries in the interests of harmonising, at Community level, the tax on income from the savings of Union citizens.

- On 21 January 2003 the EU finance ministers initialled a policy agreement, which is subject to acceptance of equivalent measures by other third countries and stipulates that:
  
  (a) as of 1 January 2004 twelve Member States will initiate the automatic exchange of information;

  (b) Luxembourg, Austria and Belgium will initiate the automatic exchange of information ‘if and when’ the Council unanimously agrees that Switzerland, the United States, Liechtenstein, Andorra, San Marino and Monaco accept the exchange of information on the basis of OECD’s 2002 parameters, which define criminal and civil offences in the areas of taxation and fraud.

- On 3 June 2003 the EU finance ministers approved an arrangement negotiated with Switzerland.

Can the Council answer the following questions:

1. Why do the third countries do not include the Vatican State, despite the fact that:

   (a) the central bank, the Istituto Opere di Religione (IOR) does not belong to any international monitoring body;

   (b) the IOR takes part indirectly in the payment systems of the euro zone — with dual access via two major banks, one of them German, the other Italian, which are themselves linked to the system — thereby evading surveillance by the banking authorities to which only direct participants are subjected;

   (c) it has no legislation to combat money-laundering;
(d) it has not accepted the exchange of information on the basis of the 2002 OECD parameters, which define criminal and civil offences in the areas of taxation and fraud;

(e) it has on several occasions been involved in financial transactions with serious implications, which have never been the subject of legal proceedings because of the concordat with the Italian Republic guaranteeing the Catholic hierarchy absolute impunity?

2. What arrangements will apply in overseas territories, in particular British ones, and, apart from Switzerland, which has signed a negotiated solution, what are the current positions of the United States, Liechtenstein, Andorra, San Marino and Monaco on the exchange of information on the basis of the 2002 OECD parameters?

3. Can the Council give an assurance that in Luxembourg, Austria and Belgium banking secrecy will be maintained at least until 2011, and say under what conditions it might remain in force even after that date?

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Reply

(8 December 2003)

1. The European Council meeting in Santa Maria da Feira on 19/20 June 2000 decided that, as soon as agreement has been reached by the Council on the substantial content of the Directive and before its adoption, the Presidency and the Commission will enter into discussions immediately with the US and key third countries (Switzerland, Liechtenstein, Monaco, Andorra, San Marino) to promote the adoption of measures in those countries equivalent to those to be applied within the EU.

Moreover, at its meeting on 21 January 2003, the Council asked the Commission to enter into discussions with other important financial centres, so that they will adopt measures equivalent to those to be applied within the EU.

2. With regard to arrangements in dependent or associated territories, at the Council meeting on 3 June 2003 the Council and the representatives of the governments of the Member States, meeting within the Council, stated in their resolution on taxation of savings income in the form of interest payments that the United Kingdom and the Netherlands will do their utmost, within the framework of their constitutional arrangements, to ensure that appropriate measures in respect of the relevant dependent or associated territories (the Channel Islands, the Isle of Man and the dependent or associated territories in the Caribbean) are in place in sufficient time to enable the provisions of Directive 2003/…/EC to be applied from 1 January 2005 in accordance with Article 17 thereof, and for the application of automatic exchange of information (or, during the transitional period defined in Article 10, the application of a withholding tax) not later than 1 January 2005.

The Council is not in a position to inform the Honourable Member about the positions of Liechtenstein, Andorra, San Marino and Monaco concerning exchange of information on the basis of the OECD's 2002 parameters as the Commission is conducting negotiations with those countries on the subject.

With regard to the United States of America, the Council would remind the Honourable Member that, at its meeting on 21 January 2003, it considered on the basis of a Commission report submitted to the Ecofin Council on 3 December 2002 that sufficient assurances had been obtained from the United States concerning the application of 'equivalent measures' to those provided for in the draft Directive.

Subject: Protection of the European cultural heritage

Both Article 151 of the EC Treaty and the draft European Constitution just approved by the Convention stress the major importance of the European cultural heritage and the need to maintain and preserve it in full for future generations.

In the existing fifteen Member States alone, there are 188 sites included the Unesco World Heritage List.

This extensive heritage is, however, under continual threat from planning developments and speculation in the construction sector affecting historic sites. This poses severe risks to protected natural areas, despite the importance of rigorous protection of our unique heritage, as one of the symbols of Europe’s identity.

A recent example is the appeal forwarded to the Spanish authorities by several thousand citizens — including personalities from European social and cultural milieux — regarding the threat posed to the San Lorenzo del Escorial monastery (Spain), which has been on the Unesco World Heritage list since 1984, by the disturbing rate of urban development affecting its crucial natural surroundings.

Is the Commission aware of this serious problem? If so, will it ask the Madrid regional government and the Spanish government to provide information as a matter of urgency?

Will the Commission act to give real teeth to the Convention Concerning the Protection of the World Cultural and Natural Heritage, which has been signed by all the EU Member States?

Answer given by Mrs Wallström on behalf of the Commission

(26 September 2003)

Decisions on land use are generally regulated in accordance with domestic law in the Member States. Nevertheless, in accordance with Directive 85/337/EEC(1), certain urban development projects, including the construction of shopping centres and car parks, require environmental impact assessment (EIA) if they are likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location. An EIA must describe the aspects of the environment likely to be significantly affected by the proposed project including, amongst other things, the architectural and archaeological heritage. The EIA must be carried out before consent is given for the project and must be taken into consideration in the development consent procedure.

Should any evidence suggest that the Directive is not being applied correctly in this case, it can be forwarded to the Commission.

With regard to Article 151 of the EC Treaty, this only grants the Community the power to encourage co-operation between Member States and, if necessary, to support and supplement their actions to conserve and safeguard cultural heritage of European significance. Neither the Community nor the Commission have powers on the basis of this Article to intervene in the approach taken by any Member State to a particular site. For this same reason, the Community is not a party to the Unesco Convention for the protection of the world’s natural and cultural heritage and the Commission can therefore play no role in its application, the responsibility for which lies exclusively with those States who are party to the Convention.

WRITTEN QUESTION E-2457/03
by Patricia McKenna (Verts/ALE) to the Commission
(23 July 2003)

Subject: Anti-competitive actions of the Irish State in the electricity market

On 9 July, the Irish State announced the award of renewable energy Power Purchase contracts under the AER competitive tendering type support scheme, which the Commission previously cleared as State aid. The main beneficiary is a subsidiary of the national electricity utility ESB. ESB’s Kish Consortium has won 100% of the offshore wind contracts.

Would the Commission agree that such awards hinder the liberalisation process, when ESB already controls 88% of Irish electricity generation, as well as owning the transmission network, and also undermines commitments by both the State and ESB to reduce its share to some 60%?

Would the Commission agree that allowing ESB to allocate large amounts of equity from its balance sheet to its subsidiaries so that they can undercut commercial entities constitutes a market distortion and contradicts a true arms-length relationship between these entities, for which the Energy Regulator had produced apparently inadequate regulations?

Does the Commission consider it proper for the Irish State to provide this kind of support to companies of which it is the overwhelming majority owner, where additionally, the State proposes to place these ownerships on the market in due course?

Does this action alter the Commission’s conclusion under its State aid approval that there were no State aids to ESB?

How does this action accord with the Directive on public procurement, as regards the participation of public undertakings?

Will the Commission now request the Irish State to immediately halt the implementation of the awards to ESB and partners while the Commission investigates these questions?

Answer given by Mr Monti on behalf of the Commission
(15 September 2003)

The Commission decision on state aid for the AER scheme (1) does not lay down any requirement as to the nature of tenderers. It is designed to increase the volume of electricity produced in Ireland using renewable energy sources and there is no reason why Electricity Supply Board (ESB) subsidiaries should not participate in this increase provided that they meet the requisite conditions to win tenders. It should also be noted that Article 9(1)(b) of the Utilities Directive 93/38/EEC (2) provides for a specific derogation from the Directive even where energy purchases are concerned and that, in particular, the Directive does not apply to 'contracts which the contracting entities (…) award for the supply of energy or of fuels for the production of energy’. One of the contracting entities listed in that Directive is ESB.

The fact that ESB is boosting its capacity to generate electricity from renewable energy sources is not incompatible with the fact that its share of total electricity production in Ireland is declining, since this decline may be due to a reduction in its production capacity from conventional sources.

The Commission takes the view that, as ESB’s majority shareholder, the Irish State is free to manage the company’s capital as it sees fit, provided that it acts in accordance with the market-economy investor principle. In the case in point, the Commission does not possess any information suggesting that ESB subsidiaries have received aid from their parent company in the form of, say, supplies at lower-than-market prices.
The Commission therefore has no intention of amending its above decision so as to exclude ESB subsidiaries from the AER scheme.

The aforementioned Commission decision does not exclude the possibility of selected green electricity producers, including some ESB subsidiaries, receiving state aid. It merely rules out the possibility of ESB, as the channel for aid and the recipient of state subsidies which it redistribute in full to selected green electricity producers, itself receiving aid within the meaning of Article 87(1) of the EC Treaty on that basis. As such, the Commission’s conclusions are not affected by the facts as reported by the Honourable Member.

Accordingly, the Commission does not intend to intervene in the award of contracts to ESB or its partners.


(2004/C 70 E/103) WRITTEN QUESTION E-2463/03
by Professor Sir Neil MacCormick (Verts/ALE) to the Commission
(23 July 2003)

Subject: Under-age EU citizens

Can the Commission comment on the rights of under-age EU citizens in respect of residence within the Union? If an under-age EU citizen has parents who are not themselves EU citizens, it appears that the under-age EU citizen has no right of residence within the Union. This is because the rights do not apply to non-EU parents of EU under-age citizens. Does the Commission consider that this is an accurate statement of the position, and if so does it not consider that current arrangements are in violation of the Charter of Fundamental Rights of the European Union, Article 24(3)?

Answer given by Mr Vitorino au nom de la Commission
(25 September 2003)

An under-age Union citizen has the right to reside in another Member State as long as he/she fulfils the conditions for exercising the right of residence under Community legislation, i.e. being a worker (salaried or self-employed), a student or somebody with enough financial resources and a medical insurance.

Under Community legislation the right of residence of a Union citizen, except in the case of students, extends to his/her parents, regardless of their nationality, if they are dependent on the Union citizen. In the case of an under-age child, this is in general not the case, as usually it is the child who is dependent on the parents.

Nevertheless, if the under-age child fulfilled the conditions of right of residence recalled above and his/her parents were financially dependent on him/her, the parents would enjoy a right of residence under Community law.

However, in the recent Judgement of the Court of Justice of 17 September 2002 in Case C-413/99 Baumbast and R, the Court of Justice confirmed the principle whereby the provisions of Community law concerning free movement of persons must be interpreted in the light of the requirement for respect for family life, provided for by Article 8 of the Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), this respect being one of the basic rights recognised by Community law.
Applying this principle, the Court held that where children enjoy a right of residence in a Member State to follow courses of general education there in accordance with Article 12 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (1), this provision, if it is not to be deprived of its useful effect, must be interpreted as allowing the parent who has actual care of the children, irrespective of nationality, to remain with them so as to facilitate the exercise of that right, even if the parents are divorced or the parent who has Union citizenship is no longer a migrant worker in the host Member State.

It follows from this judgement that the parent, irrespective of nationality, who has actual care of the child, even if he or she is not gainfully employed in the host Member State, has the right of residence and cannot be obliged to prove that he or she has sufficient resources or healthcare insurance, because the right of residence is based not on Council Directive 90/364/EEC of 28 June 1990 on the right of residence (2) but on Article 12 of Regulation (EEC) No 1612/68, which does not impose such conditions.

Another interesting case, addressing the issue of rights parents can derive from their underage children, is being currently examined by the Court of Justice (Case C-200/02 Chen). The case concerns the right of residence of a Chinese mother of a baby girl who is Irish. The Chinese mother went to give birth to her child in Ireland in order for the child to acquire Irish nationality. Mother and daughter then moved to the United Kingdom where the Chinese mother claimed right of residence under Community legislation. The Court will ascertain whether the mother can derive her right of residence from her child, even if the child does not fulfil the conditions of right of residence and her mother is not dependent on her (in this case the baby is dependent on the mother). The answer given by the Court will clarify the issue.


(2004/C70E/104)

WRITTEN QUESTION E-2467/03

by Catherine Stihler (PSE) to the Commission

(24 July 2003)

Subject: Digital tachographs: Corrections to Annex 1B

On 16 December 2002 there was a meeting held in Brussels between the Commission and manufacturers of tachograph equipment and cards. This meeting highlighted the fact that a number of errors had appeared in the text of Annex 1B between submission for publication by the Commission and publication in the Official Journal. These errors, though apparently small, were such that type approval was not possible without correction of the text. A tachograph CATP meeting was held on 26 June 2003 where these errors were reviewed and corrections were agreed. The Commission stated at the CATP meeting that the corrections would probably be published in the Official Journal in September 2003.

Whilst it is quite acceptable to carry out type-approval testing against requirements not yet published, it is normal legal practice only to issue type-approval certificates against an officially published text.

Will the Commission please confirm that this is the case here? In other words, please confirm that type-approval certificates may only be issued after publication of the text against which approval is sought?

If the Commission is unable to confirm this interpretation, will it please indicate the legal basis for its alternative interpretation?
On 26 June 2003 at a meeting of the CATP (Tachograph Committee) the Commission proposed a number of corrections to the text of Annex 1B \(^1\). The Committee unanimously agreed to these corrections.

Copies of the agreed corrections were then sent to the members of the Committee, to industry and to other stakeholders, in order to prepare for type approval of the recording equipment and the tachograph cards.

Meanwhile, the Commission will prepare the adoption and publication of the corrections. Publication in the Official Journal is expected in October/November 2003.

It should be noted that between the delivery of first provisional interoperability certificates and the definitive interoperability certificates, a period of at least four months should intervene. Only if a manufacturer holds a definitive interoperability certificate (plus a security certificate and a functional certificate) can he apply for a type approval certificate. The first interoperability tests are expected to start soon now and as soon as they have been completed, the manufacturers can apply for the type approval certificate. Therefore, Member State authorities will be able to issue type approval certificates on the basis of the text of the Annex 1B, including the corrections, as officially published in the Official Journal of the European Union.

Answer given by Mrs de Palacio on behalf of the Commission

(26 September 2003)

Recent accidents with buses and trucks have demonstrated that in an increasingly competitive road transport market, there is an urgent need for reliable and tamperproof equipment to check driving times and rest periods in road transport. Therefore, the Commission attaches great value to the quick introduction of the digital tachograph.

Although there were no type approved digital tachographs and smart cards before 5 August 2003, the first type approvals are expected later this year (2003).

Given a delay of the type approvals by only a few months, the submission by the Commission of a proposal for an extension of the implementation deadlines through the co-decision procedure, would in all likelihood considerably delay the introduction of the digital tachograph. However, in the light of widespread abuses of the current analogue tachograph with its negative consequences for road safety, the digital tachograph should be introduced as soon as possible. Therefore, the Commission intends to assess the situation later this year (2003), when the first type approval is expected to be granted.

Meanwhile, the current implementation deadlines for taking the necessary measures to ensure the issuing of tachograph cards and for fitting new trucks and buses with the digital tachograph, as described in Council Regulation (EC) No 2135/98, shall remain unchanged.


(2004/C 70 E/106)

WRITTEN QUESTION E-2470/03

by Catherine Stihler (PSE) to the Commission

(24 July 2003)

Subject: Digital tachographs: type approval

The requirements for type approval of equipment are laid out in Chapter VIII of Annex 1B to Regulation (EEC) 3821/85 as amended by Regulation (EC) 1360/2002 – ‘Type approval of Recording Equipment and Tachograph Cards’.

Within this chapter, Requirement 271 states:

Member States type approval authorities will not grant a type approval certificate in accordance with article 5 of this Regulation, as long as they do not hold:

- a security certificate,
- a functional certificate,
- and an interoperability certificate,

for the recording equipment or the tachograph card, subject of the request for type approval.

Section 6 of this chapter specifies in Requirements 291 and 292 an ‘Exceptional procedure: first interoperability certificate’. This states that:

Until four months after a first couple of recording equipment and tachograph cards … have been certified as interoperable, any interoperability certificate delivered … shall be considered provisional. If at the end of this [four month] period, all products concerned are mutually interoperable, all corresponding interoperability certificates shall become definitive.
Will the Commission please confirm that, in the case of the first the interoperability certificate to be granted, the interoperability certificate referred to in Requirement 271 is the definitive certificate defined in Requirement 292 and not the provisional certificate from Requirement 291?

If the Commission is not able to confirm that a definitive interoperability certificate is needed prior to issue of the first type approval certificate(s), then would they please explain how this 'exceptional procedure' is to be interpreted?


Answer given by Mrs de Palacio on behalf of the Commission

(24 September 2003)

According to paragraph 1.1 of Appendix 9 of Annex 1B to Commission Regulation (EC) No 1360/2002 of 13 June 2002 adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport, EEC type approval for recording equipment or tachograph cards is based on a security certification, a functional certification and an interoperability certification.

Chapter VIII of Annex 1B describes the interoperability certification process. The aim of this chapter is to ensure full interoperability of all registered recording equipment and cards and to ensure fair competition between manufacturers. Full interoperability cannot be ensured until definitive interoperability certificates have been delivered.

According to the interoperability procedure, tests will start as soon as requests for the first recording equipment and tachograph cards have been registered at the laboratory in charge. Up until four months after the first couple has been certified to be interoperable, any interoperability certificates delivered, including the first ones, shall be considered provisional. If at the end of this period all products are mutually interoperable, all provisional interoperability certificates shall become definitive. If, however, interoperability faults are found during this period the laboratory shall invite the manufacturers to make modifications. The search for solutions shall last for a maximum of two months.

According to the provisions of Chapter VIII of Annex 1B, modifications can be imposed on manufacturers as long as the interoperability certification process has not been completed. During this period all interoperability certificates are considered provisional. Obviously, given the fact that during this period modifications can be imposed and thus full interoperability cannot be ensured, no products shall be brought on the market. Type approval shall therefore only be granted on the basis of a definitive interoperability certificate.

(2004/C 70 E/107) WRITTEN QUESTION E-2472/03

by Marie Isler Béguin (Verts/ALE), Charles Tannock (PPE-DE), Alima Boumediene-Thiery (Verts/ALE), Patsy Sörensen (Verts/ALE) and Miquel Mayol i Raynal (Verts/ALE) to the Council

(24 July 2003)

Subject: Regions adjacent to the enlarged Union’s external borders

The current process of enlargement towards the east will, in the near future, alter the EU’s political, economic and social makeup, as harmonisation, protection and transitional aid measures are applied in the applicant central European and Baltic countries.

Given their particular sensitivity to this process of economic alignment, during the successive enlargements of the EU the eastern border regions of the Member States (1) and, subsequently, the applicant countries, have benefited from special programmes and aid intended to guard against and mitigate imbalances and socio-economic repercussions within their borders. The western border regions of the European countries
neighbouring the enlarged EU, such as Belarus, Moldova and Ukraine, are primarily and intrinsically dependent on the interregional economy and trade with their many partners on the EU side of the border. These three eastern European countries, which form part of our continent's history and identity, are directly concerned by the implications of the EU enlargement process at all levels. The current Moldovan and Belarussian governments' predecessors clearly stated their wish to join the EU, and this has remained a priority for the current Ukrainian Government.

On 11 February 2003 the European Parliament adopted a report by Pedro Marset Campos on 'relations between the European Union and Belarus: towards a future partnership', in which it called on the Commission, 'in order to prevent any cracks from appearing in the economic or social structure at the future eastern border of the enlarged EU and to curb smuggling and immigration, to develop Community financial programmes and support for the western regions of the new neighbours to the East, Ukraine, Belarus and Moldova, on the same scale as those already being implemented in the eastern regions of the neighbouring candidate countries'.

1. What interregional programmes does the Council intend to implement with a view to providing support for symmetrical social and economic development on both sides of the EU's future eastern border so as to guard against a widening gulf between the new Member States and Ukraine, Moldova and Belarus?

2. What preventive measures does it intend to take in order to protect cross-border trade in this region, a trade which, in Ukraine, accounts for one third of imports and provides a livelihood for 20% of the population, and which is directly threatened by the introduction of visas on 1 July 2004?

3. Would the Council not agree that in order to maintain and foster the existing social and economic links between the applicant countries and these eastern European partners coordination between the PHARE and TACIS and Interreg and PHARE-CBC programmes should be optimised and, if necessary, reorganised?

(1) An action plan for regions bordering on applicant countries was adopted on 25 July 2001.

Reply

(5 December 2003)

The European Council in Thessaloniki confirmed the EU engagement regarding its neighbours, whose stability and prosperity is inextricably linked to that of the EU, and looked forward to the work to be undertaken by the Council and the Commission in putting together the various elements of the neighbourhood policies. The European Council also endorsed the conclusions on Wider Europe — New Neighbourhood adopted by the Council on 16 June last.

In order to implement the conclusions of 16 June 2003, the Council invited the Commission to present proposals for Action Plans from 2004 onwards for all countries concerned, to examine measures to improve the interoperability between the different relevant instruments for support to the border areas as well as to present a communication on a possible new Neighbourhood Instrument. On 1 July last, the Commission adopted the Communication 'Paving the way for a New Neighbourhood Instrument', which provides a basis for developing the relevant instruments aimed at enhancing cross-border and regional/ transnational co-operation on the external borders of the Union.

At present, the relevant bodies of the Council are considering possible actions for the period 2004-2006 aimed at significantly improving co-ordination between the various financing instruments concerned, while fulfilling existing commitments and obligations regarding the current programming period up to the end of 2006. These actions should be based on the existing legislative and financial framework for cross-border cooperation such as Interreg, PHARE-CBC, TACIS-CBC, CARDS and MEDA. For the period after 2006, the reflection will continue on the different options that the Commission described in its Communication, including the creation of a single New Neighbourhood Instrument.
WRITTEN QUESTION E-2475/03
by Glenys Kinnock (PSE) to the Council
(24 July 2003)

Subject: Burma

The EU’s sanctions against Burma have recently been extended, with an increase in the number of people subject to a visa ban, and assets being frozen. Could the Council comment on whether these steps represent a strengthening of the sanctions, and what impact these sanctions are expected to have on the Burmese regime?

Reply
(5 December 2003)

1. On 16 June 2003, the Council discussed recent developments in Burma/Myanmar and expressed its continued grave concern over the events of 30 May and the deteriorating overall situation. The Council urged the Burmese authorities to immediately release Daw Aung San Suu Kyi as well as other members of the National League for Democracy (NLD), and to re-open NLD offices and universities throughout the country.

2. In order to re-launch a process of national reconciliation and transition to democracy in Burma/Myanmar, the Council urged the authorities to enter into a substantial and meaningful political dialogue with the NLD as well as other political groups. The Council reiterated its call to Burma to respect its promises to release all political prisoners and expressed its deep concern over the noted increase of politically motivated arrests.

3. In accordance with its commitment to react proportionately to developments in Burma/Myanmar and in light of the serious deterioration of the situation in the country, the Council decided on 16 June 2003 to implement without delay the extended sanctions mentioned by the Honourable Member of Parliament. Originally it had been envisaged to put them into force by October 2003.

4. The Council invites the Honourable Parliamentarian to address also her question to the Commission which is currently assessing the impact of all existing sanctions on the Burmese regime.

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WRITTEN QUESTION E-2480/03
by Daniel Varela Suanzes-Carpegna (PPE-DE) to the Commission
(24 July 2003)

Subject: Canned tuna from Thailand, the Philippines and Indonesia

The production of some types of canned tuna from Thailand, the Philippines and Indonesia involves the use of hydrolysed proteins to increase the drained weight of the product, a practice which might constitute consumer fraud bearing in mind that Community processing firms producing the same types of canned tuna in the EU do not use proteins as part of the production process.

Does the Commission not believe that the use of this protein in the production of the above canned tuna and its subsequent import into the EU might constitute fraud both against consumers and the Community industry?
Answer given by Mr Byrne on behalf of the Commission

(26 September 2003)


The use of substances binding excess water in fishery products, such as hydrolysed proteins, is not authorised under this Directive.

It is up to the Member States, responsible for carrying out veterinary checks on importation, to check that hydrolysed proteins are not present in fishery products imported from third countries and to take the requisite measures (such as ordering the return of the consignment to its country of origin).


WRITTEN QUESTION E-2518/03

by Dorette Corbey (PSE) to the Commission

(29 July 2003)

Subject: Transatlantic cooperation on biodiversity conservation

On 25 June 2003 Canada, Mexico and the United States adopted a long-term strategy on North American cooperation in the conservation of biodiversity. In the Communication 'Biodiversity Action Plan for the Conservation of Natural Resources' (1), the Commission indicates that action needs to be taken to promote better coordination between different initiatives in the international forums in the field of climate change, ozone layer depletion and desertification to avoid duplication of efforts, in particular with respect to reporting procedures and to identify interactions between the CBD and activities under other existing international agreements in order to optimise the opportunities for synergy.

1. Does the Commission agree with me that the decision by the NAFTA countries provides an excellent opportunity to strengthen transatlantic cooperation on biodiversity conservation?

2. Can the Commission indicate if and how it intends to intensify transatlantic cooperation in this area?

3. Does the Commission intend to develop biodiversity indicators in cooperation with the NAFTA countries?

The NAFTA countries also adopted a resolution on the development of indicators of Children’s Health and the Environment in North America.

4. How does this resolution overlap with the European Environment and Health Strategy?

5. Does the Commission see room for transatlantic cooperation in developing indicators of children’s health and environment?

Answer given by Mrs Wallström on behalf of the Commission

(17 September 2003)

1. and 2. The Commission welcomes the recent adoption of the long-term strategy on North American cooperation in the conservation of biodiversity. It considers that the Convention on Biological Diversity (CBD) is the main forum for international cooperation on the conservation and sustainable use of biological diversity. The CBD has currently 187 Parties, including the Community, all the Member States and Acceding Countries, Mexico and Canada. The United States has not yet ratified the CBD.

The Commission has always supported regional level implementation of the CBD and has a long standing experience in this respect, both at the Union level (see inter alia the Union Biodiversity Strategy (1) and Action Plans (2)) and at Pan-European level in the context of the Council of Europe Pan-European Biodiversity and Landscape Strategy and the Environment For Europe Conferences.

The Commission is in principle willing to share its experience with the North American Commission for Environment Cooperation in the context of ongoing transatlantic cooperation.

3. As indicated in the 6th Environment Action Programme, the Commission is actively contributing to the development of biodiversity indicators. For example, the Commission is working with the European Environment Agency on the Biodiversity Implementation Indicators (Bio-IMPs) project which aims at developing and testing biodiversity implementation indicators for the Community in the framework of requirements of the CBD (3). This project consults internationally through the International Working Group of Biodiversity and Monitoring Indicators (IWG-BioMIN). The issue is also subject of intensive work under the CBD involving both European and North American experts (4).

4. The recently adopted ‘European Environment and Health Strategy’ (5) announces the development of harmonised environment and health indicators, with no specific focus on children’s environment and health indicators.

5. The ‘European Environment and Health Strategy’ is developed for the enlarged Union, fully involving the Acceding Countries. Given the different situation in America with regard to environment and health, but also because of the lack of human and financial resources, the Commission is not able for the moment to actively co-operate with North America on this particular issue, but it intends to be fully informed about the situation outside Europe.

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(2) Communication from the Commission to the Council and the Parliament on Biodiversity Action Plans in the areas of Conservation of Natural Resources, Agriculture, Fisheries and Development and Economic Cooperation, COM(2001)162 final; Council Conclusions of 18th June (Fisheries); 19th June (Agriculture); 29th October (Environment); 8th November (Development); European Parliament non-legislative resolution A5-0061/2002.
(3) See http://biodiversity-chm.eea.eu.int/convention/cbd_ec/F1046676334
(4) See http://www.biodiv.org/programmes/cross-cutting/indicators/
procedure the Council deleted remarks from the Preliminary Draft Budget of the European Court of Justice (budgetary item A-1090) which provided for this weighting to apply to Members of the Court of Justice 'by analogy to the Staff Regulations of officials of the European Communities'.

1. Will the Council say why did it delete these remarks from the Budget of the Court of Justice?

2. How does it view the fact that, according to the Commission (see the answer to my Written Question P-1508/03 (1)), members of the Court of Justice are still transferring their salaries in the current financial year to benefit from the weighting? Does it endorse the continuation of this practice?

3. How does it evaluate the statement by Vice-President Kinnock in the answer to the above Written Question 'that the remark on the budget item in question had no effect on the legality of the matter, and the deletion of the remark had no effect on it either'?

4. Does it share Mr Kinnock's view expressed in the answer that the remarks by the Council and Parliament on the implementation of the expenditure have no effect on the legality of the matter?

5. Can it confirm that no provision is made for the possibility of such transfers of salaries in application of the weightings and that this is not mentioned anywhere in the relevant regulations on the emoluments of members of the institutions?


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Reply

(5 December 2003)

The issue raised by the Honourable Member is currently being considered by the Council's preparatory bodies in order to find an appropriate solution.

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WRITTEN QUESTION E-2536/03
by Ilda Figueiredo (GUE/NGL) to the Commission

(29 July 2003)

Subject: Outcome of the CAP reform compromise for Portugal

On 25 and 26 June 2003 the Agriculture Council reached a political agreement on CAP reform.

According to the figures announced by the Portuguese Minister of Agriculture, Portugal will apparently benefit from a rise in funding of about EUR 168 million a year, of which EUR 33 million will be accounted for by net transfers resulting from 'modulation' and the remainder by the 50,000 tonne increase in the milk quota, together with 90,000 additional production rights for beef and veal, that is to say EUR 20 million.

These figures have, however, been challenged in the media.

Can the Commission therefore say how Portugal is likely to be affected by the current CAP compromise as regards:

− the level of annual net transfers under the heading of modulation;
− the difference in terms of estimated impact between the political agreement in the Council and the initial Commission proposal as far as modulation is concerned;
− the impact of the political agreement in the Council on the beef and veal sector in Portugal, bearing in mind that there has been no take-up whatsoever of the earlier programme to convert arable land into livestock units?
Answer given by Mr Fischler on behalf of the Commission

(24 September 2003)

It has been estimated by the Commission that, under the Common Agricultural Policy (CAP) reform compromise, modulation will generate around EUR 12 million of funds in Portugal. Applying the agreed criteria for the distribution of modulated funds across EU-15, the Commission’s estimate matches the EUR 33 million net transfer figure, reported by the Honourable Member.

The political agreement in the Council changed several parameters for calculating the financial impact of modulation, which makes comparison with the initial Commission proposal problematical. With the agreed package, the proposed level of franchise was kept and the modulation mechanism will recompense net beneficiaries sooner. However, modulation will reach an annual rate of 5%, rather than 6% as proposed. Concerning the redistribution of the modulated funds, 20% will be allocated directly to the Member State, in which it was generated, while the remaining 80% will be distributed according to the allocation key based on agricultural area, agricultural employment and a prosperity criterion. The net effect of these changes is that, within the current financial perspectives, the arrangement has been beneficial for Portugal.

As the Portuguese conversion programme of land currently under arable crops to extensive livestock farming will de facto be repealed at the entry into force of the single farm payment scheme, Portugal is allowed to carry out an operation to complete the remaining conversion while taking into account the specificity of the suckler cow sector in Portugal. As a result, the number of suckler cow premia for Portugal shall be increased to 416 539 animals. The Commission will undertake a revision of its original assessment of the impact on Union agriculture of the 2003 CAP Reform once the legal texts have been adopted by Council.

(2004/C 70 E/113)

WRITTEN QUESTION E-2538/03
by Ilda Figueiredo (GUE/NGL) to the Commission

(29 July 2003)

Subject: Proposals to do away with the CAP and the Structural Funds – ‘Secret report’

On 17 July 2003 the Portuguese newspaper Público and the French newspaper ‘Le Monde’ carried a story that, at a meeting of the Members of the Commission on 16 July 2003, the Commission President, Romano Prodi, had unveiled a report in which it was proposed to ‘divert’ the agricultural and structural policy budgets from their intended purposes and use them instead to finance what is termed the ‘Lisbon agenda’.

This ‘secret’ report, which the President apparently asked his advisers to produce more than a year ago, is said to have been drawn up under the responsibility of Michel Sapir.

Given that the proposals it contains are a serious matter, especially the idea of abandoning and renationalising the common agricultural policy and structural policy, violating the principles of solidarity among Member States and economic and social cohesion, can the Commission send me a copy of the report?

Answer given by Mr Prodi on behalf of the Commission

(29 September 2003)

The report to which the Honourable Member is referring is in the public domain and is not secret. It has been on the Commission website (1) since it was sent to the Commission President on 17 July 2003.

The report was produced by a group of independent experts asked by the Commission President in July 2002 to examine all the EU’s economic policy instruments with a view to stimulating discussion on the future strategies for ensuring rapid growth in an enlarged Union while maintaining stability and cohesion.

(1) http://europa.eu.int/comm/commissioners/prodi/pdf/agenda_for_growing_europe_en.pdf
WRITTEN QUESTION E-2559/03
by Robert Evans (PSE) to the Commission
(4 August 2003)

Subject: Subsidies for animal transport

Live animals exported from the EU face long and distressing journeys. The EU has for many years subsidised this suffering.

For how long is the Commission intending to continue providing subsidies for the export of live animals to Egypt and Lebanon?

Answer given by Mr Fischler on behalf of the Commission
(26 September 2003)

The Honourable Member once more raises an important issue and one on which the Commission has been active recently following undertakings made to Parliament in 2002.

The Community has very strict rules on animal welfare in general and on the transporting of animals in particular. The Commission has recently adopted Regulation (EC) No 639/2003 (1) to replace Regulation (EC) No 615/1998 (2) and designed to reinforce veterinary controls and penalties for non-compliance with animal-welfare rules during the exportation of live animals with the help of refunds. These controls and the rules behind them apply equally to breeding stock and to animals for slaughter.

With the adoption of Regulation (EC) No 118/2003 (3), the Commission has considerably reduced refunds on live animal exports, in the case of slaughter animals leaving only those for male animals exported to Lebanon and Egypt. These two countries have a production and trade structure strongly influenced by cultural and religious traditions. As a result, they import only very little meat compared to imports of live animals.

In the case of Lebanon, live animals account for almost 80% of all beef imports, as carcasses or on the hoof, from all origins. Community exports of beef to Lebanon are thus mainly in the form of animals for slaughter, the Union being the principal supplier. If refunds were discontinued, Community exports of these animals would not be replaced by exports in the form of meat but by imports of live animals for slaughter from other competing countries. This is what has happened in the case of Egypt: when our traditional exports of beef animals were blocked as a result of the BSE crisis along with all other beef and veal products, they were replaced by imports of slaughter animals from Australia with a much longer transport route than from Europe. In general, third countries have much less strict rules on animal welfare than those in the Community.

Finally, it is worth pointing out that the drastic reduction in refunds for live bovines, in terms of eligible classes and destinations, will contribute to ensuring respect for animal welfare during transport.

WRITTEN QUESTION E-2587/03
by Marco Pannella (NI) to the Council
(8 August 2003)

Subject: Execution of Faramaz Mohammadi, the 19-year-old leader of the student movement at Tabriz University (Iran)

On 22 July, Xalq Qazeti, an Azerbaijan newspaper, published a report according to which:

- some days earlier the Tabriz Revolutionary Court had sentenced a leader of the student movement, Faramaz Mohammadi, to death;
- Faramaz Mohammadi, a nineteen-year-old Azerbaijani citizen, was a student at Tabriz University and a key figure in the student movement;
- after the execution her body was taken to Ardabil;
- she was one of the organisers of the student movement at Tabriz University and had delivered radical speeches against Iran’s Persian and mullah regime;
- although the court had passed the death sentence a month before, she had been executed two days earlier.

Is the Council aware of the events described and, if so, what action has it taken or does it intend to take? Does it not consider that all relations with Iran should be suspended and any resumption thereof be made subject to respect for fundamental human rights and a moratorium on capital punishment?

Reply
(5 December 2003)

The Council is not aware of the events described and never comments on information contained in press releases. The Council normally bases its decisions to act in individual cases on corroborated reports. To the Council’s knowledge, this particular information has not been corroborated.

WRITTEN QUESTION E-2589/03
by Philip Claeys (NI) to the Council
(8 August 2003)

Subject: Possible follow-up to the ‘defence summit’ held in Brussels in April 2003

In late April 2003 in Brussels, at the invitation of the Belgian Government, something akin to a defence policy summit was held involving only France, Germany, Luxembourg and Belgium itself. According to the participants, the talks were being held with the ultimate aim of strengthening the European pillar of NATO. A core set of collective capabilities was to be developed and by 2004 at the latest strategic headquarters were to be set up at the Panquin Barracks in Tervuren.

What is the precise status of these decisions?

Have the proposals drawn up by the above-mentioned Member States since been discussed further in the presence of the other Member States? If so, what was the outcome of those talks?

Does the Council have a timetable for possible talks on the development of a core set of collective military capabilities?

Has the Council taken steps to ensure the availability of the Panquin Barracks? Have practical arrangements been made with a view to financing the process of making this facility operational?
Reply

(5 December 2003)

As the meeting referred to by the Honourable Member was not held within the legal framework of the European Union, it is not for the Council to comment on the status of any decisions taken at that meeting. Likewise, the Council does not have a timetable for talks on developing a 'core set of military capabilities'.

However, the proposals made at that meeting were presented to the Council in May 2003 by the participants.

The issue of military capabilities is regularly on the Council agenda.

(Written Question E-2595/03)

by Theresa Villiers (PPE-DE) to the Commission

(14 August 2003)

Subject: Conditions on the London Underground

Concern has been expressed as to whether dust particles pose a serious health risk to passengers using the London Underground. A meeting of the Greater London Authority's Transport Committee on Monday, 14 July 2003 called upon London Underground to conduct scientific studies to investigate this issue.

In the light of these concerns, will the European Commission indicate whether European laws exist to regulate safe levels of dust particles in underground transport systems?

Is the European Commission aware of this problem on the London Underground, and has it conducted any studies to identify safe levels of dust particles?

Is the European Commission aware of any health risks to the elderly, children and those with circulatory and respiratory diseases resulting from exposure to high levels of dust on underground transport systems?

(Written Question E-2596/03)

by Theresa Villiers (PPE-DE) to the Commission

(14 August 2003)

Subject: Conditions on the London Underground

Recent reports in the London media have highlighted record high temperatures on the London Underground of up to 97 °F (36 °C) on the Northern, Central, Piccadilly and Victoria Lines. Such conditions prevent passengers from travelling comfortably and may jeopardise passenger safety.

In the light of these concerns, will the European Commission state whether such conditions contravene any European law on passenger health and safety or any environmental rules?

Will the European Commission confirm whether such conditions would contravene European law if live animals were being transported in this way?
Air quality is one of the areas in which Europe has been most active in recent years, and Community legislation on air quality comprises in particular the Air Quality Framework Directive (Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management (1)) and a number of ‘daughter Directives’ targeting specific pollutants.

The air quality legislation establishes limit values for concentrations for various pollutants. Among other pollutants it covers concentrations of suspended particulate matter (and therefore ‘dust’). However, the limit values concern only ambient air, which is defined as ‘outdoor air in the troposphere, excluding work places’. The limit values do therefore not apply to areas inside an underground transport system.

Community legislation relating to the licensing of railway operators (2) does require railway undertakings to comply with national law and regulatory provisions such as safety requirements applying to staff, rolling stock and the internal organisation of the undertaking, provisions on health, safety and the rights of workers and consumers. Member States may, however, exempt railway undertakings that only operate urban or suburban rail passenger services from the scope of these Directives.

The Community legislation on the protection of animals during transport(3) concerns transport of a completely different nature and only for commercial purposes, and is not relevant in the case of the London Underground.

The Commission is aware that air pollution and/or extreme temperatures as experienced during this summer can cause severe problems, in particular for vulnerable people such as the elderly, children and those with circulatory and respiratory diseases. As regards airborne particles, a substantial body of new scientific evidence on the sources and the health effects has become available during the last few years. These new findings are presently reviewed by the World Health Organisation (WHO) to assist the Commission in the preparation of a thematic strategy for air quality as part of the Clean Air for Europe (CAFE) programme. One preliminary conclusion is that there is no apparent threshold for the health effects due to exposure to particulate matter. Therefore, no safe level may be defined for which there are no effects.

However, within the current legislative framework it remains the responsibility of the competent local, regional or national authorities to take action specific to problems in the London or any other underground system.

Despite this, the project has never been completed; the municipality took the decision before any work began on building the ground. A municipal councillor representing the BNG (Galician Nationalist Bloc) party had earlier asked a notary to draw up an official certification of the state of progress on the project; one and a half years later, on 21 May 2003, the same councillor reported that work on the project was still at a rudimentary stage — all that had been done was to ‘survey the site and build a dirt road leading to it’.

In view of the circumstances, it is essential that the Commission’s services should take the necessary action to ascertain the real state of progress of this project under the Proder programme when it was allocated an EU grant and to establish its real cost and final financing conditions.

Does the Commission intend to carry out a full investigation into this case? Has it already paid the sum corresponding to the Community funding agreed for the project to the competent authorities of the Spanish central government and the Galician regional government? If so, and given that the sum concerned has not to date been used to construct the football ground, can the Commission provide information on what it has in fact been used for?

Answer given by Mr Fischler on behalf of the Commission

(24 September 2003)

The Commission has contacted the Spanish authorities, in particular the Autonomous Community of Galicia, to obtain information about the question put by the Honourable Member.

It should be pointed out that Article 38 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds(1) provides that it is the Member States who are responsible in the first instance for financial control, and therefore it is they that must ensure that the funds are used in accordance with the principles of sound financial management and certify that the declarations of expenditure presented to the Commission are accurate.

The work on the ‘municipal sports complex’ and in particular the construction of the football ground in the municipality of Salceda was funded under the ‘Proder’ measures of the Galician integrated operational programme and managed by the Local Action Group of the Association of Municipalities of O Condado.

The total investment in this project was EUR 226,029, with the European Regional Development Fund (ERDF) contributing EUR 63,243. The cost of the football ground was EUR 59,500.

The project was completed and certified by a competent official in October 2001.

Also, there were two inspection visits by the Xunta (regional government) of Galicia in March and October 2002 to verify that the installations were being used.

According to the information received by the Commission, in November 2002 the Local Action Group received a report from the engineer responsible for the project in which he indicated that the football ground was in need of repair.

This work is being carried out at the present moment.

The Commission will not fail to inform the Honourable Member of any developments in this case.

question. The questioner had no intention of censuring Mr Prodi's work and personal beliefs, but was seeking an assurance that the views he expressed constituted his personal opinion and not the Commission's position.

The High-Level Advisory Group on Intercultural Dialogue in the Mediterranean Area was set up by Mr Prodi's cabinet and by the Group of Policy Advisers (GOPA), and the conclusions of the meetings will be presented in a report to be distributed at the end of 2003, together with a policy statement intended to be read in schools and universities. The Reflection Group on the Spiritual and Cultural Dimension of Europe was convened by Romano Prodi and the results will be collected in a report to be delivered at the end of 2003.

The members of these groups are not remunerated but the Commission pays the expenses for their attending meetings.

Can the Commission say:

- how much it has so far spent on organising and holding the meetings of the High-Level Advisory Group on Intercultural Dialogue in the Mediterranean Area, how much it intends to spend on possible further meetings and on publishing and distributing the report and under what budget heading;

- how much it has so far spent on organising and holding the meetings of the Reflection Group on the Spiritual and Cultural Dimension of Europe, how much it intends to spend on possible further meetings and on publishing and distributing the report and under what budget heading;

- whether the reports will express the personal opinion of Mr Prodi's advisers or a policy position on the part of the Commission?

Answer given by Mr Prodi on behalf of the Commission

(30 October 2003)

In the reply given to question P-2200/03 (¹), the Commission provided information on the two expert groups which were referred to, one working on intercultural dialogue in the Mediterranean basin, and the other on the role of values in European integration. In reply to the Honourable member's present question, concerning the cost of the work of these groups, this is specified below:

For the High Level Advisory Group on intercultural Dialogue in the Mediterranean Area, EUR 75 000 have been spent so far and further EUR 25 000 will be spent until the conclusion of its activities. These figures include the costs of publication and dissemination of the results. The credits involved are mainly from the administrative appropriations of the Commission. The work is expected to be finished by December 2003.

As for the Reflection Group on the Spiritual and Cultural Dimension of Europe, EUR 110 000 have been spent so far and a further amount of about EUR 50 000 will be spent until the conclusion of its activities, including the possibility of the publication of the report of the group. The credits are from the research budget, which includes the possibility of funding meetings of experts in support of the activities in the area of social sciences and humanities.

In the case of the Reflection Group, in addition to the meetings of its own members, the Group has organised a series of public debates which have attracted renowned intellectuals and journalists and which have stimulated significant press and media coverage. The final report will be issued around March 2004.

As indicated on the websites to which the Honourable member was referred in the earlier reply (P-2200/03), the Groups' publications are intended to contribute to the formulation and development of policy and they do not represent Commission policy.

(¹) See page 79.
WRITTEN QUESTION E-2612/03

by Maurizio Turco (NI), Marco Pannella (NI), Marco Cappato (NI) and Gianfranco Dell’Alba (NI) to the Council

(28 August 2003)

Subject: Crimen Sollicitationis Instruction issued by the Supreme and Holy Congregation of the Holy Office of the Holy See to cover up sexual abuse by clergy

On 6 August 2003 the American CBS network revealed a document of the 'Supreme and Holy Congregation of the Holy Office' (now called the Congregation for the Doctrine of the Faith but originally the Sacred Congregation of the Roman and Universal Inquisition) which had been kept secret since 1962.

This document, entitled the Crimen Sollicitationis Instruction, is addressed to all Patriarchs, Archbishops, Bishops and other diocesan Ordinaries ‘even of the Oriental Rite’ on the manner of proceeding in cases of solicitation and is dated 16 March 1962.

Destined to be ‘diligently kept in the secret archives of the Curia’, it gives the clergy strict instructions regarding the conduct to adopt in cases of sex crimes committed by clergy against members of church congregations.

The document shows that the Holy See has prescribed, adopted and caused to be adopted, proposed and imposed upon the ecclesiastical authorities conduct aimed at preventing sex abuse by members of the clergy from coming to public knowledge and to the knowledge of the law, upon penalty of excommunication.

Further, it is clear from the Apostolic Letter ‘Motu Proprio Datae Quibus Normae De Gravioribus Delictis’ signed by John Paul II on 30 April 2001 and from the epistle ‘De Delictis Gravioribus’ of the Congregation for the Doctrine of the Faith signed by Cardinal Ratzinger on 18 May 2001 that, at least on these recent occasions, the Crimen Sollicitationis Instruction has been reconfirmed and attention again drawn to it in the light of the continual spread throughout recent decades of this true scourge of the Catholic ecclesiastical world and of the scandals resulting from it.

As further proof, if that were necessary, there has been widespread condemnation of the refusal to cooperate with the judicial authorities and police inquiries and the obstruction of justice.

In view of the European Union’s institutional and diplomatic relations with the Holy See, can the Council say:

- what enquiries, preventive measures, sanctions and diplomatic steps it intends to take in relation to the fact that the instructions contained in these documents run counter to the policy of the Union and of its Member States on human rights and fundamental freedoms and the fight against sexual abuse, especially that against children and women?

- whether it intends to ask the Holy See to remove these instructions which are clearly and explicitly intended to prevent society, and in particular the administration of justice, from gaining knowledge of a serious moral, social and political evil?

- whether it intends to conduct an enquiry into the relations between the Member States and the Vatican in order to ascertain whether the legal relations regulating them and giving the clergy privileges with respect to the law of the Member States are in breach of international and European law on fundamental rights and freedoms?

- Whether it considers that Article 51 of the draft European Constitution urgently needs to be revised in order to prevent national and European law from creating grey areas and impunity for the clergy?
Reply
(5 December 2003)

The Council has no knowledge of the information reported by the Honourable Members.

The Council is not involved in the negotiations on the draft Constitutional Treaty, which fall within the purview of the Conference of Representatives of the Governments of the Member States.

(2004/C 70 E/122) WRITTEN QUESTION E-2625/03 by Michel-Ange Scarbonchi (GUE/NGL) to the Commission (2 September 2003)

Subject: Establishment of a European civil protection corps

The fires which recently swept through Europe, destroying several thousand hectares of vegetation, highlighted the chronic lack of forest fire prevention and control resources. The Commission must respond to such disasters with the utmost urgency.

While the existence of a European civil protection centre in which the EUMember States plus Iceland, Norway and Liechtenstein are involved and the setting up on 18 August 2002 of a European Solidarity Fund are a cause for some hope, given the devastating impact which fires have on the communities and local councils concerned and the damage they cause to the environment and economic activities such as forestry and tourism, fire-fighting resources need to be stepped up and new prevention and intervention rules need to be laid down at European level.

The management of forests and other natural resources, which cover 60 million hectares in 25 countries in the Mediterranean area, must remain an economic and social priority. The establishment of a European civil protection corps would enable such disasters to be dealt with more effectively.

There are many arguments in favour of a new administrative and technical entity, which could be placed under the supervision of the European Parliament and under the responsibility of the competent national authorities, given that civil protection falls within the sphere of responsibility of the Member States.

In the run-up to the forthcoming enlargement, this would send out a strong signal in support of European forests. What are the Commission’s views on this proposal? Can it take action in support of the establishment of a European civil protection corps?

Answer given by Mrs Wallström on behalf of the Commission
(23 October 2003)

The Commission is already active in the field of civil protection. Following a Council Decision, a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions (1) has been set up, which provides a focal point for the 29 participating countries with a view to closer coordination of civil protection in and outside the European Union.

The Civil Protection Response Centre has been operational 24 hours a day since 1 January 2002. It has the task of facilitating European cooperation in emergencies. When assistance is requested, the centre can call immediately upon the resources of the participating countries to deal with all types of major emergencies. The centre played a very active role in dealing with the recent fires in Europe, deploying all the means available under its mandate.

The idea of creating a European civil protection corps needs to be examined in detail to assess its effectiveness properly. In September 2003, the Commission started to consider whether it might be appropriate to set up a European civil protection force as part of disaster response action to be taken by the Community.
Lastly, the Commission aims to continue its support for Member States to implement forest fire prevention measures. These measures were previously coordinated and financed by Council Regulation (EEC) No 2158/92(2), which expired on 31 December 2002. In future, prevention measures in this field will be supported under Council Regulation (EC) No 1257/99(3) on rural development. The forest fire information system will be part of the ‘Forest Focus’ Regulation, which is still under political debate.


(2004/C 70 E/123)

WRITTEN QUESTION E-2628/03

by Maurizio Turco (NI) to the Commission

(2 September 2003)

Subject: Follow-up on the ‘Resolution on sexual violence against women, particularly Catholic nuns’ adopted by the European Parliament on 5 April 2001

On 5 April 2001 the European Parliament adopted a ‘Resolution on sexual violence against women, particularly Catholic nuns’ (B5-0261, 0272, 0280 and 0298/2001)(1), which referred, among other things, to the following:

(a) the report in the US periodical the National Catholic Reporter indicating that a large number of Catholic nuns had been raped by priests in at least 23 countries;

(b) confirmation by the Holy See that it was aware of cases of rape and sexual abuse of women, including nuns, by Catholic priests, because at least five reports on this subject had been submitted to the Vatican since 1994, and according to those reports many of the nuns raped were also compelled to have abortions or resign, and in some cases became infected with HIV/AIDS.

In adopting the resolution, the European Parliament called:

(a) for those responsible for those crimes to be arrested and brought to justice;

(b) on the judicial authorities of the 23 countries cited in the reports to ensure that all appropriate judicial action was taken to establish the truth about the cases of violence against women;

(c) on the Holy See to take all allegations of sexual abuse within its organisations seriously, to cooperate with the judicial authorities and to remove the perpetrators from office;

(d) on the Holy See to reinstate those female officials who had been removed from their posts for drawing their supervisors' attention to such abuses and to afford the victims the necessary protection from and compensation for any discrimination which might ensue;

(e) for the content of the five reports cited by the National Catholic Reporter to be published in full; and
(f) instructed its President to forward the resolution to the Council, the Commission, the authorities of the Holy See, the Council of Europe, the United Nations Human Rights Commission and the Governments of Botswana, Burundi, Brazil, Colombia, the Democratic Republic of the Congo, Ghana, India, Ireland, Italy, Kenya, Lesotho, Malawi, Nigeria, Papua-New Guinea, the Philippines, South Africa, Sierra Leone, Uganda, Tanzania, Tonga, the United States of America, Zambia and Zimbabwe.

In the light of the above, could the Commission state:

- what initiatives were taken subsequent to the forwarding of the resolution;
- whether contacts were established with the Holy See and the Governments of Ireland and Italy and what the outcome of these was;
- whether the European Parliament's demands concerning those countries with links to the European Union were formalised, and what the response was to these?


**Answer given by Mr Patten on behalf of the Commission**

*(28 October 2003)*

The Commission continues to promote international efforts to protect women against sexual violence. In this regard, the Commission, on behalf of the Community, and the 15 Member States have signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.

Concerning the specific facts referred to in the written question, the Commission has approached the Permanent Mission of the Holy See to the Union's Institutions and has transmitted its concerns while requesting any information relevant to the issue.

The Union's position on the issue is therefore clear and has been articulated in international fora. It does not fall to the Commission to take the suggested steps against the Vatican, nor to intervene as regards the relations between Member States and the Vatican.

(2004/C 70 E/124)  **WRITTEN QUESTION E-2629/03**  
**by Maurizio Turco (NI) to the Commission**

*(2 September 2003)*

**Subject:** Eurostat affair: disappearance of documents from OLAF's offices

According to the German weekly ‘Stern’:

- the minutes of the hearing of a Eurostat official in May 2000 have disappeared from OLAF's file;
- OLAF officials pointed out in an internal report last year that OLAF had failed to take a decision to investigate Eurostat, and also indicated that other documents had 'vanished'.

In the light of the above, could the Commission state:

- when it was that OLAF opened the investigation into Eurostat and when it closed it, which is to say when did it have the first ‘evidence’ relating to those persons whom it later referred to the courts?
- whether the information provided by ‘Stern’ is correct and when and what action has been taken with regard to the disappearance of documents from OLAF's file?
Answer given by Ms Schreyer on behalf of the Commission

(17 October 2003)

The European Anti-Fraud Office (OLAF) launched an initial investigation into one aspect of the activities of the Directorate-General for Eurostat in October 2000 following the presentation of an audit report and an analysis of the other documents. It subsequently launched a number of other investigations into aspects that still concerned Eurostat.

Also according to the information provided by OLAF, it should be pointed out that as of 2001 OLAF has ensured coordination between the different aspects at issue in the Eurostat affair and is devoting substantial resources to the Eurostat investigations. This coordination and the subsequent investigations have resulted in two files being handed over in July 2002 to the Luxembourg Public Prosecutor, who ordered the commencement of judicial proceedings in each case. Both procedures are still pending before the Luxembourg courts. In addition, on 19 March 2003 OLAF notified the Paris Public Prosecutor's Office of facts that could be classified as criminal offences. Judicial proceedings have been opened and are still ongoing.

Furthermore, the Commission has been informed by OLAF that it cannot confirm the disappearance of any documents, particularly documents relevant to a hearing of a Eurostat official in May 2000.

(2004/C70E/125)

WRITTEN QUESTION E-2630/03

by Maurizio Turco (NI) to the Commission

(2 September 2003)

Subject: The Eurostat affair

Knowing that:

1. Letter No 003411 of 18 March 2003 sent by the Director-General of OLAF to the Paris Public Prosecutor under the reference 'CMS No 10120021510' stated that:
   (a) fraudulent activities detrimental to the Community budget and which could be qualified as criminal had been carried on;
   (b) the investigation has revealed that these activities were carried on by the managers of the company Planistat Europe SA, whose head office is in Paris, with the active complicity of European officials;
   (c) all the evidence [...] would suggest that OLAF is faced with a vast operation for plundering Community funds; and that
   (d) with reference to this case, Mr Yves Franchet, the director of Eurostat, and Mr Daniel Byk, head of unit at Eurostat, both of whom are officials of the European Commission based in Luxembourg and who are likely to have orchestrated this system in whole or in part, are French nationals.

2. Press release IP/03/703 of 16 May 2003 stated that the Commission was 'only in receipt of preliminary information relating to the file sent to the Paris Public Prosecutor'.

3. Press release IP/03/723 of 23 May 2003 stated that the Commission had:
   (a) decided to help (Franchet and Byk) defend their reputations and safeguard their rights of defence;
   (b) and was 'also keen to emphasise that everyone has the right to be presumed innocent and points out that the information in its possession at this stage does not enable any conclusions to be drawn as to the accountability of individual officials'.

4. Press release IP/03/979 of 9 July 2003 stated that 'disciplinary proceedings have been initiated against three Commission officials'.

In the light of the above, could the Commission indicate:

- whether the preliminary information relating to the file sent to the Paris Public Prosecutor, which the Commission received from OLAF, included the assessments regarding Mssrs Franchet and Byk;
what charges have been levelled at the three Commission officials against whom disciplinary proceedings have been launched, what measures have been taken in their regard and whether OLAF had informed the Paris Public Prosecutor of their names;

how it actually intends to help Mssrs Franchet and Byk defend their reputations and to safeguard their rights of defence and whether, if the assessment of them sent by OLAF to the Paris Public Prosecutor proves to be hasty and erroneous, it intends to take action against OLAF, and if so what action?

Answer given by Mr Kinnock on behalf of the Commission

(10 November 2003)

1. The information provided by the Director-General of the European Anti-Fraud Office (OLAF) to the French judicial authorities is an integral part of currently on-going national investigative proceedings, which are covered by rules of judicial secrecy. The Commission must therefore inform the Honourable Member that it cannot legally answer his first question.

2. On 9 July the Commission opened disciplinary procedures against three Commission officials for alleged breaches of the Financial Regulation and of the Staff Regulations. Two of these procedures had to be immediately suspended for the legal reason, made clear to Parliament and to the public at the time, that pursuit of such procedures would be concurrent with an ongoing OLAF enquiry concerning the same officials.

3. The Commission considers that the rights of defence of the officials concerned are fully guaranteed in all proceedings. As the Honourable Member knows, OLAF has complete independence in the conduct of its investigations by virtue of Regulations 1073/99 (¹) and 1074/99 (²).


WRITTEN QUESTION P-2653/03

by Mario Borghezio (NI) to the Commission

(28 August 2003)

Subject: Telekom Serbia affair: explanation by President Prodi to Europe

In recent months circumstances have emerged in Italy – both in the context of the work of the Parliamentary Committee of Enquiry into Telekom Serbia and in the course of the judicial investigation launched by the Turin Public Prosecutor into the alleged bribes paid in this affair – which, if they prove objectively to be true, would involve the liability of the Italian Prime Minister at the time, Romano Prodi.

In order to safeguard the image of the Community institutions and to dispel any doubt as to the transparency and appropriateness of his conduct, does President Prodi not intend, as in the case of Cirto-SME, to provide a public and detailed explanation of his role in the Telekom Serbia operation, proceeds from which enabled the Serbian dictator Milosevic and his power group to proceed with the military operations that brought disaster to Serbia?

Answer given by Mr Prodi on behalf of the Commission

(17 September 2003)

As the Honourable Member knows, the circumstances of the transaction and the steps taken in the case are being investigated in Italy by a parliamentary committee of inquiry, which was set up by Act No 99 of 21 May 2002. When it has completed its work, the committee is to submit a report to the Italian Parliament, in which it is barred from considering ‘foreign policy choices made by the Government’.
The circumstances of the acquisition of the stake in Telekom Serbia are also being investigated by public prosecutors in Turin, who are seeking to establish whether bribes were paid.

On this latter aspect, on the basis of accusations made by a person currently in prison, Mr Prodi and other members of the Government in office at that time, which he headed, are the target of a fierce political campaign being waged against them in Italy.

In response to these allegations Mr Prodi's lawyers are already taking the legal steps necessary to protect his good name and to ensure that those who have been throwing mud are brought to account for their actions.

The Italian Parliament's committee of inquiry and the prosecutors in Turin are well aware of what they have to do to establish the truth, and Mr Prodi is fully confident that that will be enough to put an end to this shameful slander.

Turning to the second part of the question, Mr Prodi is fully conscious of the duties and responsibilities of those who hold public office; he said some time ago, and in public, that he would be prepared to appear before the bodies empowered to carry out such investigations in order to provide any clarification that might be useful.

Mr Prodi has also explained, in public, what he will tell the parliamentary committee if and when he is asked to appear: that the acquisition by Telecom Italia of a stake in Telekom Serbia was not brought to his attention, either as a private citizen or in his capacity as Prime Minister, ever, by anybody, in any form, directly or indirectly, and that there was no reason of either form or substance why it should have been.

In any event, in order to give a direct answer to the questions raised by the Honourable Member, the President has decided to offer a detailed reconstruction of the arguments, the facts and the procedures followed in the case by the Italian Government which he headed. The documentation was made available to the public and the press on 9 September 2003, on the website http://europa.eu.int/comm/commissioners/prodi. The Honourable Member will find a complete copy attached to this answer.

As he said in the analogous case rightly cited by the Honourable Member, President Prodi is convinced that anyone who holds public office has a duty to be open in their dealings. It is a duty he has never avoided, either in Italy, or, now, in Europe.

(2004/C 70 E/127)

WRITTEN QUESTION P-2654/03
by Anna Karamanou (PSE) to the Council

(2 September 2003)

Subject: Rape and trafficking in women in Iraq

Yanar Mohammed, President of the Organisation for the Liberation of Women in Iraq, has issued a statement condemning the rise in violence against women seen in Iraq since coalition forces have been deployed in the region. It is estimated that over 400 women have been kidnapped, raped, and in many cases even sold. The perpetrators of the attacks are either gangs of people traffickers, who kidnap women in order to ransom or sell them, or criminals who abduct women with a view to raping them. The women's organisation claims that the American troops are doing nothing to stamp out the problem and have turned the streets into a 'women-free zone'.

Will the Council exert pressure on the American Administration in order to put an immediate stop to and avert future cases of sexual assault, ill-treatment, and trafficking in women, which blatantly violate their human rights?
Reply

(8 December 2003)

1. The Council is fully aware of the precarious security situation currently prevailing in Iraq as a legacy of the conflict. It shares the Honourable Member’s concern about the level of violence and crime suffered by ordinary Iraqi citizens — in particular women — in their daily lives. Security in Iraq remains a major priority. In its political contacts with the US, the EU stresses regularly the need to improve security.

2. While it is clear that ensuring a secure environment in Iraq is at this stage a responsibility of the occupying powers, the Council considers that the problem must be addressed within broader stabilisation efforts, comprising in particular political reconstruction and economic recovery, in the perspective of the transition to full Iraqi self-government.

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WRITTEN QUESTION P-2655/03

by Daniel Hannan (PPE-DE) to the Commission

(2 September 2003)

Subject: Euronews

Will the Commission say by how much it proposes to subsidise the Euronews television channel and what conditions will be attached to this subsidy? Will the Commission also say what measures will be taken to ensure that Euronews is able retain independence in choosing the substance and form of its reporting?

Answer given by Mr Prodi on behalf of the Commission

(9 October 2003)

The Commission does not award an operating grant to the Euronews television channel, but, as it does with many other radio or television channels, awards grants for actions, either for ad hoc projects or for the ‘coproduction of television modules’ under a framework agreement covering the period 2001-2004. Grants for actions and framework agreements, awarded in accordance with the financial rules in force when they are signed, in no way restrict the editorial freedom of the beneficiary, who must, however, respect the image of the European institutions and the raison d’être and general objectives of the Union.

In addition to these grants Parliament entered a sum of EUR 3 million on line B3-300 of the 2003 budget “intended to finance the activities of Euronews in connection with the European institutions’. To give effect to this request and on the basis of the Commission decision of 9 July 2003, Euronews was invited to present a programme of additional actions for which new grants may be awarded. This programme will be assessed by a selection committee in accordance with the arrangements laid down in the Financial Regulation (1) and its implementing rules (2). On the basis of the report of this selection committee, the Commission will decide whether or not to award all or part of the amount earmarked on line B3-300. If it does so, as generally applies with grants for actions, the editorial freedom of Euronews will be fully respected.

The decision on continued cooperation with Euronews or any change in the arrangements will be taken in the light of the findings of an evaluation of the channel’s Community-funded activities.

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Subject: Fisheries agreement between Spain and France – ‘Arcachon Accord’

The press has recently reported on the agreement reached by way of an exchange of letters between the Spanish Ministry of Agriculture, Fisheries and Foods and its French counterpart, establishing an annual extension of the Arcachon Accord of 1992.

From what we are told, Spain has undertaken, under this extension agreement, to make an annual exchange with France, before 1 June each year, of a quota of 6000 tonnes of anchovies. This figure could be revised upwards on the basis of changes in the catches taken by each country.

Given the importance of the Arcachon Accord owing to its economic and social consequences, particularly for the Basque fisheries sector:

– Has the Commission received, pursuant to Articles 20(3) and 20(5) of Council Regulation (EC) No 2371/2002 (1) on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, the relevant communication from Spain on the method of allocating, for vessels flying its flag, the fishing opportunities assigned to it in accordance with Community law, as well as the prior notifications from Spain and France of the exchange of fishing opportunities established under the Arcachon Accord and the latest annual extension to it?

– Could the Commission inform me of the precise content, in full, of the Arcachon Accord and the latest annual extension to it, and of the allocation method used by Spain to distribute the fishing opportunities assigned to it among vessels flying its flag, in the light of the agreements reached with France and in accordance with Community legislation?


Answer given by Mr Fischler on behalf of the Commission

(8 October 2003)

The Commission is not aware of the agreement referred to in the Honourable Member's question. As a result, the Commission is unable to come to any conclusions as regards the validity of the terms of the agreement under Community law, nor is it able to provide a copy.

To date, Spain has not informed the Commission of the method used for allocating the fishing opportunities assigned to it.

The annual quotas for each Member State for 2003 were allocated in Council Regulation (EC) No 2341/2002 of 20 December 2002 fixing for 2003 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (1). Article 4 of that Regulation takes account of the possibility of exchanges being made between the Member States.

Thus, on 18 March 2003 Spain notified the Commission of the transfer of 9000 tonnes (in zone VIII) to France (the same quantity as in 2002), which thus increased its annual quota.
Also, Commission Regulation (EC) No 728/2003 of 25 April 2003 adapting certain fish quotas for 2003 pursuant to Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas (1) allows a maximum of 10% of the quota for the previous year to be transferred to the current year.

The quota transfer requested (for zone VIII) was 1992 tonnes in the case of Spain and 1050 tonnes in the case of France.


WRITTEN QUESTION E-2685/03
by Alexandros Alavanos (GUE/NGL) to the Commission

(10 September 2003)

Subject: Development of workshops in Greek technical education — Action 5.2 of the second Operational Programme for Education and Initial Vocational Training in the third CSF

In Greece’s technical schools there are 13 sections with 40 areas of expertise operating at the first level of studies and another 40 areas of expertise at the second level. In its reply to my question E-1208/03 (1), the Commission said that ‘during the first two years of implementation of the operational programme, an amount of EUR 4 440 000 000 was spent on the procurement of basic workshop equipment’.

Could the Commission answer the following questions:

(a) What type of workshop equipment was the above-mentioned EUR 4 440 000 000 spent on?
(b) Which areas of expertise and sectors did the above-mentioned workshop equipment cover?
(c) Since there are many different types of workshop, did the specifications under which the workshop equipment was provided relate to basic workshop equipment per workshop (e.g. types and number) or were there detailed specifications for the various types of workshop, approved by the Educational Institute and the Ministry of Education?
(d) What stage has been reached in the training of trainers and the development of educational and training tools for the specialised workshops in technical schools?
(e) Who is the final beneficiary of the project, given the fact that this has not yet been announced by the special managing authority?


Answer given by Mr Barnier on behalf of the Commission

(13 November 2003)

The Honourable Member is informed that the Greek authorities have provided information confirming that the sum of EUR 4 440 000 000 for the procurement of basic workshop equipment is not, in fact, co-financed by the Community through the operational programme ‘Education and initial vocational training’ or any other operational programme. This represents a correction to the information provided to the Commission by these authorities in the context of the reply to the Honourable Member’s written question E-1208/03. This means that the entire amount has been exclusively funded through the national budget.
The Commission, therefore, cannot comment on this expenditure and on the related workshop equipment (questions a and b).

The only action for the development of workshops in Greek technical education is contained within the operational programme ‘Education and initial vocational training’. Action 5.2.5 ‘Development of Technical Vocational Education (TEE) and School Laboratory Centres (ΣΕΚ)’, of the operational programme addresses needs in this sector with a total budget of EUR 78 000 000.

Actions will be financed within the framework of national specifications for workshop equipment. The implementation of these actions (training of trainers etc.) has not yet begun since a final beneficiary for the action 5.2.5 has not yet been selected. In this regard, a call for expressions of interest launched on 25 August 2003 by the Managing Authority is still pending. The delay for the submission of proposals ended on 15 October 2003 and it is to be expected that the bid to be retained will be announced in the near future.

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(2004/C 70 E/131)

WRITTEN QUESTION P.2696/03
by Heinz Kindermann (PSE) to the Commission
(2 September 2003)

Subject: Export refunds for ovalbumin

The production of egg products generates greater quantities of albumin than the European market can absorb, while third countries have a substantial need for high-grade albumin. In order to be capable of competing on the world market, the European egg production industry is dependent on export refunds.

Ovalbumin is regarded as a non-Annex I product (CN Code 3502) and so, for the purpose of export refunds, is bracketed with wheat and milk products rather than eggs in shell (CN Code 0408). On account of increased exports in the wheat and milk products sectors, the Commission recently introduced a reduction of over 90% for export licence applications, a reduction which also applies to ovalbumin, although exports in that sector have not increased.

Ovalbumin accounts for a very small proportion of the total products covered by CN Code 3502, but is very important for small and medium-sized undertakings in the egg production industry.

1. What is the Commission’s assessment of the effects on the ovalbumin sector of the measures decided?

2. Is the Commission prepared to change the tariff classification of ovalbumin by reclassifying it under agricultural products, thus placing it on the same footing as other egg products such as eggs in shell, egg yolk and whole egg (CN Code 0408)? If so, what timescale does it have in mind? If not, why not?

Answer given by Mr Fischler on behalf of the Commission
(26 September 2003)

Egg albumin falling under CN subheading 3502 is indeed not included in Annex I of the EC Treaty. Together with other Non Annex I products containing cereals, sugar, milk and eggs it is however eligible to benefit of export refunds for the amount of agricultural products of the four sectors mentioned which are used for their manufacture.

In the Uruguay Round the Union agreed to limit its export refunds for agricultural products. These commitments were made separately for the various agricultural product sectors and for Non Annex I products.
The recent strong rise of applications for refund licences of Non Annex I products during 2002/2003 has indeed led to ever increasing reduction coefficients (42% first tranche, 95% last tranche) in order to respect the Union’s World Trade Organisation (WTO) commitments. These reductions were particularly felt by the egg product industry in view of the quite unique position of egg albumin amongst the many Non Annex I products being manufactured from one raw material alone. According to trade statistics available until June 2003, no dramatic drop of export can yet be observed.

(2004/C70E/132)

WRITTEN QUESTION E-2709/03
by Maurizio Turco (NI) to the Commission
(11 September 2003)

Subject: OLAF investigation into Eurostat

On 8 July 2002, OLAF issued a press release entitled ‘OLAF investigation into Eurostat’ (OLAF/06/02) in which it stated that it had on that date forwarded to the State Prosecutor of the Grand Duchy of Luxembourg information it had gathered during two enquiries into matters liable to result in criminal proceedings concerning possible fraud relating to contracts concluded between Eurostat — the Statistical Office of the European Communities — and private companies. OLAF had conducted the two enquiries as part of a series of investigations into Eurostat.

Could the Commission clearly state whether:

— it has any news concerning the activities of the State Prosecutor of the Grand Duchy of Luxembourg in respect of the information gathered by OLAF and forwarded on 8 July 2002, which is to say what, if any, measures have been taken in respect of officials and/or companies;

— the investigation involved persons and/or companies who were also involved in the investigation referred to in letter No 003411 of 18 March 2003 from the Director-General of OLAF to the Paris Public Prosecutor (Reference CMS No 10120021510);

— the ‘series of investigations’ in progress on 8 July 2002 included the enquiry that led OLAF to forward information to the French authorities on 18 March 2003, or in other words, is OLAF still conducting investigations into Eurostat?

Answer given by Ms Schreyer on behalf of the Commission
(22 October 2003)

The Commission was informed by the European Anti-fraud Office (OLAF) that following the transmission to the Luxembourg judicial authorities on 8 July 2002 of information relating to two enquiries, two investigations were started into two private Luxembourg companies in connection with Eurostat. One judge is currently carrying out the two investigations, which are covered by confidentiality of judicial proceedings.

The file relating to a French company based in Paris sent to the Paris Public Prosecutor on 19 March 2003 is completely separate from the two files sent to Luxembourg.

The file sent to the Paris Public Prosecutor was part of the ‘series of investigations’ into Eurostat which were in progress on 8 July 2002. OLAF is currently carrying out other enquiries into Eurostat.
WRITTEN QUESTION E-2721/03
by Erik Meijer (GUE/NGL) to the Council
(11 September 2003)

Subject: Measures to safeguard EU plans for a dynamic knowledge society in 2010 against unintended negative effects of the Stability Pact

1. Is the Council aware that the German newspaper Handelsblatt and subsequently the Netherlands newspaper Staatscourant of 14 August 2003 report that Commissioner Diamantopoulou believes that the European Growth and Stability Pact will in future pose a serious threat to education and scientific research budgets in EU Member States as result of the 3% ceiling on budget deficits, making it impossible to achieve the target established in Lisbon in 2000 of making the EU the world's most dynamic knowledge economy by 2010?

2. Is the Council aware that Commissioner Diamantopoulou is advocating that this serious problem should be solved by no longer counting government investment in education and research for the purposes of the ceilings established in the Stability Pact?

3. Can the Council confirm that a virtually insoluble situation is likely to arise now that Germany, France, Italy and Portugal no longer appear to be able to keep to the 3% ceiling in the longer term, new Member States with a weak budget position are about to join the EU and the heavy fines that have to be imposed on those who exceed the ceiling are in danger of exacerbating the situation?

4. Does the Council agree with Commissioner Diamantopoulou that no one seems to have the courage to take the necessary steps to revise the 3% rule which has become unworkable and that as a result Member States are resorting to unilateral action to the detriment of the EU economy?

5. Is the Council using the means available to it to break this deadlock and will action be taken before the end of the Italian Presidency?

6. How long does the Council anticipate it will take before the urgently needed changes are actually made to the Stability Pact, for instance by adopting the method proposed by Commissioner Diamantopoulou?

Reply
(8 December 2003)

The Council never comments on public statements such as those mentioned by the Honourable Parliamentarian.

Detailed provisions for the submission of budgetary data in the context of the Stability and Growth Pact are laid down in Council Regulation (EC) No 3605/93 of 22 November 1993. The data provided for the national accounts must conform to the provisions of Council Regulation (EC) No 2223/96 of 25 June 1996 on the European System of National and Regional Accounts in the Community (commonly referred to as ESA 95). Any revision to these Regulations to exclude certain categories of expenditure, or to Regulations (EC) Nos 1466/97 and 1467/97 to change the content of the Pact itself, could only be made on the basis of a proposal from the Commission. The Commission has not brought forward any such proposal.

The Ecofin Council's report on 'Strengthening the co-ordination of budgetary policies', endorsed by the Spring 2003 European Council, stated that 'there is no need to change either the Treaty or the Stability and Growth Pact, nor to introduce new budgetary objectives or rules.' The same report noted that 'greater attention should be paid, within the overall constraints of the Stability and Growth Pact, to the quality of public finances with a view to raising the growth potential of the EU economies in conformity with the Lisbon agenda'. The Council will continue to implement the Pact in line with this report.
WRITTEN QUESTION P-2724/03
by Antonios Trakatellis (PPE-DE) to the Commission

(3 September 2003)

Subject: Uncontrolled disposal of toxic waste and chemical substances in Greece and infringement of environmental legislation by a toxic waste processing plant at Larimna in the prefecture of Fthiotida

In 1998, the Greek authorities notified the Commission that they had produced a total quantity of toxic waste amounting to 287,000 tonnes, 65,000 tonnes of which had been recycled. At the present time, however, according to information from research institutes, the annual production of hazardous waste is estimated to be 300,000 tonnes. Moreover, on 13 June 2002, the Court of Justice ruled against Greece (case C-33/2001) for its failure to take the necessary measures to record and identify hazardous waste at its site of disposal, as laid down in Directive 91/689/EEC (1).

Can the Commission answer the following:

1. What quantity of hazardous waste is produced in Greece, how much of that quantity is recycled or stored and at which sites is it disposed of?

2. Is Greece in compliance with the provisions of Directive 91/689/EEC on hazardous waste and the judgment of the Court of Justice in case C-33/2001? What measures will the Commission take to ensure that the environment and public health in Greece is protected from the uncontrolled discharging and dumping of hazardous waste and chemical substances such as PCBs and PCTs, the toxicity and tendency to bioaccumulation of which constitute a particular threat to the environment and human health?

3. Is the Commission aware that the Greek authorities are planning to authorise the construction of a toxic waste processing plant in a residential area of Larimna in the prefecture of Fthiotida, in breach of Directive 85/337/EEC (2) on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC (3)? What measures will it take to ensure the protection of the environment and compliance with Community legislation?


Answer given by Mrs Wallström on behalf of the Commission

(7 October 2003)

1. A table containing the information on hazardous waste quantities notified by Greece to the Commission (1) is sent direct to the Honourable Member and to Parliament’s Secretariat.

The data was used for the Report from the Commission to the Council and the Parliament (1).

The Commission does not know at which sites the hazardous waste is disposed of.

2. In its judgment of 13 June 2002 (1), the Court of Justice declared that ‘by failing to send to the Commission, within the period prescribed, all the information required under Article 8(3) of Council Directive 91/689/EEC of 12 December 1991 on hazardous waste, in the version resulting from Council Directive 94/31/EC of 27 June 1994, the Hellenic Republic has failed to fulfil its obligations under that directive.’ The Greek authorities have communicated to the Commission the measures taken to comply with the Court’s judgment, namely information concerning establishments or enterprises which dispose of and/or recycle hazardous waste. The Greek authorities affirm that they have fulfilled their obligations under Article 8(3) of Directive 91/689/EEC. This information is being examined. If the Commission finds that the judgment of 13 June 2002 has not been implemented, it will not hesitate to initiate the infringement procedure provided for in Article 228 of the EC Treaty.
With regard to the disposal of hazardous waste, it should be noted that the Commission has brought a case before the Court (Case C-163/03) since it considers that Greece has failed to fulfil its obligations under Articles 2(1) and 6(1) of Directive 91/689/EEC. In the Commission’s opinion, Greece has not taken the measures necessary to ensure that hazardous waste is recorded and identified in the region of Thrassio Pedi where it is discharged, and has not drawn up plans for the management of hazardous waste for that region.

In addition, in its judgment of 5 June 2003 (4), the Court declared that ‘by failing to draw up, within the prescribed period, summaries of inventories of equipment with PCB volumes of more than 5 dm³, plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein, and outlines for the collection and subsequent disposal of equipment that is not subject to inventory, in accordance with Articles 4(1) and 11 of Council Directive 96/59/EE of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCBs and PCTs), the Hellenic Republic has failed to fulfil its obligations under that directive.’

3. Facilities for the disposal of hazardous waste by incineration, chemical treatment or landfilling are listed in Annex I.9 to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997. Pursuant to Article 4(1) of the directive, the projects listed in Annex I have to be subjected to an environmental impact assessment. The Commission does not have information at its disposal to conclude that the Community legislation in question was not complied with in the case of the project to establish a toxic waste processing plant in Larimna. If the Honourable Member has information demonstrating the existence of an infringement of Directive 85/337/EEC, he is requested to communicate it to the Commission.

(1) Letter of 6 December 2002 from the Ministry of the Environment, Regional Planning and Public Works.
(3) Judgment of 13 June 2002, Commission v Hellenic Republic, Case C-33/01, ECR p. 5447.
(4) Judgment of 5 June 2003, Commission v Hellenic Republic, Case C-83/02, not yet published.

(2004/C 70 E/135) 

WRITTEN QUESTION E-2733/03

by Hiltrud Breyer (Verts/ALE) to the Commission

(11 September 2003)

Subject: Subsidies to the Georgsmarienhütte steelworks

On 1 March 2003, the Neue Osnabrücker Zeitung (NOZ) reported an exchange of land between the Georgsmarienhütte steelworks (Georgsmarienhütte GmbH) and the town of Georgsmarienhütte. On 23 April 2003, the NOZ further reported that the Land of Lower Saxony was providing EUR 1.9 million towards the transaction. This payment is related to a purchase of land by the town of Georgsmarienhütte from the steelworks around ten years ago at the vastly inflated price of around DEM 15 million. The EU had already contested part of the payments made by Lower Saxony to the steelworks around ten years ago of around DEM 80 million. Moreover, repeated sales between the steelworks and local authorities raise the suspicion of illegal subsidies.

1. To what extent is the reported payment by Lower Saxony of EUR 1.9 million compatible with EU rules?

2. Was the Commission notified of the payment made by the Government of Lower Saxony?

3. How much of the payments made by Lower Saxony to the Georgsmarienhütte steelworks, which the EU contested, has been paid back, and when?
4. To what extent are the repeated sales between the steelworks and local authorities since 1990 of the ‘Hüttenbahn’ railway line used by the steelworks, including, most recently, its sale to the Verkehrsgesellschaft Landkreis Osnabrück (Osnabrück Rural District Travel Company), compatible with EU law?

Answer given by Mr Monti on behalf of the Commission

(21 October 2003)

1. From the information contained in the written question it is not possible to see, for which purpose the Land made the payment of EUR 1.9 million and if this payment granted an advantage to Georgsmarienhütte steel works. An assessment, whether this payment is in line with the Union provisions, is therefore not possible at this point in time. The Commission will request information from Germany as concerns the exchange of land and the payment of EUR 1.9 by the Land of Lower Saxony.

2. The payment by the Government of the Land was not notified to the Commission.

3. As already laid down in the answer to the written question E-0057/01 of the Honourable Member (1), in January 2000 the Federal Government submitted information to the Commission, from which it followed, that Georgsmarienhütte steel works had repaid State aid amounting to DEM 46 million including interest to the land of Lower Saxony.

In addition, as also explained in this answer, on 8 May 2000 the Federal Government submitted information to the Commission, that the sale of the land ‘Westerkamp’ had been annulled.

The Georgsmarienhütte Holding GmbH has therefore repaid all State aid that had been assessed as incompatible to the Land of Lower Saxony.

4. According to the Federal Government, the sale of the ‘Hüttenbahn’ by the Klöckner Werke (1978) and the repurchase by Georgsmarienhütte steel works (1996) did not result in a significant profit for Georgsmarienhütte steel works. The Commission therefore, on the basis of the information available, does not consider that State aid was granted in this context.

The Commission does not possess any information about a further sale of the ‘Hüttenbahn’ by Georgsmarienhütte steelworks to Verkehrsgesellschaft Landkreis Osnabrück (Osnabrück rural district company). The Commission will request further information on this sale from Germany.


WRITTEN QUESTION E-2734/03
by Glyn Ford (PSE) to the Commission

(11 September 2003)

Subject: Encryption of EU communications

In light of the report on echelon that recommended the Commission encrypt its communications, can the Commission inform us of the progress made in ensuring the encryption of its communications especially for overseas offices?

Answer given by Mr Kinnock on behalf of the Commission

(4 November 2003)

The Commission has taken all necessary steps to ensure that the security features of its communications are developed in order to deal with the risks properly identified by the report on Echelon.
The Commission is working in close co-operation with competent authorities from Member States on the choice of systems. The Honourable Member will understand that, for security reasons, the Commission is unable to communicate any further details in the context of a Parliamentary question. However, the Commission offers to inform the Honourable Member more comprehensively if he wishes to make direct contact with the relevant Service.

(2004/C70E/137) WRITTEN QUESTION E-2740/03
by Bernd Lange (PSE) to the Commission
(11 September 2003)

Subject: Recovery of small amounts under EU aid programmes

There have been many complaints recently that under EU aid programmes the calculations are so exact that, in some cases, even tiny amounts such as a few cents have to be recovered.

Quite apart from the huge amount of work it creates, this results in excessively high costs. In the case of comparable aid programmes at regional level, however, there is usually a certain discretionary margin, meaning that small amounts do not have to be recovered.

Is the Commission aware of this problem?

Is the Commission considering organising aid programmes so that in future a certain discretionary margin is allowed with regard to settling small amounts?

Answer given by Ms Schreyer on behalf of the Commission
(22 October 2003)

Under the system of direct management, the Commission applies the rules laid down in the Financial Regulation (1) and the implementing rules (2) in matters relating to the recovery of its entitlements.

Article 79 of the implementing rules states that 'to establish an amount receivable the authorising officer responsible shall ensure that (…) g) the principle of sound financial management is complied with'. This means specifically that the authorising officer will consider the foreseeable cost of recovery in relation to the amount to be recovered and assess the impact a waiver might have on the Community's image (Article 87(1)(a) of the implementing rules).

This provision answers the concerns expressed by the Honourable Member, and the Commission's accounting officer regularly brings it to the attention of the authorising officers responsible for establishing entitlements in the sectors assigned to them.


(2004/C70E/138) WRITTEN QUESTION E-2754/03
by Samuli Pohjamo (ELDR) to the Commission
(15 September 2003)

Subject: The possibility for Commission translators to work in their home countries

It has been put to me that Commission translators could be given more flexible opportunities than at present to work from their home countries. Given modern technology, this would be perfectly possible. Some Commission translators — both officials and those on contract — feel that 'compulsory' posting to Brussels detracts from their quality of life.
Aspects which are perceived as particularly problematic are the cost of housing and personal difficulties in acclimatising to life in the big city. It may also be observed that if translators worked in their home countries, this would cost the Commission less. More permanent residence in the home country would also perform an important role in helping translators to keep in touch with their own culture and thus in maintaining their professional skills.

Could translators be offered more flexible working conditions by making it the norm for them to work from their home countries?

Answer given by Mr Kinnock on behalf of the Commission

(25 November 2003)

The Commission understands the considerations put by the Honourable Member but has to confirm that officials working as translators have the same rights and obligations as other officials and they are employed under the same terms and conditions of the ‘Regulations and Rules applicable to officials and other servants of the European Communities’. They must, therefore, comply with Article 20 of the Staff Regulations, which provides that:

An official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties.

As a result, to allow officials who do not originate from the country in which they are employed to work on a permanent full-time basis from their home countries would not normally be regarded to be in accordance with the requirements of the Staff Regulations. The same provision also applies to translators employed in exceptional cases as auxiliary agents or temporary agents.

The Commission does not intend to derogate from this provision in the context of the introduction of telework schemes.

WRITTEN QUESTION P-2757/03

by Marco Cappato (NI) to the Council

(10 September 2003)

Subject: Nuclear crisis in North Korea

With a view to resolving the nuclear crisis in North Korea, negotiations attended by representatives of North and South Korea, China, Japan, Russia and the USA have recently been held in Beijing.

As is stated in the most recent Commission report on the Humanitarian Aid Office (¹), the EU is the main donor of humanitarian aid to North Korea, to which country it allocates much of the humanitarian aid which it assigns to Asia.

In the conclusions issued at the recent Thessaloniki Summit the European Council Presidency emphasised its ‘readiness to contribute to a multilateral diplomatic solution to the crisis’.

Can the Council explain why the European Union was not represented at the Beijing negotiations?

What action does the Council intend to take in order to ensure that EU representatives are involved in future political and diplomatic negotiations on the delicate issue of nuclear disarmament in North Korea?

(¹) COM(2003) 430.
Reply

(8 December 2003)

The EU strongly supports the diplomatic efforts undertaken by the six parties to achieve a solution to the North Korean proliferation issue. The EU hopes that the process will soon lead to concrete steps to lower tension in the region, including progress towards denuclearisation of the Korean peninsula, a matter of fundamental interest to the whole international community.

The EU remains willing to contribute to international efforts to move matters forward, and acts in close consultation with the main players. It is considering how it could give support to the multilateral talks in due course and in co-ordination with the capitals of the six countries involved.

(2004/C 70 E/140)

WRITTEN QUESTION P-2766/03

by Elly Plooij-van Gorsel (ELDR) to the Commission

(11 September 2003)

Subject: International building fraud

In January 2003 I put questions to the Commission about the possible involvement of construction firms from Belgium and Germany in construction fraud in the Netherlands. These questions also mentioned the possible involvement of Dutch firms in illegal pricing and labour agreements in other Member States.

The Commission states in its answer that the Netherlands Competition Authority (NMA) is investigating a number of cases and informs the Commission about them on a regular basis. The Commission also stated that it will take action if it is supplied with credible information on any cartel significantly influencing trade between the Member States.

1. Has the Commission come to the conclusion, on the basis of information supplied by the NMA, that an illegal cartel has in fact been created?

2. If so, has the Commission taken any measures in this connection?

3. Have any new cases concerning the possible creation of illegal cartels been notified by the NMA to the Commission?

4. If so, what ruling has the Commission made on these cases?

Answer given by Mr Monti on behalf of the Commission

(6 November 2003)

1. and 2. As mentioned in the reply to written question P-308/03 by the Honourable Member (1), the Commission is aware of cases of alleged fraud and price fixing in the construction market in the Netherlands through the national competition authority (NMA), and the media. It also learned of the allegations that non-Dutch enterprises were involved in these practices on the Dutch market and that Dutch enterprises were involved in foreign markets.

The Commission does, however, not intend to interfere with these ongoing investigations of the NMAs in the Dutch construction sector. The Commission understands that the possible involvement of foreign companies is taken on board by the NMAs in these investigations. Hence, the Commission has not started separate formal investigations on the basis of the above information.
Where the centre of gravity of an alleged infringement is in one Member State, the national competition authority is often best placed to deal with such allegation. However, even in such cases, provided there is an effect on trade between Member States, the Commission can decide that it is in the interest of the Community to launch a Commission investigation into these practices.

For instance, the Commission currently investigates possible infringements of the European competition rules in the sector of bitumen. This investigation — that relates to cartels on national markets, including the Dutch market — concerns the practices of bitumen producers and their main customers, i.e. the road construction companies.

3. The NM is not obliged to notify possible new cartel cases that it is dealing with to the Commission. At the same time, it is established practice that the NM informs the Commission about its ongoing cartel cases that may be of interest to the Commission.

4. The Commission has not recently issued decisions which would have been initiated on the basis of information transferred by the Dutch competition authority.


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**WRITTEN QUESTION E-2768/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

*(16 September 2003)*

Subject: Orders placed by Greek Railways (OSE) with Hellenic Shipyards

According to Greek press reports and official statements, Hellenic Shipyards has announced that it is unable to honour its contractual obligations within the agreed time limit to supply rolling stock (suburban carriages, sleeping cars and passenger carriages, etc.) commissioned by Greek Railways on the basis of programmatic agreements. These agreements which were signed at the end of 1997 and were worth some GRD 180 billion contained penalty clauses and provided for compensation in case Hellenic Shipyards failed to meet its obligations.

1. Would a failure of the Greek Railways to invoke the clauses and claim the compensation due from Hellenic Shipyards in the event of a failure to honour the contracts placed with it on the basis of the programmatic agreements cause legal problems in the field of competition or state aid?

2. Despite the fact that the placing of orders under the programmatic agreements between Greek Railways and Hellenic Shipyards was intended to support domestic industry and production and to support employment, Hellenic Shipyards subsequently placed a large proportion of such orders (worth some GRD 103 billion) with foreign companies. Does the Commission consider that the placing of orders with third parties was in line with the terms of acceptance of the programmatic agreement?

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**Answer given by Mr. Monti on behalf of the Commission**

*(4 November 2003)*

1. Whether a failure of a public undertaking, such as the Greek Railways Organisation (OSE), to claim compensation for breach of contractual obligations might constitute a measure which amounts to State aid under Article 87 of the EC Treaty would depend on a number of factors such as the exact terms of the agreement; regarding inter alia the deadline for delivery of the rolling stock, the penalty clauses for late delivery or for non-delivery etc. The Commission does not, at this stage, have sufficient information on these elements to answer the Honourable Member’s question.
Furthermore, it should be underlined that measures taken by public undertakings which result in the granting of a financial advantage, must be imputable to the State to be considered as State aid. The fact that OSE is an undertaking under State control is not, by itself, sufficient for measures taken by that undertaking to be imputed to the State.

While the information provided by the Honourable Member is not sufficient to conclude on the State aid relevance of his question, the Commission takes note of the concerns raised therein.

2. The second question of the Honourable Member does not seem to raise any issue of compatibility with Community law. By contrast, a clause which excludes the possibility of Hellenic Shipyards to place orders with foreign companies, might be deemed contrary to Community law.

WRITTEN QUESTION E-2773/03
by Mogens Camre (UEN) to the Commission
(16 September 2003)

Subject: Rules governing the staffing of emergency call centres in EU countries

During a holiday in Italy a Danish motorist was run into by an Italian lorry on a motorway. Afterwards, the lorry driver refused to stop on the side of the road and instead drove off. The Danish motorist then tried to contact the Italian police by dialling 113 but there was no-one who could understand either English or German. After four calls the motorist in question had to abandon the attempt to contact the police. The Danish motorist survived this experience without physical injury but things could have been much worse.

Will the Commission state what rules exist governing the staffing of emergency call centres in the Member States with persons speaking other languages than that of the country in question? Will it also state whether it feels it is acceptable that citizens from another EU country cannot make contact with the police owing to a lack of language skills on the part of the staff at the host country’s emergency call centre?

Answer given by Mr Vitorino on behalf of the Commission
(24 October 2003)

The Commission’s role in the field of police cooperation in the Union is laid down by Article 30 of the Treaty on European Union, which sets out the areas covered by common action taken by the Member States. The rules and internal organisation of the emergency services is the sole responsibility of the Member States. Under Article 33, the Member States are responsible for the maintenance of law and order and the safeguarding of internal security.

There are no Community rules that govern relations between staff in the emergency services in the Member States and persons who do not speak the language of the country. Nevertheless, the Commission feels that if national police officers are familiar with one or more foreign languages so as to handle contacts with citizens of other countries, that is an important factor in establishing an area of freedom, security and justice. The Community financing programme, AGIS, has taken this matter into account and some of its funds are set aside for projects to improve the ability of police forces to meet the challenges of this new European area. The European Police College (Cepol) is also encouraging language learning in training of police officers.
WRITTEN QUESTION E-2774/03
by Theresa Villiers (PPE-DE) to the Commission
(16 September 2003)

Subject: Classification of Hamas as a terrorist organisation

1. Does the European Commission classify Hamas as a terrorist organisation?

2. If it does not, how does the Commission justify its stance on this?

3. Does the Commission believe that refusal to label Hamas as a terrorist organisation would constitute a dangerous obstacle to peace in the Middle East at what is a crucial stage of the peace process?

Answer given by Mr Patten on behalf of the Commission
(10 October 2003)

The Union has, further to Resolution 1373(2001) of the United Nations (UN) Security Council, adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism (1). The Common Position provides that these specific measures apply to persons, groups and entities involved in terrorist acts and listed in the annex to that Common Position. That list is established and updated by Council.

In December 2001, the Council listed Izz al-Din al-Qassem, the terrorist wing of Hamas. On 12 September 2003, it decided to list Hamas in its entirety (2).

Listing essentially means that Member States offer each other the widest possible assistance in preventing and combating terrorist acts through police and judicial co-operation in criminal matters (3), and that the financial restrictions set out in Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (4) apply.


WRITTEN QUESTION E-2783/03
by Cristiana Muscardini (UEN), Antonio Mussa (UEN) and Adriana Poli Bortone (UEN) to the Council
(17 September 2003)

Subject: Elections in Albania

The people of Albania are to elect new members of the National Assembly 10 October 2003. The OSCE, in an attempt to make the election process more transparent and devise an effective reform, has explicitly requested that the national electoral committee should reflect the political situation in the country and be composed of members of the current majority and opposition, in equal proportions (3 + 3).
Can the Council say:

1. whether it is aware that the electoral committee now consists of five members of the present socialist majority and only two members of the democratic opposition;
2. whether it does not consider that the present composition of the electoral committee is unjust and may arouse serious suspicions of partiality;
3. whether it does not consider it appropriate at this point to set up a body to monitor all the operations involved in the election to be held on 10 October?

Reply

(8 December 2003)

The Council is fully aware of the importance of the local elections in Albania which took place on 12 October 2003. In its Conclusions of 29 September 2003 the Council (External Relations) "emphasized that the orderly conduct of fair local elections in October is part of the process to bring Albania closer to the EU".

The local elections in Albania on 12 October 2003, including the implementation of the new Electoral Code and the performance of the Electoral Committee, were monitored by the OSCE/ODIHR Election Observation Mission to which many EU Member States have already contributed monitors. An international assessment on the conduct of the local elections in Albania will be provided shortly after the elections.

(2004/C 70 E/145)

WRITTEN QUESTION P-2800/03
by Paulo Casaca (PSE) to the Commission

(17 September 2003)


The Portuguese tax authorities have recently informed recipients of compensation for temporary cessation of the activities of vessels and crew members operating under the Fisheries Agreement between the European Community and Morocco (Regulation (EC) No 1227/2001 (1)) that they are liable to personal income tax.

1. Does the Commission believe that the compensation granted should be viewed as ‘unemployment benefit’, which under Portuguese tax law is exempt from income tax, or does it consider instead that the compensation falls into a different category and is such that it should be taxed as described above?

2. Does the Commission think that the principle of equality before the law, as laid down in the European Charter of Fundamental Rights, allows different amounts to be allocated to citizens who, although they are nationals of different countries, Portugal and Spain, are also European citizens?

3. Does the Commission not believe that the Community legislation on the FIFG, whereby Community measures must be financed in part by national funding, might be rendered meaningless in practice if the amount of the national contribution were to be offset fully or to some extent by a tax charge?

4. Does the Commission not think that, as a matter of urgency, it should approach the Portuguese authorities to clarify its position so as to enable recipients of compensation to understand what actual support they are entitled to receive?

Answer given by Mr Fischler on behalf of the Commission

(24 October 2003)

Following non-renewal of the Fisheries Agreement with Morocco the Council adopted Regulation (EC) No 2561/2001 (1) in order to encourage conversion action for fishermen and vessels that until 1999 had relied on it. Regulation (EC) No 1227/2001 (2) had already, in order to adjust the legal framework to 'Morocco' aid needs, waived certain provisions of Regulation (EC) No 2792/1999 (3).


Under the terms of that Article it falls to the national managing authorities to determine, using the relevant parameters, the actual compensation to be paid in each individual case. It is in that context that the compensation granted to Spanish and to Portuguese fishermen has been set at different levels.

As provided for by Community rules (5), this compensation is paid with no reduction made. But the taxation of income is a matter for the Member States and it is up to them to take account of their own rules when determining compensation levels.

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(2004/C 70 E/146)

WRITTEN QUESTION P-2824/03

by Marie Isler Béguin (Verts/ALE) to the Commission

(18 September 2003)

Subject: A28 motorway and the Habitats directive

It is quite obvious from the information available that construction of the A28 motorway has resumed — in particular, the excavation work being carried out over a 40-kilometre stretch running from north of Tours to the Loire valley in the Sarthe.

This clearly demonstrates the French authorities’ intention to continue working in the area located between Montabon and Ecommoy without waiting for the Commission to analyse the replies which it has received from France concerning the Commission’s reasoned opinion of 21 December 2001 on the destruction of the habitats and the breeding grounds of a priority species listed in Annex IV of Directive 92/43 — namely, the Osmothera eremita.

In view of the urgency of the matter, would the Commission state what action it intends to take before the motorway construction work reaches the point of no return?

Can the Commission provide assurances that it was not pressurised by the French Government into ‘freezing’ the disputes relating to the Birds and Habitats directives until the next European elections?
Answer given by Mrs Wallström on behalf of the Commission

(14 October 2003)


The French authorities sent several replies to the Commission's reasoned opinion. In particular, the dossier was discussed at a meeting between the Commission and the French authorities in February 2003 in Brussels, at which the French authorities undertook to provide the Commission with further information regarding compliance with Articles 12(1)(d) and 16 of Directive 92/43/EEC, a local and national management plan for Osmothera eremita, further proposals for sites of Community importance, and guarantees regarding monitoring of the re-paerial work on the ground. The French authorities formally sent the Commission this information under cover of a letter of April 2003 from the Permanent Representation of France to the European Union. That letter included voluminous annexes. The Commission is currently examining the official response from the French authorities in order to decide, as soon as possible, what further action to take in this matter.

In handling this matter, as in handling any infringement it deals with as guardian of the Treaties, the Commission works in complete independence and observes Community law scrupulously.


WRITTEN QUESTION E-2831/03

by Camilo Nogueira Román (Verts/ALE) to the Council

(23 September 2003)

Subject: Statements by the Spanish Prime Minister criticising the Convention and announcing his opposition to basic aspects of the agreed Convention text

What is the Council’s position on the European Parliament resolutions calling for the agreements reached within the Convention not to be called into question? In this connection, what is the Council’s position on the statements made by the Spanish Prime Minister, José María Aznar, publicly calling into question the work done by the Convention, claiming that it failed to abide by the mandate assigned to it and stating that the Intergovernmental Conference should amend basic aspects of the draft Constitution submitted to it?

Reply

(8 December 2003)

The Council, at its meeting on 29 September 2003, took note of the opinion of the European Parliament which it had consulted in conformity with Article 48 of the Treaty on European Union.

The Council has not taken a view on any statements made by individual Member States, nor would it be appropriate for it to do so.
WRITTEN QUESTION E-2833/03
by Konstantinos Hatzidakis (PPE-DE) to the Commission

(23 September 2003)

Subject: Training programmes for the unemployed organised by the National Organisation for Employment in Greece

Under ministerial decision 4001/3.1.2002, issued by the Greek Ministry for Employment and Social Insurance, measures are to be developed to train unemployed people on large technical projects in Greece which are being funded by the European Social Fund within the framework of third CSF. Since its adoption, the decision has been amended and the budget has risen to EUR 41 million. On 7 April 2003, after seven months of negotiations, the management of the National Organisation for Employment announced the approval of contracts between itself and each technical firm that will be undertaking work on the programmes.

1. What opinion does the Commission have of the legality of using a procedure to award contracts for the programmes directly to technical firms, without any publication of a notice, contrary to the provisions of EU Directive 92/50/EEC (1), which was incorporated into Greek law by presidential decree 346/1998 and amended by presidential decree 18/2000?

2. Since the appropriations for this purpose are not infinite, is the Commission in agreement with the Greek Government's ranking of priorities? Is there a danger that other sectors of the economy may be undervalued or ignored?


Answer given by Mrs Diamantopoulou on behalf of the Commission

(7 November 2003)

The training programmes that the Honourable Member refers to concern integrated actions in favour of unemployed people in specialisations relating to the construction of large infrastructural investments in Greece. These are co-financed, by the European Social Fund (ESF), among other actions, through the Operational Programme of 'Employment and Vocational Training', under the Community Support Framework for 2000-2006, in Greece.

On the basis of the Operational Programme, these actions comprise of theoretical and practical training in certain specialisations. The successful completion of the training part by the trainees is combined with an employment subsidy for a certain period of time. These actions, as part of an active labour market approach, are expected to raise considerably the employment prospects of the unemployed, in specific areas where there is a high demand in the labour market. This is one of the main priorities of the Operational Programme under question. Moreover, these training actions provide for the necessary synergies between ESF and the European Regional Development Fund (ERDF) co-financed actions.

According to the information provided by the Managing Authority of the programme, which is responsible for the management, monitoring and control of the ESF co-financed actions, a call for proposals, in accordance with the respective Greek legislation (law 1262/1982 and 2601/1998), was launched. The assessment and selection of the training actions was made on pre-specified criteria for the provision of quality theoretical and practical training and the employment prospects of the trainees.

It should be noted that on the basis of the information provided to the Commission, the Greek Court of Auditors issued a positive decision on the legitimacy of the procedures followed. This was done before the Managing Authority and OAED, which is the final beneficiary for this project, proceed with the implementation of the actions foreseen.
(2004/C 70 E/149)

WRITTEN QUESTION P-2834/03
by Gilles Savary (PSE) to the Commission
(18 September 2003)

Subject: Air transport agreements with the USA

On 1 October 2003, the European Union will open negotiations in Washington with the USA to establish a new global legal framework for transatlantic air links.

In view of the ambitious nature of this objective and the complexity of the issues involved, by when does the Commission expect to be able to conclude an agreement?

In the light of the negotiating mandate drawn up by the Council in June 2003, can the Commission reasonably expect to conclude an agreement within the next few months at the risk of not making genuine progress on all the issues to be discussed?

Answer given by Ms de Palacio on behalf of the Commission
(14 October 2003)

In accordance with the negotiating mandate granted to the Commission by the Council in June 2003, the purpose of the negotiations that began on 1 October 2003 in Washington is to conclude a global agreement with the United States with a view to redefining the legal framework for transatlantic air links. The aim is to thoroughly reform the legal framework concerned. It is a reflection of the importance of the desired reform that certain adjustments and/or changes will have to be made to laws and regulations applicable to the United States, or even to certain texts concerning Community law.

Therefore, given the important political events on the horizon both within the Community and in the United States in 2004, it does not seem realistic at this stage to expect an agreement before the year 2005.

The Commission, however, considers that in the meantime adjustments should be made to the existing bilateral agreements, which are necessary to bring them into line with Community law. Proposals of this kind have been put to the American authorities. These proposals will be discussed in a separate framework from that concerning the abovementioned global agreement.

(2004/C 70 E/150)

WRITTEN QUESTION P-2835/03
by Heinz Kindermann (PSE) to the Commission
(18 September 2003)

Subject: Approval of TERRA project ‘Geoplantour’ — OLAF investigations

The European Anti-Fraud Office, OLAF, is investigating suspected irregularities (case reference IO/2001/4030) in connection with the approval of a project entitled Geoplantour submitted under the EU’s TERRA programme in 1997.

Can the Commission answer the following:

1. Is the Geoplantour project approved in 1997 simply a modified version of the original project No 57 B, ‘Bugewitzer Oderhaff-Zone’, or is a totally new project actually involved?

2. How does the Commission explain the fact that Directorate-General XVI (currently regional policy) approved a Geoplantour project in the summer of 1997, i.e. a year after the deadline of 8 July 1986, contrary to the implementing provisions for the TERRA programme and the principle of equal treatment?
3. How does the Commission explain the fact that the Directorate-General for Regional Policy has to date failed to answer two written inquiries from OLAF, thereby delaying OLAF's investigations into this matter?

4. What does the Commission now intend to do to step up the investigation into this case?

Supplementary answer
given by Mr Barnier on behalf of the Commission

(1 December 2003)

1. Geoplantour is a new project, with a new partnership, based on an initial proposal — Project No 57 B 'Bugewitzer Oderhaff-Zone' — submitted under a call for projects for the TERRA programme, submitted by the Gemeinde (municipality) of Bugewitz/Amt Ducherow (Germany).

2. The Geoplantour project was approved in accordance with the project selection procedures set out in Article 10 of the European Regional Development Fund (ERDF) for the period 1994-1999 and the procedure indicated in the call for proposals. Moreover, the text published in the Official Journal made it clear that the Commission reserved the right to propose amendments to the programme or strategy before a proposal regarded as innovative was definitively approved.

The final date for the submission of proposals, laid down in the call for proposals (1), was 8 July 1996. The projects received were examined in depth by a committee of 12 independent experts on 23/24 September 1996, and then by an interdepartmental working party on regional planning on 22 October 1996. Fifteen pilot projects were selected. The financing decisions were signed with the lead partners of each project following a detailed consultation between the Commission and the local authorities responsible and their partners in the successful projects, in accordance with the call for proposals.

The Bugewitz/Ducherow project was not originally selected, as it did not meet all the eligibility criteria (in particular, there was no transnational partnership). However, the Commission persuaded it to work with a Greek partner from one of the 15 successful projects. The original proposal was reworked on this basis by the new partnership. The project partnership, now dubbed Geoplantour, was expanded to regional level in Germany and its content was improved.

During the negotiating period which preceded the final decision to grant funding, the Commission received complaints about the project from a consultant who had worked with the German partner. The Commission consulted the German authorities to clarify the situation before it took its final decision, which explains the late approval of the project at the end of 1997.

The Commission finally granted funding under the TERRA programme to the municipality of Bugewitz/Amt Ducherow, as the local authority responsible for carrying out the project. It is not for the Commission to comment on the problems between the body responsible for the project and the consultant who had been involved in drafting the original proposal.

The Commission closed the project at the beginning of 2003.

3. OLAF contacted the Directorate-General for Regional Policy as part of its investigation. In the meantime, in accordance with the rules in force, the Commission had provided OLAF with the documents and information requested and all relevant information.

4. OLAF has full control of its investigations; the Commission provides OLAF with existing documents, ensures the cooperation of its departments, and, if necessary, reminds its departments of their obligation to cooperate if OLAF reports any problems. OLAF is already working in collaboration with the German authorities in order to speed up the investigation.

(1) OJ C 119, 24.4.1996.
WRITTEN QUESTION P-2844/03
by Isabelle Caullery (UEN) to the Commission
(18 September 2003)

Subject: Aid for low-cost airlines

Bearing in mind the various forms of aid received by low-cost airlines (reductions, rebates and other subsidies), can the Commission outline its position and say what stage has been reached in its investigation into management practices at Charleroi airport?

Answer given by Mrs de Palacio on behalf of the Commission
(15 October 2003)

The investigation launched by the Commission on 11 December 2002 is intended to determine whether or not the benefits granted by the Walloon Region and the airport managing company (BSCA) to Ryanair when it set up at Charleroi in April 2001 (reductions on landing charges, coverage of costs of Ryanair’s staff, coverage of marketing expenses, financial incentives whenever a new route is opened, etc.) can be considered to be State aid and, if they are, whether or not these benefits are compatible with the common market.

The numerous comments received from interested parties (a dozen in total mainly from airlines and private airport operators), Ryanair and the Belgian authorities are being considered by the Commission.

WRITTEN QUESTION E-2848/03
by Mihail Papayannakis (GUE/NGL) to the Commission
(26 September 2003)


Under Directive 2000/53/EC(1) on end-of-life vehicles, Member States shall take the necessary measures to ensure that all end-of-life vehicles are transferred to authorised treatment facilities to be stored and processed in accordance with national and Community rules on public health and the environment.

Can the Commission say whether the above Directive has been incorporated into national law in Greece? To what extent have the competent Greek authorities set up databases on end-of-life vehicles and their treatment, as required by the Directive?

Answer given by Mrs Wallström on behalf of the Commission
(21 October 2003)

1. Article 10(1) of Directive 2000/53/EC(1) required Member States to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 21 April 2002 and to inform the Commission thereof immediately. Greece having failed to notify the Commission of its national measures transposing the Directive within the set time limit, the Commission instituted infringement proceedings in accordance with Article 226 of the EC Treaty.

The Greek authorities failed to reply either to the letter of formal notice or to the reasoned opinion. Accordingly, as Greece had not brought into force all the laws, regulations and administrative provisions necessary to comply with Directive 2000/53/EC, the Commission decided to refer the matter to the Court of Justice. The action is pending before the Court (Case C-246/2003).

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(1) OJ L 269, 21.10.2000, p. 34.
2. Since Greece has not notified the Commission of its national measures transposing the Directive, it is currently impossible, on the basis of the information available, to check whether the Greek authorities have set up databases on end-of-life vehicles and their treatment.


(2004/C70E/153) WRITTEN QUESTION E-2860/03
by Jens-Peter Bonde (EDD) to the Council
(26 September 2003)

Subject: Article III-302 of the draft Constitution for the European Union

Article III-302, paragraphs 4 and 5 state that:

4. If the Council of Ministers approves the European Parliament’s position, the proposed act shall be adopted.

5. If the Council of Ministers does not approve the European Parliament’s position, it shall adopt its position at first reading and communicate it to the European Parliament.

Article 251, paragraph 2 of the EC Treaty (which is replaced by Article III-302, paragraphs 4 and 5) states that ‘The Council, acting by a qualified majority after obtaining the opinion of the European Parliament …’. It would appear, therefore, that the procedure is being changed from qualified majority to simple majority at the Council’s first reading.

This interpretation is underpinned by Article III-302, paragraph 8, which states that ‘If, within three months of receiving the European Parliament’s amendments, the Council of Ministers, acting by a qualified majority …’, i.e. an explicit reference to qualified majority.

In the light of the above, will the Council say by which majority it acts under Article III-302, paragraphs 4 and 5, and in which article(s) that procedure is laid down?

Reply
(8 December 2003)

The Council has not taken any view on any specific provisions in the draft Constitutional treaty drawn up by the Convention. This draft is on the table of the current Inter-Governmental Conference.

(2004/C70E/154) WRITTEN QUESTION P-2862/03
by Anne André-Léonard (ELDR) to the Commission
(22 September 2003)

Subject: Scientology’s ‘European Public Affairs and Human Rights Office’

The setting up of the Church of Scientology’s European Public Affairs and Human Rights Office in Brussels, and its lobbying activities mean that there is a risk that the work of the European Institutions are confused with that of scientologists.
The latter avoid presenting themselves as members of the Church of Scientology, and use satellite organisations to infiltrate the European Institutions.

In this situation, how does the Commission handle firstly, the arrangements for selecting and accrediting scientologist sub-organisations, and secondly, scientologist lobbying?

**Answer given by Mr Prodi on behalf of the Commission**

(15 October 2003)

The Commission has always adhered to the principle of open and transparent dialogue with all external parties without, however, entering into any registration or accreditation system.

This has been emphasised in several documents: the Communication ‘An open and structured dialogue between the Commission and special interest groups’ (1), the White Paper on Administrative Reform (2), White Paper on European Governance (3) and, the latest, Communication on general principles and minimum standards for consultation of interested parties (4). The Communication on consultation aims in particular at encouraging greater involvement of interested parties through a more transparent consultation process.

In this open functional framework, the civil society database Coneccs (5) (formerly the lobbies database), provides information on about 700 civil society organisations operating at European level. It is a voluntary information tool, in which the organisations can register themselves and update their information. To be included in the database organisations must fulfil some conditions of transparency and themselves provide information on their statutes and membership. This voluntary information is one basis on which the Commission can assess the civil society organisations asking to be included in the database. As the Coneccs database is intended only for information, inclusion in the directory does not constitute an accreditation or registration on the part of the Commission. Until now, the organisation mentioned in the question has not asked to be included in the Coneccs database.

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(1) OJC63, 5.3.1993.
(3) COM(2001) 428 final.
(5) http://europa.eu.int/comm/civil_society/coneccs/index_en.htm

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(2004/C 70 E/155)

**WRITTEN QUESTION E-2866/03**

by Anne André-Léonard (ELDR) to the Council

(26 September 2003)

**Subject:** The ‘European Public Affairs and Human Rights Office’ of the Church of Scientology

The setting up of the Church of Scientology’s European Public Affairs and Human Rights Office in Brussels, and the Church’s lobbying threatened to lead to confusion between the work of the European institutions and those of scientologists.

The latter avoid presenting themselves as members of the Church of Scientology, and use satellite organisations to infiltrate the European institutions.

What does the Council think of the lobbying practices of Scientology, which uses religion as a commercial product?
Reply

(8 December 2003)

The Council has not discussed the question raised by the Honourable Member.

(2004/C 70 E/156)

WRITTEN QUESTION E-2870/03
by Maurizio Turco (NI) to the Commission

(26 September 2003)

Subject: Judicial inquiry into the use of funding from the Region of Lombardy for vocational training

Knowing that:

— a judicial inquiry is under way into the use made of funding from the Region of Lombardy for vocational training;

— on 17 September 2003 the authoritative daily newspaper 'Il Corriere della Sera' published an article according to which:

(a) the owners of the company Eapa — Francesco Guerrini and Manuela Chiossi — have been under house arrest since 12 September on charges of aggravated fraud involving a sum of EUR 2.3 million;

(b) during the initial investigations Guerrini apparently claimed that he had merely 'transferred' pupils from one course to another in order to ensure that even the least frequented courses were provided for the benefit of all. His partner, who used to be the secretary of a former member of Lombardy Regional Council belonging to the AN party and was chosen as a director of Eapa because of her political connections, went further and confirmed that some of the courses financed by the Region were never actually held;

(c) in order to prove their good faith the two claim that the Regional inspectors knew about and even approved the device of 'filling up' the courses by means of false enrolments from pupils and teachers who had never actually been seen;

(d) another source of embarrassment for the Region was the statement made by a young Milanese woman, who was the first to report the alleged fraud. Discovering that she was enrolled for a fictitious course she personally reported the anomaly to the Region's chief inspector in 2002. The only response she received was an unpleasant letter from Eapa reproaching her for informing the Regional authorities and threatening to sue her for damages. At this point she reported the whole affair to the Public Prosecutor's office.

Can the Commission say:

— whether it is aware of the events described and what steps it has taken or intends to take to tackle the situation;

— whether OLAF has been informed and whether it has launched or intends to launch an inquiry?

Answer given by Ms Schreyer on behalf of the Commission

(11 November 2003)

The Commission would inform the Honourable Member that the European Anti-Fraud Office (OLAF) is aware that the Italian authorities are conducting a judicial inquiry into EAPA in connection with the use of funding from the Region of Lombardy and the involvement of ESF Community funds for vocational training.

OLAF is ready to lend any assistance it can to the judicial authorities concerned.
WRITTEN QUESTION P-2871/03
by Hiltrud Breyer (Verts/ALE) to the Commission
(22 September 2003)

Subject: Research on human embryos and embryo stem cells

The proposal for a Council decision (1) amending Decision 2002/834/EC states that at the Council meeting of 30 September 2002, the Council and the Commission agreed that ‘detailed implementing provisions concerning research activities involving the use of human embryos and human embryonic stem cells shall be established by 31 December 2003.’ Until that time, the Commission will not propose to fund such research, with the exception of proposals for projects that involve the use of banked or isolated human embryonic stem cells in culture. This leads to the conclusion that the Commission considers that research using human ‘supernumerary’ embryos or stem cells created from them will, as from 2004, be able to receive funding, even if the implementing measures have at that time yet to be adopted, come into force or become applicable. This position would appear to contradict the Commission’s statement that ‘during that period [until 31 December 2003] and pending establishment of the detailed implementing provisions, it will not propose to fund such research’ (See 12374/02 ADD 1, p. 5.).

Can the Commission confirm that it will not propose to fund such research until the detailed implementing provisions are adopted, in force and applicable?


Answer given by Mr Busquin on behalf of the Commission
(17 October 2003)

On 30 September 2002 the Council and the Commission agreed that detailed implementing provisions concerning the use of human embryos and human embryonic stem cells which can be financed under the sixth Framework Programme will be defined between now and 31 December 2003.

To this end, the Commission adopted a proposal amending the specific research programme on 9 July 2003 (1). The Council and the Commission have undertaken to reach an agreement and complete the legislative process, after Parliament has given its opinion, by 31 December 2003 at the latest.

The Commission confirms that do its utmost to honour this commitment and hopes that Parliament will provide active support.


WRITTEN QUESTION E-2873/03
by Jules Maaten (ELDR) to the Commission
(26 September 2003)

Subject: Soot measurement as regards private cars: Directives 92/55/EEC, 96/96/EC and 1999/52/EC

1. Is the Commission aware of the risks to car manufacturers and car owners associated with soot measurement, which is required by Directive 92/55/EEC (1) (amended in 1996, 96/96/EG (2), and in 1999, 1999/52/EC (3))?
2. Is the Commission aware of the fact that, in Belgium, in view of the risks involved, soot measurement has not been carried out for quite some time and that, in Germany, tests of this kind are carried out only once every two years? Despite this, a Dutch car owner is required to have his or her car tested for soot in this way once a year.

3. Is the Commission aware of the fact that, in implementing these Directives, the Netherlands Government has chosen a test method that is especially damaging to (diesel) automatics in particular, because it does not simulate normal road conditions, thereby putting excessive strain on the gearbox?

4. Is the Commission aware that there is an alternative test method (using a rolling test bench) to that required in the Netherlands and that, while this method is more expensive, it is less damaging to the car?

5. Is the Commission aware that, in Germany, tests have been carried out using a rolling test bench for some time?

6. Does the Commission agree that the fact that Dutch consumers are not free to choose which method of soot measurement is used represents a hindrance to the free market? Is the Commission prepared to raise the matter with the Netherlands Government?

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Answer given by Mrs de Palacio on behalf of the Commission

(6 November 2003)

The Commission is aware that there have been problems in implementing the ‘smoke test’ requirements of Directive 1992/55/EC.(1) That is why the Commission proposed an amendment through Directive 1999/52/EC.(2) This Directive adapts the original testing technique and introduces requirements to precondition the engine prior to testing. This requirement has, as far as the Commission is aware, solved the engine failure problem and Belgium does conduct soot measurement during technical inspection.

Directive 96/96/EC(3) lays down minimum standards that must be followed by Member States. The Directive allows Member States to stipulate a more frequent testing periodicity or more stringent technical requirements for their own registered vehicles provided those testing standards are not more severe than the vehicle was constructed to achieve. Consequently, the Dutch Authorities are within their right to require testing of passenger cars (and light commercial vehicles) every year although the minimum testing frequency specified within the Directive is every two years.

The aim of the roadworthiness test for vehicle emissions is to identify motor vehicles that are gross polluters, i.e. vehicles that pollute at levels significantly in excess of prescribed limits. The roadworthiness test needs to be relatively quick, simple and cost-effective to perform. Its aim is not to attempt to replicate real world conditions but to identify vehicles that are poorly maintained. Although German emission testing equipment is perhaps more ideal its cost is substantially higher. Consequently, the Commission does not think it necessary to harmonise testing methods around the more expensive practices that Germany has adopted.

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WRITTEN QUESTION E-2874/03
by Proinsias De Rossa (PSE) to the Commission
(26 September 2003)

Subject: Removal and retention of children’s organs without parental consent

Further to its answer to my question E-1666/03 (1), could the Commission indicate which Member States have yet to sign and ratify the United Nations Protocol on the prevention, suppression and punishment of trafficking in persons, which supplements the UN Convention on Transnational Organised Crime(2)?


Answer given by Mr Vitorino on behalf of the Commission
(27 October 2003)

According to the information provided by the United Nations Office on Drugs and Crime (UNODC) regarding the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime (3). All Member States signed the Protocol in December 2000, but only Spain and France have ratified it.


WRITTEN QUESTION E-2879/03
by Jan Dhaene (PSE) to the Commission
(29 September 2003)

Subject: Technical inspection of systems for indirect vision fitted on commercial vehicles

According to press reports, only 1.02% of commercial vehicles in Belgium fail their technical inspection test because of badly-positioned or inadequate systems for indirect vision. 4.64% of such vehicles are driven away, despite a defect being registered, but they are not required to undergo a second test. In the Netherlands, police checks showed that 85% of systems for indirect vision are not properly adjusted (Source: Goca).

In the interim, technological development has not been standing still. Major commercial vehicle manufacturers are developing technology whereby sensors warn drivers of such vehicles about the presence of persons or objects which cannot be observed by direct vision.

Can the Commission answer the following:

− Will the procedures laid down in Directive 77/143/EEC (4) and those which will be laid down in legislation adopted on the basis of COM(1999) 458 (98/0097(COD)) also apply to systems for indirect vision which are to be installed in accordance with the requirements to be laid down when the Council approves amendments to Directive 70/156/EEC (5), as set out in COM(2001) 811 (2001/ 0317(COD))?

− Do the procedures laid down in Directive 77/143/EEC and those which will be laid down in legislation adopted on the basis of COM(1999) 458 (98/0097(COD)) also apply to systems for indirect vision already installed in accordance with the requirements laid down in national legislation adopted in advance of Council approval of amendments to Directive 70/156/EEC, as set out in COM(2001) 811 (2001/0317(COD))? 

− Is the Commission considering amendments to current legislation and to the proposals for legislation currently before the Council with a view to authorising sensor-based systems for indirect vision?
Has the Commission any statistics relating to the positioning, quality of positioning and quality of installed systems for indirect vision?

Answer given by Mrs de Palacio on behalf of the Commission

(12 November 2003)

The Community’s Roadworthiness policy was framed over twenty-five years ago (framework Directive 77/143/EEC (1)) and originally only included trucks, buses, taxis and ambulances within its scope. Since then, it has been modified eleven times and now includes the inspection of private cars and light vans. It also details requirements for the testing of vehicle brakes and exhaust emissions.


Also, the recently introduced Directive 2000/30/EC of the Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (3) stipulates that heavy commercial vehicles shall be subject to ‘targeted’ roadside inspections and thereby supplements the regular roadworthiness testing requirements of Directive 96/96/EC. Directive 2000/30/EC was last modified by Directive 2003/26/EC (4) that aligns it with the technical provisions of Directive 96/96/EC.

The Commission has made a proposal relating to the type-approval of mirrors and supplementary systems for indirect vision and of vehicles equipped with these devices which is currently under discussion in the Parliament and the Council. This proposal allows certain vehicles under clearly defined conditions to use devices other than mirrors for indirect vision, including sensor-based systems.

Non-forward controlled trucks with a maximum mass 7.5 tonnes, which cannot fulfil the requirements for the front field of vision by using a front mirror, shall use a camera/monitor device. If neither of these options provides the adequate field of vision any other device for indirect vision shall be used. This device must be able to detect an object of 50 centimetre (cm) height and with a diameter of 30 cm within the defined field of vision (Annex III, item 5.6.1 of the abovementioned proposal).

Furthermore, vehicles designed for the carriage of passengers comprising more than eight seats in addition to the driver’s seat, as well as trucks with a maximum mass 7.5 tonnes having a special bodywork for refuse collection may be equipped at the rear with a device for indirect vision other than a mirror in order to ensure the defined field of vision behind the vehicle. If the requirements cannot be fulfilled with a camera/monitor device any other device for indirect vision fulfilling the detection requirements can be used (Annex III, items 10.1 and 10.2).

The Commission does not dispose of relevant statistics. However, it is about to launch a study on costs and benefits of the retrofitting of blind spot mirrors to existing vehicles. The outcome of this study should give indications on the positioning, quality of positioning and quality of installed systems for indirect vision. The study is expected to be finished before summer 2004 and the results will be made public on the Commission internet site.

(2) OJ L 90, 8.4.2003.
WRITTEN QUESTION E-2888/03  
by Joan Vallvé (ELDR) to the Commission

(29 September 2003)

Subject: Island flights — declaration of public service

For many European citizens, air transport to the Balearic Islands means a holiday trip. For the inhabitants of the islands, however, it is a vital necessity, providing access to the mainland.

As laid down in Article 4 of EU Regulation (EEC) No 2408/92 (1), ‘A Member State, following consultations with the other Member States concerned and after having informed the Commission and air carriers operating on the route, may impose a public service obligation in respect of scheduled air services to an airport serving a peripheral or development region in its territory or on a thin route to any regional airport in its territory, any such route being considered vital for the economic development of the region in which the airport is located, to the extent necessary to ensure on that route adequate provision of scheduled air services satisfying fixed standards of continuity, regularity, capacity and pricing, which standards air carriers would not assume if they were solely considering their commercial interest’.

Does the Commission believe there could be any impediment to the Spanish Government's agreeing to declare flights from the airports of Menorca, Eivissa and Palma to the Iberian Peninsula, as being flights of public interest?


Answer given by Mrs de Palacio on behalf of the Commission

(11 November 2003)

The expediency of introducing public service obligations (PSOs), in accordance with the criteria laid down in Article 4 of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, is a matter for the Member State concerned. Pursuant to Article 4(3), the Commission cannot assess whether PSOs which have already been imposed are in conformity with the Regulation until it has examined the information supplied by the Member State concerned.

WRITTEN QUESTION E-2890/03
by Anne Jensen (ELDR) to the Commission

(29 September 2003)

Subject: Aid to factories in the former GDR

Danish suppliers of spring water are currently complaining that there is distortion of competition on the European market owing to the fact that factories located in the former GDR — including Harboe Bryggerier A/S — are receiving aid from public resources. This aid makes it possible to send goods in over the nearest borders at very low prices.

What forms of aid schemes were set up for factories in the former GDR in connection with reconstruction and does the Commission know what aid the firm in question, Harboe Bryggerier A/S, has received?

In the case in point, does the Commission accept the terms on which the aid is provided or are there problems in relation to current rules on state aid?
Answer given by Mr Monti on behalf of the Commission

(18 November 2003)

The Commission is not aware of the facts referred to by the Honourable Member. It has asked the Member State concerned for information. Following an assessment of the answer the Commission will deal with any potential illegal aid.

(2004/C70E/163)  
WRITTEN QUESTION E-2891/03  
by Konstantinos Hatzidakis (PPE-DE) to the Commission  
(29 September 2003)

Subject: Inadequate measures relating to safely at work in Greece

The recent occupational accident in the meat processing factory 'Floridi Brothers' on the boundary between Agios Ioannis Rendis and Moschato in Attica, which caused the tragic death of two workers, again turned the spotlight on the problem of inadequate preventive measures in relation to safety at work.

Despite the fall in the number of fatal accidents at work in Greece (153 deaths were recorded in 2002 compared with 181 in 2001, and 62 workers died at work in the first half of 2003), the problem remains serious.

1. Can the Commission say where Greece stands by comparison with the other Member States, in absolute and relative terms (per thousand inhabitants, for example), as regards the number of accidents and deaths over the period 2000-2002?

2. Is the Commission satisfied with the transposition and implementation of Community law in Greece as regards safety and the prevention of accidents at work, and if not, what steps will it take to guarantee its implementation?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(14 November 2003)

1. The Commission shares the Honourable Member’s concern regarding the number of fatal accidents at work. The Commission's objective, as described in its communication 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006' (1), is a continual reduction in the number of accidents at work, including fatal accidents. The new strategy is based on consolidating a culture of risk prevention, on combining a variety of political instruments — legislation, social dialogue, innovative approaches and identifying best practice, corporate social responsibility, economic incentives — and on building partnerships between all players in the field of health and safety.

The Commission has had harmonised figures relating to accidents at work in the Member States since 1994, and would like to draw the Honourable Member's attention to the fact that Eurostat receives data from the Greek National Statistical Institute produced on the basis of the ESAW (2) harmonisation methodology. Since ESAW data on Greece covers only salaried workers, accidents among self-employed workers are not included in these statistics. Furthermore, in view of the need to harmonise sources from different countries, the ESAW data cover only accidents that happen at work and not those that occur during the return journey between home and work.

The latest ESAW figures, from 2000, show that there has been an improvement in Greece, both in the number of accidents in absolute terms and in the standardised incidence rate of fatal accidents at work per 100 000 persons in employment. To be precise, 83 workers died in 1994 and the incidence rate was 4.3, whereas 57 workers died in 2000 and the incidence rate was 2.7. The situation for accidents at work that result in more than three days' absence has also improved in Greece since 1994, both in absolute terms (39 098 accidents in 2000 compared with 53 829 in 1994) and in terms of the standardised incidence rate (2 595 in 2000 compared with 3 702 in 2000). However, although the ESAW methodology produces harmonised statistical data, differences in the proportion of accidents declared in each country mean that it remains difficult to make comparisons between the Member States.
2. With regard to the Honourable Member’s questions on both the transposition and implementation of Community law in Greece in matters relating to safety and the prevention of accidents at work, it should be noted that the Directives must be transposed by the Member States and it is their responsibility to ensure adequate control and monitoring of the national provisions transposing Community Directives on the health and safety of workers at work (cf. Article 4 of Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work (1)). Accordingly, it is for the Greek authorities, in this case the labour inspectorates, to ensure that these measures are correctly and effectively applied.

However, if the Commission had firm evidence of a general failure to implement national law transposing the Community Directives, it could make use of the Treaty provisions, in particular those under Article 226.

Greece has notified the Commission of its measures to transpose the Directives on health and safety at work. However, following a complaint which may expose a general failure to implement Greek law transposing the Community Directives on the health and safety of workers, the Commission has sent the Greek Government a letter of formal notice regarding implementation of Directive 89/391/EEC and is now awaiting the Greek authorities’ response.

(2) European Statistics on Accidents at Work.

(2004/C 70 E/164)

WRITTEN QUESTION P-2893/03
by Ole Krarup (GUE/NGL) to the Commission
(23 September 2003)

Subject: Violation of the data protection rules

Would the Commission tell us exactly what parts of the European rules on data protection are being violated due to the demands from the USA regarding transfer of personal data by airlines in connection with transatlantic flights?

Would the Commission tell us when and how that will be brought to an end?

Answer given by Mr Bolkestein on behalf of the Commission
(6 November 2003)

It should be noted, first, that the data protection directive 95/46/CE(1) does not apply to processing operations concerning public security, defence, State security and the activities of the State in areas of criminal law, such as the processing of personal data carried out directly by the police. Where the processing of personal data does fall within its scope, as in the case of the processing of passenger name records by airlines and computer reservation systems, the data protection directive imposes on Member States the obligation to adopt implementing legislation that must include a number of rules. These include the principles that personal data must be processed fairly and lawfully, and that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection. ‘Adequate’ protection means that a number of data protection principles of substance are in place, and that sufficient mechanisms exist in the country of destination to ensure that those principles are complied with. The Directive provides a number of exceptions, for example it is also possible to transfer the data when this is legally required on important public interest grounds. Such legal obligation may arise from national legislation or from an international agreement. These legal instruments may also allow exceptions to be made to restrict the scope of some of the obligations and rights provided for in the Directive, in particular the principle that data should be used for purposes compatible with those for which they were collected. In those cases it is required that legislative measures are adopted, and that such a restriction constitutes a necessary measure to safeguard important public interests, such as national security, public security, prevention, investigation detection and prosecution of criminal offences, or to safeguard a monitoring, inspection or regulatory function connected, even occasionally, with the aforementioned safeguard measures.
When allowing United States' authorities to access the whole passenger information records of all passengers flying to and from the United States in the current conditions, airlines must respect national legislation adopted pursuant to those provisions of the Directive, and may be subject to enforcement action by national data protection supervisory authorities in Member States for failure to respect these provisions.

As stated in the intervention of the Member of the Commission in charge of the Internal Market of 9 September 2003 before the Parliament's Committee on Citizen's Freedoms and Rights, Justice and Home Affairs (LIBE Committee), the Commission is negotiating with the United States authorities in order to obtain improvements in the way personal data will be processed in the United States, with the aim of allowing the Commission to adopt a formal decision under Article 25 paragraph 6 of the Data Protection Directive recognising the protection offered as 'adequate'.

Efforts to obtain improvements focus currently on four major issues, namely:

1. Purpose limitation: so far, the United States has refused to limit its use of Passenger Name Record (PNR) data to the fight against terrorism, but want to cover also 'other serious criminal offences';

2. Scope of data required: the United States requires 39 different PNR elements, which seems to go beyond what is necessary for or proportionate to the purpose;

3. The data storage periods which are too long (seven years); and

4. The fact that United States' undertakings are insufficiently legally binding — since the available extra-judicial redress mechanisms are not fully independent, we must insist that rights are actionable before United States' courts.

An adequacy decision will only be possible if the United States is ready to improve significantly its 'undertakings'. In the absence of an adequacy finding, a bilateral international agreement might provide an appropriate framework to ensure legal security for the data transfers, but this too could only be concluded on the basis of a significant improvement of the present United States undertakings as regards the protection of the data transferred.

The Commission has informed the United States side that it is necessary to find a solution by December 2003 and the United States side has agreed to this timetable.


WRITTEN QUESTION E-2894/03

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(29 September 2003)

Subject: Work experience programme (STAGE) in Greece

The data processing and communications work experience programme for unemployed graduates (STAGE), introduced in 2002 in the 'information society' operational programme of the third Community Support Framework in Greece, was presented by the Greek Government as a particularly successful venture, reportedly providing full financial support for as many as 4 100 jobless for the duration of the programme (nine months). However, there have been complaints that the programme, which has been in operation for a number of years does not entitle participants to employment stamps and is not recognised by the Higher National Council for the Selection of Public Service Personnel (ASEP) as previous work experience or employment. Furthermore, it does not entitle those who successfully complete the programme to an OAED (Manpower Employment Organisation) professional training certificate, despite the fact that this is the body responsible for organising the programme.

Does the Commission not consider that the trainees in question are being treated unfairly and that it reflects badly on the programme itself? Will it make representations to the Greek authorities accordingly?
The Honourable Member’s question relates to an action under measure 3.5 of the ‘Information Society’ Operational Programme of the 3rd Community Support Framework (CSF) for Greece. The aim of this action, which is cofinanced by the European Social Fund (ESF), is to give young unemployed graduates the possibility to have a training period of nine months in the field of Information Society.

According to the Managing Authority of this Operational Programme:

- during the training period, the participants are covered by medical insurance only;
- their participation is not recognised as work experience by the public administration. However, the Greek Ministry of Interior and Public Administration is acting to pass a legislative amendment through the Greek Parliament so that these training periods are recognised as work experience;
- a certificate of attendance is granted by the Greek Employment Organisation (OAED) to all participants completing the training period.

The Commission is in contact with the Greek Authorities to discuss ways to improve the direct or indirect effects of this action.

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**WRITTEN QUESTION E-2899/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(1 October 2003)

**Subject:** Public debt and budget deficit in Greece in 2003

What is the Commission’s estimate of the budget deficit and public debt in Greece as a percentage of GDP in 2003?

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**Answer given by Mr Solbes Mira on behalf of the Commission**

(4 November 2003)

In the 2003 State Budget and the 2002 Stability programme, the central government debt is projected to be equal to EUR 171.03 billion, whereas the general government consolidated gross debt is estimated to be EUR 150.4 billion, representing 100.2% of gross domestic product (GDP). According to the Commission Spring forecasts, the Greek general government deficit is projected to be equal to 1.1% of GDP whereas the general government debt ratio is projected to stand at 101% of GDP at the end of 2003.

Currently, the Commission is proceeding to the Autumn forecast round and these estimates may be revised.

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**WRITTEN QUESTION E-2901/03**

by Antonio Tajani (PPE-DE) to the Commission

(1 October 2003)

**Subject:** Safeguarding jobs at the Alcatel plant in Rieti

The telecommunications sector is going through a period of recession. In order to tackle the unfavourable situation the Alcatel group has decided on drastic job cuts. Apart from undermining the research sector this policy also threatens to lead to the company’s activities being relocated to countries with low labour costs.
If they go ahead, Alcatel’s restructuring plans will hit Alcatel’s factories in southern Italy, in particular the ultramodern establishment in Rieti.

Is the Commission aware of the risks for the economy of the Rieti area, where substantial resources have been invested in electronics?

Since Alcatel’s situation is improving, what steps does the Commission intend to take to prevent a temporary difficulty from seriously damaging employment?

How does the Commission intend to safeguard plants such as the one at Rieti, which are considered of strategic importance because of the highly specialised professional staff and equipment?

(2004/C 70 E/168)

WRITTEN QUESTION E-2908/03

by Franz Turchi (UEN) to the Commission

(1 October 2003)

Subject: Alcatel industrial plan

With reference to the Alcatel industrial plan for Italy and Europe, in view of the company’s recent decisions which have particularly affected employment levels, especially at the Battipaglia and Rieti plants (the latter is to be closed with the loss of over 1 000 jobs), and given the company’s situation as a consortium within the Galileo project and in the context of the TEN project, will the Commission say whether or not the plan contains any future strategies for the company, in terms of relaunching, selling or closing it?

Joint answer
to Written Questions E-2901/03 and E-2908/03
given by Mrs Diamantopoulou on behalf of the Commission

(18 November 2003)

The Commission has no competence to interfere with companies’ decisions insofar as they do not violate Community law. With regard to the employment aspects of Alcatel’s decision to close its Rieti plant, the Commission would like to refer the Honourable Member to the answer it has given to Written Question P-2897/03, by Mrs Angelilli (').

The Galileo project has now entered its development and validation phase. The Galileo Joint Undertaking has therefore full responsibility for that phase, but industrial contracts for the space segment (and related ground segment) will be managed by the European Space Agency (ESA). An invitation to tender will soon be issued by ESA concerning the first satellites and the core ground segment. Several companies in Europe are interested in these activities. A set of space manufacturers, i.e. Astrium, Alcatel and Alenia Spazio, have created a joint venture called ‘Galileo Industries’ which is most likely to bid for these contracts. At this stage, however, there is no guarantee whatsoever that Galileo Industries (hence Alcatel) will win them.

As regards Galileo, the Commission has no rights or obligations regarding the future of Alcatel’s Battipaglia and Rieti plants. It could, however, be mentioned that a very first contract for a ‘demonstration and frequency protection’ satellite has been placed with Galileo Industries for a value of EUR 72 million. This activity could probably generate work for these sites.

As far as the negative effects on the economy are concerned, the territory of the province of Rieti is partly eligible for assistance from the European Regional Development Fund (ERDF) under Objective 2, and the municipality of Cittaducale, where one of the Alcatel plants is located, is an eligible area, as is the municipality of Battipaglia in Campania, which is an Objective 1 region.
In this connection, measures to convert production capacity may be financed following an initiative by the region of Lazio and the region of Campania, which are the authorities responsible for selecting and conducting operations in their geographical areas.


WRITTEN QUESTION E-2905/03
by Konstantinos Hatzidakis (PPE-DE) to the Commission
(1 October 2003)

Subject: Unemployment in Greece on the basis of the 2001 census

According to an article by a distinguished academic and former minister, unemployment in Greece is in the region of 9.5% rather than the 8.9% announced by the National Statistical Service (NSS).

This assessment derives from the fact that the NSS measures the level of unemployment on the basis of the 1991 rather than the 2001 census, thereby underestimating the workforce between the ages of 15 and 44 but, conversely, overestimating the workforce over the age of 45. The result of this for the second quarter of 2003 is that the workforce has been underestimated by 461600, those in employment by 390 300 and the unemployed by 71 300.

What are the Commission's views on this matter? Is the NSS' method of measuring or the view taken by the above academic correct? Finally, what is the level of unemployment in Greece according to the latest available data?

Answer given by Mr Solbes Mira on behalf of the Commission
(5 November 2003)

Pursuant to the applicable Community legislation, the measurement of unemployment should comply with the definition of Article 1 and 2 of Commission Regulation (EC) No 1897/2000 of 7 September 2000 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the operational definition of unemployment (1), and Greece is in full compliance.

In relation to the source used to calculate the weighting factors, Article 5 of Council Regulation (EC) No 577/98 of 9 March 1998 (2) does not specify the source (population registers, census, etc.).

The latest non-seasonally adjusted data for Greece available in Eurostat correspond to the 2nd quarter 2003 and show an unemployment rate of 8.9%. These data are available in the New Cronos database: Theme 3 \Labour Force Survey (LFS)\unemployment. The seasonally adjusted unemployment data, as published in the last monthly press release of Eurostat (No 113/2003 of 1 October 2003) show a 9.2% rate for Greece for the 2nd quarter 2003.

The Commission does not wish to express a view on diverging academic positions.

(2004/C 70 E/170)

WRITTEN QUESTION E-2906/03
by Gerhard Schmid (PSE) to the Commission

(1 October 2003)

Subject: Transposition of Directive 2001/97/EC on prevention of the use of the financial system for the purpose of money laundering


I understand that the directive has not yet been transposed in the United Kingdom.

Can the Commission therefore say:
1. On what grounds the United Kingdom has not yet transposed the directive?
2. What other Member States have not yet transposed the directive?
3. What prospective Member States have not yet transposed the directive?
4. What it intends to do about this, especially in the case of the United Kingdom?


Answer given by Mr Bolkestein on behalf of the Commission

(12 November 2003)

With regard to the first question, the Commission can inform the Honourable Member that on 16 July 2003 a letter of formal notice was sent to the United Kingdom on grounds that the United Kingdom had failed to transpose the provisions of Directive 2001/97/EC (‘the Directive’) by 15 June 2003, the deadline for compliance set out in Article 3 of the Directive. No response to the letter of formal notice has so far been received.

Regarding the second question, the Commission can inform the Honourable Member that (besides the United Kingdom) Belgium, Greece, France, Italy, Luxembourg and Portugal have not communicated implementing measures to the Commission and — as far as the Commission is aware — have not yet transposed the Directive into national law. Austria has communicated measures which constitute a partial implementation of the Directive.

Regarding the third question, it should be noted that the accession countries have until the date of accession to complete their implementation.

Regarding the fourth question, the Commission can ensure the Honourable Member that if the United Kingdom or any other Member States should persist in delaying implementation of the Directive, the Commission will pursue the infringement proceedings commenced. This being said, however, the Commission will take into consideration any information transmitted in the meantime by the Member States which have failed to transpose the Directive.

(2004/C 70 E/171)

WRITTEN QUESTION P-2914/03
by Mario Borghezio (NI) to the Commission

(29 September 2003)

Subject: Prodi goes beyond his powers in statements on Arafat

Why has Mr Prodi, going beyond his powers, stated in his capacity as President of the Commission that the terrorist Arafat must be the EU’s interlocutor?

Are such statements not at odds with the provisions of Article 13 of the TEU, which clearly place responsibility for foreign policy in the Council’s hands alone?
As the Honourable Member will no doubt be aware, the President of the Commission was publicly stating the position taken by the Laeken Summit in December 2001, which was reiterated by the Council (Foreign Affairs) on 28 January 2002 in the following words: 'Israel needs the Palestinian Authority and its elected President, Yasser Arafat, as a partner to negotiate with, both in order to eradicate terrorism and to work towards peace'.

At Parliament’s part session on 16 January, the President of the Commission stated that 'for millions of European citizens, the euro notes and coins in their pockets are a tangible sign of the great political project of building a united Europe. As a symbol of that unity, the euro is having an even greater psychological impact than the abolition of passport controls at Europe's internal borders. The euro is thus becoming a key element in people's sense of a shared European identity and a common destiny, just as it is tangible evidence that European integration is now irreversible. (…) We must take this as a valuable lesson and apply it in the preparations for all stages in the process of integration'.

There was no reason to change this well-known position of the entire Commission during the referendum campaign for the adoption of the euro in Sweden.

Historically, Europe and Spain have ranked low on productivity, one of the principal reasons being the absence of any large-scale application of new technology to production processes, unlike the USA, which according to the ILO, is the world’s most productive country, with average growth running at 2.2% for the last seven years.

Europe clearly needs to learn its lesson, and deal with its productivity deficit, something which requires an intra-Community pact at European level to boost Europe’s low productivity rates.

Does the Commission believe that following the success of the Economic Stability Pact, it should now put forward a European productivity pact, with a view to making up lost ground vis-à-vis the USA, and enable the Old World to catch up with the productivity rates of the US economy?
Answer given by Mr Solbes Mira on behalf of the Commission

(4 November 2003)

The Commission agrees with the assessment that — contrary to the United States in the second half of the 1990s — the Union has failed to create jobs and raise labour productivity growth at the same time. In recent years, the Union has succeeded in raising the employment rate, while, in contrast to the United States, labour productivity growth has slowed down.

In view of the Union's lagging performance in the second half of the 1990s, the Lisbon European Council of March 2000 set the goal for the Union to become within a decade the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion. The European Council has also agreed a structural reform agenda, which is known as the Lisbon Strategy.

Since then, the European Council has met annually to assess progress on the 'Lisbon Strategy' and to identify priorities for action. The recent 'Growth Initiative' by the Italian presidency and the Commission has identified accelerating structural reforms and promoting investment in infrastructure and human capital as key priorities for improving the growth performance of the Union economy. In this sense, a European productivity pact is already operational.

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WRITTEN QUESTION E-2928/03

by Proinsias De Rossa (PSE) to the Commission

(6 October 2003)

Subject: European Spatial Development Perspective and the SRUNA Project

In June 2000, the Sustainable Recreational Use of Natural Assets (SRUNA) project, which examined methods of planning for sustainable recreation in natural amenity areas in Dublin and Mid-East regions and which was funded by the EU TERRA programme, was completed.

How have the recommendations of the SRUNA project been incorporated into the follow-up to the European Spatial Development Perspective?

What current (or planned) EU-funded programmes and initiatives would be of relevance in relation to the implementation of the SRUNA recommendations?

Answer given by Mr Barnier on behalf of the Commission

(25 November 2003)

The programme TERRA was launched in 1997 in the context of the innovative actions financed by the Article 10 of the European Regional Development Fund (ERDF). It concerned 15 experimental, transnational and interregional innovative pilot projects in the field of spatial planning throughout Europe, one of which was the project SRUNA (Sustainable Recreational Use of Natural Assets).

A total of EUR 40 million (of which EUR 20 million from the ERDF) was earmarked for the TERRA programme. TERRA was conceived as a laboratory for testing new approaches to, and methodologies for, spatial planning. In addition, TERRA — together with the Interreg IIC programmes — aimed to contribute to the assessment of the relevance of the policy options proposed by the European Spatial Development Perspective (ESDP).
The final TERRA report, published by the Commission at the beginning of 2000, concluded that the SRUNA project had obtained very good results by developing a bottom-up partnership for sustainable development, an inventory of recreational natural assets and best practice guidelines for integrated planning (including a report on access for disabled to recreational natural assets. These results were disseminated via the TERRA seminars and workshops as part of the effort to promote spatial planning in widely diverse cultural and institutional contexts. More information can be found on the web-site. (http://europa.eu.int/comm/regional_policy/innovation/innovating/terra/expplan/toc.html).

As it was pointed out in the TERRA closing event held in Brussels in spring 2000, which gathered partners from all 15 projects, no extension of the TERRA programme as such was foreseen. Rather, the Community initiative Interreg III, 2000-2006, is the natural framework under which the continuation of this type of co-operation is possible. The Commission adopted the guidelines for the Community initiative Interreg III on 28 April 2000 (1). Specific guidelines for interregional co-operation were approved on 4 May 2001 (2).

(1) OJ C 143, 23.5.2000.
(2) OJ C 141, 15.5.2001.

(2004/C 70 E/175)

WRITTEN QUESTION E-2931/03

by Marco Cappato (NI), Maurizio Turco (NI), Emma Bonino (NI), Marco Pannella (NI), Benedetto Della Vedova (NI), Gianfranco Dell’Alba (NI) and Olivier Dupuis (NI) to the Commission

(6 October 2003)

Subject: Appointment of General Ammar as Chairman of the National Organising Committee for the World Summit on the Information Society

Between 1984 and 1987, during which time General Habib Ammar commanded the National Guard, torture became a common practice in the Tunisian gendarmerie.

In 1986, General Habib Ammar set up the National Special Services Department (Abhath Wa Taftich), whose main base was the Auoina barracks, in which torture was systematically and constantly practised against hundreds of prisoners, most of whom were opponents to the Bourguiba regime.

Following General Ben Ali’s coup d’état, General Habib Ammar was appointed Interior Minister in the Tunisian Government in November 1987. During his time at the head of the Interior Ministry, the Ministry’s premises were transformed into detention and torture centres.

With a view to preparing for the holding of the World Summit on the Information Society (WSIS), the second stage of whose proceedings will be held in Tunisia from 16 to 18 November 2005, the Tunisian Government has set up a National Organising Committee for the WSIS and has appointed General Habib Ammar chairman of the committee.

Furthermore, the persistent violations of the right to freedom of expression and opinion, both on-line and off-line, which are a daily feature of political life in Tunisia and the fact that journalists and Internet users are being arrested, tortured and sentenced to heavy custodial sentences.

Would the Commission not agree that every possible means of political, diplomatic and economic pressure should be used to persuade the Tunisian Government to revoke the appointment of General Ammar as Chairman of the National Organising Committee for the WSIS?

Would it agree that it should speak out and take steps with a view to securing the suspension of the decision to hold the second session of the World Summit on the Information Society in Tunisia in 2005 until such time as the Tunisian Government ensures that the full enjoyment of the right to freedom of expression is genuinely guaranteed by Tunisian law?
The Commission is aware of the appointment referred to by the Honourable Members.

As the Commission has already made clear in its reply to written question E-2554/03 by Mr. Cappato (1) on the World Summit on the Information Society (WSIS) several factors need to be borne in mind.

First, holding the second session of the WSIS summit in Tunisia is a decision taken by the United Nations’ General Assembly (UNGA) and therefore has only indirectly involved the Commission.

Second, the fact the summit will be held along the Johannesburg model implies a range of positive side effects likely to benefit Tunisian civil society: a whole range of different actors will be involved in the preparation phase as well as in the summit itself.

Third, the Commission, in its communication (2) to the Council and the Parliament Towards a Global Partnership in the Information Society: EU perspective in the context of the UN World Summit on the Information Society’ points out that the following principles need to be solemnly ‘upheld and extended within the information society: The right of freedom of opinion and expression in accordance with the provisions of the UN Universal Declaration of Human Rights’. This will also be its approach with Tunisia.

In so far as the appointment of general Ammar is more than an internal Tunisian matter, the organisation of the WSIS Depends on the UNGA and its members.

However, the Commission will follow the situation, and if opportune, open the dialogue with Tunisian Authorities in close co-operation with the Member States.

(1) OJC65E, 13.3.2004, p. 175.

Subject: Combating counterfeiting

Counterfeiting is now reaching intolerable levels. According to a study conducted by the American Chamber of Commerce in Italy with the cooperation of KPMG, it is having an extremely damaging impact on Italian companies and government revenues. The annual losses for companies are currently estimated at EUR 8 billion, with the annual shortfall in tax revenues standing at close to EUR 3 billion. Many of the companies affected are Italian, but a large number of them are European or American. The latter in particular operate in high-technology sectors. The effects are being felt not just by companies, as it might seem at first glance, but also by the Italian economy, since counterfeiting, in the same way as piracy, acts as a major disincentive to investment in Italy. It is common knowledge that the market sectors hardest hit by counterfeiting are the audiovisual, pay TV, music, software, video games, fashion, book, clock-making, sports goods, domestic goods, alcohol and toy sectors.
Given this situation, which is most probably much the same in other industrialised countries in Europe, would the Commission not agree that:

1. it should conduct an in-depth analysis of counterfeiting in all EU Member States with a view to quantifying the damage to companies and tax revenues?

2. it should take steps aimed at putting forward common measures to:
   - protect original products and, thereby, trade marks and copyright?
   - closely monitor products bearing quality labels (such as EC) in order to ensure that consumers do not confuse them with the EU’s own quality labels?

3. the proposal for a directive on measures and procedures to ensure the enforcement of intellectual property rights (2003/2004 (COD)) of 30 January 2003 is totally incapable of tackling an enormous increase in counterfeiting in an enlarged Europe?

Answer given by Mr Bolkestein on behalf of the Commission

(25 November 2003)

1. The Commission has taken note of the study on counterfeiting conducted by the American Chamber of Commerce in Italy. The tendency reflected in the study coincides with previous statistics on estimated damages that have been published at national, European and international level. Independent studies show that ever-increasing harm is being done to business (lower level of investment, closure of small and medium-sized enterprises SMEs), society (job losses, consumer safety, threat to creativity) and governments (loss of tax revenue) because of increasing counterfeiting and piracy.

In order to combat this type of fraud more effectively, some years ago the Commission set up an annual study aimed at qualifying and quantifying these practices at the EU’s external borders. Each year, the Commission does in fact publish almost 70 pages of statistics on actions taken by the EU customs authorities to combat counterfeiting and piracy. Information on the nature of the counterfeit products, their origin, the means of transport used and the value of these goods on the internal market are all analysed in order to gain a better understanding of this international fraud.

As counterfeit and pirated goods fall outside the mainstream economy, it is by definition difficult to produce exact and objective figures on these activities within the internal market. In 2002, a study was published, commissioned by the Commission, which developed and recommended efficient methods of research for collecting, analysing and comparing data on counterfeiting and piracy (1). Member States and private organisations can use the method developed in the study to measure the incidence in a range of different product sectors.

2 and 3. The fight against counterfeiting and piracy is one of the priorities for the Commission which is already involved in the adoption of vigorous measures intended to improve and step up the fight against counterfeiting and piracy.

On 22 July 2003, the Council of Ministers adopted on the basis of a Proposal from the Commission (2) a new Regulation (3) to improve customs controls to counteract infringements of intellectual property rights. This new law will provide a broader protection than previous measures as well as better, simpler and cheaper protection for right holders of all nationalities.

In parallel with this tighter legislation, the Commission wanted to improve customs control in this field by developing and attempting to harmonise new criteria for better risk analysis. In 2002, for example, the Italian customs authorities alone intercepted almost 36 million counterfeit or pirated items.

In addition, the Commission is working on the implementation of its action plan adopted in November 2000 (4) on combating counterfeiting and piracy in the single market. A key element of the action plan was the presentation in January 2003 of a Proposal for a Directive (5) that aims at the harmonisation of the measures and procedures necessary to ensure the enforcement of intellectual property (IP) rights within the internal market. The Proposal covers infringements of all intellectual property rights which have been
harmonised within the Union, including trade marks and copyrights. The proposed measures include, inter alia, injunctions to halt the sale of counterfeit or pirated goods, provisional measures such as precautionary freezing of suspected offenders’ bank accounts, evidence-gathering powers for judicial authorities and powers to force offenders to pay damages to right holders to compensate for lost income. It also requires Member States to ensure that all serious infringements of intellectual property rights are treated as a criminal offence to which criminal sanctions may be applied. Member States remain free to adopt or maintain in their legal order measures which are more favourable for right holders. The Commission believes that once the Council and the Parliament have formally adopted the Directive, the Community will be in the possession of an important and efficient instrument in the fight against piracy and counterfeiting in an enlarged Union.

The Commission also intends to propose an initiative in 2004 with a view to adopting a framework decision to strengthen the penal framework for combating counterfeiting. The purpose of this initiative will be to set minimum thresholds for prison sentences incurred for counterfeiting offences, particularly when these are committed in connection with organised crime. In addition, the aim is to achieve an optimum level of police and judicial cooperation in this field.

The Commission would like to clarify that the ‘CE’ marking is not a quality marking. The ‘CE’ marking (which stands for ‘conformitàeuropea’) indicates that a product complies with the requirements of relevant Community technical Directives (so called New Approach Directives) and that relevant prescribed conformity assessment procedures to verify compliance have been carried out. According to those Directives, it is then up to the Member States’ market surveillance authorities to verify that this is really the case and, where necessary, either to restrict or forbid the placing on the market of non-compliant products or to withdraw them from the market (see also Council Decision 93/465/EEC of 22 July 1993(4) concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking and Council Directive 92/59/EEC of 29 June 1992, on general product safety(5)).

The Communication from the Commission to the Council and the Parliament ‘Enhancing the Implementation of the New Approach Directives’ of 7 May 2003(8), while reaffirming the Member States’ responsibility for market surveillance, calls for an improved level of market surveillance through reinforced administrative co-operation between Member States’ market surveillance authorities.

Furthermore, the Community has already adopted measures in order to ensure that consumers do not confuse national or private quality labels with other indications that are protected on the basis of Community legislation. Labelling, indications and advertising are for example subject to general rules laid down in Community legislation such as the Directive on misleading and comparative advertising (Council Directive 84/450/EEC of 10 September 1984(9), as amended by Directive 97/55/EC of the Parliament and of the Council, of 6 October 1997(10)).

The Commission’s proposal for a Directive on unfair business-to-consumer commercial practices(11) also includes a provision which would specifically prohibit any marketing, including advertising, which is likely to distort consumers’ decisions by creating confusion with any products, trade marks, trade names and other distinguishing marks of a competitor.

Subject: Limits on total concentration of DDT in fish

As the Commission will certainly know, the DDT emergency in Lago Maggiore has resulted in all commercial fishing being banned since 1996, causing severe damage to the fishing trade and the tourist economy in the area. The closure of the insecticide manufacturing plants in the second half of 1996 failed to solve the problem, since the ban on fishing in the Italian part of the lake has continued. The total DDT levels found in some species of fish, some of which command extremely high prices, exceed the maximum concentrations provided for in Italian law. In the Swiss part of the lake, on the other hand, these species may be caught and sold, since the legal thresholds are 10 to 20 times higher than in Italy. The same disparity is to be found with all the EU countries which have set total DDT permissible content limits. This means that fish that may be caught and eaten in Germany, Austria and the Netherlands cannot be caught and eaten in Italy.

Given the above, can the Commission state:
1. whether it would agree that this situation constitutes a distortion of free trade in and production of a foodstuff that is available over wide area?
2. whether it would agree that it should propose that the Member States set uniform threshold values for DDT in fish, possibly based on the permissible doses for humans set by the WHO (the method used by Switzerland when it set its own limits in 1995)?
3. whether a request has been made in this connection by the Italian Government?
4. what stage has been reached in the procedure, if such a request has been made?
5. whether, if such a request has not been made, it is prepared to submit appropriate proposals?

Answer given by Mr Byrne on behalf of the Commission

(17 November 2003)

The Commission has no evidence to support the hypothesis that the situation in Lago Maggiore described by the Honourable Member constitutes a distortion to intra-community trade.

The Commission agrees that it would be desirable that Member States use similar methodology when setting permissible residue limits at national level for undesirable substances in fish. This could be based on the methodology described by the World Health Organisation (WHO).

The Commission is not aware of any request from the Italian Government in this regard.

The Commission has no plans at this time to submit proposals.

Moreover, the Commission would like to refer the Honourable Member to the answer given to the written question E-1460/98 from Umberto Bossi (1).

In its communication on immigration, integration and employment (1) the Commission refers to studies from across the world confirming that immigration has a number of positive effects on the economy (p. 10).

Has Commission also consulted studies arriving at the opposite conclusion? For instance, the recent study on 'Immigration and the Dutch economy' carried out by the Central Planning Bureau (CPB) in the Netherlands, which concludes among other things that 'for all entry ages, however, immigrants turn out to be a burden on the public budget if their social and economic characteristics correspond to those of the present average non-Western residents. Accordingly, budget balances are affected negatively' (…) 'The results indicate that immigration cannot offer a major contribution to alleviate public finances, and thus become a compensating factor for the rising costs for government due to the ageing of the population'.

At the request of the Senate, the Belgian Planning Bureau conducted a study in response to a note from United Nations advocating massive new waves of immigration into Europe. Here too it was pointed out that further immigration does not provide a solution to the ageing of Europe's population, not least because of the high cost of social security.

Is the Commission aware of these studies and will it take account of their findings when drafting new measures in this area?


In its communication (1), the Commission says on page 10 that 'the costs and benefits of immigration are not evenly distributed'. On page 11 it goes on to say that 'this does not exclude adverse effects on particular groups or sectors. Empirical findings point towards the concentration of undesirable effects on blue-collar workers in manufacturing industries and on unskilled labour in services'.

This is a serious problem, not least because of the size of the group concerned. It is primarily the most vulnerable groups in our society that are hardest hit by the negative effects of immigration, not only in socio-economic terms but also in other ways (alienation in whole areas of cities because local people choose to leave, breakdown of social infrastructure, crime and so on. Although the Commission recognises the problem it simply glosses over it.

What measures is the Commission proposing to tackle this problem?

Are any such programmes currently under way?

(2004/C 70 E/180)

WRITTEN QUESTION E-2986/03
by Philip Claes (NI) to the Commission
(9 October 2003)

Subject: Commission Communication on immigration, integration and employment — brain drain

On page 16 of the Commission Communication COM(2003) 336, it is stated that ‘recourse to immigrants should not be detrimental to developing countries, particularly with respect to the brain drain’. The emigration of high skilled workers from the developing countries to Europe therefore constitutes a phenomenon that drives such countries into a vicious circle: the lack of a high skilled and dynamic labour force (plant managers, professional employees, etc.) simply makes the situation there more difficult.

However, earlier on in the document, reference is made to the problem of native unskilled or low skilled workers being adversely affected by large-scale immigration of low skilled labour from outside the European Union. In our knowledge-based economy, the need for low skilled labour (certainly from outside the Union) is small. What is more, further immigration of that type is undesirable, inter alia on social and economic grounds.

On the one hand, the Commission is seeking to attract high skilled workers (although without causing a brain drain), and, on the other, it acknowledges the problem of the uneven distribution of the burdens of immigration in Europe (situation of the low skilled). How does the Commission think that it will be able to reconcile these two considerations?

(2004/C 70 E/181)

WRITTEN QUESTION E-3004/03
by Philip Claes (NI) to the Commission
(14 October 2003)

Subject: Commission communication on immigration, integration and employment — franchise for immigrants

Communication COM(2003) 336 repeatedly calls for immigrants in Europe to be granted ‘political rights’. From the point of view of integration, it is obvious that local franchise should derive from permanent residence, rather than from nationality. The Commission believes that granting long-term resident immigrants political rights is important for the integration process and that the Treaty should provide the basis for so doing’ (p. 24).

The issue of whether or not to grant immigrants the right to vote is a very controversial one for which there is virtually no democratic support in most Member States: public opinion is set against such a move.

Does the Commission take the view that the democratic legitimacy of the European Union would be strengthened by using the Treaty to impose the right to vote for immigrants in countries where there is strong public opposition to such a move?

In practical terms, what does the Commission understand by ‘political rights’: only local franchise, or franchise at other levels (district, provincial, national, European) as well?

As things stand, how does the Commission assess the likelihood that the Treaty will provide a legal basis for granting immigrants the right to vote?

What is the basis for the suggestion that granting immigrants the right to vote will foster integration? In fact, the reverse is likely to be true if certain rights (right to vote, nationality) are granted automatically, or quasi-automatically, to the individuals concerned with no reciprocal concessions required. A practical incentive to integrate will disappear if the willingness to integrate no longer has any bearing on the award of such rights.
WRITTEN QUESTION E-3029/03
by Philip Claeys (NL) to the Commission
(17 October 2003)

Subject: Commission communication on immigration, integration and employment — factors inhibiting integration

In its communication (1), the Commission says on page 23 that: ‘accurate information about immigrants and their positive contribution, both economically and culturally, to our societies needs to be publicised’ (...). No one doubts the need for accurate information. It is therefore essential that this information should be comprehensive and that there should be no taboo subjects. For many years, however, it has been considered politically correct to keep quiet about or disregard certain problematic aspects of the presence of large numbers of immigrants: higher unemployment among certain groups, high levels of crime, cultural practices that are in breach of our fundamental principles of human rights and equality (subordinate position of women, arranged marriages, etc.). Such practices put a brake on integration and problems cannot be solved by simply glossing over them.

The Commission also advocates easier access to citizenship of the European host country and the right to vote, without linking these rights to any conditions. Practical experience shows, however, that such a lax approach tends to hinder rather than encourage integration.

Family reunification is also welcomed. However, the scale of family reunion and marriages between immigrants resident in Europe and partners from their country of origin is in fact an obstacle to integration. In the Netherlands, for example, it has been established that between 70 and 80% of Moroccan and Turkish residents marry a partner from their home country. The vast majority of those concerned generally speak no Dutch and are ignorant of the values and customs of their host country, as a result of which what little progress has been made towards integration is automatically reversed or comes to nothing.

The Commission document pays no attention to any responsibilities that immigrants themselves might have for the problems faced today and for solving them. Is the Commission prepared to introduce or support measures designed to strengthen the linkage between rights and responsibilities (learning the language of the host country, respecting its laws, respecting equality between men and women, acceptance of the principle of separation of church and state)? If so, what measures are planned?


Joint answer
to Written Questions E-2937/03, E-2938/03, E-2986/03, E-3004/03 and E-3029/03 given by Mr Vitorino on behalf of the Commission
(17 November 2003)

All five questions posed by the Honourable Member relate directly to the Commission Communication on immigration, integration and employment and should, therefore, be answered jointly.

The Commission is aware of the results of the studies mentioned by the Honourable Member and these studies as well as the results of any other pertinent studies conducted in this field will be considered and taken into account as a source of information by the Commission. In general the overall net fiscal impact of immigration is perceived to be fairly small. As a result immigration is neither a solution to the financial problems of ageing populations nor a significant fiscal burden.

The Commission is aware that studies on the fiscal impact of immigration provide different assessments of the net fiscal impact of immigration. These different results can be explained mainly by different national circumstances such as the degree of integration of immigrants, and probably also to some extent by methodological problems.
In particular two often opposite factors are significant in determining the fiscal impact on public finances: on the one hand the age composition of immigrants is beneficial to public finances as immigrants are on average relatively young people in the working age with a larger than average potential for having their tax payments exceed the individual public transfers and services; on the other hand, the relatively low employment rate among immigrants in most current Member States may partly or entirely counteract the fiscal impact of a beneficial age composition. Moreover the employment rate of immigrants compared to the employment rates of the host population varies strongly across Member States.

The Commission is concerned about the possible undesirable effects of immigration on certain categories of domestic workers, such as blue-collar workers in manufacturing industries and unskilled labour in services. In its proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (1) the Commission expressly proposes to enshrine at Community level the principle of preference for the Community labour market as a legally binding rule, applicable throughout the Union. This principle, which reflects the rules already in force in Member States, requires a thorough assessment of the domestic labour market situation before the admission of third-country workers. In concrete terms it implies that third-country nationals may only accede the Union labour market, if a post cannot be filled with domestic (Union) workers.

The relevance of the problem of brain drain differs widely from sending country to sending country and from sector to sector. In some cases, the costs of brain-drain seem to be more than compensated by other benefits for the sending country, such as remittances, transfer of know-how and the development of closer commercial links through the presence of natural persons. Policies that clearly define temporary status and encourage return are key measures to prevent possible negative effects. Likewise, developed countries can help developing countries with flanking targeted policies on education and training, scholarly exchange, and integration in information, communications, and technology.

According to the outline for a common Union asylum and immigration policy as set by the Tampere European Council in 1999, this policy should include the element of fair treatment of third country nationals residing legally on the territory of the Member States. The European Council conclusions state that the legal status of the legally residing third country nationals should be approximated to that of Member States’ nationals. Such persons should be granted a set of uniform rights, which are as near as possible to those enjoyed, by Union citizens.

The Commission has proposed a Directive concerning the status of third country nationals who are long-term residents (2), on which the Council reached political agreement on 5 June 2003. In addition to equal treatment with nationals as regards, for example, access to employment, education, social assistance, freedom of association to be provided by the Directive, the Commission believes that the Member States should consider granting political rights to long-term residents, in particular at local level, when transposing the Directive into national law — although this issue remains a competence of Member States.

Immigrants are directly affected by policies in areas such as public housing, health services and education where municipal authorities tend to have strong competencies. Granting a local franchise may thus provide political representation in decisions that affect the most immediate interests of immigrants and consequently promote the integration process. Several Member States have already granted third country nationals franchise at local elections and there is, therefore, no reason to believe that there is a strong public opposition against this in all Member States. The Commission also points out that none of the countries that have introduced the franchise for non-citizens is considering abolishing it, so it does not seem to have had any negative impact on these societies.

The Tampere European Council explicitly requested ‘a more vigorous integration policy’ which ‘should aim at granting legally resident third country nationals rights and obligations comparable to those of EU citizens’. The Commission fully agrees that also immigrants themselves must take responsibility for their integration into the host society. The Commission believes that integration is a two-way process, which is based on mutual rights and corresponding obligations. This implies, on the one hand, that it is the
responsibility of the host State to ensure that the formal rights of immigrants are in place in such a way that immigrants have the possibility of participating in economic, social, cultural and civil life and, on the other hand, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process. It should be noted, that in the proposal for a Directive on the status of third-country nationals who are long-term residents (footnote), on which political agreement was reached in June 2003, Member States may require that third country nationals comply with integration conditions in accordance with national law as condition for acquiring long-term residents status. Conditions for access to citizenship are a matter for Member States but it is clear that citizenship, which brings both rights and obligations for the person concerned, can be an important step in the integration process.

(1) Of C 332 E, 27.11.2001.

(2004/C 70 E/183) WRITTEN QUESTION E-2939/03 by José Ribeiro e Castro (UEN) to the Commission

(6 October 2003)

Subject: Promoting and publicising EURES


I wrote that ‘the efforts to promote and publicise the service should be substantially intensified’, proposing the use of ‘publicity … consisting of permanent information, through prolonging and overcoming the merely temporary effect of advertising and promotion campaigns’.

I then observed that for example, EURES website already includes links to job classified announcements published on-line by several press media in Member States, and then asked ‘why not negotiate with these media, in compensation, not only the corresponding cross-links connecting their on-line additions to EURES database, but also the insertion of small ads to EURES network in the correspondent printed editions?’

I would therefore ask the Commission:

– What measures has it taken or does it intend to take to promote and publicise EURES? Specifically, has it already contacted press media, as I suggested? If so, what were the reactions?
– How many users visited the new EURES portal in the days immediately following its reopening after recent remodelling? What difficulties or problems were detected? Is use uniformly spread amongst nationals of the various Member States? Does any nationality preponderate?
– What percentage of the ‘first job market’ does the Commission envisage as being concentrated in EURES?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(11 November 2003)

In connection with the launching of the new EURES job mobility portal on 19 September 2003, a press conference was organised and the event received good media coverage all over Europe. The accompanying mobility information campaign, launched on the same day, will ensure further publicity support to EURES throughout 2003/2004 since all the material used during the campaign refers to the EURES portal, which is also the campaign website (http://europa.eu.int/eures/index.jsp).
EURES is basically a co-operation network between national Public Employment Services (PES). They provide input to the EURES site, including links to the media in the Member States. Following the principle of subsidiarity, specific arrangements with national media are usually made by the respective PES of each Member State. However, the Commission (EURESco) strongly encourages the PES to take all possible measures to promote the network and its site.

In the first two weeks, following the launching of the new EURES portal on 19 September, the number of visitors was 150 000 compared to 256 800 for the whole month of September 2003 and 206 000 for the whole month of August 2003.

Apart from a few minor technical problems, occurring only in the first days, such as long response times from the server, no difficulties or problems were detected.

The use of the EURES site is well spread among the Member States, but there is a substantial proportion of visitors where the country of residence cannot be identified. Provisional statistics on visitors coming from specific countries for September 2003 are as follows: Italy 10,41%; Germany 6,86%; Belgium 5,03%; Netherlands 3,43%.

The Commission does not have any specific figures available on the proportion of ‘first time job seekers’ among EURES users, since such a question is not asked of the users. Because the younger age groups tend to be more mobile across borders, it is likely, however, that they constitute a significant part of EURES users.

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(2004/C 70 E/184)

WRITTEN QUESTION E-2941/03

by Rosa Miguélez Ramos (PSE) to the Commission

(8 October 2003)

Subject: Allocations from the Solidarity Fund

Following the ‘Prestige’ disaster, the European Parliament adopted two resolutions calling on the Commission ‘as a matter of urgency, to consider using all the necessary financial instruments to tackle the economic, social and environmental consequences and assist the economic sectors affected’ and demanding ‘the immediate adoption of measures to alleviate the damaged occasioned to those affected, through use of the Solidarity Fund’ and to assist ‘the people in economic sectors affected by the oil pollution and restore the environment of the regions concerned’.

Commissioner Barnier’s reply to my question E-3659/02 on 26 February 2003 stated that the Commission had received the formal request from the Spanish authorities on 14 January 2003 for mobilisation of the European Union Solidarity Fund to provide help with the clean-up costs of the oil slick damage to the Galician coastline caused by the sinking of the ‘Prestige’.

The Commission recalled that the Solidarity Fund was set up to provide assistance principally in the event of natural disasters and that it cannot be used to provide immediate financial assistance if the fairly specific qualifying criteria outlined in the Regulation are met.

On 23 September, Community institution representatives including Budgets Commissioner Schreyer and Council President Magri agreed to encourage mobilising the Solidarity Fund for three Member States: Spain, Italy and Portugal. The agreement reached signed EUR 8.6 million to the Spanish regions affected by the ‘Prestige’ disaster, EUR 47.6 million to the Italian regions recently hit by earthquakes, and EUR 48.5 million to counteract the effects of the criminally-started forest fires in Portugal.
What estimates does the Commission have as to the economic damage caused by these three disasters?

What amounts have the governments of Spain, Portugal and Italy respectively asked the EU to provide from the Solidarity Fund to tackle the consequences of these disasters?

Why are the regions affected by the 'Prestige' disaster receiving less than one-fifth of what is to be received by the regions which suffered earthquakes in Italy and forest fires in Portugal?

Answer given by Mr Barnier on behalf of the Commission

(21 November 2003)

The Commission would like to clarify to the Honourable Member that the Inter-Institutional budget process of 23 September 2003 in respect of the mobilisation of the Solidarity Fund concerns a total of four applications. The first case relates to the grant assistance of EUR 48539000 for the Portuguese application in respect of forest fires. The second case refers to grant assistance of EUR 8626000 for the Spanish application in respect of the oil spill disaster caused by the sinking of the 'Prestige'. The third case refers to grant assistance of EUR 10 826 000 for the Italian application in respect of earthquakes in the provinces of Campobasso (Molise) and Foggia (Puglia). The fourth case refers to grant assistance of EUR 16 798 000 for a second Italian application in respect of the Mount Etna eruption in the Province of Catania in Sicily.

The amount of Solidarity Fund grant assistance awarded to an admissible application is calculated in an equitable manner depending on the type of disaster, the amount of direct damage, the amount for eligible operations and the available budget in respect of the type of disaster at the time the Budgetary Authority proposes the mobilisation of the Fund. The total annual budget which can be mobilised for the Solidarity Fund is EUR 1 000 million per year. Some 75% of this amount (i.e. EUR 750 million) can be allocated before 1 October 2003.

The total estimated direct damage considered eligible under the Solidarity Fund Regulation (1) in respect of each of the four applications is as follows: Spain EUR 486 000 000, Italy/Molise EUR 1 558 000 000, Italy/ Mount Etna EUR 932 000 000, Portugal EUR 1 227 885 900. It should be noted that these direct damage figures do not include economic losses such as in the tourist sector etc.

In accordance with the provisions set out in the regulation, the Portuguese application qualified as a major disaster while the remaining three applications qualified as exceptional regional disasters as defined.

The total annual budget available for exceptional regional disasters is EUR 75 million. Under the regulation, a maximum of EUR 56 250 000 (75%) can be granted before 1 October of each year. In order to respect the overall budgetary constraints the rate applicable for defining the allocations for exceptional regional disasters is 2.5 % of total direct damage. In order to ensure an equitable treatment of the Italian and Spanish applications, it was proposed to apply this rate of 2.5 % and then reduce the grants proportionally so as to respect the limit set out in the regulation for allocations until the 1 October. Hence the amounts received by each of these three applications represent the equitable pro ratio percentage of 1.98% of their respective total direct damage.

Subject: Future of LIFE-Nature

There is a great deal of confusion about the future shape of the LIFE-Nature financial instrument in a possible fourth period, and it is still not even clear that such a fourth period will be approved. LIFE’s greatest trump card consists in its ability to carry out targeted grass-roots measures which have a direct impact on local biodiversity. Such measures are frequently small-scale, most play an important role as demonstration projects, and, in the vast majority of cases, they have major local input, with not only nature and environmental organisations and authorities being involved but also farmers, the tourist industry and local inhabitants.

Can the Commission answer the following:

1. Compared with 2002, the average total budget increased this year by 7.5%, as against 15% the previous year. In other words, projects are becoming bigger every year. Is the Commission planning to support this trend, or quite the reverse? Can it produce figures relating to the smaller projects which were not selected throughout the previous five-year period? Are there any indications that project partners are finding it increasingly difficult to produce their own (non-EU) share of the funds?

2. Does the increase in scale mean a relative increase in the number of authorities submitting project at the expense of NGOs? Can the Commission produce figures showing the ratio of authorities and NGOs as project applicants throughout the duration of LIFE since 1992? Will NGOs still be able to notify projects to the Commission, or just the Member States themselves?

3. In the future, too, is the Commission planning to restrict the zones where LIFE-Nature funds may be used to areas notified by the Member States and covered by the Habitats Directive, the Wild Birds Directive and areas which accommodate species which the EU feels must be given protection as a matter of priority, or will the Member States be able to use the funds horizontally throughout their territory in the future?

4. Will LIFE remain a separate financial instrument, will it be incorporated into agricultural policy, or will it become a component of the Structural Funds?

Answer given by Mrs Wallström on behalf of the Commission

(30 October 2003)

A proposal for a two-year extension of the present LIFE Regulation is currently being finalized with a view to submitting it to the Parliament and Council by the end of October 2003. Such an extension should bridge the period between 2004 and the adoption of the new financial perspectives. Only minor amendments are foreseen. A rapid adoption by the Parliament and Council should guarantee the necessary continuity.

With reference to the questions by the Honourable Member the following replies can be given:

1. The average total budget of LIFE-Nature projects increased from 2001 to 2002 by 18% (EUR 0.84 million in 2001 compared to EUR 1.03 million in 2002) It then decreased in 2003 by 12% as compared to 2002 (EUR 0.92 million in 2003). No significant trend is to be derived from the figure above and we can only conclude that small projects are not penalised. Finally, there is no indication that project partners are finding it increasingly difficult to produce their own share of the funds. The obligation for partners to bear part of their costs has been first introduced with LIFE III projects and we have not detected any drop in the number of proposals received.
2. In 2003, the share of projects financed directly to non-governmental organisations (NGOs) is equivalent to some 35%. In the period 1992-2001, the NGO share was 25% on average. The comparison of these figures indicates that the NGO share remains stable or tends to increase. Public authorities (local and national) remain, however, the most important type of beneficiary under LIFE-Nature with an average share of 73% between 1992 and 2001. It should also be noted that NGOs very frequently work as partner in projects led by public authorities, thus increasing their effective share of the LIFE-Nature budget. Finally, the extension envisaged does not change the possibility for NGOs to submit LIFE-Nature proposals and the Commission expects them to continue to play a central role in the implementation of LIFE-Nature projects.

3. In the future LIFE-Nature will continue to support the implementation of the Habitats Directive (1) and Birds Directive (2) and in particular the set-up and active management of the Natura 2000 network. Both Directives identify a series of measure that are not site-related and will need to be implemented. Furthermore the ‘network’ concept for Natura 2000 will require an approach that goes beyond the boundaries of single sites. For these reasons, the Commission does not envisage restricting the use of LIFE-Nature funds to Natura 2000 sites only. However, the focus of LIFE-Nature will, at least during the extension envisaged, remain on the active management of Natura 2000 to avoid dispersion of the limited financial resources.

4. The Commission believes that LIFE should remain a separate instrument from the other existing ones. Its characteristics make it a very specific programme. At the same time complementarity and working in synergy with the other instruments should be improved to ensure that LIFE delivers its full potential. This is consistent with the findings of the intergovernmental group that worked on Article 8 of the Directive 92/43/EEC.


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(2004/C 70 E/186) WRITTEN QUESTION E-2958/03

by Armando Cossutta (GUE/NGL) to the Commission

(8 October 2003)

Subject: Price rises in the eurozone countries

On 16 September 2003, a consumer boycott was held in Italy in protest against the continual and uncontrolled rise in consumer prices. The Italian consumers’ association Adiconsum estimates that the average household has lost EUR 1 000 in purchasing power in 2003. The average inflation rate in the eurozone is 2.1%, with the highest rate (3.9%) in Ireland. The rates for Italy, Greece and Portugal have risen to 2.9%, 3.5% and 3.7% respectively.

Italy's inflation rate has returned to the level of last January, and the general trend clearly implies a constant rise in consumer prices.

1. What detailed information does the Commission intend to provide on the plans for action on the matter of the governments concerned, especially the Italian government?

2. What action will the Commission take, as a matter of urgency, to protect consumers' purchasing power?

Answer given by Mr Solbes Mira on behalf of the Commission

(14 November 2003)

The Commission would like to point out that the responsibility for price stability in the euro area as a whole lies with the European Central Bank and that, as the single monetary policy is not in a position to address country-specific inflation developments, it is up to the Member States concerned to address national inflation developments that are deemed to be unwarranted.
The latest data available for the Harmonised Index of Consumer Prices (HICP) shows that consumer prices have risen by 2.1% for the euro area as a whole between September 2002 and September 2003, 3.8% for Ireland, 3.3% for Greece (August to August), 3.2% for Portugal, 3.0% for Spain and 3.0% for Italy. These are the five Member States with the highest annual rates.

The Commission draws the attention of the Honourable Member to the section on the euro area in the 2003-2005 Broad Economic Policy Guidelines (BEPG) adopted by the Council in June 2003. In that section, it is recognised that inflation differences in a monetary union are a matter of fact and that the inflation differences observed between euro area Member States largely reflect differences in economic structures and growth performance. The BEPG recommends policy actors at the national level to ‘analyse the causes of inflation differences to identify instances when they are undesirable, with a view to Member States addressing them through using the levers available to them’. As usual, the Commission will continue to closely monitor the macroeconomic situation in all the Member States and report on the implementation of the BEPG.

(2004/C 70 E/187)

WRITTEN QUESTION E-2963/03
by Alexandros Alavanos (GUE/NGL) to the Commission
(8 October 2003)

Subject: Spending cuts on accident research and prevention

In a letter to the Commission’s Health Directorate, the European Accident Prevention Network expresses concern at a 30% cut in funding for accident research and prevention. According to the Public Health and Epidemiology laboratory, EUR 1.7 to 1.8 million is being earmarked annually for the accident prevention programme over the next five years compared with EUR 2.5 million annually for the previous period, despite an overall increase in the Community public health budget.

Given that in the industrialised countries, accidents are the prime cause of death among productive workers in the under-45 age group and that overall life expectancy is affected more by fatal accident statistics than by other factors (such as cardiovascular disorders or tumours) and in view of the high social and economic cost of serious injury for the Community as a whole:

1. What were the reasons for these drastic cuts in funding?
2. Will the Commission act — and if so how — to ensure that research into accident prevention is stepped up?

Answer given by Mr Byrne on behalf of the Commission
(14 November 2003)

The Commission did not recently cut the appropriations allocated to research into and prevention of accidents in the Union by 30%.

The proposals for financial support regarding accident and injury prevention received in the framework of the 2003 funding round of the Community public health programme are currently being evaluated. A decision on selection of projects to be financed is expected shortly. Several projects dealing with accidents and injuries have been presented in the selection process.
WRITTEN QUESTION E-2967/03
by Marie-Thérèse Hermange (PPE-DE) to the Commission
(8 October 2003)

Subject: European Ombudsman for children

The European Network of Ombudsmen for Children (ENOC) was created in 1997 by Unicef at Trondheim (Norway) in order to provide a link between children's ombudsmen in Europe. The network currently includes several EU Member States: Austria, Belgium, Denmark, France, Spain, Sweden and the United Kingdom.

Each country or region which has an independent children's ombudsman may join the network, the main purpose of which is to ensure that children's rights are upheld to a greater extent in Europe by seeing that the Convention on Children's Rights is implemented, by supporting individual and collective action in the area and by encouraging the Member States to introduce relevant policies.

The network also acts as a forum for the exchange of information, experience and ideas between European countries, in particular by means of comparative studies.

Could the Commission not appoint an Ombudsman for children in order to increase the transparency and raise the profile of child-protection initiatives organised within Europe? Appointment of a European Ombudsman for children would enable the European network to be better coordinated and children's needs and interests to be better served.

Answer given by Mr Vitorino on behalf of the Commission
(19 November 2003)

As the Treaties stand, the Commission has no legal basis for coordinating the action of the Member States' Ombudsmen along the lines suggested by the Honourable Member.

Moreover, at the close of their meeting in Lucca (IT), on 25/26 September 2003, the Ministers responsible for children's rights in the 15 Member States made no reference to the possibility of appointing a European ombudsman in their conclusions.

In April 2003, ENOC asked the Commission for financial support for the establishment of a permanent secretariat.

In its reply to ENOC, the Commission gave a detailed account of how funding by grants operated and drew its attention to the fact that funding must be accepted by the budgetary authority, i.e. Parliament and the Council.

If ENOC wishes to receive funds from the European institutions, it must submit a dossier to that end. ENOC has not yet taken the decision to do so.

WRITTEN QUESTION E-2968/03
by Maurizio Turco (NI) to the Commission
(8 October 2003)

Subject: Eurojust

Can the Commission state:

- which Member States amended their national law before 6 September 2003, the deadline laid down in Article 42 of Decision 2002/187/JHA (1)? What are the terms of these laws and the main differences between them?
What national rules have defined the status and the powers of national members of Eurojust since the entry into force of the decision? What are the terms of these rules and the main differences between them?

Answer given by Mr Vitorino on behalf of the Commission

(12 November 2003)

By letter of 23 June 2003 the Commission asked the Member States to provide information on their measures to implement the Council Decision setting up Eurojust of 28 February 2002. On the basis of the information provided, the Commission will draw up a report.

Up to now (13 October 2003), eight Member States have sent a written reply.

The following preliminary conclusions can be drawn from the information available:

- Three Member States replied that they have fully implemented the Council Decision and that there is no need for national legislation (although they plan to adopt additional measures, these are not expressly required by the Council Decision). One Member State has adopted a law in order to implement the Council Decision. One Member State has adopted a government regulation on the legal personality of Eurojust and the privileges and immunity of its national members, while a law implementing the Council Decision is still being discussed by the national Parliament. The remaining answers refer to drafts in the legislative pipeline.

- As concerns the status and powers of the national members, almost all members have the formal status of a national prosecutor (two rather have the status of a judge, one is a deputy chief of police). However, only a few of them can exert judicial and/or prosecutorial powers. Most of the national members work under the authority of the Ministry of Justice, some under the authority of a General Prosecutor. This situation may change with the adoption of further national implementation laws.

- For more detailed information the Commission would like to refer the Honourable Member to the coming implementation report. The Commission aims to issue this report by end of 2003.

Written Question P-2970/03

by Catherine Stipler (PSE) to the Commission

(6 October 2003)

Subject: Withdrawal from the Common Fisheries Policy

Could the Commission comment on the feasibility of a Member State leaving the Common Fisheries Policy under the current Treaties and draft European Constitution?

Would either this action or taking fisheries policy under national control involve either withdrawal of the Member State concerned from the European Union or renegotiation of the Treaties requiring the unanimous approval of all Member States?

Answer given by Mr Fischler on behalf of the Commission

(30 October 2003)

As Community law currently stands (Article 3(1)(e) of the EC Treaty) the Community’s activities include a common fisheries policy whereby it holds exclusive authority on matters of fishery resource conservation and management in both inland waters and at sea. This exclusive authority as regards organisation of the sector and conservation of marine biological resources arises from Article 37 of the EC Treaty and
Article 102 of the 1972 Act of Accession. The Court of Justice has determined the range of the Community's authority, confirming that it has replaced that of the Member States in both Community waters and beyond these. The Community's exclusive authority where non-Community waters are concerned involves international commitments entered into with either individual countries (negotiation and conclusion of agreements) or groups of countries (Community representation in international fishery organisations) (1).

The scope of the common fisheries policy was recently confirmed by Article 1 of Council Regulation (EC) No 2371/2002 (2). Thus there are two aspects to the Community's authority: it embraces live aquatic resources, aquaculture, and the processing and marketing of fishery and aquaculture products in waters falling under the sovereignty or jurisdiction of the Member States, and covers all fishing activities in these waters, whether carried out by fishermen and vessels of the Member States or by those of other countries; it takes in all fishing by fishermen and vessels of the Member States both within Community waters and on the high seas and within the fishing zones of other countries, in the latter instances in conformity with the rules of international law.

The regulatory corpus of the common fisheries policy is directly applicable in the Member States' domestic legal systems and takes precedence over their domestic laws (3). Accordingly national authorities would be in violation of their obligations were they to adopt legal acts setting aside application of the EC Treaty or of Community law adopted under it. Nothing a Member State does can affect the uniform validity of Community law throughout the Community.

The provisions of the EC Treaty can be modified only by a fresh Treaty ratified by all Member States.

Article 59 of the Draft Treaty establishing a Constitution for Europe makes provision for voluntary withdrawal from the Union but not for withdrawal from a specific Union policy.

It will be clear from what has been said that, as Community law stands at present and would stand under the Draft Constitution, a Member State cannot depart from its obligation to apply the common rules adopted within the compass of the common fisheries policy.


(2004/C 70 E/191) WRITTEN QUESTION P-2976/03

by Heinz Kindermann (PSE) to the Commission

(6 October 2003)

Subject: Export refunds for ovalbumin — my question P-2696/03

My question P-2696/03 (2) raised two issues concerning export refunds for ovalbumin. In its answer, the Commission addressed the first of these but not the second more important aspect.
In addition to the assessment of the effects on the ovalbumin sector of the measures decided, provided in the answer, I should appreciate a reply to the following questions:

- Is the Commission prepared to change the tariff classification of ovalbumin by reclassifying it under agricultural products, thus placing it on the same footing as other egg products such as eggs in shell, egg yolk and whole egg (CN Code 0408)?
- If so, what timescale does it have in mind? If not, why not?

(*) See page 129.

**Answer given by Mr Fischler on behalf of the Commission**

(12 November 2003)

The Commission considers that a change in the tariff classification of ovalbumin from CN Code 3502 to CN Code 0408 by the Community alone would not be possible, as the present classification is based on the Harmonized System Convention.

Moreover, the possibility to take up ovalbumin as a product covered by the common organisation of market in the eggs sector could possibly be envisaged, but the Community could not grant any refunds under its World Trade Organisation (WTO) commitment on eggs, because the position 35 02 ovalbumin is not in the Annex to the EC-WTO export subsidies commitments under this product group.

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**WRITTEN QUESTION P-2978/03**

*by Nelly Maes (Verts/ALE) to the Commission*

(6 October 2003)

**Subject:** Structural Funds in Brittany

Following the French Government’s recent budgetary decisions, Brittany will be hard hit by the withdrawal of government funding, which is jeopardising the payment of EU appropriations. It would appear that part of the Structural Funds allocated to Brittany for the period 2000-2006 will be blocked owing to the fact that the French Government is no longer willing to disburse the amounts it had previously undertaken to pay under the State-Region planning contract. This situation is giving particular cause for concern in the Lorient area, which is already facing a serious economic crisis as a result of the Navy’s withdrawal and the conversion of the arsenal, and in the Brest, Trégor and west central Brittany areas.

Given that the Commission has always taken pains to ensure strict observance of the additionality principle, would it not agree that the decision to withdraw funding half-way through the period is in breach of this principle, and that the government’s attitude is placing a region which is in need of strong support from Europe in a position of extreme economic and financial uncertainty?

Does the Commission intend to ask the French Government for an explanation? If it has already done so, what form did this action take?

**Answer given by Mr Barnier on behalf of the Commission**

(3 November 2003)

The financing plan in the single programming document for structural assistance in the Brittany region for the period 2000-2006 provides for a contribution (national, regional or local) from the Member State of EUR 583 902 092 towards the total eligible cost of EUR 1 400 926 184 (including private funding). On 1 September 2003 the level of programming was 65% of the total amount of the national public matching funds laid down in the SPD.
The Commission has no information on any withdrawal of funding by France entailing a reduction in the national public matching funding for the 2000-2006 SPD in Brittany.

A mid-term check of the Objective 2 programmes for compliance with the principle of additionality will be carried out, covering all the French Objective 2 programmes together but not each individual programme. The French authorities must provide the Commission with the relevant information by 31 December 2003. Independently of these checks, France must inform the Commission in the course of the programming period of any threat to its ability to maintain the level of expenditure laid down.

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(2004/C 70 E/193)  
WRITTEN QUESTION E-2979/03  
by Carles-Alfred Gasòliba i Böhm (ELDR) to the Commission  
(9 October 2003)

Subject: Postal services in the European Union

The main purpose of European Parliament and Council Directive 97/67/EC(1) of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by European Parliament and Council Directive 2002/39/EC(2) of 10 June 2002 with regard to the further opening to competition of Community postal services, is to complete the internal market for postal services, while assuring the retention of universal service in keeping with the conclusions of the Lisbon Summit.

Article 2(1) and Article 3(4) mean that periodical publications such as magazines, weighing up to 20 kilogrammes, fall within the scope of the universal postal service.

In Spain, Law 24/1998 of 13 July on the Universal Postal Service and the Liberalisation of the Postal Services, amended by Laws 50/1998 of 30 December and 53/2002 of 30 December, excludes from the scope of the universal postal service periodical publications such as magazines of up to 2 kilogrammes, or imposes unjustified additional requirements. In particular, they need to be packaged or presented in the form of a letter or a postal package.

Does the Commission not believe that this Spanish legislation contradicts the European Directive, and constitutes an obstacle to the universalisation of postal services in the European internal market?

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Answer given by Mr Bolkestein on behalf of the Commission  
(10 November 2003)

As correctly stated by the Honourable Member, Directive 97/67/EC(1), requires in Article 3, in connection with Article 2.6, that the universal postal service includes the conveyance of items such as newspapers and periodicals within the prescribed minimum weight limits.

The Spanish legislation provides, in Article 15 of Law 24/1998 and Article 27 of Royal Decree 1829/1999, that the conveyance of periodicals is included in the universal postal service under the form of a letter or package.
The Commission cannot, therefore, agree with the Honourable Member that the Spanish Law has excluded periodicals from the universal postal service that Spain is required to guarantee. On the contrary, the Spanish legislation allows that items such as periodicals can be conveyed under universal service conditions, which is the Directive's intended result.

The fact that the Spanish legislation requires that these items be sent under the form of a letter or package falls under Member State's discretion as to the form and methods used to achieve the Directive's objective.


(2004/C70E/194)

WRITTEN QUESTION P-2989/03

by Ioannis Marinos (PPE-DE) to the Commission (6 October 2003)

Subject: Commission funding for the European Policy Centre

In an invitation to MEPs, the European Policy Centre (EPC), which is situated in Brussels, indicates that 'His Excellency the President of Northern Cyprus, Rauf Denktas' (sic) will be a guest at a 'breakfast policy briefing' and urges the Members to attend. However, it is common knowledge that no country in the world (apart from Turkey, which is responsible for the military occupation of 37% of Cyprus) acknowledges Mr Denktas as 'President', or accords his pseudo-state any degree of official recognition, while the UN and EU have repeatedly criticised his secessionist ambitions. Furthermore, this event, coinciding as it does with the run-up to the 'Presidential elections', could accordingly be interpreted as support for Mr Denktas against his political opponents.

Can the Commission tell me whether the Centre receives Community funding? If so, in which year did it commence and what precise amounts have been paid? If the Centre is receiving European Union funding, what steps will the Commission take to impress upon the recipients the inadmissibility of using the funds to promote recognition of regimes based on the use of violence and disregard for law?

Answer given by Mr Prodi on behalf of the Commission

(12 November 2003)

The European Policy Centre (EPC) is an independent think-tank undertaking research on European affairs. It has received Community financial support since it was founded in 1996.

The budgetary authority earmarks appropriations each year in favour of the EPC as a think tank on budget line A-3026 (operating costs grants of EUR 125 000 awarded in 1999, 2000 and 2001, and EUR 150 000 in 2002 and 2003).

The Commission reports in detail each year to the Parliament on the beneficiaries of grants under chapter A-30. The reports can be seen on the Commission’s Europa website.

In addition the Commission has supported specific actions carried out by the EPC, with total payments of EUR 90 400 from 1999 to-date.

The Commission understands that the proposed meeting described by the Honourable Member did not in fact take place.
WRITTEN QUESTION P-2991/03
by Alexander de Roo (Verts/ALE) to the Commission
(6 October 2003)

Subject: Ban on mechanised cockle fishing in the Wadden Sea

Further to my question P-2375/03 (1) of 10 July on mortality among eider ducks resulting from fishing for shellfish in the Wadden Sea, I would like to draw the Commission's attention to the 'Natuurbalans' of the Netherlands National Institute for Public Health and the Environment (RIVM), which sets out the provisional conclusions of the assessment of the impact of fishing for shellfish (EVA II).

The second phase (1988-2003) of the study of the effects of fishing for shellfish in Netherlands coastal waters (EVA II) contains a number of important provisional results:

- Mussel beds on the flats in the eastern part of the Wadden Sea have recently recovered. This has been found to be partly as a result of the creation of areas in which fishing for shellfish was not permitted.
- Mussel bed fishing has been found not to be favourable to the development of beds.
- Increased mortality among eider ducks has been found to be caused by a shortage of suitable food.
- The system of food reserves assists the survival of shellfish-eating birds in thin years. The fact that numbers of eider ducks and oyster catchers in the Wadden Sea has, nevertheless, declined may point to inadequate reserves. The effect of the presence of mussel parks in the Wadden Sea on total supplies of shellfish depends on their management. During the period 1970-1980 the way in which they were managed resulted in parks being well stocked with mussels (and possibly an increase in the number of eider ducks). As a consequence of the sea bed being turned over by mechanised cockle fishing methods, changes in the sediment have been appearing locally within a short space of time, which result in cockles growing less quickly. That means less food for shellfish-eating birds like the eider duck. The species has been declining in numbers since 1996. Mortality among eider ducks has been linked in recent years to the shortage of food in the form of shellfish. According to the latest count in 2003, eider ducks are increasingly concentrated in the Wadden Sea, an area protected under the Birds Directive. Seven other species of breeding bird and eight winter visitors (knots, oyster catchers) are also declining in numbers.

Is the Commission prepared to ban mechanised cockle fishing in the Wadden Sea now that its negative impact has been scientifically established?

(1) OJC33E, 6.2.2004, p. 256.

Answer given by Mrs Wallström on behalf of the Commission
(7 November 2003)

As indicated in its reply to the Honourable Member's written question P-2375/03, the Commission has opened cases relating to, inter alia, the adverse effects of shellfish harvesting in the Wadden Sea on the populations of wild birds. The Wadden Sea has been designated by the Netherlands as a special protection area under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (1) and has been put forward as a proposed site of Community importance under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (2). The Commission has taken note of the information provided by the Honourable Member regarding the possible negative effects of these activities on these birds.

In the framework of the mentioned cases, the Commission has recently addressed a letter to the Netherlands.

The Commission will examine all information that will be provided by the Dutch authorities, including the results of the study mentioned by the Honourable Member once these become definitive, and will then consider the possible further steps to be taken in this context.

WRITTEN QUESTION E-2998/03
by Bill Newton Dunn (ELDR) to the Commission
(14 October 2003)

Subject: Inconsistent exemptions from tax in the UK

In the Member State which I know best, excise duty is levied on unleaded petrol which is used by craft operated by sailing clubs in inland waters such as reservoirs or rivers — whereas identical craft operating in ports or coastal waters either do not have to pay this excise duty or, if they do, can claim it back again.

Is this a matter about which the Commission can do anything, or is it purely a question of national government policy and of subsidiarity?

Answer given by Mr Bolkestein on behalf of the Commission
(18 November 2003)

The Commission would like to inform the Honourable Member that according to Article 8 (1c) of Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils (1), Member States must exempt from the harmonised excise duty, under conditions they shall lay down, mineral oils supplied for use as fuel by vessels other than private pleasure craft for the purposes of navigation within Community waters. As far as taxation of mineral oils used as fuel by vessels navigating on inland waterways for other than pleasure purposes is concerned, Article 8, paragraph 2(b) of Directive 92/81/EEC leaves it to the discretion of the United Kingdom to decide, under certain conditions, whether to apply a total or partial exemption in the rate of the harmonised excise duty on these fuels.

Additionally, the United Kingdom has received a specific authorisation from the Council, under Article 8 (4) Directive 92/81/EEC, to apply until 31 December 2006 a partial or total exemption from the harmonised excise duty to mineral oils used as fuel by private pleasure craft.

Based on the specific authorisation granted by the Council, the United Kingdom could extend this exemption also to cover private pleasure crafts on inland waterways.

The Commission considers that the position of the United Kingdom authorities seems in line with the provisions of the Community fiscal legislation in force and, therefore, that no specific action seems called for on this issue. It should be noted that similar provisions have been agreed and appear in the new Council Directive on taxation of energy products, which will replace Directive 92/81/EEC as from 1 January 2004.


WRITTEN QUESTION E-2999/03
by Olivier Duhamel (PSE) to the Commission
(14 October 2003)

Subject: Information brochure

The Commission has recently published an information brochure entitled ‘Panorama of the European Union’. Curiously to relate, this brief history of the European Union makes judicious reference to Robert Schuman and the 9 May 1950 speech from which today's Union grew, but it includes no mention of Jean Monnet. All those involved at the time, and all historical research into the subject, show that Monnet was the ‘inspirer’ of the Schuman Declaration.

How does the Commission explain this oversight? Does it agree that a word in tribute to the original courage of the one in no way diminishes the courage of the other?
Answer given by Mr Prodi on behalf of the Commission

(3 November 2003)

The Honourable Member is right to emphasise that any publication, however short, on the historical origins of the Community should not pass over the name of Jean Monnet and the part he played in inspiring Robert Schuman. This omission will be corrected in the online version(1) of the brochure Panorama of the European Union immediately, and in the next printed edition.

(1) http://europa.eu.int/comm/publications/booklets/eu_glance/20/index_fr.htm

(2004/C 70 E/198) WRITTEN QUESTION E-3001/03
by Marco Pannella (NI), Emma Bonino (NI), Marco Cappato (NI), Gianfranco Dell’Alba (NI), Benedetto Della Vedova (NI), Olivier Dupuis (NI) and Maurizio Turco (NI) to the Commission

(14 October 2003)

Subject: Repeated violations of the basic human rights of the Vietnamese highland people, the Montagnards

Knowing that:

− on 2 August 2003 a policeman, Bui Quang Thuan, arrested Y-Tao Eban (b. 1979) in the village of Buon Kdun because he was accused of having fed Y-Jon Enuol, who had been hiding in the area. The policeman paid a number of Montagnards who work for the police (Y-Kren, b. 1945; Y-Dialm Eban, b. 1960; Y-Hoc Eban, b. 1952; Y-Jam Eban, b. 1958; Y-Sot Buon Ya, b. 1956; Y-Wik Nie, b. 1945; Y-Suai Enuol, b. 1945; Y-Hue Buon Ya, b. 1946) to beat up Y-Tao Eban. After being tortured the man was forced to sign a statement admitting that he had acquired a weapon to fight the Vietnamese regime;

− the Vietnamese Government had arrested 11 people from the village of Buon Kdun and imprisoned them. They had been forced to sign a statement claiming that Y-Jon Enuol had bought a pistol with the aim of threatening the regime. The people arrested were: Y-Nam Nie, b. 1986, imprisoned on 3 August 2003; Y-Wer Enuol, b. 1973, imprisoned on 4 August 2003; Y-Huan Enuol, b. 1983, imprisoned on 5 August 2003; H’Ngé Nie, b. 1963, imprisoned on 6 August 2003; H’Gir Eban, b. 1976, imprisoned on 7 August 2003; H’Tany Enuol, b. 1981, imprisoned on 7 August 2003; Y-Duol Buonya, b. 1975, imprisoned on 8 August 2003; H’Bi Nie, b. 1960, imprisoned on 8 August 2003; and H’Prin Enuol, b. 1978, imprisoned on 18 August 2003;

− on 6 August 2003 Vietnamese officials imprisoned three people accused of supporting the Montagnard Foundation Inc. and the Transnational Radical Party.

The Commission:

− Does it intend to seek clarifications from the Vietnamese Government as to the reasons for arresting Montagnards?

− Will it bring pressure to bear on the Vietnamese authorities to ensure that they allow UNHCR inspectors and NGOs free access to the Vietnamese central highlands and the areas bordering Cambodia?

− Should the Vietnamese Government fail to take such action, does the Commission intend to denounce the cooperation agreement signed with Vietnam?
Subject: Repeated violations of the basic human rights of the Vietnamese highland people, the Montagnards

Knowing that:

- at midnight on 21 August 2003, some 30 soldiers and 10 policemen surrounded the house of Y-Pho Eban in the village of Buon Cuoi and arrested and imprisoned him for having allegedly fed Montagnard refugees who were hiding in the area;
- the policemen and soldiers beat up Y-Pho Eban and his family (H’Luin Eban, b. 1970, pregnant; Y-Chui Buon Krong, b. 1982; Y-Kun Buondap, b. 1992) with their AK-47 rifles and subjected them to electric shocks;
- these events took place late at night and woke up the other villagers who, to defend themselves, began to beat the police car (registration number 47C2133) and thus forced the soldiers and policemen to leave the village;
- on 22 August 2003 the Government sent three truckloads of soldiers and policemen to the village of Buon Cuoi to arrest all the inhabitants. We have no further news from this village.

The Commission:

- Does it intend to seek clarifications from the Vietnamese Government as to the reasons for arresting Montagnards?
- Will it bring pressure to bear on the Vietnamese authorities to ensure that they allow UNHCR inspectors and NGOs free access to the Vietnamese central highlands and the areas bordering Cambodia?
- Should the Vietnamese Government fail to take such action, does the Commission intend to denounce the cooperation agreement signed with Vietnam?

Subject: Repeated violations of the basic human rights of the Vietnamese highland people, the Montagnards

Knowing that:

- over the past few months, Bibles have been confiscated, people have been beaten up and Montagnard women have been raped;
- on 18 August 2003 the Vietnamese Government sent Major Nguyen Vinh Chinh with 100 soldiers to the village of Buon Yang Reh, in the district of Krong Bong (Province of Daklak). They searched the house of H’Duen Buondap; bibles, hymn books and 150 000 VND were confiscated and Major Vinh Chinh raped H’Duen Buondap before going on to search every single house and beat up anyone who resisted.
— also on August 18, 2003, in the village of Buon Kram (District of Krong Ana, Province of Daklak), the police arrested Y-Thiep Enuol, born in 1985, and took him to the police station in Buonmathuot without giving any indication of his present whereabouts;

— on 20 August 2003 Major Nguyen arrested Y-Lum Buon Ya, born in 1983, in the village of Buon Cuor Knia (District of Buon Don), accusing him of having fed a refugee named Y-Kre Buon Ya who was hiding in the area.

The Commission:

— Does it intend to seek clarifications from the Vietnamese Government as to the reasons for arresting Montagnards?

— Will it bring pressure to bear on the Vietnamese authorities to ensure that they allow UNHCR inspectors and NGOs free access to the Vietnamese central highlands and the areas bordering Cambodia?

— Should the Vietnamese Government fail to take such action, does the Commission intend to denounce the cooperation agreement signed with Vietnam?

Joint answer to Written Questions E-3001/03, E-3002/03 and E-3003/03 given by Mr Patten on behalf of the Commission

(19 November 2003)

Since February 2001, when social unrest spread in parts of the Central Highlands of Vietnam, independent and verifiable information on the situation has been difficult to obtain, as visits by foreign diplomats and journalists to this region have been severely restricted. As a consequence, it is difficult for the Commission to get a complete first-hand assessment of the current situation on the ground.

It should be noted, however, that the number of visits managed and organised by the Vietnamese Ministry of Foreign Affairs has increased during the course recent last months. Such visits have been carried out, inter alia, by a local Union working level troika in June 2003 and the United States Ambassador for international religious freedom J. Hanford in October 2003. The increased number of these visits seems to indicate a higher degree of openness on the part of the Vietnamese Government as regards the situation in the Central Highlands. At the same time, the government is paying greater attention to the region, and attempting to tackle some of the issues that triggered the 2001 unrest, such as low economic prospects, over-dependency on coffee as a cash crop, lack of social services such as health, education, etc.

Yet, at the same time, there has been a continuous flow of reports from credible sources indicating that the social conflicts — arising from migratory pressures on the local ethnic minorities, aspirations to a greater recognition of their distinctive identity, disputes over land rights, diverse religious beliefs, and desires for some sort of political autonomy for the region — persist. Reports also point to heavy pressure on all forms of local dissent, affecting in particular local Protestants, whom the government suspects of supporting the creation of a ‘Degar Homeland’. While denying all these reports, the government is publicising sporadic trials against members of ethnic minorities accused of helping others to cross into Cambodia, which is a sign of continued dissatisfaction among local ethnic minorities. There are, however, also reports of external interference in the region.

The Commission will continue to monitor closely the situation in the Central Highlands, via its Delegations to Vietnam and Cambodia, including through its participation in Union missions to the region, and to raise its concerns vis-à-vis the Vietnamese Government; this with a view to monitoring the respect of the right of ethnic minorities to maintain their cultural identity and religious freedom. The Union has repeatedly affirmed that human rights and democratisation must form an integral part of all political dialogues with third countries. The dialogues regularly include discussion of free access of United Nations High Commissioner for Refugees (UNHCR) and UN human rights rapporteurs. Religious freedom, as one of the fundamental human rights, is addressed through the Union’s political dialogue and, when appropriate, through démarches and public declarations, as well as through Union action in fora such as the United Nations Commission on Human Rights or the Third Committee of the United Nations General
Assembly. The reference to the respect for Human Rights and democratic principles in the EC-Vietnam Cooperation Agreement enables the Commission to address human rights issues in its bilateral contacts with the Government of Vietnam.

It is also noteworthy that the Vietnamese Government has stated its interest in extending an invitation to a delegation from the Parliament to visit the country soon, which might provide the Parliament with an opportunity to assess the situation at first hand itself.

(2004/C70E/201) WRITTEN QUESTION E-3005/03
by Albert Maat (PPE-DE) to the Commission
(14 October 2003)

Subject: Classification of albumin

At present in the EU albumin from hens' eggs is classified in the ‘non-Annex I’ product group (CN 3502/1190/1990/2091/2099). This has given rise to the following anomalous situation: when an egg is separated, the yolk remains an agricultural product, but the albumin is classified as an industrial product. Although albumin was used for industrial purposes in the past, the situation has now changed completely and it is used in the food sector.

This inappropriate classification is placing egg producers who export albumin at a serious disadvantage, given that they are forfeiting substantial volumes of export refunds.

Can the Commission state how and when it intends to deal with this 'anomaly', which has a serious adverse impact on European egg producers?

Answer given by Mr Fischler on behalf of the Commission
(11 December 2003)

The Honourable Member is referred to the Commission's answers to Written Questions P-2696/03 (1) and P-2976/03 from Mr Kindermann (2).

(1) See page 129.
(2) See page 182.

(2004/C70E/202) WRITTEN QUESTION E-3007/03
by Giacomo Santini (PPE-DE) to the Commission
(14 October 2003)

Subject: Role of the European Rural Carrefours in CAP information campaigns

The Report from the Commission to the European Parliament and the Council on the implementation of Council Regulation (EC) No 814/2000 on information measures relating to the common agricultural policy (3) expresses satisfaction at the results achieved by the information campaigns conducted in 2000, 2001 and 2002, but also stresses that their impact on the public and their cost-effectiveness could be improved. The Commission states, on the basis of data obtained from 'flash' Eurobarometers, that the general public's lack of knowledge about the CAP, WTO, food safety and other issues linked to agricultural policy confirms more than ever the need to step up information measures and improve their impact.

For some years now the European network of Rural Carrefours has been playing a role in informing the public about the common agricultural policy, thanks to the existence of about 140 European rural information and promotion centres supplied with publications, newsletters and websites and staffed by
people competent to deal with CAP issues. The European network of Rural Carrefours can make a worthwhile contribution to achieving the objectives of Regulation (EC) No 814/2000 (2), as regards improving both the impact on the general public and cost-effectiveness. In order to achieve this result, the Commission's Agriculture DG should ensure structured involvement of the 'Carrefours', in the interests of running information campaigns more efficiently and making the information measures carried out by the Commission more coherent.

One of the measures undertaken by the Commission was, precisely, to train those working in the Rural Carrefours in a number of specific CAP-related subjects, under the auspices of the Agriculture DG, which demonstrated the need for functional links with these centres. The Rural Carrefour network has accompanied Commission staff on information stands at agricultural fairs.

Can the Commission say:

1. whether it intends to broaden its collaboration with the European network of Rural Carrefours in order to carry out activities relating to measures taken on the Commission's initiative;

2. what role the European network of Rural Carrefours will play in the measures taken on the Commission's initiative to implement the aforementioned Regulation (EC) No 814/2000?


(2004/C 70 E/203) WRITTEN QUESTION P-3068/03
by Hugues Martin (PPE-DE) to the Commission
(14 October 2003)

Subject: Funding of bodies which play host to an Info-Point Europe

According to my sources, following the entry into force, on 1 January 2003, of the new Financial Regulation applicable to all the European institutions (Council Regulation (EC) No 1605/2002 of 25 June 2002 (1)) and its implementing procedures, the operating subsidies hitherto granted to bodies which play host to an Info-Point Europe will henceforth be awarded on the basis of a new procedure. Instead of receiving automatic funding, these information centres will be required to take part in an invitation-to-tender procedure, failing which they will not be eligible for subsidies.

In addition to the operating subsidies, the bodies in question also received logistical support, such as supplies of publications, access to the 'relays and networks Intranet', back-up from the relays and networks helpdesk, in the form of documentary and technical assistance, from the meeting of relay heads, etc. It has been decided that bodies which submit an appropriate request will continue to receive this logistical support, on a temporary basis, in 2004.

This new procedure, which is intended to increase transparency in connection with the award of funding, raises three questions to which the European Commission alluded without providing a detailed answer:

– What criteria will be used to select the bodies which respond to the invitations to tender?

– Will the logistical support measures continue after 2004?

– In more general terms, the European Commission is now considering new forms of cooperation which will ensure that information is readily available to the public locally, whilst complying with the new rules laid down in the above-mentioned Financial Regulation. Can the Commission be more precise on this point?

Subject: EU information policy — legal basis for the European ‘Carrefours ruraux’ and ‘Info-Points Europe’ — urgent need for operational subsidy for 2004

Knowing that:

— Parliament has on numerous occasions stressed the importance for information and communication policy of the networks created by the EU in the Member States, including the European ‘Carrefours ruraux’ and the ‘Info-Points Europe’ (IPEs).

— The position is expressed in communications COM(2001) 354 and COM(2002) 350 that the networks’ ‘experience, flexibility and immediate proximity to the representatives of civil society and the general public make them invaluable’.

— The Commission has consistently displayed its commitment to this policy, as in President Prodi’s reply of 27 September 2002 to a written question by a number of MEPs (E-2357/02 (1)), in which he stated that ‘knowledge and understanding of the policies pursued and projects implemented by the Union are gaining ground thanks to the information … networks’.

A letter sent out by DG PRESS on 29 September 2003 informed the national organisations that host the networks — contrary to previous announcements — that the renewal of the agreement for 2004 will no longer carry the right to a subsidy; for the future, the Commission will consider new forms of cooperation, in the light of the entry into force on 1 January 2003 of the Financial Regulations 1605/2002 (2) and 2342/2002 (3).

These new and unforeseen circumstances are such as to jeopardise the very survival of the networks, and will, at all events, drastically reduce their capacity to engage in dialogue with the public, at a crucial moment in the Union’s history which calls for such capacities to be developed further.

Can the Commission state:

— whether it believes it necessary to act as soon as possible in order to prevent the dispersal of the existing fund of relationships, contacts, expertise and material and non-material assets which has been built up over the many years of activity of the EU’s information networks, by drawing up a proposal for a legal basis for the granting of legal personality to, or, at least, the recognition of the ‘Carrefours’ and the IPEs as delegated bodies or Community bodies pursuant to Articles 54, 55 or 185 of Council Regulation 1605/02;

— whether it intends, for 2004, to execute the budget heading (16 5 01) traditionally dedicated to the funding of the information points in such a way as to reward, rather than penalise, those who have made a long-term investment in them?

(1) OJ C 92 E, 17.4.2003, p. 158.
Subject: EU Info-Points

At the end of September 2003, the Commission informed the EU information centres that from January 2004, under the new Financial Regulation, overheads will no longer be subsidised. This endangers the very existence of the Info-Points and information carrefours that have until now undeniably served citizens, the European Parliament and not least the European Commission well. These Info-Points are essential in building trust between the people of Europe and the European Union institutions.

1. Why did this communication come so late and unexpectedly that those in charge of the Info-Points and carrefours were unable to make the necessary preparations for the new situation when planning their budget for 2004?

2. Why was no arrangement made to guarantee the survival of these valuable Info-Points, even though the Financial Regulation the Commission is referring to has been in existence for over a year (since June 2002)?

3. Is the Commission prepared to introduce transitional measures to ensure the uninterrupted service of Info-Points during 2004?

4. What steps does the Commission intend to take to guarantee the lasting survival of Info-Points and carrefours?

Subject: Abolition of operating grants for Europe Info-Points

The Commission recently decided to abolish the operating grant for Europe Info-Points despite the fact that the present juncture will be decisive for the future of the European Union.

Given the current context, i.e. the Intergovernmental Conference, national campaigns for the adoption of the future Constitution and the forthcoming European elections, is the Commission aware that its decision could not have come at a more inappropriate time?

Does the Commission fully realise how valuable the Europe Info-Points are in terms of providing information and serving as communication channels with a view to bringing Europe closer to its citizens?

Moreover, in view of the new Financial Regulation, as well as the size of the grant allocated by the Commission, why did it not provide for a gradual reduction rather than a sudden stop, which is plunging these offices into financial difficulty, forcing them to reduce staff and, in some cases, to close down?

Subject: Info-Points and Carrefours

In its resolution of 13 March 2002 Parliament called on the European institutions to step up and improve support for the existing information networks, including the Info-Points and Carrefours. On 10 April 2003, in a follow-up resolution, Parliament drew attention to the need for extra efforts to be made in 2004 in the area of communication and information about European policies.
The Info-Points and Carrefours are the information centres which are closest to hand for the general public. In view of the elections, the enlargement and the adoption of the new European Constitution, all of which are set to take place in 2004, it is essential that these centres should be working flat out. However, the Commission has decided to abolish the operating subsidies for these centres as from 1 January 2004.

Can the Commission state why the annual operating subsidies for the Info-Points and Carrefours are being discontinued as from 1 January 2004?

Can the Commission give valid reasons for taking this step at such short notice?

Has the Commission made provision for transitional arrangements to help the Info-Points and Carrefours cope with 2004, which will be a difficult year?

When does the Commission plan to put forward practical proposals regarding support for the information centres in the future?

WRITTEN QUESTION E-3287/03
by Brice Hortefeux (PPE-DE) to the Commission
(5 November 2003)

Subject: Europe Houses

The concept of democratic deficit is used mainly to highlight how the European Union suffers from a lack of democracy and appears inaccessible to citizens as a result of the complex way in which it functions. It conveys the feeling that the Community's institutional system is still rather opaque to the uninitiated.

One of the tasks assigned to the Europe Houses on their founding was to dissipate this idea of the distance and inaccessibility of the Community's institutions. Their primary aim was to strive to bring the European people and the institutions closer together by providing information and removing the air of mystery surrounding the working of the Community.

It cannot be denied that, in this sense, they perform this role most worthily on a daily basis, displaying competence and energy. I was all the more amazed to discover, therefore, that the Commission is preparing simply to withdraw their operating grant for 2004, with notice given on 29 September. Aside from the organisational difficulties this cut will bring (particularly with regard to the employment of convinced young Europeans who have invested for years in this great enterprise), thought must also be given to the impact on the European Union's image. As the EU debates its future Constitution (and the procedures for its entry into force) and prepares to welcome 10 new members (whose accession is sometimes a cause of worry among citizens) and Europeans are called upon once again to express their opinions in the European elections next June (and we are all aware of how difficult it is to persuade voters to take part in this ballot), the European Commission is suddenly washing its hands of the EU's largest information network in the Member States.

As the reasons behind this decision are difficult to grasp, can the Commission shed some light on the matter?

WRITTEN QUESTION E-3301/03
by Nicole Thomas-Mauro (UEN) to the Commission
(7 November 2003)

Subject: Info-points Europe

A message has recently been sent to the various Info-points Europe informing them that they were to lose European subsidies.

The Info-points Europe were set up to enable members of the public to obtain information about Europe.
The withdrawal of subsidies manifestly conflicts with the new information strategy adopted in 2002. The Commission seems to take the view that the entry into force of the new Financial Regulation on 1 January 2003 is a sufficient condition for this withdrawal.

What financial support systems does the Commission propose to introduce?

Are any other measures planned to enable these bodies to operate?

(2004/C 70 E/210)

WRITTEN QUESTION P-3389/03
by John Hume (PSE) to the Commission
(10 November 2003)

Subject: European Carrefours

Can the Commission explain why the Directorate-General for Press and Communication has announced the sudden termination of operating grants to the 138 members of the European Carrefour Network? Will it reconsider the decision and ensure that funding continues into 2004?

(2004/C 70 E/211)

WRITTEN QUESTION P-3403/03
by John Cushnahan (PPE-DE) to the Commission
(11 November 2003)

Subject: Funding for European Carrefour

I understand that DG Press and Communications has recently decided to cancel the current contracts with the European Carrefour organisations and to offer them replacement contracts without the annual operating grant of EUR 20 000 for 2004. I understand that the relevant financial rules have been in force since 1 January 2003, yet the European Carrefour were not informed of this decision until 29 September 2003.

The European Carrefour constitutes an essential source of information about the EU, and it would seem that this is an inopportune moment for such a change in policy, given that they are in the process of preparing public campaigns on enlargement; the new Constitution and the European Parliament elections.

Why was such a decision taken, and how does the Commission envisage that the European Carrefour will be able to function in 2004 with such a reduced budget?

Joint answer
to Written Questions E-3007/03, P-3068/03, E-3112/03, P-3153/03, E-3240/03, P-3265/03, E-3287/03, E-3301/03, P-3389/03 and P-3403/03
given by Mr Prodi on behalf of the Commission
(21 November 2003)

The Commission would thank the Honourable Members for their questions and wishes to make the following points.

The thirteen hundred general public information relays which are run on the Commission's behalf by the Directorate-General for Press and Information all receive logistical aid in the form of technical support services in kind (1) which, it has been confirmed, will continue.

Only the 270 or so host structures of an information relay belonging to the rural information and promotion carrefours or Info-Points Europe have in the past received a flat-rate annual operating grant. This grant was awarded on the basis of an agreement signed with the Commission which was renewable annually by means of a supplementary agreement.
For 2004 the Commission was subject to two constraints: first of all, the award of this grant is not compatible with the new Financial Regulation (\(^2\)), which came into force on 1 January 2003, and second, the agreements provide that either party may terminate the agreement at the end of each calendar year subject to three months' notice.

As it will be unable to continue financing the information relays in 2004 on the basis of the past arrangement, the Commission informed the host structures of European rural carrefours or Info-Points Europe accordingly, giving the appropriate notice.

The Commission would add that the relays may also respond — via their host structure, as no relay has legal personality enabling it to act by itself — to the calls for proposals of the European institutions; some of them have done so and been awarded grants. The notices are published in the 'procurement' annex of the Official Journal of the European Union and are accessible on the Europa website.

The Commission will shortly be taking a position on the general issue of public information relays and networks, in particular with a view to enlargement. It will inform the Honourable Members as soon as possible.

(\(^1\) Free supply of documentation and publications for the general public (some 3 million copies a year), access to the relays and networks intranet, specialist services via a relays and networks help desk (at an annual cost of around EUR1 500 000), free staff training courses (800 man/days a year), leadership and networking measures: periodic coordination meetings, visits, exchange programmes for relay staff (over 3 000 man/days a year), original information products targeted at the specific needs of relays, etc.


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(2004/C 70 E/212)

**WRITTEN QUESTION E-3017/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(14 October 2003)

Subject: Bankruptcy of Grundig AG and protecting jobs in Portugal

In its reply of 20 June 2003 to my question E-1507/03 (\(^1\)), the Commission said that it was gathering the requisite information before replying to my question concerning Grundig's bankruptcy and the protection of the jobs concerning in Portugal.

Does the Commission have the information? If so, will it please forward it to me?

(\(^1\) OJ C 268 E, 7.11.2003, p. 203.

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**Answer given by Mrs Diamantopoulou on behalf of the Commission**

(2 December 2003)

The Commission has now received the information it requested from the Portuguese authorities and would refer the Honourable Member to its supplementary reply to her written question E-1507/03 (\(^1\)).

(\(^1\) OJ C 268 E, 7.11.2003, p. 203.
WRITTEN QUESTION E-3019/03
by Ilda Figueiredo (GUE/NGL) to the Commission
(14 October 2003)

Subject: Community funding and maintaining jobs

Soflusa is a river transport company operating between Lisbon and Barreiro/Moita, and is proceeding to modernise its fleet with an eligible global investment of Euro 9,819,608, for which joint funding of 50% from the ERDF was scheduled, and partially paid in 2002.

In the project submitted with the purpose of obtaining the funding, the undertakings given by Soflusa included maintaining their 254 existing jobs and creating a further 50.

Now, according to a statement issued by the company's workers' trade unions, Soflusa's administration has stated that this undertaking to maintain the jobs and create new ones is not going to be met, claiming in the media that this undertaking was an oversight, and thus rubbing the social undertakings given in order to obtain Community funds, which is simply inadmissible.

What measures is the Commission going to take to ensure that Soflusa's administration meets its social commitments, and specifically those concerning job creation, which were taken as read when the Community funding was awarded?

Answer given by Mrs Diamantopoulou on behalf of the Commission
(25 November 2003)

The Commission would like to inform the Honourable Member that the President of the Commission is already aware of the problem, following a letter dated 6 October 2003 from the employees' trade union representatives. As mentioned in the reply to the trade unions, the Commission requested further information from the national authorities on 3 November 2003.

In addition, the Commission can confirm that no European Social Fund assistance was granted to the firm Soflusa.

WRITTEN QUESTION E-3022/03
by Anna Karamanou (PSE) to the Commission
(14 October 2003)

Subject: Funding of research into accident prevention

According to data produced by the European Accident Prevention Network, one third of fatalities in developed countries are caused by accidents, and young people are particularly affected.

In Greece, the number and frequency of fatal accidents of various types stand at extremely high levels.

In spite of this extremely worrying situation, the Commission recently cut the appropriations allocated to research into and prevention of accidents in European Union countries by 30%, with the result that it has become considerably more difficult for the competent bodies to carry out their work.

Will the Commission support the proposals and requests made by the European Accident Prevention Network? What further steps will it take to reduce the number of fatal accidents and improve public safety?
The Commission did not recently cut the appropriations allocated to research into and prevention of accidents in the Union by 30%.

The proposals for financial support regarding accident and injury prevention received in the framework of the 2003 funding round of the Community public health programme are currently being evaluated. A decision on selection of projects to be financed is expected shortly. Several projects dealing with accidents and injuries have been presented in the selection process.

Subject: The need to suspend and revise the Stability Pact

Since 2000, the EU has been suffering from major economic downturn and rising unemployment. Forecasts for 2003 are not optimistic, strengthening the belief that the only way out of the recession is an expansionist budgetary policy, which would help to stimulate economic growth and employment, and this is confirmed by the Commission’s acceptance of the so-called ‘Initiative for Growth’. On top of the real facts of the situation came the summer heatwave which destroyed thousands of hectares of forest as well as and urban areas, wiping out lives, property, infrastructure and social facilities, particularly in Portugal, 5% of whose national territory was devastated, thus heightening the impact of the economic recession facing the country.

And over against this ever more tangible real state of affairs, we have the application of the irrational criteria of the Stability Pact, which despite protests from various sides, remains rock solid in terms of its objectives, while countries like Germany and France find themselves unable to meet the 3% deficit limit for the third year running.

This policy has led to disinvestment in social public spending, encouraged the blind privatisation and selling off of the public heritage and inspired a dazzling array of creative accounting practices rendering public accounts less transparent. The Sapir report itself admits that the ‘Stability Pact’ has been responsible for the EU’s weak economic growth. There are voices within national governments and within the Commission pointing out the need to modernise the Stability Pact and make it more flexible.

The Commission:

- Does it not believe that the application of the Stability Pact is worsening the factors underlying the EU’s economic recession and penalising economic growth, and for this reason, should be suspended forthwith, as a matter of urgency, with a view to a global revision of the economic guidelines which will guarantee the requisite stimulus for economic growth and increased employment?

- Does it not believe that the implementation of the Stability Pact since 1997 has undermined public services and the social responsibility of the Member States for their citizens?

- Does it not believe that public investment spending should not be included when calculating the deficit? And, in the specific case of Portugal, given the current economic situation, does the Commission not believe that the investment spending arising from this summer’s forest fires should be excluded when calculating the country’s budgetary shortfall?
Answer given by Mr Solbes Mira on behalf of the Commission

(7 November 2003)

The Commission considers that the budgetary goals and rule of the EC Treaty and the Stability and Growth Pact remain valid. A budget position of 'close to balance or in surplus' provides an appropriate framework for prudent budgetary management that is in the economic self-interest of all countries. The budgetary objective of 'close to balance or in surplus' provides ample room to allow the automatic stabilisers to operate fully in response to economic downturns and to cope with the budgetary impact of major reforms. It is also an appropriate medium and long-term goal, given high debt levels in many countries, substantial contingent liabilities and because ageing populations will lead to large increase in spending on pension and health. All these challenges can only be met if countries make sustained efforts to run down public debt in the coming decade.

In the area of public finances, governments can contribute to the Lisbon goals by spending public money as efficiently as possible, by redirecting public expenditure towards growth-enhancing cost-effective expenditure subject to overall budgetary constraints, and by seeking a higher leverage of public support on private investment. Indeed, this is the reasoning behind guideline No 14 of the Broad Economic Policy Guidelines adopted by the Council on 26 June 2003. This guideline contains several ways in which the public sector should enhance its contribution to growth, one being 'by redirecting, i.e. while respecting overall budgetary constraints, public expenditure towards growth-enhancing cost-effective investment in physical and human capital and knowledge'. The implementation of this guideline together with structural reforms on which the Council has repeatedly given priority will boost economic growth and employment.

The interaction between the Union's budgetary rules and public investment has been investigated in detail in the report Public Finances in Economic and Monetary Union (EMU) 2003 (1). A careful analysis of the data fails to show any clear-cut link between change in the investment ratio and the provisions of the Union's framework for fiscal surveillance. Indeed public investment expenditures in many Member States have stopped falling after the beginning of monetary union.

Regarding the specific case of Portugal, on 17 September 2003 the Commission proposed an appropriation of EUR 48.5 million in the context of the Union solidarity fund on account of the forest fires. Finally, with respect to budgetary developments the Council on 11 November 2002 made recommendations to Portugal with a view to bringing an end to the situation of an excessive government deficit in 2003 at the latest. In monitoring the situation – in order to establish whether the Portuguese authorities comply with the Council recommendations — the Commission considers all relevant information, including the latest economic forecasts that take into account the events of summer 2003.


(2004/C 70E/216)

WRITTEN QUESTION E-3028/03

by Marianne Thyssen (PPE-DE) to the Commission

(17 October 2003)

Subject: Approval of support for Ford's Belgian car manufacturing plant in Genk and its suppliers

According to the Flemish authorities, on 12 September 2003 the Commission approved the granting of support for an investment programme for the Ford car manufacturing plant in Genk (in the Belgian province of Limburg), and for a number of component suppliers. The Commission has apparently agreed that an amount of EUR 45.06 million can be granted to Ford and EUR 2 million to its suppliers.

Can the Commission say whether it has in fact approved this support and, if so, what the amount involved was? Were any conditions imposed on the granting of this support, and if so what conditions, and under what programme or programmes can the support be granted?
Answer given by Mr Monti on behalf of the Commission

(26 November 2003)

The Commission on 5 September 2003 decided not to raise objections against an aid of EUR 45.06 million, which the Belgian authorities intend to grant to Ford Werke AG in Genk and to EUR 2.57 million in favour of five first-tier component suppliers.

The planned aid was assessed under the provisions of the Multisectoral framework on regional aid for large investment projects (1), which applies to the motor vehicle sector since 1 January 2003. As the measure concerns an ad hoc aid, i.e. not aid under an approved scheme, it had to be notified individually. According to the framework, the maximum aid intensity for regional investment aid in the motor vehicle sector is 30% of the regional aid ceiling.

Genk is an assisted Article 87(3)(c) area with a regional ceiling of 14.46% gross grant equivalent (10% net grant equivalent). Consequently, the maximum allowable aid intensity was 4.3%. Belgium intended to grant an intensity of 4.2%. Based on eligible investments of EUR 1.073 billion, the foreseen aid intensity of 4.2% resulted into an allowable aid amount in favour of Ford of EUR 45.06 million. Based on the same aid intensity, an aid of EUR 2.57 million was authorised in favour of five first-tier component suppliers.

The aid may only be granted to the extent that the notified investments are in fact carried out. The decision will be published shortly in the Official Journal of the European Union.

(1) OJC70, 19.3.2002.

(2004/C 70 E/217) WRITTEN QUESTION E-3031/03

by Ilda Figueiredo (GUE/NGL) to the Commission

(17 October 2003)

Subject: Community subsidies in the cultural sphere

Associations play a central role in any country’s social development, not only in terms of active involvement and self-organisation on the part of citizens, but also of the services which associations provide, particularly in culture and sport. Recreational associations are often the main channels for publicising and preserving the cultural heritage of many regions, thus contributing to cultural wealth and diversity within the European Union. Associations are responsible for amateur drama, folk clubs, brass bands, music schools and a whole range of exhibition spaces for art. Resources, particularly funds, are generally in short supply to cover the working requirements of these associations in the tasks they perform for the community, above all in providing leisure time activities. I personally encounter this hard fact with some frequency, and likewise the lack of available information as to sources of support, particularly at Community level.

Can the Commission answer the following:

- What Community resources exist to support culture, particularly for recreational associations?
- In the specific case of wind band associations, what Community aids exist for buying instruments and support material for music schools, and doing up auditoria and halls to perform in?
- What are the global Community budget totals authorised and actually paid out for culture, and how have these totals varied between 1994 and 2003? What is the breakdown of this total by Member State and number of projects funded?
Answer given by Mrs Reding on behalf of the Commission  
(20 November 2003)

The Commission is in the process of obtaining the necessary information to answer your question and will inform you of the results of its inquiries as soon as possible.

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WRITTEN QUESTION E-3035/03

by Marit Paulsen (ELDR) to the Commission

(17 October 2003)

Subject: Traceability requirement under Article 18(2) of Regulation (EC) 178/2002

Article 18(2) of the EU's Regulation (EC) 178/2002 (i) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (the General Food Regulation) states that food and feed business operators shall be able to identify 'any person' [in the Swedish text 'alla personer', literally 'all persons'] from whom they have been supplied with a food, a feed, a food-producing animal, or any substance intended to be, or expected to be, incorporated into a food or feed.

However, the English phrase 'any person' used here would most closely be translated in Swedish with 'varje person' (each person).

With every respect for the translation preferences of the EC Court of Justice, how, in the Commission's view, should this point be interpreted? Is any distinction intended, or is this merely a linguistic discrepancy?


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Answer given by Mr Byrne on behalf of the Commission

(2 December 2003)

The traceability requirement as set up by Article 18 of Regulation (EC) No 178/2002 of the Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (the General Food Law Regulation) is limited to the identification of the immediate supplier of a particular product and its immediate subsequent recipient.

The said provision does not require food and feed business operators to be able to follow the path of a particular product or ingredient through identification of all preceding suppliers and all succeeding customers throughout the whole supply chain.

The legislation relies on a one up, one down approach between businesses to ensure full chain traceability.

Any linguistic version, which would risk altering the meaning and scope of the general traceability requirement as outlined above, should be considered as a purely linguistic discrepancy and not as an intended distinction in terms of substance.

However, in the case of the Swedish text, 'alla personer' or 'varje person' are two equivalent expressions that both conform to the 'one up, one down' approach. The use of either of them does not alter the meaning of the phrase. Similar stylistic differences exist in the Danish and Dutch versions.
Subject: Termination of Eurostat contracts

In response to the events at Eurostat, the Commission decided on 23 July 2003 to terminate the contracts with four firms. The firms concerned are Planistat, CESD, 2SDA and TES.

1. When were the firms informed that the contracts with the Commission were being terminated?

2. Can the Commission provide the correspondence with these firms in connection with the termination of the contracts?

3. If the firms were not informed of the termination of the contracts, why not?

4. Can the Commission say who now performs the tasks carried out by the four firms and whether a public call for tender was issued for this purpose?

Answer given by Mr Solbes Mira on behalf of the Commission

(16 December 2003)

On 23 July 2003, the Commission instructed its authorising officers by delegation to terminate as quickly as possible the contractual relations which existed with four entities, in accordance with the terms of the contracts. In order to implement this decision the Commission had to analyse the terms in each contract which allowed the contract to be terminated.

Where termination was possible under the terms of the contract, the entities concerned were notified in accordance with the contractual obligations of each individual contract and were informed that the contracts had been terminated between 28 July and 17 October 2003.

Since the request for access to the letters of termination entails a request for access to documents containing confidential information, these will be sent to the Chairwoman of the competent Parliamentary Committee and to the rapporteur for the report on the evaluation of the activities of the European Anti-fraud Office (OLAF), in accordance with the procedures laid down in Annex III, point 3.2, first indent, to the Framework Agreement between the European Parliament and the Commission.

Contracts that were due to expire in the very near future, allowing for the notice that had to be given before termination would be effective, were allowed to run to their natural end, but were subject to tighter surveillance, where this was necessary for the project’s specific requirements in the light of the work programme of the department concerned. The Commission was unable to terminate contracts with the entities in question concluded by third countries under Community programmes where the Commission was not a party to the contracts (decentralised management). The third countries concerned have been informed of the Commission decision to break all contractual relations with these entities. The Commission proposed offering its support for this purpose, but it has no legal means of terminating the contracts between the third countries and these entities. Another contract, involving TES as a member of a consortium conducting a research project, could not be terminated as the contract does not contain a termination clause which could be applied in the present circumstances. The Commission is continuing to examine all the relevant contract clauses and the rules applicable.

As regards future performance of the tasks previously carried out by these entities, an action plan for Eurostat is being prepared and should in particular address the question of the assumption by Eurostat’s own departments of the tasks that had been outsourced under these contracts.
Subject: Human rights in Bangladesh

Despite the Commission's continual monitoring of political developments in Bangladesh, through its Delegation in Dhaka and various other initiatives, it has been brought to my attention that human rights violations continue.

Previous cases of politically motivated attacks, reported over a year ago, were understood to be the result of a temporary 'power vacuum,' before the new government could fully establish itself. However, such attacks, arrests and torture of human rights activists and opposition politicians persist.

Can the Commission please detail what progress, if any, has been made to address the human rights situation in Bangladesh?

Answer given by Mr Patten on behalf of the Commission

(18 November 2003)

The Commission shares the views of the Honourable Member, that Operation Clean Heart has failed to achieve its objectives and that the human rights situation in Bangladesh has deteriorated in the course of 2003. The Commission is particularly concerned about the following developments: the law and order situation is deteriorating, as illustrated by endemic criminality and the inability of the police to respond in an appropriate manner. The nexus between the police, criminals and certain politicians is particularly worrying. Tribal tensions are growing in the Chittagong Hill Tracts, in the absence of progress on the implementation of the 1997 Peace Agreement. The situation of minorities, especially in this region, is precarious, as demonstrated by violent incidents in Mahalchari on 26 August 2003. Death sentences have been handed down at disturbingly high rates. There is still little progress on the separation of the judiciary and the executive and the establishment of independent monitoring institutions, notably the Anti Corruption Commission, the Human Rights Commission and the Ombudsman.

The Commission has expressed strong concerns about the situation to the Government on several occasions. In addition the Commission's Delegation in Dhaka maintains a continuous dialogue on governance and human rights issues with senior interlocutors in the Government. In its recently established human rights dialogue, the Commission has addressed a wide range of issues including separation of the judiciary from the executive, investigation of custodial deaths, torture, status of the Anti Corruption Commission, Human Rights Commission, Ombudsman, freedom of press and the situation of the Burmese refugees. The Commission continues to make every effort to maintain the discussion with the Bangladesh Government and hopes to identify areas were it can co-operate jointly on the promotion and improvement of the Human Rights situation. To date, the Commission has supported several Human Rights projects through the European Initiative for Democracy and Human Rights and intends to continue support in the context of the National Indicative Programme.

Subject: Electronic tagging of asylum seekers

According to an article in the British newspaper 'The Independent' on 28 September 2003, the British Home Office and the Immigration Service are holding talks with the firm Securicor on ways of electronically tagging asylum seekers and illegals in the United Kingdom, with a view to better monitoring of the immigration and asylum problem. In the United States, Florida and Alaska have been using a similar system since the Department for Homeland Security was established. British Home Secretary David
Blunkett, a Socialist, explaining these radical plans, has himself admitted to not knowing how many asylum seekers are presently in the United Kingdom. That accounts for the British proposal for electronic tagging of asylum seekers, possibly by means of an ankle bracelet, in order to prevent them from absconding while their asylum applications are being processed. The pressing problem of asylum and the increase in illegal immigration in all Member States demand coordinating measures at European level, however, since the draft Constitution proposed by the Convention lays down that immigration and asylum policy would become a mainly European area of competence.

Is the Commission acquainted with these British plans? Does the Commission share the British Socialist Home Secretary's concern at the dramatic way in which asylum policy has gone out of control in the United Kingdom and, by extension, in most other EU Member States?

If so, is the Commission prepared to endorse such measures, with a view ultimately to introducing the proposed electronic tagging arrangements in all Union Member States?

Answer given by Mr Vitorino on behalf of the Commission

(24 November 2003)

Notwithstanding the article in 'The Independent' on 28 September 2003, the Commission is not aware of any plans to electronically tag asylum seekers in any of the Member States. The Commission itself envisages no such measures at Union level.

The Treaty of Amsterdam provides the legal framework for a common policy on immigration and asylum and measures to introduce a common approach have already been agreed or are under discussion. For example, the Eurodac system which allows the comparison of the fingerprints of all asylum seekers in the Union has been operational since 15 January 2003. Eurodac was set up to support the operation of the Dublin Convention (and its successor, the Dublin II Regulation(1) which entered into force in September 2003), which helps determine which Member State is responsible for determining an asylum claim and prevent multiple applications, by allowing individual asylum seekers to be identified.

In February 2003 the Council agreed on minimum standards for reception conditions. Minimum standards on asylum procedures and a common definition of a refugee are still under discussion. In July 2003, the Thessaloniki European Council set a deadline of the end of 2003 for the agreement of those instruments. That was further endorsed by the Brussels European Council on the 16/17 October 2003. The Commission issues a biannual review of progress in this area which details the stages reached in negotiations of all the measures needed to attain the objectives set by the Treaty of Amsterdam(2).

The Commission does not consider that asylum policy has gone out of control in any Member State, however in the Commission Communication 'On the common asylum policy and the Agenda for Protection'(3) the Commission noted that abuse of asylum procedures is on the rise as are mixed migratory flows (often maintained by smuggling practices) involving both those who require protection and those who do not. In the Commission Communication 'Towards more accessible, equitable and managed asylum systems'(4) the Commission concluded that there is a manifest need to explore new avenues to complement the common approach required by the Treaty of Amsterdam. Note that, under this new approach, measures combating illegal immigration should comply with human rights(4). While new approaches would encompass a range of responses which build upon a global perspective of the international protection system, the priority in the first instance should be meeting the deadlines on the different building blocks of a common policy outlined above. New approaches would also include partnership with and between countries of origin, first asylum and destination and the need to fully respect
international human rights obligations. The Thessaloniki European Council asked the Commission to further explore how more orderly and managed entry to the Union for those requiring protection can be assured and how protection capacity in the regions of origin can be enhanced. A comprehensive report is to be presented before June 2004.


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(2004/C 70 E/222) WRITTEN QUESTION P-3051/03

by Dorette Corbey (PSE) to the Commission

(9 October 2003)

Subject: Ratification of the Kyoto Protocol by Russia

On 29 September 2003 President Putin announced that Russia had still not taken a decision on whether or not to ratify the Kyoto Protocol. This represents a serious setback for international climate policy and for the EU, which has been advocating ratification of the Protocol by Russia. However, Russia has criticised EU diplomacy concerning the Protocol, describing it as ‘disastrous’ and ‘clumsy’ (1). Until such time as Russia ratifies the Protocol, no international obligations can be imposed. However, the EU has announced that it will continue its efforts to achieve the objectives regarding emissions reductions.

1. Does the Commission take the view that the EU’s diplomatic efforts in connection with the Kyoto Protocol have failed and can it state how much consideration was given to effective cooperation between the Commission and the Member States with a view to conducting bilateral and multilateral talks designed to persuade Russia to ratify the Protocol promptly, in particular in the light of the ‘green diplomacy’ initiative launched at the Thessaloniki European Council?

2. Can the Commission outline the strategic and legal implications of Russia’s continuing failure to ratify the Protocol and how it now intends to move the Kyoto process forward and implement the European measures (such as emissions trading) drawn up as part of that process?

3. Is it the case that, until such time as the Kyoto Protocol enters into force, Member States cannot use CDM (Clean Development Mechanism) and JI (Joint Implementation) ‘credits’ in order to meet undertakings given at EU level, and if so, what measures does the Commission plan to take in that connection?


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Answer given by Mrs Wallström on behalf of the Commission

(25 November 2003)

1. No, the Commission does not regard the Union’s diplomatic efforts to persuade Russia of the case for ratifying the Kyoto Protocol as in any way a failure. The Commission expects that Russia will ratify when it has completed its own scrutiny of the facts and the arguments. Diplomacy does not mean subjecting another country to the will of the Union, or imposing a timetable for decisions, but rather involves a continuous two-way process of mutual explanation and understanding.
The Green Diplomacy initiative has reinforced information exchange and co-ordination. Throughout the past two years there has been good co-ordination between the Commission and the Member States. Many statements by Russian representatives have testified to their good appreciation of the global and national advantages to be derived from ratification. Some more negative opinions have also been expressed from time to time as the debate has continued. The Commission is confident that Russia will proceed with the ratification of the Kyoto Protocol in a timely manner. The Union, as well as the other Parties having ratified the Kyoto Protocol, should continue to encourage Russia in this direction.

In order to do so, the Union is regularly discussing with Russian counterparts the advantages that the Kyoto Protocol could bring. To this end, seminars, workshops, visits and other activities are regularly organised.

2. The Kyoto Protocol will not enter into force until Russia ratifies. But, as far as the Union is concerned, the implementation of policies and measures to comply with the commitments under the United Nations Framework Convention on Climate Change and the Kyoto Protocol, including the Union emission trading scheme (ETS), will continue as planned, as most of these measures are internal measures of the Union. The Union together with the nearly 120 other Parties that have ratified the Kyoto Protocol will in fact proceed with immediate implementation. It is essential for the Union to pursue this line as this is an indication of political leadership and a confirmation to the other Parties that the Union takes its commitments very seriously.

3. Credits from Joint Implementation (JI) and Clean Development Mechanism (CDM) will exist as of the entry into force of the Kyoto Protocol. The Commission has recently proposed to link JI and CDM credits to the Union emissions trading scheme so as to allow companies to use these credits for compliance with the obligations under the Union emissions trading scheme.

As the Commission expects Russia to ratify, it sees for the time being no need for any further measures to be taken in this respect.

(2004/C70E/223)

WRITTEN QUESTION E-3056/03
by Dorette Corbey (PSE) to the Commission
(17 October 2003)

Subject: Measures to safeguard security of natural gas supply

On 23 September 2003 Parliament voted on the Commission proposals concerning measures to safeguard security of natural gas supply and security of supply for petroleum products. By means of both proposals the Commission is endeavouring to strengthen control over these energy sources. Parliament voted by an absolute majority to refer the proposal concerning security of supply for petroleum products back to the Commission and adopted substantial amendments to the proposal on measures to safeguard security of natural gas supply.

1. Can the Commission state how the Netherlands were consulted during the process of drafting the proposal on gas supply?

2. Can the Commission state how the fundamental interests of the Netherlands, the EU’s largest natural gas producer, were taken into account in the proposal concerning natural gas supply?

3. Given the substantial similarities between the two proposals, does the Commission intend to withdraw both following the vote in Parliament?
The Netherlands have been consulted in the same manner as all Member States. Moreover, a number of bilateral meetings between the Commission and industry representatives at various levels took place, in order to discuss relevant matters of security of supply. Papers issued by the European gas industry have been fully taken into account, when conceiving the proposal.

The Commission has to protect the fundamental interests of the Community taking into account the principle of subsidiarity, as laid down in the Treaty establishing the European Communities. Beyond that, the Commission is always striving for taking account of national circumstances prevailing in Member States. This goes for the Netherlands, one of the largest Union gas producer, too.

The proposal for a Directive concerning measures safeguarding security of gas supply (1) calls for:

- definition of roles and responsibilities of market participants in the new, unbundled and competitive environment of a competitive natural gas market;
- setting up of minimum standards for certain customers;
- introduction of a safety net for long-term contracts;
- setting up a solidarity mechanism for extraordinary gas supply situations (major supply disruption).

This has to be seen against the background that in a competitive and well functioning natural gas market, the level of security of gas supply might be reduced due to increased competition among gas suppliers. While large consumers of natural gas usually define themselves that level of security of supply they consider most appropriate to their needs, small consumers (household, small commercial and public entities without fuel switching capabilities) are not able to do.

In the long-term, the security of supply of the Union will more and more depend on imports from external suppliers. These imports will come from more distant regions and entail more risks.

In order to overcome these problems a common framework is needed to ensure the security of gas supply in a competitive natural gas market and in the long term.

For these reasons, the similarities between the two proposals are limited.


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(2004/C70E/224)  
WRITTEN QUESTION E-3065/03  
by Alexandros Alavanos (GUE/NGL) to the Commission  
(17 October 2003)

Subject: Discrimination against women

Article 6 of an employment contract for the recruitment of 44 agronomists by the ELGA Greek Farmers’ Insurance Organisation which is the responsibility of the Ministry of Agriculture, states that ‘in case of a female employee becoming pregnant, and by the very nature of evaluation activities, thus prevented from carrying out her duties, her employment contract shall be suspended with the option of resuming her employment after the end of her maternity leave, subject to the needs of the service’. This provision of the employment contract is an outright violation of the principle of equal treatment between men and women, the Charter of Fundamental Rights, Community law as embodied in Directives 76/207/EEC (2) and 86/613/EEC (2) and the case law established by the European Court of Justice.
Does the Commission consider such employment contract provisions acceptable? What measures will it take to have the contract invalidated?


Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 December 2003)

The Honourable Member is asking if the Commission considers acceptable a provision in an employment contract which states that ‘in case of a female employee becoming pregnant, and by the very nature of evaluation activities, thus prevented from carrying out her duties, her employment contract shall be suspended with the option of resuming her employment after the end of her maternity leave, subject to the needs of the service’.

Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (1) requires employers to carry out a risk assessment in respect of activities liable to involve a risk to pregnant workers, workers who have recently given birth or workers who are breastfeeding. Should the assessment reveal a risk to health and safety, the risk must be removed, the worker must be transferred to suitable alternative employment or Health and Safety leave must be granted. During this leave, the employment rights relating to the employment contract, including maintenance of a payment or an adequate allowance, are maintained. Directive 92/85/EEC also prohibits the dismissal of a pregnant worker or a worker who has recently given birth or is breastfeeding during the period from the beginning of the pregnancy to the end of the maternity leave period save in exceptional cases unrelated to the pregnancy, having given birth or breastfeeding. Furthermore, Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions prohibits discrimination in relation to employment on grounds of sex. It is well established in European Court of Justice case law that discrimination on grounds of pregnancy is direct discrimination on grounds of sex.

The provision in the employment contract referred to by the Honourable Member would appear to be in contravention of Directive 92/85/EEC. It may also be contrary to Directive 76/207/EEC. As the ELGA Greek Farmers’ Insurance Organisation is the responsibility of the Ministry for Agriculture, the Commission will contact the Greek authorities with a view to obtaining further information in relation to this issue and will inform the Honourable Member as soon as the information is received.


WRITTEN QUESTION P-3067/03

by Kathalijne Buitenweg (Verts/ALE) to the Commission

(14 October 2003)

Subject: Biometric data in visas and passports

The European Commission is currently, through various proposals, working on the follow-up to one of the conclusions of the Thessaloniki European Council of June 2003 which states that ‘a coherent approach is needed in the EU on biometric identifiers or biometric data which would result in harmonised solutions for documents for third-country nationals, EU citizens’ passports and information systems (VIS and SIS II)’. At the same time the European Commission is negotiating with the United States to ensure that the collection by the American authorities of airline passenger data is consistent with European standards, i.e. that data are collected for a clearly defined purpose, stored for a limited period and that there is a possibility of effective redress.

What steps does the Commission plan to take to ensure that it does not become easier for third-country customs authorities to store on a long-term basis and use as they see fit data, including biometric data, contained in passports and visas, given that such data is stored on a chip?
Answer given by Mr Vitorino on behalf of the Commission

(11 November 2003)

As requested by the Thessaloniki European Council (19 and 20 June 2003), the Commission has prepared, as a first step, two legislative proposals (1) for Regulations amending Council Regulation (EC) No 1683/95 of 29 May 1995, laying down a uniform format for visas (2), and amending Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (3). As a second step the Commission will present, in December 2003, a proposal on biometrics in passports.

The proposals on visa and residence permits intend to require Member States to integrate two biometric identifiers, the facial image and two fingerprints, which shall be kept on a storage medium in the visa and in the residence permit for third country nationals in a harmonised way, thus ensuring interoperability.

The Commission considers that prevention of the use of bogus or false identities could best be achieved by enabling more reliable checking of whether the person who presented a document was identical to the person to whom the document had been issued. Existing security standards are improved even further by the integration of two biometric identifiers.

When choosing the most appropriate biometric identifiers, the results of the work of the ICAO (International Civil Aviation Organisation), which has taken the lead for the development of international standards in this respect, has been taken into account. Furthermore, ICAO recommends a contactless microchip as the most appropriate storage medium.

The Commission is devoting particular attention to the protection of personal data. The Commission recalls that Directive 95/46/EC (4) on data protection applies to the processing of personal data - including biometric data. In accordance with Article 30 of this Directive, the Commission intends to submit all above mentioned proposals for consultation to the Working Party composed of national data protection authorities, set up by Article 29 of the said Directive.

The two existing proposals include a specific obligation to ensure the security of data. There are various technical approaches to secure the stored information but a definite technical solution will have to be determined.

The discussions that the Commission is having with the United States about the protection of airline passenger data are not related to these proposals.

(2) OJL 164, 14.7.1995.
(3) OJL 157, 15.6.2002.

WRITTEN QUESTION E-3071/03
by Lissy Gröner (PSE) to the Commission

(20 October 2003)

Subject: Gender budgeting

In the budget debate held in plenary on 23 September 2003, Commissioner Schreyer spoke about the overarching introduction of gender budgeting in the EU budget.

1. What tangible measures has the Commission taken to implement the proposals set out in the Ghilardotti report (A5-0214/2003)?

2. Will gender budgeting be taken into account as early as the 2004 budget?
Answer given by Mrs Diamantopoulou on behalf of the Commission

(21 November 2003)

The Honourable Member is asking the Commission what tangible measures the Commission has taken to implement the proposals set out in the (A5-0214/2003) and if gender budgeting will be taken into account as early as the 2004 budget.

In response to the Parliament’s request to distribute information on gender budgeting, the Honourable Member may wish to note that the Commission has already disseminated the opinion of the Advisory Committee on Equal Opportunities for Women and Men within the Commission, to the Parliament and in the Member States. This document includes valuable information on the principles, methods and tools of gender budgeting. It is available to a wider public on the Commission web site (\(^{1})\). The Commission might also consider disseminating a brochure on gender budgeting.

Promoting gender equality in economic life is one of the objectives of the Framework Strategy on Gender equality 2001-2005 and the related programme. Although the priority theme for the action programme in 2004 and 2005 is: ‘change of gender roles and stereotypes’, proposals for projects on other themes can also be considered for financial support if the projects meet the conditions required. In this context projects on gender budgeting might be considered.

So far, the public budgets in Europe as well as the household of the Union are to a large extent gender blind.

However, some progress is underway as many programmes within the Community budget, such as the Structural Funds, programmes within education, research, development co-operation etc. explicitly refer to the aim of fighting discrimination and promoting equality between women and men, including the empowerment of women. Gender budgeting requires the development of indicators, and statistical information about the state of affairs. As the Member States administer approximately 80% of the Community budget, the Commission relies on information from them. Data often exists only in aggregated form, which does not permit a gender-specific analysis. Further efforts are needed at all levels to develop statistics and indicators broken down by sex.

The integration of the gender perspective into the budgetary process is part of the gender mainstreaming strategy and the Commission will continue developing methodologies and tools, including gender statistics and indicators, for the implementation of gender mainstreaming.

(\(^{1})\) http://europa.eu.int/comm/employment_social/equ_opp/index_en.htm

WRITTEN QUESTION E-3076/03
by Erik Meijer (GUE/NGL) to the Commission

(20 October 2003)

Subject: Results of studies into the threats to the health of people living or working in the vicinity of transmitter masts for the new UMTS system

1. In recent years have complaints come to the Commission’s attention concerning mobile telephony (GSM) transmitter masts which are annoying to and potentially damaging to the health of those living or working in buildings on which such masts are sited, irrespective of whether scientific studies have yet provided conclusive proof of such damage.

2. Following the initially slow take-up of the new UMTS system, which is the basis for rapid Internet access and the transmission of images via mobile phones, does the Commission expect to see a rapid expansion in the use of the system over the next few years and, as a result, an increase in the number of transmitter masts and their associated electro-magnetic fields?
3. Is the Commission aware of the study into the impact of the new UMTS technology carried out by the Netherlands research institute TNO, which puts forward evidence to suggest that, unlike in the case of GSM transmitter masts, people living or working in the vicinity of UMTS transmitter masts may be affected by dizziness, tingling sensations in their limbs, headaches, sleeplessness and loss of concentration, resulting in temporary or permanent damage to their health?

4. How do the stricter safety provisions governing UMTS in Italy, the Austrian province of Salzburg and Switzerland differ from the standard EU provisions? Are there Member States or regions in the EU where UMTS transmitter masts may not be built in places where they may adversely affect the local population? In what areas is UMTS operation contingent on scientific studies demonstrating that radiation poses no risk to public health, or in what areas is that operation subject to other restrictions?

5. Is the Commission encouraging measures to combat the adverse effects on public health in the Member States? What specific measures in this area can the public expect to see in the near future?

Source: the 1 October 2003 issue of the Netherlands daily newspaper de Volkskrant.

Answer given by Mr Byrne on behalf of the Commission

(1 December 2003)

1. The siting of mobile phone masts is an issue, which as mentioned by the Honourable Member, is giving rise to public concern in Member States. At the same time, the public perception of the risks posed by masts is at odds with measured exposure levels. The extremely rapid deployment of mobile networks over the last years, in many cases without consultation of the public, seems to be the main reason for this. European citizens have (either directly or through their MEPs) approached the Commission on this matter, notably to enquire about safety standards and the risks associated with electric and magnetic field (EMF) exposure.

The Commission consistently responds to these questions and always recalls, that the Community:

- has adopted Council Recommendation 1999/59/EEC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (1);
- requests re-evaluation of the scientific literature regularly in order to review the set safety limits.

2. Even though it is expected that a larger number of antennas will be installed, there is currently no reason to assume that the roll-out of UMTS networks will have a substantial impact on the exposure of the public to electromagnetic fields. Measurements on the real-life exposure done in several Member States have demonstrated that these normally are in orders of magnitude below the safety levels as recommended by Council Recommendation 1999/519/EEC. Only in the close vicinity of masts (i.e. within meters of the base station itself) would they be of the same order as set in the Recommendation. Co-locating UMTS on masts already used for GSM, therefore, only has an effect on exposure conditions in the immediate vicinity of the mast.

3. The Commission is aware of the study done in the Netherlands. This study focused on relations between exposure to low intensity fields of base stations used for GSM 900, GSM 1800 and UMTS (3rd generation) networks. An unexpected but small negative correlation between well-being and exposure to UMTS exposure was found. No such correlation was observed for exposure to GSM fields. A positive correlation between cognitive capabilities and exposure to GSM fields, also observed in other studies was confirmed. The study does not conclude that the observed effects have an impact on health. It calls for confirmation of its results and an extension of the study method.
4. The Commission is aware that in certain Member States and in Switzerland, lower safety levels have been adopted. As mentioned, real life exposure levels are in orders of magnitude below the safety levels. They only have consequences for the safety zones immediately around masts. In the case of applying the Italian levels, this safety zone would need to be three times larger compared to the levels set by the Recommendation (typically 10 instead of three to four meters from the mast).

5. To the best knowledge of the Commission, the limits and standards in place protect European citizens from adverse health effects. Nevertheless, the Commission is following research in this area closely and will take new scientific evidence into consideration when it reviews the Council Recommendation 1999/519/EEC in 2004.


WRITTEN QUESTION E-3079/03
by Torben Lund (PSE) to the Commission
(20 October 2003)

Subject: Regulation (EC) No 1221/97 and aid for beekeeping

Regulation (EC) No 1221/97 (1) includes rules for improving the production and marketing of honey. Nevertheless, beekeeping is under pressure in several places in Europe and numbers have dropped sharply in several areas. For this among other reasons, a number of Member States are attempting to improve the situation for beekeepers by subsidising research, etc. In Denmark, however, the government has quite paradoxically proposed eliminating aid for beekeeping despite the grave situation in this sector.

This being so, will the Commission provide an update on how all the different Member States aid their national beekeeping industry and, at the same time, give an assessment as to how Denmark's draft finance bill for 2004 can be reconciled with Regulation (EC) No 1221/97 and other relevant EU legislation? Lastly, will it indicate how the EU promotes the situation of beekeepers through various schemes and explain forthcoming EU proposals to improve both the situation of beekeepers and honey production in the EU?


Answer given by Mr Fischler on behalf of the Commission
(25 November 2003)

As the Honourable Member indicates, the purpose of Council Regulation (EC) No 1221/97 of 25 June 1997 laying down general rules for the application of measures to improve the production and marketing of honey (1) is to support beekeeping in the Union.

Its Article 1(1) states that Member States 'may lay down national programmes for each year'. Thus it is up to the Member State to decide whether or not to have a programme. If it does so, the programme must embrace one or more of the priority measures listed in Article 1. In addition Article 4 states that the national programmes are to be drawn up in close collaboration with the representative organisations and beekeeping cooperatives.

The Commission sent a report (2) to the Council and Parliament on implementation of the Regulation. It covers the first three years of the programmes and can be consulted on the Agriculture Directorate-General's website (3).
Support for beekeeping is also possible under Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (1). Investment aid can for example be given to farmers diversifying into beekeeping and to beekeepers improving the processing and marketing of their honey. Among the new measures introduced under common agricultural policy reform (2) the ‘Food Quality’ chapter offers, subject to certain requirements, new possibilities for honey production. All rural development support must however fall within the scope of a rural development plan. These are drawn up and managed, following approval by the Commission, by the Member States and/or their regions.

(2) COM(2001) 70 final.
(3) http://europa.eu.int/comm/agriculture/markets/honey/index_en.htm

WRITTEN QUESTION E-3084/03
by Koldo Gorostiaga Atxalandabaso (NI) to the Commission
(20 October 2003)

Subject: Sit-in of Basque political prisoners

In the Basque Country, an unquestionable political conflict exists because the Basque people are being denied their democratic rights. The outlawing of ideas and political projects has brought only greater confrontation and more suffering.

The community of almost 700 hundred Basque political prisoners have been holding a sit-in, in the prisons of the Spanish Kingdom and the French Republic, since 27 September in defence of their rights. They have rejected visits from friends and relatives. As a matter of fact, journeys are so long that visits are impossible, and 13 people have already died on the way to or from the prisons.

The Spanish Government ignores every call to put an end to these sufferings, and the Spanish courts do not dare to insist on the democratic principle of the separation of powers.

On 4 September 2003, the European Parliament adopted a Report on the situation as regards fundamental rights in the EU (2002) (A5-0281/2003), where much emphasis is given to the mobilisation of European capacity to put an end to these intolerable abuses of prisoners.

Can the Commission table a proposal to the European Parliament so that this issue may be tackled as a matter of urgency?

Would the Commission support the involvement of Basque prisoners in a bid to find a solution to the ongoing conflict in the Basque Country?

Answer given by Mr Vitorino on behalf of the Commission
(20 November 2003)

The Commission takes the view that none of the powers conferred on it by the European Union and Community Treaties would allow it to take the action requested by the Honourable Member.
WRITTEN QUESTION E-3085/03
by Bruno Gollnisch (NI) to the Commission
(20 October 2003)

Subject: Crédit Lyonnais / Executive Life

A US court is demanding that the Crédit Lyonnais bank pay a fine of USD 575 million for the allegedly illegal takeover of an insurance company by a bank.

There are two possible views of this case.

Either the Crédit Lyonnais management are genuinely at fault.

Why then should the French authorities take on the personal responsibilities of the Crédit Lyonnais management? Does the Commission, which has recently been so strict about restrictions on state aids, consider it compatible with EU law that the French state — and hence French taxpayers — should pay 4/5 of the fine imposed on the bank?

Alternatively, the Crédit Lyonnais are not at fault. If this is the case, will the Commission, which no doubt knew of the operation when the takeover actually took place, explain its present silence on the matter? Will it also specify whether, in accordance with the reciprocity rule, US banks are prohibited from owning more than 25% of the capital of European insurance companies and, if so, what penalties are applied for violation of this prohibition?

Answer given by Mr Monti on behalf of the Commission
(25 November 2003)

The Commission adopted the decisions concerning aid granted by France to the Crédit Lyonnais on 26 July 1995 and on 20 May 1998. The risk for the Crédit Lyonnais and for the French state of a potential fine payment to the United States for the alleged mismanagement related to the take-over of the Californian insurance company Executive Life in 1991 was already provisioned and taken into account in the restructuring plan of the Crédit Lyonnais. When the Commission assessed the restructuring plan of the Crédit Lyonnais, the French authorities provided the information on bad assets and risks. A special hive-off vehicle, 'Consortium de Réalisation' (CDR), a hiving-off consortium for taking over the compromised assets of Crédit Lyonnais, was set up in order to restructure the bank and return it back to viability. The risk related to the take-over of the Californian insurance company Executive Life in 1991 represented a part of hived-off assets.

Considering the above stated, the Commission is currently not assessing any State aid issue and legal consequences of the acquisition of the Executive Life, which was carried out in 1991, since this issue was taken into account in the decisions already adopted by the Commission.

WRITTEN QUESTION E-3094/03
by Harald Ettl (PSE) to the Commission
(20 October 2003)

Subject: Mobbing in the workplace

The European Commission has frequently emphasised that it will draw up efficient policy measures to combat the phenomenon known as 'mobbing in the workplace' and publish a Green Paper which will include a detailed analysis, an action plan and a specific timetable.

What measures will the European Commission take in order to review the appropriateness and the scope of a specific Community instrument concerning mobbing in the workplace?
Answer given by Mrs Diamantopoulou on behalf of the Commission

(25 November 2003)

In its Communication entitled ‘Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006’ (1), the Commission announced that it would ‘examine the appropriateness and the scope of a Community instrument on psychological harassment and violence at work’.

The Commission is currently compiling and analysing the information available in this area. The analysis takes into account inter alia the legislative and/or regulatory initiatives adopted or planned in the Member States.

Accordingly, Parliament’s resolution on harassment in the workplace (2) and the opinion on violence at work adopted by the Advisory Committee on Safety, Hygiene and Health Protection at Work (3) will also be taken into account.

On the basis of the above, the Commission plans, in the course of 2004, to consult the social partners on the possible direction of Community action in this area, in accordance with Article 138 of the EC Treaty.


WRITTEN QUESTION E-3095/03
by Koldo Gorostiaga Atxalandabaso (NI) to the Commission

(20 October 2003)

Subject: Basque Country’s recognition through repression

In my written question E-0645/03 (4) dated 24 February 2003, I referred to the 634 politically motivated people who were arrested during 2002 in the Basque Country.

On 8 October, early in the morning, 34 people were arrested by the Spanish and French police on both sides of the border that divides our country and constitutes an internal iron curtain. Let me recall that Germany was able to commemorate last week the 13th anniversary of its reunification, while the Basque Country remains torn to pieces: It is not recognised at all in the Northern part, under French rule, and it is under two separate administrations as part of the Kingdom of Spain.

As those detainees all over the country indicate, can the Basque Country achieve recognition only through repression?

Could the Commission present a proposal for a Community action plan to guarantee the Basque people the right to exist?


Answer given by Mr Vitorino on behalf of the Commission

(20 November 2003)

The Commission takes the view that the facts to which the Honourable Member refers do not fall within the powers conferred on it by the European Union and Community Treaties.
(2004/C 70 E/233)

WRITTEN QUESTION E-3097/03
by Jonas Sjöstedt (GUE/NGL) to the Commission
(20 October 2003)

Subject: Disclosure of resources for the EMU campaign

It is highly likely that the ‘yes’ camp had greater resources at its disposal than the ‘no’ camp during the recently concluded EMU campaign in Sweden.

Does the Commission consider it would have been an advantage if the resources available to the two camps had been made public?

Answer given by Mr Solbes Mira on behalf of the Commission
(21 November 2003)

Given that the referendum held in Sweden on 14 September 2003 was an entirely domestic matter, the Commission does not have a view on whether any other resources made available to the respective campaigns should be made public or not.

The Commission has not made any financial resources available for information or communication on the euro in Sweden after the announcement of the referendum.

(2004/C 70 E/234)

WRITTEN QUESTION E-3103/03
by Anna Karamanou (PSE) to the Commission
(20 October 2003)

Subject: Child soldiers in the Democratic Republic of the Congo

The recruitment of child soldiers in the course of the seven-year war in the Democratic Republic of the Congo has had tragic consequences, resulting in the mistreatment and death of thousands of these children, some of them less than 12 years of age.

According to the Amnesty International report published on 9 October 2003 in Brussels concerning the Democratic Republic of the Congo and child soldiers, the forcible recruitment of children, who are then put through punishing training sessions, assigned to arduous and highly dangerous duties and suffer sexual abuse by fellow soldiers and their officers, is standard practice.

What measures will the Commission take to ensure respect for human rights, international agreements on the protection of children’s rights and compliance with the 1999 Lusaka Agreement on the cessation of hostilities and to oblige the transitional government of the Democratic Republic of the Congo to end the recruitment of child soldiers and take the necessary measures to ensure the full reintegration into society of those who have undergone this traumatic experience?

Answer given by Mr Nielson on behalf of the Commission
(18 November 2003)

The Commission is concerned by the phenomenon of recruitment of child soldiers during the seven year war in the Democratic Republic of Congo (DRC) and its tragic consequences for the children.

This is one of the reasons why the Commission is participating in the regional ‘Multi-Country Demobilization and Reintegration Programme’ (MDRP) administered by the World Bank with a contribution of EUR 20 million. The purpose of this programme is to demobilize and reintegrate ex-combatants of the greater Great Lakes Region, including the DRC. Child soldiers are included in the programme. Special measures will be taken to ensure their proper reintegration into society.
MDRP special projects have been developed which particularly relate to the needs of child ex-combatants. It is also expected that the National Demobilisation and Reintegration Programme for the DRC will include a specific focus on children.

More broadly, the Commission promotes respect of human rights and international agreements on the protection of children’s rights through its ongoing project of support to the justice sector in the DRC for EUR 28 million. This programme is being reoriented in the framework of the new Congolese Transitional process to respond to the problem of impunity and non respect of human rights, especially in the East part of the country.

(2004/C 70 E/235)

WRITTEN QUESTION E-3105/03
by Marianne Eriksson (GUE/NGL), Piia-Noora Kauppi (PPE-DE) and Joke Swiebel (PSE) to the Commission
(22 October 2003)

Subject: Funding EQUAL projects and sexual orientation discrimination

Article 13 of the EC Treaty, Article 21 of the Charter of Fundamental Rights, and Article 1 of Directive 2000/78/EC (1) establishing a general framework for equal treatment in employment and occupation prohibit discrimination on the ground of sexual orientation. At Community level there is an integrated strategy to combat discrimination (in particular that based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) and social exclusion. Focusing on the labour market, EQUAL forms part of that strategy. Member States shall formulate their strategy for EQUAL on the basis of thematic fields in the four pillars of the European Employment Strategy. Within these fields Member States shall ensure that their proposals principally benefit those subject to the main forms of discrimination (based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) and inequality.

We are informed that under the current EQUAL programme, only four partnerships out of 1 400 are related to sexual orientation discrimination. Could the Commission inform us whether this information is correct?

Could the Commission inform us whether all Member States have included sexual orientation discrimination in the national call for proposals under the current EQUAL programme? If not, could the Commission give us an explanation of what action the Commission took to increase the number of partnerships with a focus on sexual orientation discrimination?

Will the Commission see to it that the discrimination ground of sexual orientation will be explicitly mentioned in the EQUAL programme and in the call for proposals in the current Member States as well as in the accession States for the next round of EQUAL in spring 2004?


Answer given by Mrs Diamantopoulou on behalf of the Commission
(25 November 2003)

The Community Initiative EQUAL aims at developing, testing and mainstreaming new ways of combating all forms of discrimination and inequalities related to the labour market. Therefore, EQUAL constitutes an experimental branch of the European strategy to combat discrimination (in particular that based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation)

In applying the principle of subsidiarity, the EQUAL Initiative is implemented by the Member States, on the basis of a programme document agreed between the Member States and the Commission. These documents specify the overall programme approach and priorities, and the basic administrative and financial procedures for implementing them.
The Commission is monitoring the national implementation of EQUAL at programme level only, and not at the level of Development Partnerships. However, Member States have agreed to provide the information on Development Partnerships in a public database.

Member States have also agreed to hold public calls for proposals, on the basis of the provisions laid down in their national EQUAL programme document. As stated in the EQUAL Communication Article 8 (1) there is a clear policy link to the purpose of the EQUAL programme and the mentioning of all grounds of discrimination. Later in the same Communication, in Article 14 (2), it is stated that the ‘Member States shall ensure that their proposals principally benefit those subject to the main forms of discrimination (based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) and inequality.’ This means that activities related to all mentioned grounds for discrimination are eligible in all Member States under the EQUAL programme.

As all the national EQUAL programme documents present a strategy based on an analysis of the situation regarding all kinds of discrimination, and on national policy priorities, the Commission has taken no specific action to promote any of the specific grounds for discrimination.

A screening of the public database referred to above, reveals that there are far more than four Development Partnerships which have activities related to discrimination based on sexual orientation. There are sometimes geographical Development Partnerships dealing with all grounds for discrimination in a specific geographical area where some activities in some of those Development Partnerships are focussed on sexual orientation discrimination. There are also examples of Development Partnerships where this can be found as one of several subprojects of a Development Partnership. For example in Britain there is a Development Partnership dealing with human immunodeficiency virus (HIV) and exclusion and the aspect of sexual orientation discrimination is one dimension that they are working with as part of their work although it is not the main focus of their work.

It is however true that there are few Development Partnerships that have their main or only focus on discrimination based on sexual orientation.

Discrimination on the ground of sexual orientation is already stated and established in the EQUAL programme as referred to in the EQUAL Communication. This policy content is clear and will remain. Also in the EQUAL Communication foreseen, the Commission will make sure that there is a clear reference to Article 13 of the EC Treaty, Article 21 in the Charter of Fundamental Rights and to the Directive 2000/78/EC (3) as you refer to in your question. In the ongoing negotiations with the new Member States the Commission will also ensure that EQUAL includes all mentioned grounds of discrimination.

As regards the calls for proposals, Member States have to respect all relevant provisions of the EQUAL Communication and include all forms of discrimination.

In order to get a deeper insight into the widespread activities and promising results of the first round of EQUAL, all Member States have awarded contracts for the evaluation of EQUAL at national level and the Commission has awarded a contract at Union level. The midterm results of these evaluations will be available only in December 2003. If these evaluations identify the need for action to combat specific grounds of discrimination, the Commission will take these recommendations into account for the second round of EQUAL.

(1) At Community level there is an integrated strategy to combat discrimination (in particular that based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) and social exclusion. Focusing on the labour market, EQUAL will form part of that strategy (OJ C 127, 5.5.2000, p. 2).

(2) Article 14. Equal Communication (OJ C 127, 5.5.2000, p. 2) ‘Member States shall formulate their strategy for EQUAL on the basis of thematic fields in the four pillars of the European Employment strategy. Within these fields Member States shall ensure that their proposals principally benefit those subject to the main forms of discrimination (based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation) and inequality. Each thematic field shall be fully accessible to all such groups.’

WRITTEN QUESTION E-3107/03

by Adriana Poli Bortone (UEN) to the Commission

(22 October 2003)

Subject: Trans-European networks

The Van Miert document, under heading 3, refers to Corridor 8.

However, the Commission proposal of 1 October 2003 no longer includes that corridor among the 29 priority projects.

In reply to the protest of the Italian delegation to the Transport, Telecommunications and Energy Council, Commissioner de Palacio appears to have stated that the reason for its exclusion is the impossibility of allowing access to the corridor to countries which are not as yet EU Member States.

This exclusion criterion has not, however, been applied to other priority projects that appear on the 1 October list, including No 7 (motorway route Igoumenitsa/Patras-Athens-Sofia-Budapest), No 18 (inland waterway route Rhine/Meuse-Main-Danube) and No 22 (Rail line Athens-Sofia-Budapest-Vienna-Prague-Nuremberg/Dresden).

Will the Commission reconsider the exclusion of Corridor 8 from the priority list, given its crucial importance for the democratisation process in the Balkan region?

Answer given by Mrs de Palacio on behalf of the Commission

(26 November 2003)

The report of the high level group, which was composed of representatives of the 15 Member States, the 10 new ones, Bulgaria, Romania, EIB and the Commission and chaired by Mr Karel Van Miert, was delivered to the Commission on 30 June 2003. It includes in list 3 (Other projects important for territorial cohesion) the rail line Bari-Varna. This line is within the pan-European Corridor VIII as defined in the Ministerial Conferences in Crete and Helsinki in 1994 and 1997.

The mandate of the high level group was to identify priority projects on the trans-European transport network (TEN-T). As Corridor VIII is located outside the territory of the Union, (with the exception of the ports of Bari and Brindisi), and will remain so after enlargement, it was not within the mandate of the group to consider it, or any other corridor, for inclusion in the list of TEN-T priority projects.

By the same logic the Commission did not include Corridor VIII in its proposal to modify Decision on the TEN-T guidelines adopted on 1 October 2003 (1). Projects 18 and 22 which follow the route on certain pan-European Corridors concern exclusively works located on the territory of the Union or Accessing Countries.


WRITTEN QUESTION E-3108/03

by Philip Claeys (NI) to the Commission

(22 October 2003)

Subject: Subsidies

Can the Commission state whether it provides financial and/or other support to the following organisations, who say they are engaged in the fight against racism?

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C70E/220
Official Journal of the European Union EN 20.3.2004
If it does, can it also provide details, for each organisation, of the sums involved for each of the years 2000, 2001, 2002 and, if possible, 2003?

Under which programmes have subsidies been granted to these organisations:

- Searchlight (UK);
- Commission for Racial Equality, CRE (UK);
- Liga voor Mensenrechten (Flanders, Belgium);
- Mouvement contre le Racisme, l’Antisémitisme et la Xénophobie, MRAX (Belgium);
- Centrum voor Gelijkheid van Kansen en Racismebestrijding (Belgium);
- Antifascistische Onderzoeksgroep Kafka (Netherlands);
- Ras l’Front (France);
- SOS Racisme (France);

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 December 2003)

None of the eight organisations listed is in receipt of direct financial support from Community funds. Under the Community Programme to Combat Discrimination 2001-2006, some of these organisations are currently or have been in the past, partners in transnational projects, which are coordinated and managed by other organisations.

(2004/C 70 E/238) WRITTEN QUESTION P-3111/03
by Regina Bastos (PPE-DE) to the Commission

(17 October 2003)

Subject: Possible state or Community subsidies to the German Rieker holding

The German Rieker holding recently merged with SCHUH-UNION. Rieker recently relocated its shoe production to Romania, under the name ‘Rieker Romania Ltd.’ and also relocated production units to Poland and Turkey.

It is possible that this company is making use of subsidies from within the European Union to set up in one country, and then move out to other regions or countries so as to obtain fresh subsidies.

Were pre-accession subsidies granted to the candidate countries, specifically Poland as a country awaiting accession and possibly Romania as a candidate for accession, with the purpose of modernising the economic fabric?

Did Rieker benefit from such aid, specifically from the allocation of Community or state aid from the above countries, where it set up production units?

If so, on what dates were these allocations made, and what was their total value?
In order to help the candidate countries carry out the necessary reforms, the Union channels financial assistance to various fields: through PHARE for institutional matters, through ISPA for investments in transport and the environment, and through Sapard for rural and agricultural development. The full list of assistance granted by the Union can be found on the Internet site of the Directorate-General for Enlargement.

By way of exemption from the prohibition of state aid laid down in Article 87(1) of the EC Treaty, state aid for investment can be approved on the basis of the guidelines on national regional aid (1) or Regulation (EC) No 70/2001 on the application of Articles 87 and 88 of the EC Treaty to state aid to small and medium-sized enterprises (2). In order to reduce the potential negative impact of relocation, the aid is granted on condition that the investment is maintained for a minimum of five years in the less-favoured region.

Romania is a candidate for accession to the Union and, on that basis, is currently transposing the Community ‘acquis’ into domestic legislation and policies. The Community acquis, including the ‘acquis’ relating to state aid rules, is already applicable in Poland, which signed the Accession Treaty on 16 April 2003. The Commission is not aware of any individual aid having been granted to the company referred to by the Honourable Member. Aid could have been granted under an aid scheme that had been submitted to it. The Commission is going to consult the competent authorities in the countries in question in order to find out if aid has been granted to Rieker and under what conditions. It will inform the Honourable Member of the outcome of the consultations.


The international food and farming union, IUF, is concerned about the relaxing of current restrictions on the toxic herbicide paraquat. It is estimated that paraquat, for which there is no known antidote, accounts for a substantial number of the 40,000 global pesticide-related deaths every year. Relaxing restrictions on paraquat would encourage greater use of this toxic substance and would make it available on the market in the EU where it is currently banned. It would also undermine efforts to establish higher standards of health and safety in agriculture and to encourage agricultural production methods which are socially and environmentally sustainable.

What was the outcome of the meeting of the EU’s Standing Committee on the Food Chain and Animal Health at the beginning of October regarding the use of paraquat? Can the Commission provide official clarification regarding its views on the substance paraquat?

The Commission would refer the Honourable Member to its answer to written P-3093/03 by Mr Ettl (1).

(1) OJ C 65 E, 13.3.2004, p. 266.
WRITTEN QUESTION E-3119/03  
by Konstantinos Hatzidakis (PPE-DE) to the Commission

(22 October 2003)

Subject: Breach of Directive 1999/70/EC

According to complaints brought by the association of contract workers at the Telecommunications Organisation of Greece (OTE), the organisation's management has announced 800 job vacancies in the telephone service sector, setting an age limit of 30 and subsequently 26 years, thereby excluding the contract workers currently employed in this sector who have been covering the OTE's on-going needs for many years, and who could have been made permanent staff.

Can the Commission say whether this practice contravenes Directive 1999/70/EC and if so, what steps it will take to ensure that Community law is complied with?

(1) OJ L 175, 10.7.1999, p. 43.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(20 November 2003)

According to Council Directive 1999/70/EC (1) on fixed-term work, employers shall inform fixed-term workers about vacancies, which become available to ensure that they have the same opportunity to secure permanent positions as other workers. Such information can be provided by way of a general announcement at a suitable place in the undertaking or establishment (clause 6.1). The Directive also lays down a principle of non-discrimination as regards employment conditions and states that period-of-service qualifications relating to particular conditions of employment shall be the same for fixed-term workers as for permanent workers except where different length-of-service qualifications are justified on objective grounds (clause 4.1 and 4). The Directive does not state, however, that fixed-term workers should have priority to job vacancies.

The fact that fixed-term workers did not have priority to these posts is therefore not a breach of the Directive. The rules on information about vacancies and period-of-service qualifications have been transposed in Greece. Whether the job announcement as such was made according to these rules is therefore something the competent Greek authorities should assess.

(1) Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by the European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE) and the Centre of Enterprises with Public Participation (CEEP).

WRITTEN QUESTION E-3136/03  
by Lissy Gröner (PSE) to the Commission

(23 October 2003)

Subject: Unused EU funding in Bavaria totalling EUR 17 million for 2002

At the beginning of October, I received an answer from the Commission to my question on the return by Bavaria of European Social Funds monies for 2002 (E-1953/03) (1). There is a mistake in the answer, however. It refers to 2000 instead of 2002.

(1) OJ L 175, 10.7.1999, p. 43.

At the beginning of October, I received an answer from the Commission to my question on the return by Bavaria of European Social Funds monies for 2002 (E-1953/03). There is a mistake in the answer, however. It refers to 2000 instead of 2002.
The German Bundesland Bavaria was unable to commit funding of EUR17 million from the rural development programme, provided under the 2002 EU budget, and returned it to Brussels.

Can the Commission give a prompt reply to the following questions.

1. Has funding from the European Social Fund also been returned by Bavaria?
2. What are the sums involved?
3. What areas of assistance are affected?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(25 November 2003)

1. The commitments for the European Social Fund (ESF) made for 2000 had to be spent till the end of 2002 due to n+2 rule (Article 31, of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (1)). As this was the case, no decommitment had to be prepared for ESF in the Objectives 2 Single Programming Document (SPD).

2. For the years 2001 and 2002, the n+2 rule applies at the end of 2003 and 2004 respectively. Whether Bavaria will be affected by the n+2 rule for the 2001 commitment will be known by the end of 2003.

3. This question has already been discussed at technical level with the Bavarian Authorities and will be readdressed during the annual review meeting (date not known yet) and the Programme Monitoring Committee meeting (13 and 14 November 2003).

WRITTEN QUESTION E-3149/03
by Ilda Figueiredo (GUE/NGL) to the Commission

(23 October 2003)

Subject: Location of the Melka dressmaking company

The Swedo-British dressmaking multinational, Melka, is preparing to close down its factory in Sulin, in the Sintra district in Portugal, and sack some 100 workers. The reason appears to be relocation of production to the Asian market, despite good financial health. It should be noted that the company has already closed down two of its four factories, in Evora and Palmela, cutting its workforce from 1200 to 200.

Can the Commission answer the following:

1. Has Melka been in receipt of Community aid during its time in Portugal?
2. What measures does the Commission intend to take to protect the employment of these workers, given that Portugal today has the fastest growing unemployment rate in the European Union?
Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 December 2003)

1. The Commission hereby informs the Honourable Member that the MELKA company received Community financial assistance during CSF I (1990-1993), in particular EUR 1 095.44 under the European Social Fund in 1991.

2. In recent years, the Union has developed a worker involvement policy for dealing adequately with the social consequences of company restructuring. As a result of that policy, restructuring operations must be preceded by information and consultation of employees' representatives with the aim of avoiding or reducing their social impact, in accordance with the Community Directives on 'Collective Redundancies' (1), 'Transfers of Undertakings' (2), 'European Works Councils' (3) and, from March 2005 onwards, 'Information and Consultation' (4).

As regards the case in question, the Commission has not been informed about the way in which the Melka company intends to deal with the social implications.

The aforementioned Directives have been transposed in the Member State concerned. It is therefore up to the national authorities to ensure that the workers' rights laid down in these Directives are respected. Directive 2002/14/EC establishing a general framework for informing and consulting employees must be transposed into national law by 25 March 2005 at the latest.

The Commission argues that, when restructuring, enterprises should always take into account the effects that those decisions could have on their employees as well as on the social and regional context. This has recently been underlined in the Commission Communication concerning Corporate Social Responsibility (CSR) – A business contribution to Sustainable Development (5).

Furthermore, in January 2002 the Commission invited the European social partners to engage in a dialogue on anticipating and managing change with a view to applying a dynamic approach to the social aspects of corporate restructuring. The social partners have recently sent to the Commission the results of their joint work on this topic. They consist of a set of reference guidelines for companies and their workers in the event of restructuring. The Commission very much hopes that these results, as well as other follow-up actions, will disseminate throughout Europe good practices of corporate restructuring, thus helping companies and their workers adequately to address the social dimension involved.


WRITTEN QUESTION E-3158/03

by Antonio Mussa (UEN) to the Commission

(24 October 2003)

Subject: Recognition of academic qualifications

The issue of recognition by the Member States of academic qualifications in the EU is one of great importance which has a direct impact on citizens and restricts their right to freedom of movement and their establishment in other Member States for purposes of work.
Since one of the products of European integration is precisely the free movement of citizens and since student and worker mobility will become increasingly widespread, the Community has in the past passed legislation on the recognition of academic qualifications.

In fact, there is no automatic recognition of qualifications, with the conditions that individuals have to fulfil in order for their qualifications to be recognised falling solely within the sphere of competence of the Member States.

All too often, however, recognition becomes all but impossible in practice because Member States stipulate exorbitant conditions and the bureaucratic procedures are extremely long and burdensome.

Does the Commission intend to bring forward initiatives to consolidate and simplify the current system for the recognition of qualifications by making recognition more automatic, basing it on common criteria and, in any event, setting a time limit on the recognition process?

**Answer given by Mr Bolkestein on behalf of the Commission**

*(10 December 2003)*

The EU has a precise legal framework for the recognition of professional qualifications for the regulated professions. It is important to differentiate this recognition from the recognition of titles for academic purposes and from mechanisms ensuring the transparency of qualifications on the labour market.

The ‘general system’ for the recognition of professional qualifications, which is based on the principle of mutual recognition, applies to all regulated professions that are not covered by a specific automatic recognition scheme for certain craft, industrial and commercial activities and the professions of doctor, nurse responsible for general care, dentist, veterinary surgeon, midwife, pharmacist and architect. Mutual recognition is based on the Member States accepting professional qualifications awarded by other Member States in order to take up a given profession. If necessary, recognition of these professional qualifications may be conditional upon the migrant successfully completing compensation measures (a test or adaptation period). The purpose of these compensation measures is to make up for the considerable differences which exist between the migrant’s training and that required to take up the same profession in the host Member State.

In March 2002, the Commission submitted a proposal for a directive on the recognition of professional qualifications (*1*), which consolidates, simplifies and clarifies existing Community legislation in this field. It also introduces new elements, including liberalisation of the freedom to provide cross-border services and the creation of common platforms for professions covered by the general system based on mutual recognition. This proposal is currently being adopted by the Parliament and the Council.

In the proposal, a common platform means a set of criteria of professional qualifications which attest to a sufficient level of competence for the pursuit of a given profession and on the basis of which professional associations accept qualifications obtained in the Member States. If the Commission considers that the common platform facilitates the mutual recognition of qualifications, on the basis of technical work carried out by the professional associations concerned at European level, it takes a decision in accordance with the regulatory (comitology) procedure. As a result of this Community instrument, if migrants meet the corresponding conditions, the Member States do not impose compensatory measures. The idea behind these common platforms is to try and make the free movement of professionals easier by making the recognition of qualifications more automatic for migrants who meet the criteria chosen for the profession concerned.

This does not call into question the Member States’ responsibility for regulating the professions and determining the training conditions required to take up and pursue these professions. In addition, a Member State can always examine the duration and content of the applicant’s training and compare these with the requirements imposed on its territory, and impose compensatory measures if the migrant does not meet the conditions for the platform concerned.
As regards the time limits within which Member States decide upon applications for recognition for the regulated professions, the directives in force already contain precise rules on this matter. Depending on the directive which applies, this time limit is three or four months. In its above-mentioned proposal for a directive, the Commission proposed a single three-month deadline. Lengthy delays in reaching a decision on the recognition of qualifications can be justified when a migrant needs to complete his/her application. The proposal for a directive introduces a one-month deadline within which the competent authority must acknowledge receipt of the application and, if necessary, inform the migrant of any missing documents, as well as an obligation for the competent authorities to cooperate closely in order to expedite the recognition procedure.


(2004/C 70 E/244) WRITTEN QUESTION E-3162/03

by Mogens Camre (UEN) to the Commission

(24 October 2003)

Subject: Fraud involving the resources of the European Social Fund

The European Social Fund, which comes under the direct responsibility of the Commission, allocates DKK 500 million each year in Denmark. The purpose of these appropriations is to help guarantee high employment, the integration of refugees and immigrants, equality between men and women, sustainable development in all regions of Denmark and economic and social cohesion.

In Denmark a body known as ‘Paraplyorganisationen for de Etniske Mindretal’ (umbrella organisation for ethnic minorities – POEM) was allocated DKR 2 million from the Social Fund. The money was administered by the Danish Integration Ministry and the City of Copenhagen. With this money, POEM hired a private firm (Inplacement) which offered courses intended to help unemployed immigrants find work. In an article of 15 October 2003 the Danish daily Ekstra Bladet showed that all participants on the course fail, and that the course does not qualify its participants for jobs. It also appears that POEM has doubtful legal competence to deal with the firm of Inplacement, since it turns out that the deputy chairman of POEM is the sister of the director of Inplacement. That being so, the Integration Ministry suspended payments to POEM.

In order to obtain economic support both from the EU and from Denmark, POEM supplied fraudulent information concerning the number of its members listing member organisations which had never existed. It provided money for bogus courses which did not qualify their participants for jobs, but instead channelled EU monies to private firms having family connections with leading members of its own organisation. This immigrants’ organisation did not live up to the objectives of the Social Fund regarding the integration of immigrants, and should never have received a penny from the Social Fund.

What measures does the Commission propose to take to ensure that appropriations from the Social Fund can no longer be paid to organisations which commit fraud with the Fund’s money and in any case do not comply with the objectives of the Fund, and how will the Commission recover the money which it has paid out under false pretences?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(25 November 2003)

In accordance with Commission Regulation (CE) No 1260/1999 of 21 June 1999 laying down general provisions of the Structural Funds (1), Article 38, the Danish Managing Authority has the main responsibility for carrying out audit and control for the European Social Fund in Denmark in order to ensure the correct use of funds. The Commission’s responsibility in the first instance is to assess whether each Member State has a system of audit and control which gives sufficient assurance of proper
management of the Structural Funds. In July 2003 such a system test was carried out in Denmark by the audit and control services of the Commission. The Commission concluded at that time that the Danish system did indeed provide sufficient assurance.

The Danish Managing Authority is aware of the allegations levelled at POEM and has initiated the carrying out of further controls of the project to ascertain the validity of the allegations in order to determine appropriate action. The Commission is closely monitoring the Danish Managing Authority's control of the project concerned and any actions to be taken. If ESF funds have been wrongly paid out, they will be recovered by the Danish Managing Authority.


WRITTEN QUESTION E-3164/03
by Säid El Khadraoui (PSE) to the Commission
(24 October 2003)

Subject: Warning labels on alcohol

In the United Kingdom there have been calls for some time for alcohol products to carry warning labels in the same way as tobacco products. Cains Brewery in Liverpool is not waiting for legislation but has introduced a label on its '2008 Celebration Ale' advising against alcohol abuse. The label carries the following message: 'Alcohol advice: Robert Cain supports responsible drinking. Excessive drinking can cause harm. Observe the daily guidelines for sensible drinking. Do not drink and drive.'

Alcohol abuse causes a great use of suffering in society. In the Commission's view, what responsibility do alcohol producers bear for this situation?

What is the Commission's opinion of warning labels on alcohol?

Will the Commission take steps to make warning labels on alcohol products compulsory? If so, what measures will it take and when? What message and/or illustrations does the Commission consider appropriate?

If not, what is the Commission doing to draw the attention of alcohol producers to their responsibility for warning their customers against excessive consumption of alcohol?

Answer given by Mr Byrne on behalf of the Commission
(2 December 2003)

The Commission fully shares the concerns of the Honourable Member on the problems related to the abuse of alcohol. In the Commission's view industry plays an important role given their responsibility for the products development, marketing and selling of their products. This concerns especially industry activities towards children and young people. In this respect, the Commission should also like to draw the attention of the Honourable Member to the Council Recommendation of 5 June 2001 on the drinking of alcohol by young people (1), in particular children and adolescents.

Warning labels on alcohol could be an effective means to convey important health messages about alcohol to the public. As far as the Commission is aware, this is not yet the practice in any Member State whereas in the United States these warning labels have been compulsory for a long time.
At present, the Commission has no plans to pursue legislation to make warning labels on alcohol products compulsory. It should be noted that the Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks constitutes the existing Community legislation on labelling of spirit drinks.

The Commission has paid special attention to protecting young people, because in several Member States problems due to the drinking of alcohol by children and adolescents have risen in recent years. Referring to this, the above mentioned Council Recommendation on the drinking of alcohol by young people proposes that Member States should encourage, in co-operation with the producers and retailers of alcoholic beverages, the establishment of effective mechanisms to ensure that alcoholic beverages are not promoted to appeal to children and adolescents, paying particular attention to avoiding the implication that sporting success is linked to alcohol use.

The Commission's emphasis is on effective self-regulation. In recent meetings with representatives of the alcohol industry the Commission has, however, stressed the need for industry to comply with the Council Recommendation and with the existing codes of conduct. Further efforts by industry are needed to improve the functioning and the effectiveness of such codes.


WRITTEN QUESTION P-3166/03
by Paulo Casaca (PSE) to the Commission
(20 October 2003)

Subject: The Commission's compliance with the decisions of the European Court of Justice

In its welcome answer to question E-1804/03(1) the Commission states that it is not engaged in any proceedings against Sinaga, which means that the case opposing the possibility of shipping sugar from the Azores (Case C-2002-1098) has therefore ceased to exist and that the Commission is thus respecting the judgement of 15 May 2003 in Case C-282/00 of the European Court of Justice.

The fact that the Commission is complying with the Court's decision removes the reasons which led the Commission not to implement the Poseima regulations fully, and hence there is also nothing to prevent the 3 000-tonne increase in the supply of white sugar, produced from unrefined sugar, requested by Sinaga.

Can the Commission therefore confirm that it has acted on the request mentioned in the question's title?


Answer given by Mr Fischler on behalf of the Commission
(12 November 2003)

As guardian of the Treaties the Commission watches over compliance with Community law and scrupulously respects the Court of Justice's decisions.

In its judgment in Case C-282/00 the Court upheld the principle maintained by the Commission of freedom to ship or export sugar obtained from beet harvested in the Azores.

In the same judgment it confirmed the Commission's position on shipment to the European mainland or exportation of refined sugar produced in the Azores from raw sugar supplied to the islands under the specific supply arrangements (SSA) introduced by Regulation (EEC) No 1600/92, now replaced by Regulation (EC) No 1453/2001(1).
Supply of the outermost islands under these arrangements is restricted to what is required for human consumption, as agricultural inputs and for processing. Sugar sent to the Azores with benefit of the SSA (exemption from customs duty or in the case of Community sugar payment of an aid equal to the refund) cannot leave the islands.

There is one exception to this principle. If processing of supplied products has occurred in the Azores the resulting products can be shipped or exported within the limits of 'traditional quantities'. The Court ruled on this point in the following words (2). 'It follows that the shipments of sugar must satisfy relatively strict conditions in order to be classified as traditional trade flows or traditional shipments. Those requirements refer as much to the magnitude of the shipments as to their frequency and the fact that they are ongoing.' 'In order to determine whether shipments of sugar to mainland Portugal and to Madeira … are traditional exports it must, therefore, be determined whether, at the time that the Poseima Programme was implemented by Regulation No 1600/92, with effect from 1 July 1992, those shipments were ongoing, regular and significant. Sporadic and small-scale shipments made in the past cannot satisfy those requirements.'

The Portuguese authorities have not provided evidence of shipments of sugar of the type specified by the Court. Therefore since the exception to the principle is not valid in this case the islands’ sugar supply needs must be worked out on the basis of local consumption.

There is nothing to suggest that sugar consumption in the Azores has risen by 3000 tonnes a year. Accordingly Sinaga’s request to the Commission for an increase in the supply balance must be turned down.

(2) Paragraphs 44 and 45 of the judgment.

(2004/C 70 E/247) WRITTEN QUESTION E-3175/03
by Torben Lund (PSE) to the Commission
(27 October 2003)

Subject: Funding of prevention programmes and disease surveillance

In its proposal COM(2003) 441 (establishing a European Centre [for Disease Prevention and Control], which is to be concerned with the surveillance of infectious diseases), the Commission has launched an important health initiative. Under the proposal, the Centre is to administer the Community's network of competent national authorities or institutes, (cf. Decision 2119/98/EC (1)) and the dedicated surveillance networks (DSNs) for specific diseases including AIDS, tuberculosis, influenza, etc.

Can the Commission confirm that it has simultaneously decided not to continue its support for the DSNs under the new prevention programme, with the result that several networks, including EUVAC.NET, have been closed down — directly contradicting the underlying aims of COM(2003) 441?

In the same connection, can the Commission state whether any other decisions have been taken which directly or indirectly conflict with the EU’s surveillance effort, and can it give details of how it proposes to finance other related activities in the health field, particularly with a view to surveillance and the establishment of networks?

Answer given by Mr Byrne on behalf of the Commission

(8 December 2003)

In the Commission proposal for the Parliament and the Council Regulation establishing a European Centre for Disease Prevention and Control one of the tasks of the Centre would be to support the networking activities and dedicated surveillance networks of authorities and structures designated under Decision No 2119/98/EC of the Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community (1) and ensure their integrated operation through the provision of technical and scientific expertise to the Commission and the Member States. These activities would be financed from the budget of the Centre. However, it is foreseen that during the first years of the operation of the Centre its activities will be partly financed from the Public Health Programme (2005 and 2006, EUR 4.9 million and EUR 6 million respectively).

Activities on surveillance form a significant part of the Public Health Programme established under Decision No 1786/2002/EC of the Parliament and of the Council of 23 September 2002 (2). In line with the priorities of the 2003 work plan (3) for the implementation of this programme, which received a unanimous positive opinion by the Programme Committee, the Commission has proposed the funding of a number of projects, including several projects on surveillance networks. Not all of the applications submitted can be funded, however, given the budgetary constraints. The Commission proposals for funding of selected projects received a unanimous positive opinion by the Programme Committee. However the final steps of the selection procedure are currently taking place.

The Commission will continue to support communicable disease surveillance activities in the most effective and efficient way possible under the financial envelopes set by the Parliament and the Council. Its proposal for a European Centre for Disease Prevention and Control has to be seen in this context and reflects the priority that the Commission accords to the strengthening of the capacities of the Community in this area.


WRITTEN QUESTION E-3176/03

by Dorette Corbey (PSE) to the Commission

(27 October 2003)

Subject: Food safety and developing countries

The European Union has made significant efforts in the area of food safety in recent years. Following the adoption of general legislation on food, further implementing measures have been on the agenda, such as the package of directives on hygiene and controls (4).

1. What consequences has the greater concentration on food safety within the EU had, or what consequences will it have, for developing countries?

2. Which countries have seen their food exports to the EU decline?

3. Does the Commission anticipate, as a consequence of the legislation on hygiene and controls (4) a reduction, or an increase, in food exports to the EU from African, Asian and Latin American countries? Which countries will be particularly affected?

Answer given by Mr Byrne on behalf of the Commission

(5 December 2003)

With the package of new legislation concerning food safety, the requirements and related controls become more complete. The Commission has built in some flexibility by introducing the principle of equivalence in the control proposal and HACCP in the hygiene proposals. Indeed, the approach has totally changed with the introduction of the integrated chain approach from primary production until sale to the consumer, with responsibility being given to the producer, with the introduction of a systematic science based risk analysis and the precautionary principle, with the requirement of full traceability, with the introduction of modern meat inspection techniques and the application of HACCP. The Commission has closely ensured that the proposals complied with the provisions of the SPS Agreement of the World Trade Organisation. Furthermore, it must be pointed out that the newly introduced principles are in compliance with Codex Alimentarius. Nevertheless, Member States and exporting third countries have to adapt to the new situation. By the introduction of new legislation, the working methods of producers and controlling authorities and production and trade structures have to be adapted. As regards developing countries, the Commission introduced certain provisions in its control proposal. These provisions are aimed at strengthening, by technical assistance, the capacity of developing countries to implement the EU import requirements, particularly for drafting the yearly control plans.

At this moment it is not possible to make a statement on the possible influence of the new legislation on the existing exports to the U as the new legislation is only partially in force. The import requirements of the Regulation of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (General Food Law) only come into effect on 1 January 2005. The hygiene package on the control proposal still has to be adopted.

WRITTEN QUESTION E-3177/03
by Dorette Corbey (PSE) to the Commission
(27 October 2003)

Subject: Reuse of medical instruments and accessories

Medical instruments and accessories account for a significant proportion of the costs of public healthcare. Reuse of such instruments and accessories can reduce costs by up to 40% and has significant benefits from an environmental point of view. However, producers of medical instruments and accessories often mark their products as 'single use', preventing reuse and unnecessarily driving up costs. A further negative consequence of this approach is that — in order to save costs — instruments and accessories are often nonetheless reused, without being treated, cleaned or sterilised in a professional manner. A large proportion of hospital infections are believed to be the result of unprofessional reuse of accessories and instruments.

1. Is the Commission aware of the existence of agreements between producers of medical accessories and instruments with a view to marking as many products as possible 'single use'?

2. Is the Commission prepared to carry out an investigation into such agreements?

3. Could the Commission give an indication of the benefits of professional reuse in terms of economic costs, environmental benefits and prevention of hospital infections?

4. Is the Commission prepared (possibly within the framework of the thematic strategy for recycling) to promote the reuse of medical instruments and accessories?
Answer given by Mr Liikanen on behalf of the Commission

(12 December 2003)

1. and 2. The Commission is not aware of the existence of agreements between producers of medical accessories and instruments with a view to marking as many products as possible ‘single-use’ and has prima facie no reason to examine whether such agreements do exist.

3. The Commission is not in a position to provide indications regarding economic costs and environmental benefits associated with re-use of single-use devices. Hospital infection is a complex issue, of which the use of medical devices is only a component, probably difficult to identify and isolate.

4. The Commission shares the point of view of virtually all Member States that re-use of single-use devices should not be promoted for reasons of health protection. It draws the attention to the fact that through procurement policy, Member States can promote the use of medical devices designed and placed on the market as reusable devices. The role procurement policy and other instruments can play in limiting the generation of waste will be considered in the Commission’s Communication ‘Towards a thematic strategy on the prevention and recycling of waste’ (1). However, this strategy will not address re-use of medical instruments and accessories in particular.


WRITTEN QUESTION P-3184/03
by Olivier Dupuis (NI) to the Commission

(20 October 2003)

Subject: Arrogance of the Lao authorities

On 26 October 1999 five young Laos — Thongpaseuth Keuakoun, Sengaloun Phengphanh, Bouavanh Chanmanivong, Khamphouvieng Sisaat and Keochay — were arrested with dozens of other demonstrators for having organised a peaceful march in Vientiane involving students, teachers, civil servants and Lao citizens who were calling for democratic reform, measures against corruption, reforms to achieve more social justice and a multi-party system.

Four years later, despite numerous appeals and despite preferential trade agreements and enormous cooperation efforts by the European Union and its Member States, the Lao authorities have not deigned to make the slightest gesture, even a humanitarian one, towards the five prisoners of conscience. Neither the International Red Cross nor Member State Ambassadors nor Commission representatives nor officials of the United Nations and other international organisations have been authorised to visit them in prison. In addition the Vientiane authorities have not even accepted that they should honour the promises made by their representative at a parliamentary meeting in Strasbourg to clarify contradictory reports by various government officials concerning the conditions in which the five desaparecidos of the demonstration of the 26 October have been brought to justice.

Moreover, according to well-informed sources, it seems that Mr Khamphouvieng Sisaat has not been seen for over a year, while Mr Thongpaseuth Keuakoun has become very weak and has lost the use of his legs.

Has the Commission received precise and reliable information on the judicial and health situation of the five desaparecido leaders of the Movement of 26 October?

Does the Commission not think the Lao authorities’ attitude to the European Union in this affair borders on contempt and far exceeds the limits of decency?
Does the Commission not also think that even more than towards Burma (which is not said lightly) the European Union should take an extremely firm and determined approach towards the Lao authorities so a process of democratisation and national reconciliation can be achieved effectively and as a matter of urgency?

To this end, is the Commission willing to inform the Lao authorities, notably at the bilateral EU-Laos meeting to be held in Brussels in November in the cooperation agreement framework, of its intention to freeze EU funding to Laos if the Vientiane authorities do not give precise undertakings in respect of ambitious democratic reform and the situation of all political prisoners?

Answer given by Mr Patten on behalf of the Commission

(14 November 2003)

The Commission is fully committed to emphasising the need to strengthen respect for human rights in Laos, including freedom of expression, assembly, association and religion as well as the adherence to international human rights conventions.

As regards the overall human rights situation in Lao People's Democratic Republic (PDR), the Commission has raised several concerns, including the question of the five leaders of the '26 October movement', with the Government of Laos on numerous occasions, unfortunately with limited results so far.

The Commission will be examining all aspects of the human rights situation in Laos, including possible responses from the Commission's side, in view of the next EC-Laos Joint Committee which will take place in Vientiane in the first half of 2004 and is prepared to report back to the Parliament.

In the meantime, the Commission maintains a policy of constructive political dialogue with the Laotian government, paired with continued support to the most vulnerable groups in Lao society through Community-assisted development programmes.

The suspension of aid until basic human rights are respected should be considered as a measure of last resort, as it would be likely to impact badly on the populations whose rights are violated.

Should there be no significant progress in the human rights situation and could it be argued that the constructive policy taken so far does not result in any positive results, the Commission would be ready to review the present co-operation framework with Laos and consider measures as appropriate, in full co-ordination with Member States and the Parliament.

WRITTEN QUESTION E-3197/03

by Theresa Villiers (PPE-DE) to the Commission

(30 October 2003)

Subject: Swedish referendum on the euro

1. Did the Commission make any financial contribution to the Swedish referendum on the euro, either directly, or indirectly? If yes please give details.

2. Did the Commission supply euro publicity material to the Swedish Government or any other body ahead of the Swedish euro referendum? If yes please give details.

3. What involvement, if any, did the Commission have in the Swedish referendum?

4. Has the Commission distributed any publicity on the euro to either UK, Sweden or Denmark over the last 24 months? Does the Commission have any plans to do so?

5. Would the Commission envisage a role for itself in any possible euro referendum in the UK?
Answer given by Mr Solbes Mira on behalf of the Commission  
(2 December 2003)

1. The Commission made no financial contribution to the Swedish referendum on the euro, whether directly or indirectly.

2. The Commission supplied no publicity material to the Swedish Government or to any other body in connection with the Swedish referendum on the euro. It is possible that insignificant amounts of information material designed to inform citizens about the introduction of euro notes and coins in the Euro Area in 2002, was still in circulation in 2003.

3. The Commission had no involvement in the Swedish referendum on the euro.

4. Within the last 24 months, the Commission has neither prepared nor distributed publicity material on the question of whether Denmark, Sweden or the United Kingdom should adopt the euro.

5. The Commission has no plans whatsoever to be involved in a possible referendum in the United Kingdom on adopting the euro.

(2004/C 70 E/252)  
WRITTEN QUESTION E-3199/03  
by Marianne Thyssen (PPE-DE) to the Commission  
(30 October 2003)

Subject: Belgian Government takeover of the pension fund of telecommunications operator Belgacom

As the Commission knows, the Belgian Government has decided to take over the Belgacom pension fund. In return for accepting the fund’s liabilities, the Government will receive EUR 5 billion in December 2003. The Government has announced that it will regard that amount as revenue for balance-of-payments calculations. Furthermore, the Belgian Government is planning to spread the EUR 5 billion payable and to be paid in 2003 over two financial years, i.e. the year in which the revenue is actually received plus the following year.

On the basis that ESA standards are an instrument for compliance with the Stability Pact and that, accordingly, strict application thereof is a prerequisite for Member State accounts to be transparent and accurate, and given that lax interpretation or application of ESA standards is tantamount to surreptitious weakening of the Stability Pact and stability programme commitments, can the Commission say:

1. whether or not it will allow the EUR 5 billion to be booked in the budget as net revenue minus the associated liabilities taken over, and why?

2. how it views the Belgian Government’s plan to window-dress not one, but two budgets by spreading the ‘revenue’ over two financial years?

Answer given by Mr Solbes Mira on behalf of the Commission  
(8 December 2003)

Eurostat has been informed that the Belgian Government will take over the pension obligations incurred by Belgacom for its own staff.

Eurostat is considering the issue closely and will give its opinion as regards the treatment of the operation in national accounts, and notably the impact on government deficit and debt.

Eurostat has also been informed that the Belgian Government intends to record the effect of the transfer both for 2003 and 2004 fiscal years. This also requires a specific examination as regards the compliance with the European System of national and regional Accounts (ESA95) provisions relating to the ‘accrual’ principle on the time of recording of transactions.

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Subject: Formal complaint re Objective 2 funding to support the Broadband4Devon Project

Has the Commission received the formal complaint filed by Colin Coleman, of Devon, with regard to the Objective 2 funding to support the ‘Broadband4Devon Project’ as proposed by Devon County Council?

What is the Commission doing about this issue? What is the likely timetable for a response to my constituent?

Answer given by Mr Barnier on behalf of the Commission

The Commission has received the seven letters in the course of this year from Mr Coleman dated 4 July, 8 August, 12 and 17 September, 6 and 30 October and 7 November with regard to the Objective 2 funding to support the ‘Broadband4Devon Project’ as proposed by Devon County Council. A reply was sent directly to Mr Coleman by letter of 10 November 2003.

In accordance with the principle of subsidiarity, the day-to-day management of programmes supported by the Structural Funds is a responsibility that is decentralised to the authorities in the Member States and regions once the strategic priorities of the programme have been agreed with the Commission. Under Article 38 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (1) the managing authority bears the responsibility for ensuring the efficiency and correctness of the programme's management and implementation and, in particular, the compliance with Community policies. The appraisal procedure used to decide funding for individual projects under the programme was adopted by the Programme Monitoring Committee, in accordance with Article 35 of the above Regulation and the principle of subsidiarity.

These provisions seek to ensure that applicants for support from the programmes are treated equally and that all projects selected are in compliance with Community legislation, especially with regard to state aid and public procurement rules.

On the basis of the information at its disposal, the Commission has no evidence of an infringement of Community law regarding the approval of the ‘Broadband4Devon’ project.


Subject: School funding crisis in Hillingdon and Barnet

John Randall MP and Sydney Chapman MP have approached me about the funding crisis in schools in their respective constituencies in Hillingdon and Barnet. Because of changes to the UK Government’s education funding formula, money has been diverted from schools in the Greater London area to the north of England. The Government’s increases in employers’ national insurance and pension costs have intensified the funding crisis with many schools obliged to lay off teachers, increase class sizes or set deficit budgets. Schools which have been particularly badly affected include Friern Barnet School, Ashmole School and East Barnet Comprehensive.
Could the Commission please state what EU funds are available for schools and whether any of these could be used to avert teacher redundancies forced on schools by the Labour Government's failure to fund schools in the Greater London area properly?

Are there any funds available for repair and rebuilding of schools since many schools have had to use money reserved for capital and repairs to avoid teacher redundancies?

**Answer given by Mr Barnier on behalf of the Commission**

(28 November 2003)

Article 149, paragraph 1, of the EC Treaty clearly defines the respective competencies of the Member States and of the Community in the field of education. The Community supports the development of quality education while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems. Community financing, notably in the framework of the Socrates programme, encourages cooperation between Member States, but cannot directly contribute to the operating costs of schools.

Within the framework of the Structural Funds of the European Union, investment costs in the education sector are eligible for support from the European Regional Development Fund (ERDF) only in the least developed regions of the Community eligible under Objective 1 in accordance with Article 2, paragraph 1, of the ERDF Regulation (1).

The European Social Fund on the other hand can support actions throughout the Union in the field of education and training relating to the labour market, human resource development and employment in accordance with Articles 2 and 3 of the ESF Regulation (2).


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(2004/C 70 E/255)

**WRITTEN QUESTION P-3209/03**

by Christopher Huhne (ELDR) to the Commission

(23 October 2003)

Subject: Clinical Trials Directive

Is the Commission aware that the implementation of the Clinical Trials Directive (2001/20/EC (1)) will force the abandonment of life-saving research by charitable institutions, such as Leukaemia Busters? Will the Commission exempt non-commercial clinical trials from the Directive to stop this happening?

(1) OJ L 121, 1.5.2001, p. 34.

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(2004/C 70 E/256)

**WRITTEN QUESTION E-3215/03**

by Christopher Huhne (ELDR) to the Commission

(30 October 2003)

Subject: Clinical Trials Directive

1. With regard to the transposition of Directive 2001/20/EC (1), the provisions of which must be in place by 1 May 2004, will the Commission confirm whether certain Member States are seeking exemptions for non-commercial clinical trials?

2. Will the Commission confirm whether it has been contacted by the UK Government to seek such an exemption?

(1) OJ L 121, 1.5.2001, p. 34.
Joint answer

to Written Questions P-3209/03 and E-3215/03
given by Mr Liikanen on behalf of the Commission

(12 November 2003)

The concerns regarding potential hurdles to research have been taken on board and were discussed during a Pharmaceutical Committee meeting held on 15 May 2003 between Member States and the Commission.

The Commission and Member States discussed the responsibilities of the Member States to take into consideration the recommendation given in Directive 2001/20/EC (1), recital 14, for non-commercial trial.

It is clearly not the intention of the Commission that the implementation of the clinical trials directive in national law should have a prohibitive effect on prospects for European research.

On the contrary, it is the intention of the Commission to strengthen a European clinical trials environment in the interests of the European Research Area and the European citizens as stated in the G 10 recommendations.

The Commission understands the researchers' concerns but has at this stage no intention to propose a modification to Directive 2001/20/EC.

The Commission is currently working together with the Member States in the preparation of the implementing guidelines of this Directive. We are therefore confident that most of these concerns will be addressed during this preparation.


WRITTEN QUESTION P-3210/03

by Pietro-Paolo Mennea (NI) to the Commission

(23 October 2003)

Subject: Unfair competition in the textile sector

The Italian textile sector has been in difficulty for some years now.

The causes of this crisis include, first and foremost, competition from Asian companies following their incorporation into the WTO. These companies not only have infinitely lower labour costs, but also lack adequate and minimum internal rules as regards the labour market and the protection of their workers, who are often minors, and thereby violate the most fundamental citizens' rights and seriously infringe the freedom of the individual.

This unlawful conduct culminates in the customs clearance of the goods at Community ports, often without any invoices being presented or with the wrong qualities and quantities being declared, and with the systematic counterfeiting of local trademarks, including the most general trademark 'Made in Italy', and frequent bypassing of tax legislation.

This unlawful situation subsequently becomes the basis for the sale of the finished product at a price considerably lower than the Community price, with the accompanying risk of closure of a significant proportion of the EU's textile firms and a serious knock-on effect on employment levels.

The manner in which these extra-Community companies compete on the EU market is unfair, unlawful and fraudulent.
In the light of the above, will the Commission intervene with the competent institutional bodies of the Member States to ensure they apply more frequent and stricter checks on goods entering Community countries?

Will it monitor and check whether extra-Community legal entities that own individual or collective companies and operate on Community territory conform to EU law, or in other words that they respect the right of competition and Member States' rights in the area of the labour market?

Is it within the Commission's powers to launch an official investigation in respect of the textile sector?

**Answer given by Mr Lamy on behalf of the Commission**

*(19 November 2003)*

Crucial challenges face the textile and clothing sector not just in Europe. A number of issues were highlighted by the conference held in Brussels to consider the future of the sector after 2005. The Commission adopted a communication(1) on the subject on 29 October 2003 which contained measures to improve competitiveness in the textile and clothing sector prior to the elimination of textile quotas in 2005. The Commission's position is unequivocal and takes a clear line on the concerns expressed with the aim of providing practical responses for a sector with a future in the European Union, particularly as regards the points raised by the Honourable Member.

The Commission is very aware of the problem of fraud and counterfeiting. A number of Community rules and programmes already exist to guarantee fair competition for European producers on world markets. It should however be said that the various Community measures could not succeed without the closer, coordinated involvement of the Member State authorities. The same applies to intellectual property. The Commission is stepping up its efforts to improve the protection and enforcement of intellectual property rights in non-member countries and monitoring of compliance with the WTO agreement on trade-related aspects of intellectual property rights (TRIPs). This will increase the effectiveness of action against trade in counterfeit goods and protect our strong points in the sector, i.e. innovation, branding, fashion and design.

To return to the two specific points raised, the Commission has already taken a number of initiatives. Customs controls are naturally harmonised at Community level and meet the requirements of the various regulations in force. All goods must conform to a harmonised nomenclature. The main frauds are well known to customs and subject to risk analysis, also increasingly harmonised.

In view of the sheer quantity of imports, the customs authorities clearly cannot check all textile and clothing products entering the European Union. Sampling rather than systematic checking is the norm. But clearly if there is genuine evidence of fraud in a particular sector, the customs authorities will exchange the information without delay via the European Anti-fraud Office OLAF and conduct enquiries.

In answer to the second question, given that the economic or legal entity, even if it is a non-Community one, is established in EU territory, it must comply with the legislation in force in the Member State in which it is based. Member State authorities are responsible for ensuring compliance with the relevant labour market and other laws, some of which have been harmonised at European level.

As regards the suggestion of launching an investigation in the textile sector, the Commission possesses instruments which allow it to take action against certain practices (e.g. trade protection measures), but this is normally done in response to complaints by Member States or the party concerned, as the case may be, regarding specific subjects or practices, which should first be clearly identified and then examined before a decision is taken regarding a possible investigation.

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WRITTEN QUESTION E-3211/03
by Mogens Camre (UEN) to the Commission
(30 October 2003)

Subject: EU support for the European Network Against Racism (ENAR)

In a series of articles between 13 and 17 October 2003, the Danish newspaper Ekstra Bladet exposed a host of cases of irregularities concerning accounts, falsification of membership figures, etc. within Denmark's largest immigrants' organisation, Paraplyorganisationen for de Etniske Mindretal (ethnic minorities' umbrella organisation), or POEM.

As a result of the disclosure of the many irregularities within POEM, all public bodies in Denmark have discontinued financial support for the organisation. As indicated in an earlier question to the Commission (dated 15 October 2003), POEM has also received monies from the European Social Fund. In an article in the 17 October 2003 edition, Ekstra Bladet states that the POEM chairman, Bashy Quraishy, who, according to Ekstra Bladet, cannot have been unaware of what was large-scale fraud and in all probability was very much a party to it, also chairs the international organisation European Network Against Racism (ENAR). The article explains that ENAR is EU-funded.

In the light of Danish immigrant organisations' large-scale defrauding of public monies, can the Commission say how much ENAR receives each year by way of EU support and what checks are made to prevent misappropriation of funds by the organisation? Can the Commission furthermore say what the consequences will be, in terms of future EU funding allocations, of any involvement by Bashy Quraishy in the above-mentioned fraud?

Answer given by Mrs Diamantopoulou on behalf of the Commission
(15 December 2003)

'Stichting Steun European Network Against Racism' (ENAR) is one of the organisations which receive an operating grant from the Commission under the Community Action Programme to combat discrimination 2001-2006. For the period 2003-2004, ENAR is scheduled to receive an amount of EUR 851,241 towards its operating costs.

ENAR has not received any European Social Fund co-financing under Objective 2 or 3 or Equal during the current 2000-2006 programme period.

The Commission has audited all Community funding paid to ENAR in 2003. There were no irregularities found. The Commission points out that the finances of ENAR are completely separate to the finances of POEM, which is a different organisation. The role of the President of ENAR is an honorary one and, consequently, the President does not receive payment for services rendered.

WRITTEN QUESTION E-3225/03
by Richard Corbett (PSE) to the Commission
(31 October 2003)

Subject: Live transmission of bullfights

Does the Commission consider that Spain is correctly applying Council Directive 89/552/EEC(1) which requires in Article 22 that 'Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence'?

Is the Commission aware that Spanish television broadcasts bullfights at a time of day at which children are likely to be watching television?

The Commission is aware of the situation described by the Honourable Member and is currently determining whether the broadcasting of these programmes is compatible with the provisions of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities.

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**WRITTEN QUESTION P-3232/03**

by Joan Colom i Naval (PSE) to the Commission

(27 October 2003)

Subject: Updated budget figures

Can the Commission supply the figures for the following:
- the financial perspective ceilings for the years 1988 to 2003 inclusive;
- the own resources ceilings expressed in euros, for the same period;
- and the budget outturn for commitment and payment appropriations for the financial years 1988 to 2002 inclusive?

These figures should:
- be updated to reflect 2004 prices;
- include, for each figure, for each year, all the changes made to the initial figure, such as technical adjustments, amendments, revisions and mobilisation of the Flexibility Instrument, with the exception of adjustments connected with implementation of heading 2.

Can it also list all the changes made to each financial perspective since 1988, taking the now defunct annual publication ‘The Community Budget: The Facts in Figures’ as a model for this?

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**Answer given by Ms Schreyer on behalf of the Commission**

(21 November 2003)

Answering the Honourable Member’s question will involve a complex operation of putting together long statistical series. The Commission is now working on this.

The information will be sent as soon as it is available.

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**WRITTEN QUESTION E-3233/03**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(3 November 2003)

Subject: Standardisation of European Union studies in education systems

Europe has taken yet one more step towards full convergence, and this time university education has taken centre stage. Thirty-three countries are seeking to create a European area of higher education in which qualifications, studies and the quality of university education will be of equal value, regardless of the university from which the qualification has been obtained or the country in which it is to be put to use.
In view of this it is perhaps time that a standardised approach was taken to European Union studies for university students, so as to enable each and every student in Europe to gain a similar insight into the political entity that is the united Europe, the home they share with their fellow European citizens.

Does the Commission believe that the time has now come to formulate a standardised university syllabus for European Union studies, so that young people entering university in any EU Member State gain a similar understanding of the European Union?

Answer given by Mrs Reding on behalf of the Commission

(1 December 2003)

The Commission would refer first of all to Article 149 of the EC Treaty, pursuant to which the content of teaching is the responsibility of the Member States.

Moreover, it would be difficult to reconcile the principles of academic freedom and university independence, key principles of higher education, with the standardisation of the syllabus in various areas of teaching or research.

However, the Commission would like to assure the Honourable Member of its keen interest in the teaching of European integration at university. Thus, one of its ongoing projects in the field of education is the 'Jean Monnet' project, which aims to promote, using start-up grants, the development of specific courses in Community law, European economic integration, European political science and the history of European integration, all disciplines in which developments in European integration constitute an ever greater proportion of the syllabus.

WRITTEN QUESTION E-3235/03

by Salvador Garriga Polledo (PPE-DE) to the Commission

(3 November 2003)

Subject: Incentives to invest in EU-related bonds

The Fifteen have advocated kick-starting growth in the European Union by increasing both public and private investment in infrastructure, R&D and innovation.

It is a well-known fact that, besides being one of the main driving forces for progress in the EU, the European Investment Bank (EIB) is responsible for much of the EU’s infrastructure development, which is why encouraging people to take part in its public bond issues is of particular importance.

Does the Commission believe that, once the relevant studies have been conducted, it should look into the most appropriate means of encouraging Community citizens to take a greater interest in EIB bonds as their contribution to the so-called Lisbon strategy, which seeks to make the EU the world’s most dynamic economy?

Answer given by Mr Solbes Mira on behalf of the Commission

(2 December 2003)

The European Investment Bank (EIB) is among the world’s largest debt issuers, raising EUR 41 billion so far this year, within the target set for 2003 (EUR 40 to 42 billion). In only five years, annual borrowings by the Bank have almost doubled.
This growing funding need, in line with the Bank’s lending growth, has been conducted according to a consistent and balanced borrowing strategy. This strategy involves a proactive approach to addressing both institutional and retail investors, both of which play an important role as buyers of EIB securities.

As concerns the specific involvement of Union citizens in EIB bond issues, it is important to note that EIB enjoys a strong following in the European retail market. Retail investors buy a very wide variety of EIB bonds, but certain bond issues respond to the specific requirements of retail investors.

Marketing to retail investors needs to be carefully balanced against marketing to institutional investors, who remain central to the success of EIB’s bond issuance as well as the subsequent performance of EIB bonds in the secondary market, in itself a key consideration. Also, the substantial costs of certain types of retail marketing, for example through advertising, are an important consideration.

In conclusion, EIB’s approach to retail investors in the Union is already well developed and suitably supportive of its objectives as a ‘policy driven public bank’. However, this needs to be seen in the context of the leading role played by institutional investors in the debt capital markets in Europe. Nonetheless, EIB continues to explore opportunities for further sustainable development of this strategy, taking account of fast evolving market conditions.

(2004/C 70 E/263)

WRITTEN QUESTION E-3241/03

by Cristina Muscardini (UEN) to the Commission

(3 November 2003)

Subject: Breaking down of bureaucratic barriers

Following bureaucratic wrangling that lasted a good five years and after appealing to the European Ombudsman, an Italian citizen obtained recognition in Spain that her Italian degree in foreign languages and literature was equivalent to the corresponding Spanish qualification in Hispanic Philology. When in September 2001 the Basque Government’s education department in Bilbao was drawing up a list of temporary Italian language teachers for its School of Languages (Escuela de Idiomas), this Italian citizen was not allowed to compete on the same terms as Spanish graduates in Romance Philology with a specialisation in Italian, despite having submitted her higher education certificate from the Escuela de Idiomas for Italian. Her years of service were counted as being those of a permanent member of the teaching staff in the Italian state education system from 1980 to 1989, and as a teacher of Italian language and culture to foreigners from 1990 onwards. To secure the same rights as her Spanish counterparts she was obliged to complete a second degree in Italian Philology at the University of Salamanca. In the meantime, she was removed from the above-mentioned list because she had not ‘supplied any service’ to the education department in question during the course of the 2001-2002 academic year, despite being hired at that time as a temporary lecturer in Italian language and literature at the University of the Basque Country, which comes under the authority of the selfsame Department of Education, Universities and Research for the Basque Country. In order to gain readmission to that department’s list of temporary teachers she was asked to present a certificate in Basque, which she obtained this year. This Italian linguist is currently confronted with fresh difficulties in gaining admission to the list of temporary teachers for the School of Languages in Navarre, where she is not being accredited with her years of service in the state education sector in Italy (since the translation provided by the consulate is not considered a ‘sworn’ translation). Furthermore, the degree recognised as being equivalent in Spain is not being accredited to her as a second degree, since it is being deemed a prerequisite for demonstrating her knowledge of Spanish, despite the fact that she has also obtained a degree from a host country university.

1. Does the Commission not consider the experiences of this EU citizen to be a clear sign of covert discrimination?

2. What scope does the Commission have for overcoming these loathsome obstacles, which are a reflection not only of bureaucratic lunacy but also of a lack of will on the part of the host country government to eliminate this form of discrimination?
The Italian citizen referred to by the Honourable Member has addressed two letters to the Commission. The information so far provided to the Commission does not show any clear breach of Community law in her case. The following analysis was communicated to her in August 2003. Procedures for academic recognition are governed by national law, since according to Article 149 of the EC Treaty Member States are responsible for the content of teaching and the organisation of their education systems. Only the prohibition of any discrimination on grounds of nationality applies. There is no evidence that such discrimination has occurred in the case of the citizen concerned. On the other hand, the different treatment of the person concerned compared with Spanish graduates in Filologia Romana does not appear discriminatory, since her degree has not been recognised as equivalent to this degree but to the degree in Filologia Hispanica. As far as the knowledge of the Basque language is concerned, if Basque is an official language, the Spanish authorities are entitled to require a knowledge of this language, sufficient for the exercise of the teaching profession, in accordance with the principles established by the Court of justice of the European Communities in cases ‘Groener’ (C-379/87) and ‘Angonese’ (C-281/98).

As regards recognition of professional experience, the position of the Commission is that migrant workers’ previous periods of comparable employment acquired in another Member State must be taken into account by Member States’ administrations for the purposes of access to the public sector in the same way as applies to experience acquired in their own system. The Commission has asked the complainant to specify whether her professional experience is not recognised in general terms or only due to the translation problems.

Finally, concerning the taking into account of her Italian degree as a second degree, more information on the conditions of admission to the list of temporary teachers is needed in order to evaluate the situation of the complainant. She has been asked to provide such information.
5. Is the Commission prepared to take the initiative of extending multiple use to the extent that can now be shown to be responsible practice, thereby helping to reduce the soaring costs of healthcare, without reducing the quality of service to the patient or over-stretching health-care workers?

Source: ‘De Morgen’ (Belgium), for 17 October 2003.

**Answer given by Mr Liikanen on behalf of the Commission**

(*1 December 2003*)

The Commission would like to refer the Honourable Member to the background information contained in the answer given to written question E-3177/03 of Mrs Corbey (*1*).

1. No The Commission would consider that the question whether or not particular devices could be re-used depends entirely on the question whether health is sufficiently protected. The issue of re-use of single use devices is not specific to the introduction of the medical devices directive, and is subject of debate in other countries as well, such as the United States, Australia and Canada.

2. The Commission is aware that re-use of single use medical devices takes place. Some Member States have either regulation or guidance on the re-use of single use medical devices. It has no knowledge of detailed market data.

3. and 4. The Commission has no knowledge of positions taken by the European Association for Medical Device Reprocessing (EAMDR). The Commission has been requested, and it has accepted, to meet EAMDR.

5. The introduction on the market of particular device categories is determined by various factors, such as technology, health protection considerations and national reimbursement schemes, consideration of which belongs mainly to manufacturers, health care institutions and Member States. Consequently, the Commission sees no reason at this stage to develop an initiative to promote the marketing of reusable devices.

(*1*) See page 232.

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(2004/C70E/265)

**WRITTEN QUESTION E-3256/03**

by Olivier Dupuis (NI) to the Commission

(*3 November 2003*)

**Subject:** New attack by Hanoi on freedom of religion

The Vietnamese authorities have effectively placed 11 dissident monks belonging to the outlawed United Buddhist Church of Vietnam (UBCV) under house arrest for two years. Among them is the Patriarch Thich Huyen Quang, whose arbitrary detention has now lasted over 20 years, and his deputy Thich Quang Do, who had supposedly been released last June. The spokesman for the Vietnamese Ministry of Foreign Affairs referred to ‘breaches of the laws on national security’. In flagrant violation of international conventions, Vietnamese law allows local authorities to place people under ‘administrative detention’ for six months to two years, without trial, for breach of national security (decree 31/CP of 1997 on ‘administrative detention’). The repression of the UBCV followed the election of 41 monks (including the 11 arrested) to key positions in the UBCV at its assembly on 1 October 2003 at the Nguyen Thieu Pagoda (province of Binh Dinh), and the departure of the Patriarch Thich Huyen Quang and Thich Quang Do for Ho Chi Minh City. The Vietnamese security services held up their convoy for over 10 hours, after which they forced the Venerable Thich Huyen Quang, 86, to return to the Nguyen Thieu Pagoda, and the Venerable Thich Quang Do, 75, to the Zen Thanh Minh monastery in Ho Chi Minh City. According to the Paris-based International Buddhist Information Bureau (IBIB), this strong-arm police action came a few days after the conclusion of the first extraordinary assembly of the UBCV since it was outlawed by the Communist authorities in 1981.
What information does the Commission have concerning the sentence to two years' house arrest of three UBCV monks and the arbitrary imprisonment of eight others, including the Patriarch and his number two? Does the Commission not agree that this further episode of repression against the heads of the UBCV by the Vietnamese authorities demonstrates the dishonesty of the Vietnamese authorities and their lack of real will to guarantee the right to the freedom of religion and to proceed to the legalisation of the UBCV? Does the Commission not agree that this situation demands an extremely firm response on its part, including the suspension of the EU-Vietnam Cooperation Agreement? Does the Commission not agree that the extremely serious situation in Vietnam, Laos, Burma and, albeit to a lesser extent, Cambodia, should lead it to propose to the Council and the Parliament the appointment of an EU special representative for these countries?

Answer given by Mr Patten on behalf of the Commission
(1 December 2003)

In its fortnightly press conference on 6 November 2003, the Vietnamese Ministry of Foreign Affairs acknowledged that three monks are currently under administrative detention or house arrest, imposed under Decree 31/CP, which allows for up to two years' detention without charges or trial. The Ministry also acknowledged that both Mr Do and Mr Quang are currently being investigated for 'serious crimes', and that charges may be brought against them once the investigation is complete. The Commission does not have specific information, at this stage, on the exact legal standing of the eight other monks, although it seems that they remain in the custody of the Vietnamese authorities.

The Commission and Member States have repeatedly raised their concerns over the recent incidents with the Vietnamese Government. The Union has also expressed, on several occasions, its concern over the restrictions on the freedom of religion in Vietnam, and has called upon the Vietnamese Government to improve upon the current state of affairs. The Commission will raise its objections to the treatment of religious and other dissidents once again during the upcoming EU-Vietnam Joint Commission. This will also be a subject at the forthcoming EU-Vietnam human rights dialogue meeting in Hanoi.

The Commission will continue to use all instruments at its disposal to bring about improvements in the human rights situation in Vietnam. One of these instruments is the Commission-Vietnam Cooperation Programme deployed under the bilateral Cooperation Agreement, which includes programmes that aim to improve governance, the rule of law and access to justice in the country.

The Commission is of the opinion that the appointment of an EU special representative would not bring a significant added value to the existing human rights dialogues with the countries concerned. Furthermore, the Commission supports existing United Nations (UN) special mechanisms already in place to address some of the international concerns in the region (i.e. UN special envoy for Burma/Myanmar; UN special rapporteurs).

(2004/C 70E/266) WRITTEN QUESTION E-3261/03

by Bart Staes (Verts/ALE) to the Commission
(4 November 2003)

Subject: Allergic reactions to the eating of Quorn

Quorn is a meat substitute produced from Fusarium venenatum, a mould. It is marketed in various forms by Marlow Foods. At the end of May the BBC website contained a report (http://news.bbc.co.uk/1/hi/health/2949510.stm) on research in which Swiss and German doctors describe the case of a man who suffered severe allergic reactions after eating Quorn. The American consumer organisation CSPI (Center for Science in the Public Interest) also claims to have received some 600 complaints from people who have
suffered serious allergic reactions after eating Quorn. In September 2003 the same organisation reported on a study showing that 4.5% of Britons who have eaten Quorn report allergic reactions to the meat substitute (http://www.cspinet.org/new/200309231.html).

Is the Commission aware of the studies referred to on allergic reactions to the meat substitute Quorn? If so, what is the Commission’s view on this matter?

On 21 March 2002 the CSPI sent a letter to Mr David Byrne, the Commissioner responsible for consumer protection, in order to raise this problem. Has the Commissioner replied to the letter? If so, what did he say in his reply?

What steps does the Commission intend to take in order to further investigate this matter and if necessary find a solution?

Answer given by Mr Byrne on behalf of the Commission

(9 December 2003)

Any foodstuff or ingredient may cause an allergic reaction or intolerance in a number of consumers. On the whole, it is thought that at least 8% of children and 4% of adults suffer allergies or intolerances to one or more foods. The foods or ingredients which cause the most common allergic reactions are peanuts, eggs, fish, crustaceans, milk, nuts, cereals containing gluten, soybeans, sesame, mustard, celery and sulphites.

However, allergic reactions are possible in a significant number of other foods, and it is not abnormal that reactions to the mycoprotein Quorn have been recorded; as the Food Standards Agency indicated in a statement on this issue on 3 September 2002, 13 million products containing Quorn were sold in the United Kingdom in 2000.

For people suffering from food allergies or intolerances, there is no choice but to completely avoid the food in question, hence the need to be able to identify its presence from the information on the label. To this end, following a proposal submitted by the Commission in September 2001, the European Parliament and the Council recently adopted Directive 2003/89/EC (1) as regards indication of the ingredients present in foodstuffs, with a view to ensuring that all ingredients are included on the label.

An ingredient such as mycoprotein cannot, therefore, be present without also being mentioned clearly on the label. However, some labelling derogations are permitted, for example in the case of certain processing aids, except where these substances are derived from an allergen included in the list set out in the Annex to the Directive.

This list will, if necessary, be updated in future, and the Commission is awaiting the opinion of the European Food Safety Authority (EFSA), which it has consulted on this matter. With regard to the CSPI study mentioned, the Commission would like to point out that this was in fact a telephone survey and reliable conclusions cannot be drawn from it. Moreover, the Commission is not aware of any recent scientific studies on the incidence of intolerance to mycophenols but will forward to the EFSA any information it may receive on this subject.

In conclusion, in response to three letters from the CSPI, the Member of the Commission responsible for health and consumer protection provided this organisation with information and comments similar to the above in May, July and October 2002.

WRITTEN QUESTION P-3264/03
by Daniel Varela Suanes-Carpegna (PPE-DE) to the Commission
(29 October 2003)

Subject: Recovery of Greenland halibut stocks: special socio-economic measures for the Community's NAFO fleet

The 25th Annual Meeting of NAFO was held in Dartmouth, Nova Scotia, from 15 to 19 September, with the main aim of setting guidelines for the management of the NAFO Regulatory Area during 2004. At the meeting, a four-year plan was drawn up for the recovery of Greenland halibut stocks, under which the TAC would be 20,000, 19,000, 18,500 and 16,000 tonnes for 2004, 2005, 2006 and 2007 respectively — a drop, therefore, from 42,000 in 2003 to the aforementioned figure of 16,000 tonnes in 2007. This drastic reduction in the TAC is based on a scientific report produced using a new method, without taking into account the technical, social and economic factors affecting this fishery. At the same time, a recovery plan for the Greenland halibut fishery in the NAFO Regulatory Area was approved, and its measures will have to be borne in mind by the various Contracting Parties, one of which is the EU.

These measures affect a highly modern and technologically advanced fleet and jeopardise the direct and indirect employment of around 4,000 people.

In the light of such a drastic approach and the failure to take socio-economic factors into account, and bearing in mind the other restructuring measures already carried out by the EU, can the Commission answer the following questions:

1. Does the Commission intend to draw up a parallel plan of accompanying socio-economic measures for the period 2004-2007, there being special and additional funding available on top of the current FIFG to allow the Community fleet in question to reorganise its activities?

2. If so, what would be the details regarding the timetable and conditions of the plan and the sum and source of the additional special funding? Would it be possible to make use of funds earmarked for the scrapping of fishing vessels for 2003 that remain unused in order to fund the socio-economic measures necessary?

3. What are the Commission’s plans in terms of relocating the fleet to other fishing grounds, and is it considering the possibility of a temporary cessation or supporting temporary joint ventures and joint enterprises beyond 2004?

4. If not, how does the Commission justify accepting a change of this kind without putting in place any measures to alleviate the economic and social effects?

Answer given by Mr Fischler on behalf of the Commission
(27 November 2003)

The Commission is very conscious of the impact on the Community fleet of the decisions taken at the 2003 NAFO Annual Meeting on the re-building of the Greenland halibut stocks, in the light of the unanimous scientific advice showing a dramatic decline in the status of those stocks. The measures adopted by NAFO are designed to prevent a collapse of the stocks, and therefore to ensure fishing possibilities on these stocks in a sustainable manner. They are therefore consistent with the long term socio-economic interests of our fleet.

Immediately following the NAFO decision, a Task Force was established within Directorate General Fisheries to look at all the implications for the Community fleet. In this context, the Commission is working closely with the competent authorities of the two Member States most affected, Spain and Portugal, in order to assess the exact impact of this re-building plan for the vessels concerned. In this regard, the Commission is awaiting the submission of precise fishing plans for the fleets concerned for 2004 and following years.
Pending examination of these plans and consultations with the Member States concerned it is premature to indicate the precise structural measures that may be required. However, such measures may be carried out within the current financial framework for the financial instrument for fisheries guidance (IFOP).

The Commission is studying various options permitting the Community NAFO fleet to re-organise its activities, including alternative fishing opportunities. The possibilities needed in this regard will, however, depend on the content of the fishing plans.

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(2004/C 70 E/268)

WRITTEN QUESTION E-3269/03
by Christopher Huhne (ELDR) to the Commission
(4 November 2003)

Subject: Repeal of legislation

How many pieces of legislation (directives, regulations, decisions) have been repealed in each year for the last five years?

Answer given by Mr Prodi on behalf of the Commission
(20 November 2003)

The number of legislative instruments which are repealed or expire each year are listed in the General Report on the Activities of the European Union:


The data are extracted mid-January from the interinstitutional automated documentation system for Community law, CELEX, and do not include instruments not published in the Official Journal of the European Union or published in light type (routine management instruments valid for a limited period).

The data are summarised in the table which has been sent direct to the Honourable Member and Parliament’s Secretariat.

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(2004/C 70 E/269)

WRITTEN QUESTION E-3271/03
by Marianne Thyssen (PPE-DE) to the Commission
(5 November 2003)

Subject: The carcinogenic substance bisphenol A in babies’ plastic feeding bottles

On 26 September 2003 an international conference was held in Antwerp, Belgium, on the subject of fertility. The American scientist and hormone specialist Frederick vom Saal reported, inter alia, on the results of his research into the health effects of bisphenol A, a chemical which is used, among other things, in the manufacture of plastic babies’ bottles.
The research indicated that bisphenol A is more dangerous than was at first thought. It is believed that in the long term the substance may be implicated in a number of health problems: prostate cancer, fertility problems in men, and mental conditions such as Parkinson's disease and ADHD. Breast cancer and premature puberty in girls are also thought to be possible effects of ingesting this substance, inter alia via babies' feeding bottles.

Is the Commission aware of the possible dangers of bisphenol A? If scientific research confirms that the substance is indeed dangerous, does the Commission not consider that it would be an urgent necessity to prohibit its use by manufacturers in the making of their product? Does the Commission not take the view that, failing this, it should make information available to the general public?

Answer given by Mr Byrne on behalf of the Commission

(1 December 2003)

The Commission is aware of the toxicological properties of Bisphenol A. In 1986, at the request of the Commission, the Scientific Committee on Food (SCF) evaluated this substance. The SCF at that time established a tolerable daily intake (TDI) of 0.05 mg/kg body weight. On the basis of this opinion, Directive 90/128/EEC (1) on plastics established a specific limit of migration (SML) of 3 mg/kg of food. As soon as the Commission became aware that new studies had been carried out on this substance — which include those mentioned by the American researcher Frederick vom Saal — the Commission requested the SCF to review its previous opinion. In its opinion of 17 April 2002, the SCF lowered the TDI to 0.01 mg/kg body weight and required that further data should be provided by industry. Recognising that further research is currently under development, the SCF recommended the TDI to be reviewed when new data are available. The SCF also noted that the estimates of consumer exposure are well below the TDI (0.48 - 1.6 µg/kg bw/day). The Commission intends to ask the European Food Safety Authority to re-evaluate the substance as soon as these new data become available.

The Commission does not believe that it is necessary to suspend the use of Bisphenol A as the SCF has established a TDI for this substance. However, on the basis of the SCF opinion of April 2002, the Commission is proposing an amendment to Directive 2002/72/EC (2) regulating plastics for food applications in order to lower the SML to 0.6 mg/kg. This proposed amendment will be presented for opinion to Standing Committee on the Food Chain and Animal Health (Scofcah) in December 2003. If the proposal receives a favourable opinion by the Committee the new Directive is likely to be published at the beginning of 2004.

The Commission ensures that all information related to food safety is made available to the public on the website of the Directorate General of Health and Consumer Protection. In addition, a specific website on food contact materials has been set up at the following address: [http://europa.eu.int/comm/food/fs/sfp/food_contact/index_en.html](http://europa.eu.int/comm/food/fs/sfp/food_contact/index_en.html). This site gives access in particular to all the relevant scientific opinions related to the substances used in the manufacture of plastics for food applications.

Numerous research projects have recently finished (Fourth framework programme projects) or are ongoing (Fifth framework programme projects), sponsored by the Commission, in which Bisphenol A is one of the substances, the effects of which have been investigated on wild-life, farm animals and human beings. The latter includes studies on early life exposure and long term effects. Data from risk assessment will be made accessible to regulators and should be available in future. More details about these projects can be found on following website address: [http://europa.eu.int/comm/research/endocrine/index_en.html](http://europa.eu.int/comm/research/endocrine/index_en.html).


WRITTEN QUESTION E-3272/03
by Marianne Thyssen (PPE-DE) to the Commission

(5 November 2003)

Subject: Transition period for the sale of cigarettes

Article 14 of Directive 2001/37/EC (1) on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products lays down that Member States must transpose the directive into national law by 30 September 2002 at the latest. Products which do not comply with the provisions of the directive may, however, continue to be marketed for one year after that date, i.e. until 30 September 2003.

In Belgian legislation this time limit for the sale and distribution of cigarettes that do not comply with the directive is meticulously observed. I have heard, however, that the legislation in Germany, Luxembourg, France and Portugal allows longer transition periods than those laid down in the directive. As a result, there are cigarette packets in circulation in those countries which do not comply with the directive.

Can the Commission tell me whether these reports are true? If so, what steps has the Commission taken to counteract this infringement?


Answer given by Mr Byrne on behalf of the Commission

(8 December 2003)

The Commission fully shares the concerns of the Honourable Member with regard to the implementation of Directive 2001/37/EC (1) of the Parliament and of the Council of 5 June 2001, on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, and in particular with regard to the implementation of the provision related to health warnings.

According to Article 14 (1) of the Directive, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 2002. However, the time limits for its application vary according to the different provisions. With regard to the labelling provisions, and in particular those related to health warnings, Article 14 (2) of the Directive provides that products which do not comply with the provisions of the Directive may continue to be marketed for one more year after the date referred to in 14 (1). After this date (30 September 2003), all cigarette packages in circulation must be in accordance with the Directive. In addition, Article 14 (3) sets 30 September 2004 as the expiry date for the transitional period for tobacco products other than cigarettes.

Article 14 (1) also provides that Member States shall inform the Commission about the transposition of the Directive into their national legislation. In November 2002, the Commission addressed formal notices to Member States that had not yet communicated their national measures transposing the Directive within the deadline of 30 September 2002, and it has launched infringement proceedings against those Member States that did not provide the requested information.

To date all Member States have notified to the Commission their measures transposing the Directive. The latest notifications were received only in October 2003. The Commission is now in the process of assessing the compliance of these measures with the provisions of the Directive. In cases where the Directive is not transposed properly, it will take the necessary steps and where necessary start an infringement proceeding.

The enforcement of national measures implementing the Directive is the responsibility of the Member States.

WRITTEN QUESTION E-3295/03
by Graham Watson (ELDR) to the Commission

(7 November 2003)

Subject: Statute of European Schools

Whilst I acknowledge receipt of the Commission’s answer to my Parliamentary Question E-2583/03 (1), I should like to ask the Commission what their position is with regard to the following:

1. UK teachers in the European Schools who were awarded the threshold prior to appointment, but have not been paid the salary increment by the DfES;
2. UK European School teachers who have been recommended for promotion by their director (head teacher) and consistently refused by the DfES;
3. teachers who have had allowances they were previously paid on their national salary removed by the DfES on appointment to the European Schools.


Answer given by Mr Kinnock on behalf of the Commission

(8 December 2003)

The Commission attaches the utmost importance to the respect of all terms of employment by employers and would be concerned about any unfair treatment and discrimination. The Commission is, however, in a position to have a substantiated view on the hypothetical situations presented by the Honourable Member in the absence of any more specific information. If the Honourable Member has particular cases in mind, he is invited to write to the Commission with details and the relevant accompanying material, so that the cases can be examined by the Commission and, if necessary, appropriate follow-up action be taken. Naturally, personal details of specific individuals would be treated with discretion.

WRITTEN QUESTION E-3307/03
by Christopher Huhne (ELDR) to the Commission

(10 November 2003)

Subject: Free-standing ovens

Will the Commission state whether there is any EU legislation that prevents the retail and manufacture of free-standing ovens (with a shoulder height oven/grill compartment) on the grounds of safety?

Answer given by Mr Liikanen on behalf of the Commission

(11 December 2003)

Electrical equipment (e.g. electrical ovens) placed on the European market has to fulfill the essential health and safety requirements of Council Directive 73/23/EEC (1).
Article 2 of this Directive states that Member States shall take all appropriate measures to ensure that electrical equipment may be placed on the market only if it:

− is constructed in accordance with good engineering practice in safety matters in force in the Community;

− does not endanger the safety of persons, domestic animals or property when properly installed and maintained and used in applications for which it was made.

The principal elements of the safety objectives are listed in annex I to the Directive.

In order to fulfil the obligations of the Directive a manufacturer of electrical ovens may, on a voluntary basis, apply European harmonised standards under the Directive. Having applied a harmonised standard, a manufacturer can be assured that the product fulfils the requirements of the Directive covered by such a standard.

Member States are obliged to take measures against the placing on the market of any unsafe and non-compliant product. Member States have to inform other Member States and the Commission, indicating the grounds for such a decision.


WRITTEN QUESTION E-3308/03
by Philip Claeys (NI) to the Commission
(10 November 2003)

Subject: Museum of Europe

In 2006, the ‘Museum of Europe’ (run by a non-profit-making association) is scheduled to open. The European Parliament has made premises available for it. The cost of setting up the museum is estimated at EUR 22.5 m. Various bodies have promised support, including the Belgian Government and a number of private enterprises. The European institutions are also planning to provide support.

What is the estimated amount of support to be provided by the Commission and other European institutions for the setting-up of the museum? What financial support is planned for the museum’s annual operating costs after 2006?

Who are the members of the museum’s management bodies (Board of Directors, Management Committee, Accessions Committee, etc.)? What criteria apply to their selection?

Answer given by Mrs Reding on behalf of the Commission
(16 December 2003)

The Commission has not contributed financially to setting up the Museum of Europe, and it cannot say whether the other European institutions have contributed.

There are no plans to fund the Museum of Europe’s operating costs in 2006.

The Commission is not involved in selecting or appointing the members of the Museum of Europe’s administration. It would therefore ask the Honourable Member to contact the Museum of Europe directly for further information.
WRITTEN QUESTION P-3312/03
by Enrico Ferri (PPE-DE) to the Commission
(3 November 2003)

Subject: Requirements for entry in the studbook, transposition of Community legislation

Does the European Commission not consider that Italy has transposed Community legislation on requirements for entry in the studbook (mandatory for Member States) in a way that hinders the free movement of goods and freedom to provide services and thus constitutes a barrier to intra-Community trade?

Italy (whose competent authority is the Ministry of Agriculture and Forestry Policy) is the only Member State which, in addition to imposing specific requirements for entry in the studbook, has set up an ad hoc committee to assess equine morphology, whose opinion is final and not subject to appeal.

Does the Commission not consider that the existence of this committee is an obstacle to the use/trading in Italy of stallions that have not passed the committee's assessment but could be used in another Member State (for instance, in the UK, where no such committee exists) thereby preventing them from being traded in Italy?

Does the Commission not also consider that the fact that the committee's ruling is not subject to appeal is in breach of Community law and procedures?

In the light of the provisions of Directive 90/427/EEC (1) of 26 June 1990 (on the zootechnical and genealogical conditions governing intra-Community trade in Equidae) and subsequent modifications, Commission Decision 92/353/EEC (2) of 11 June 1992 (criteria for the approval or recognition of organisations and associations which maintain or establish studbooks for registered equidae) and subsequent modifications and Commission Decision 96/78/EC (3) of 10 January 1996 (criteria for entry and registration of equidae in studbooks for breeding purposes) and subsequent modifications:

— will the European Commission verify whether Community legislation relating to this sector has been correctly transposed into national law in Italy?
— can the European Commission also challenge the legality of the existence of the assessment committee referred to above (which exists only in Italy and whose decisions are irrevocable, with no further level of appeal) which makes the equine trade more difficult in Italy compared to other Member States, thereby infringing the principles of free competition in the single market?

Answer given by Mr Byrne on behalf of the Commission
(21 November 2003)

The Commission was not aware of the facts set out by the Honourable Member.

The Commission will look at this question and, if need be, will take the necessary steps to ensure compliance.

WRITTEN QUESTION P-3314/03
by Peter Skinner (PSE) to the Commission
(3 November 2003)

Subject: British Beef Imports into France

In December 2001 the European Court of Justice ruled that a ban imposed by the French government on the import of British beef into the country was illegal. The Commission then recommended that France be held liable for substantial fines for non-compliance with the ECJ ruling.

With regard to this situation, could the Commission state whether France was held accountable for its actions and has any recompense since been paid? If France avoided the judgement passed down on them could the Commission then explain why this was the case and the amount in fines they should have paid?

**Answer given by Mr Byrne on behalf of the Commission**

*(21 November 2003)*

The Commission would refer the Honourable Member to its answer to written E-2871/02 by Mr Parish (\(^1\)).

\(^1\) OJ C 222 E, 18.9.2003, p. 25.

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(2004/C 70 E/276) **WRITTEN QUESTION P-3315/03**

by Caroline Lucas (Verts/ALE) to the Commission

*(3 November 2003)*

Subject: FMD compensation

The UK government has claimed GBP 948.6 million from the European Commission for the cost of responding to the Foot and Mouth Disease outbreak.

The European Commission has so far paid only GBP 217 million.

Under European law, compensation is only payable to farmers whose animals are thought to have been exposed to the disease.

Is the European Commission withholding the compensation given neither the EU Directive in force then, nor the revised version, stipulate contiguous culling as a means of control?

What timescale does the Commission envisage for the completion of compensation payments?

**Answer given by Mr Byrne on behalf of the Commission**

*(3 December 2003)*

Community reimbursement of Member States’ expenditure for eradication during epidemics such as foot-and-mouth disease is governed by Decision 90/424/EEC (\(^2\)). As a general rule, expenditure listed in Article 11 of this Decision and recognised as eligible may be co-financed up to 60%.

As for the expenditure incurred by the United Kingdom during the 2001 epidemic, the Commission adopted three specific financing Decisions on the basis of the aforementioned Decision 90/424/EEC:

- Decision 2001/654/EC (\(^3\)), for the co-financing of the compensation paid by the British authorities for slaughters carried out between February and June 2001,
- Decision 2003/23/EC (\(^4\)), for the co-financing of the compensation paid by the British authorities for slaughters carried out between July and October 2001, and
- Decision 2003/676/EC (\(^5\)), for the ‘operational expenditure’ associated with eradication (cleaning, disinfection, destruction of carcasses, etc.).

The applications for co-financing up to 60% submitted by the United Kingdom pursuant to these three Decisions are for EUR 887 million, EUR 102 million and EUR 510 million respectively.
At this stage, the Commission has completed its financial audit of the applications submitted pursuant to Decision 2001/654/EC and considers a sum of EUR 378.2 million to be eligible, of which EUR 355 million had already been paid as an advance. The excluded expenditure is not ineligible under Community law but the result of an overestimation of the value of the animals in the Commission’s calculations as well as a flat-rate financial correction for the deficiencies of the administrative control system.

The applications submitted pursuant to the other two financing Decisions are still being audited. The audit is expected to be completed in 2004. The Community financial contributions will be paid upon completion of these audits.

An advance of EUR 40 million is on the point of being paid towards expenditure covered by Decision 2003/676/EC.


(2004/C 70 E/277)

WRITTEN QUESTION E-3324/03
by Torben Lund (PSE) to the Commission

(12 November 2003)

Subject: Authorisation of the harmful toxic spray 'Paraquat'

The Commission is expected to authorise the inclusion of the harmful toxic spray ‘Paraquat’ on the EU’s positive list of approved substances. Denmark has banned the marketing and import of this toxic spray since 1994. Approval at EU level may restrict Member States’ scope for upholding rules safeguarding the environment and consumers with the result that, for example, Denmark may be compelled to allow imports of foodstuffs containing residues of this toxic substance which is regarded as lethal for mammals and birdlife.

Will the Commission therefore explain the reasons for which this substance is now to be approved and the extent of its knowledge of scientific data relating to the harmful characteristics of Paraquat and to available substitutes? How can Denmark and other Member States uphold or adopt more far-reaching restrictions on Paraquat so as to protect consumers, animal life and the environment from this substance?

Answer given by Mr Byrne on behalf of the Commission

(27 November 2003)

The Commission would refer the Honourable Member to its answer to written P-3093/03 by Mr Ettl (1)

(1) OJ C 65 E, 13.3.2004, p. 266.
WRITTEN QUESTION E-3337/03
by Roberta Angelilli (UEN) to the Commission

(12 November 2003)

Subject: Legal protection for commercial diving

For some years now the European Diving Technology Committee (EDTC) has been committed to disseminating information on standards of competence for people working underwater (Commercial Diving Certificate) in order to simplify the current national regulations in the Member States. At present only the countries of northern Europe have regulated commercial diving as a service provided for the oil industry, ignoring underwater activities in the recreational and tourism sectors, although they constitute an important and fast-expanding sector of economic development. In actual fact, there is at present no legal basis harmonising this sector throughout Europe. Back in 1994 the EDTC drew up a document entitled ‘Goal-setting Principles for Harmonised Diving Standings in Europe’, sponsored by the Commission’s Labour DG, intended to improve European legislation on commercial diving.

However, this sector does not seem to have been included in the proposal for a directive COM(2002) 119 final (1) on the recognition of professional qualifications.

Nevertheless, one of the main objectives mentioned by the European Council in Stockholm in March 2001 was to ensure a more flexible labour market, by promoting mobility and adopting the necessary legal instruments, as well as removing unnecessary regulatory obstacles to the recognition of professional qualifications.

In view of all this, can the Commission say:

1. whether it does not consider that the lack of harmonisation in this sector violates the principle of the free movement of persons and services;

2. what instruments it intends to adopt to coordinate the existing laws, as envisaged in Articles 40, 47 and 55 of the EC Treaty;

3. what the situation is overall?


Answer given by Mr Bolkestein on behalf of the Commission

(12 December 2003)

The right of free movement of workers, the right of establishment and the freedom to provide services are fundamental principles of the EC Treaty. In order to enable these freedoms to be exercised, several legal instruments concerning the recognition of diplomas have been adopted at European level on the basis of Article 47 of the EC Treaty.

The provisions adopted at Union level have the main objective of ensuring conditions for the recognition of qualifications within the regulated professions. As a general rule, it is up to each Member State to determine if a professional activity is to be regulated or not.

According to the Commission’s information, in the case of commercial divers, the majority of the Member States have not regulated this profession and no coordination of education and training exists in this sector at Union level.

However, if someone is seeking recognition of a diploma in order to pursue a regulated profession in the field of commercial diving in a Member State other than that in which the individual has obtained a professional qualification, one of the two following Directives may apply, depending on the level of studies recognised by the diploma: Council Directive 89/48/EEC of 21 December 1988 on a general system for
the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration (¹) (A-levels or equivalent + three years) or Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training (²) which covers diplomas, certificates and other vocational training titles at a lower level than those covered by Directive 89/48/EEC (General System).

Thanks to these Directives, Union citizens have the right to pursue a specific regulated profession in any Member State under the same conditions as the holders of diplomas from that Member State. Whenever substantial differences exist between the applicant’s qualifications and experience and the requirements of the host State, the host State may require a compensation measure from the applicant in the form of a period of relevant professional experience, an aptitude test or a period of supervised practice. In particular, when the profession at stake is one which is regulated in the host Member State, but not in the Member State from which the applicant comes, the host Member State can not refuse to authorise the applicant to take up or pursue the profession on the same conditions as those which apply to its own nationals, if the applicant has pursued that profession in another Member State for a sufficiently long period of time. Nevertheless, the host Member State may also require the applicant to undergo compensation measures where, despite that period of practice, substantial differences are identified between the competencies of the person and local qualification requirements (see Directive 89/48/EEC, Articles 3 (b) and 4.1 (b), and Directive 92/51/EEC, Articles 3 (b) and 4.1 (b)).

The proposal for a Directive on the recognition of professional qualifications (³), which is currently at the stage of first reading in the Parliament, consolidates the existing mechanism aimed to ensure professional recognition, while simplifying and clarifying it. In this context, Article 15 of the proposal gives the possibility to professional associations to create professional platforms aimed to facilitate the recognition procedure through qualification standards. Once a platform has been adopted in a Commission decision, professionals fulfilling the relevant standard will have the right not to have any compensation measure applied.

This mechanism, which could also apply to the profession of commercial divers, is therefore very flexible and seems to be particularly appropriate for situations concerning professions which are not regulated in all Member States.


WRITTEN QUESTION E-3344/03

by Christos Foliás (PPE-DE) to the Commission

(13 November 2003)

Subject: Recognition of Greek citizens’ university degrees

Dikatsa is the organisation in Greece responsible for the recognition of university degrees such as Bachelor, Masters, PhD, or the equivalent, awarded to Greek citizens by universities both in countries outside the EU and in some Member States.

As a result of delays, red tape, controversial decisions and subsequent complaints to the organisation, many young graduates in Greece have problems with their career development.

Will the Commission, therefore, say:

1. what system is used in the other Member States,
2. what provision is made at EU level in regard to the recognition of university degrees awarded by Member States or third countries,

3. whether it has looked into the problems relating to Dikatsa and, if so, what conclusions it drew?

Answer given by Mrs Reding on behalf of the Commission

(11 December 2003)

The Commission is aware of the problem of the long delays and other malfunctions in the academic recognition procedure in Greece.

At the present stage of Community law, the recognition of diplomas for academic purposes falls within the competence of Member States. There are no Community rules regulating mutual recognition of diplomas. Each Member State is responsible for the content and organisation of its own educational system. There are currently no diplomas that are recognised at European level. Universities, which are autonomous institutions, are entirely responsible for the content of their curricula and for awarding diplomas and certificates to students. The authorities of the Member States have the right to require the academic recognition of qualifications before allowing access to education and they may evaluate whether the content of the education received by the holder of a diploma corresponds to the level that is required by the national legislation. They are equally free to fix the rules governing this type of procedure.

They may not, however, apply any direct or indirect discrimination on grounds of nationality, in accordance with Article 12 of the EC Treaty.

In Greece, many of the holders of diplomas that are issued by other Member States are Greek nationals who have followed studies in another Member State and wish to pursue their studies in Greece.

Although, as stated above, the academic recognition of diplomas falls within the competence of the Member States, the Commission is of the opinion that excessive delays caused by purely administrative reasons in the academic recognition procedure in Greece can discourage students from exercising their right to free movement. The excessive length of the academic recognition procedure can raise obstacles to the free movement of students.

Freedom to move within the territory of the Member State is one of the fundamental freedoms guaranteed by the EC Treaty (Article 18).

Article 8 of the EC Treaty confers the status of citizen of the Union to every person holding the nationality of a Member State. As the European Court of Justice has stated in case C-224/98 (D’Hoop): ‘A citizen of the Union must be granted in all Member States the same treatment in law as that accorded to the nationals of those Member States who find themselves in the same situation. It would, therefore, be incompatible with the right of freedom of movement were a citizen, in a Member State of which he is a national, to receive treatment less favourable than he would enjoy if he had not availed himself of the opportunities offered by the EC Treaty in relation to freedom of movement. Those opportunities could not be fully effective if a national of a Member State could be deterred from availing himself of them by obstacles raised on his return to his country of origin …’ Article 149(2) of the EC Treaty aims at encouraging mobility of students.

On the basis of the above-mentioned considerations, the Commission has contacted the Greek authorities asking for the reasons that justify the delays in the academic recognition procedure. The Greek authorities have informed the Commission that the delays were in part due to the large number of applications received by Dikatsa. In order to expedite the process of recognition, the Greek authorities have reviewed the relevant national regulations and proposed to put new procedures in place. Dikatsa has been restructured in order to be able to deal with the large number of applications more effectively.

The Commission continues to follow the evolution of the process of academic recognition in Greece.
Subject: Minority language groups in Greece and official statistics

Commissioner Reding carries out her duties impeccably and her contribution towards upgrading the status of the Directorate-General for Education and Culture is clear. It appears, however, that certain members of staff within that Directorate-General do not provide her with sufficient information and the inadequacy of the answers which they draw up create a poor impression of the Commission which is totally unfounded.

In my question No E-2777/03(1), I noted that the 1996 Euromosaic study reported (page 41 of the English version) that the number of speakers of Aromanian, Albanian and Slavo-Macedonian in Greece ranged between 50,000 and 80,000 and I asked who had compiled these statistics and whether they were official and reliable. The distinguished Commissioner, Mrs Reding, replied that the three drafters of the report collaborated with an expert committee comprising ten members from the Union, the USA and Canada.

What official information has the Commission received from the Greek authorities concerning speakers of Aromanian, Albanian and Slavo-Macedonian? Is it ethical not to use the official statistics of a Member State to estimate the size of certain language groups? Does the Commission believe that it is not sufficient for European experts to draw up reports on language groups in the Union? What is its view of the involvement in purely European affairs (which are also extremely sensitive) of experts from countries outside the EU who express opinions on the existence or non-existence of linguistic minorities in Europe? What specific measures has the Commission taken in the last ten years on behalf of the (internationally recognised and numerous) Greek minority in northern Epirus, which the Albanian regime persistently tried for almost 50 years to deprive of their language and religion, and what are the tangible results of any measures it may have taken?


Answer given by Mrs Reding on behalf of the Commission

(16 December 2003)

As the Commission informed the Honourable Member in its answer to Written Question E-2777/03, the Euromosaic study was funded following an invitation to tender, in accordance with the usual rules and in full transparency. Moreover, the information included in studies funded by the Commission does not necessarily reflect the Commission’s opinions.

The summary of the report on this study, published by the Publications Office of the European Communities (1), includes all necessary information on the theoretical approach used, the collection of data, the comparative analysis of the data and the language groups identified.

The data and information sources used by the team of ten scientists from seven different Member States — and two researchers from Canada and the United States — are also described in detail in the publication above, pages 16 to 21. The questionnaires sent out to the Member States’ national authorities are mentioned as one of the five main data and information sources.

In reply to the Honourable Member’s final question, Albania is not a Member state. However, since the beginning of its transition in 1991, Albania has been receiving funding, first from the PHARE programme (until 2000) and then from the CARDS programme (as of 2001). One of the aims of these programmes is to strengthen the rule of law and to promote the socio-economic development of the country as a whole, including, of course, the Greek minority in Albania.

WRITTEN QUESTION E-3374/03
by John Bowis (PPE-DE) to the Commission
(14 November 2003)

Subject: Reclassification of hip, knee and shoulder joint replacements

Has the Commission assessed the scientific justification for its possible forthcoming proposal to reclassify hip, knee and shoulder replacement devices as Class III medical devices under Directive 93/42/EEC (1) (total joint replacements are currently classified as Class IIb under this Directive), and, in particular, evidence that might link accidents with such replacement devices with their design? Has the Commission considered all available studies and the effects of a reclassification on costs, availability and innovation, and what conclusions has it drawn? In particular, is it aware of the three independent studies commissioned by Eucomed and completed in October?


Answer given by Mr Liikanen on behalf of the Commission
(18 December 2003)

The Commission, in cooperation with national authorities, has carefully examined the three studies forwarded by Eucomed. These are, as stated by Eucomed, independent studies that reflect the views of their authors, and not Eucomed itself.

In discussions with national authorities, an overwhelming majority emphasised that, in their experience, clinical data for total joint replacement was often lacking and that changes in design were frequently not sufficiently verified with regards to their long term effects. In their view, risks associated with recovery surgery should be minimised as much as possible.

As ever increasingly younger patients receive joint replacements, and in the view of National Authorities, only the strictest conformity assessment procedures should be followed.

Documents presented in the course of discussions do not suggest that stricter conformity assessment procedures have a negative impact for patients with respect to cost, availability or innovation.

WRITTEN QUESTION E-3386/03
by Concejció Ferrer (PPE-DE) to the Commission
(17 November 2003)

Subject: Chinese type-approval system — non-tariff barrier

A new Chinese product type-approval system for electrical apparatus and components, electromechanical products, agricultural machinery, tyres and latex products (which affect human life and health, animals, plants, environmental protection and national security, and which currently affects 132 products, is causing alarm within European industry.

The European Chamber of Commerce in China has uncovered 10 or 12 instances of blocked containers, long-drawn-out procedures and allegations of problems of intellectual property linked with the new system.

Did the Commission discuss this issue at its last bilateral summit meeting with China? If not, what does the Commission intend to do to remove this type of non-tariff barrier and guarantee access to the Chinese market under fair conditions?
Answer given by Mr Liikanen on behalf of the Commission

(16 December 2003)

The Commission is aware of the problems posed by the application of the new Chinese product type-approval system for European imports.


In fulfilling its World Trade Organisation (WTO) commitments, China unified the existing schemes in 2002 by introducing a single product safety certification system, the China Compulsory Certificate (CCC), which is applicable as of 1 August 2003 to all products intended for the Chinese market.

The CCC system has, however, been widely criticised by foreign companies.

Aware of the confusion caused by the new system even before it was implemented, the Commission had brought this matter to the attention of the Chinese authorities on a number of occasions. As a result of these approaches, the Chinese authorities decided to put back the entry into force of the new compulsory certification scheme, which was initially scheduled for 1 May 2003, to 1 August 2003.

One month after the introduction of the system, the Commission organised a seminar on the CCC certification scheme in Beijing, in partnership with the Chinese authorities, the European industry federations concerned (automobiles, machines, electronics) and certifying bodies from the Member States. This seminar presented an opportunity to draw the attention of the Chinese authorities to the difficulties encountered by European enterprises in the market and sketched out a number of approaches to remedy the situation.

These approaches will be analysed by the ad hoc working group set up by the European and Chinese authorities as part of the EU-China bilateral dialogue on the regulation of industrial products. Its task is to make it easier to prove that products comply with the safety rules in force in China, and it should bring together Chinese and European experts, including industry representatives, several times during the course of this year.

Also, in a recent submission(1) of 7 November 2003 to the WTO Committee on Technical Barriers to Trade relating to the annual mechanism to review the commitments agreed upon by China on joining the WTO, the Community asked the Chinese authorities for more details regarding European concerns relating to CCC certification.

The Commission would like to assure the Honourable Member that it will always keep a close eye on the conditions governing access to the Chinese market in general, and the application of the CCC certification system to European enterprises in particular.

(1) Document G/TBT/W/227 of 6 October 2003.

(2004/C 70 E/283)

WRITTEN QUESTION E-3394/03

by Astrid Thors (ELDR) to the Commission

(17 November 2003)

Subject: Cruelty to animals in applicant countries

The history of dancing bears is an old and savage one. In Bulgaria, several dozens bears have been poached or purchased on the black market and subjected to a harsh training regime. Dancing bears are still commonplace in Romania as well. The standard method of training involves forcing a thick iron ring through their nose, which causes considerable pain when yanked. The bears dance in an attempt to avoid the pain. Alternatively, music is played whilst the bears stand on hot plates, where it will dance to stop being burnt. It will then dance whenever it hears music. When not performing, the bears are chained up with little shelter, no exercise and limited food and water. Misguided tourists perpetuate the tradition by giving money.
In the accession negotiations, has the Commission paid any attention to the fact that Romania and Bulgaria allow this cruelty to animals and, in this way, breach what is current European Union legislation?

Answer given by Mr Byrne on behalf of the Commission
(8 December 2003)

The Commission deplores cruelty to animals in all its forms. However, the Commission is only able to act in animal welfare matters where it has the legal power to do so.

Under the relevant Protocol to the EC Treaty animal welfare considerations must be taken into account in relation to the Community agriculture, transport and internal market and research policies. The use of animals for entertainment purposes falls outside the scope of Community animal welfare law. The prevention of cruelty to such animals is a competence of individual Member States.

It has, therefore, not been possible to raise the issue mentioned by the Honourable Member during the accession negotiations.

(2004/C 70 E/284) WRITTEN QUESTION P-3400/03
by Niels Busk (ELDR) to the Commission
(11 November 2003)

Subject: Interpretation of Regulation (EC) No 1774/2002

Is it the Commission's view that the wording of Article 5(g) of Regulation (EC) No 1774/2002(1) allows scope for the use of sanitisation methods other than heat treatment?

Is the Commission familiar with alternative sanitisation methods and when can authorisation of those methods be expected?


Answer given by Mr Byrne on behalf of the Commission
(3 December 2003)

Article 5(2)(g) of Regulation (EC) No 1774/2002 of the Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption provides that Category 2 animal by-products may be disposed of by other means or used in other ways in accordance with rules laid down under Comitology procedure, after consultation of the appropriate scientific committee. These means or ways may either supplement or replace those provided for in subparagraphs (a) to (f) of the same Article 5(2).

Therefore, methods other than heat treatment may be allowed provided that they have undergone a scientific risk assessment and are found to be safe as a result of such assessment vis-à-vis animal and public health and the environment.

The Commission has received a number of applications for approval of such methods, which were sent to the Scientific Steering Committee (SSC) for opinion. The SSC has issued opinions, on the basis of which the Commission is discussing with Member States and with interested parties, the conditions for the approval of some of the methods. Authorisation is expected in the near future.
WRITTEN QUESTION E-3405/03
by Concepció Ferrer (PPE-DE) to the Commission

(17 November 2003)

Subject: Management of the Structural Funds

With regard to the management of Structural Fund monies for Objectives 1, 2 and 3 (2000-2006), will the Commission please state who the designated payment and management authorities are in Austria, Belgium, France, Germany, Italy and Spain?

Answer given by Mr Barnier on behalf of the Commission

(11 December 2003)

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

WRITTEN QUESTION E-3487/03
by Albert Maat (PPE-DE) to the Commission

(24 November 2003)

Subject: French action against pigmeat from other EU Member States

The transport of pigmeat into France has recently been seriously threatened by the heavy-handed actions of French farmers: lorries have been stopped, meat-processing plants invaded and Dutch, Spanish, Danish and German pigmeat destroyed. As the French police have not intervened, such actions are not discouraged and the free movement of pigmeat within the EU is disrupted.

How does the Commission intend to eliminate this obstruction to freedom of movement?

Why is the Commission taking so long to discuss this disruption of the internal market with the French Government?

WRITTEN QUESTION P-3540/03
by Toine Manders (ELDR) to the Commission

(24 November 2003)

Subject: Disruption of the internal market (in meat) in France

In recent weeks, in response to the difficult situation on the European market, French (pig) farmers have repeatedly taken drastic steps to prevent imports of meat into France from countries such as the Netherlands, Spain and Germany. Lorries transporting meat have been stopped and the meat has then been destroyed and the vehicles damaged. In addition, militant farmers have broken into a number of French meat-processing plants and supermarkets and destroyed their stocks of imported meat.

Since then, the farmers have threatened even more serious protests against the processing and/or purchase of non-French meat, with the result that supply contracts with firms from other European countries have been suspended. Thus far, the French Government is refusing to intervene to deal with this disruption of the internal market. This protection of France's own market and the creation of obstacles to the free movement of goods is posing a serious threat to the operation of the internal market in the (pig)meat sector. In the short term, insurance companies will cover the direct losses, but in the long term the meat-processing industry will lose a market.
Netherlands and other exporters are being forced to avoid making shipments to France. The French pig farmers have thus achieved their objective of effectively halting imports, as a result of which jobs may be lost in the sector in neighbouring countries. In view of the serious damage to the internal market and the threat of further, similar protests, action by the European Commission is essential.

If prompt steps are not taken, there is a risk that meat-producing farmers from neighbouring countries will carry out similar protests against French producers of, for example, wine, champagne and cheese. Many ordinary Europeans may see their Christmas celebrations ruined, hence the need for immediate action.

1. Is the Commission aware of this worrying situation in France?

2. Does the Commission share my view that this behaviour on the part of French farmers and the French Government represents a breach of the principle of the free movement of goods and, by extension, a serious disruption of the internal market? If not, why not?

3. Is the Commission planning to take action to persuade the French Government, which is refusing to step in and deal with these serious obstacles to trade, to abandon its policy of inaction? If so, what measures will it take in the short term? If not, why does it not see a need to intervene?

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Joint answer
to Written Questions E-3487/03 and P-3540/03
given by Mr Bolkestein on behalf of the Commission
(16 December 2003)

The problem raised by the Honourable Member was very recently brought to the attention of the Commission by economic operators.

In the absence of details which would allow the Commission to conduct the necessary investigation into the problem raised, the Commission has asked these operators, in a letter of 26 November 2003, for further information in order to identify the dates, locations and exact nature of the alleged obstacles.

This information is essential for the Commission to be able to determine whether or not there is an obstruction to free movement which is forbidden under Article 28 of the EC Treaty. If an obstruction does exist, and is not removed, the Commission will examine the possibility of enforcing Council Regulation (EC) No 2679/98 of 7 December 1998 on the functioning of the internal market in relation to the free movement of goods among the Member States (1). This Regulation aims to apply the principle of the free movement of goods more speedily and more efficiently in order to deal with this kind of obstacle.

This information is essential in order to conduct an analysis of the factual and legal situation. As soon as the Commission has obtained this analysis, it will draw the appropriate conclusions.


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(2004/C 70 E/265)

WRITTEN QUESTION E-3514/03
by Giovanni Pittella (PSE) to the Commission
(25 November 2003)

Subject: Course financed by means of the Structural Funds

On 11 November 2002 the Naples-based Istituto nazionale di formazione per le imprese culturali launched a course entitled ‘Content Specialist & Designer’ within the PON Asse III misura III 6/D-Codice progetto 5387 discipline. The course is financed by means of the European Social Fund.
The course students (who had to go through a selection procedure) have not received the grant awarded to them (EUR 10 389.14 per student), since the person in charge of the course — a Mr Palladino — has been deemed untrustworthy by the Ministry for State Education, Universities and Scientific Research on account of his previous record. On 30 April 2003 (20 days before the course was due to end) the Ministry decided that co-financing would be suspended and that the training project would be abandoned.

On the basis of the above information, does the Commission not think that, irrespective of any judgment regarding Mr Palladino, the 19 pre-selected women should not be denied their grants or have their course certificates withheld?

Does the Commission not agree that, in accordance with the rules, some kind of protection should be offered to the 19 unemployed course students who, having been duly selected, wished to take advantage of the opportunity afforded to them under the Structural Funds?

**Answer given by Mrs Diamantopoulou on behalf of the Commission**

(16 December 2003)

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

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(2004/C 70 E/289) **WRITTEN QUESTION P-3537/03**

by Philip Bushill-Matthews (PPE-DE) to the Commission

(20 November 2003)

Subject: Hotel fire safety

Given that a report prepared for the Commission in October 2000 analysing the impact of the 1986 Recommendations on firesafety in hotels concluded that the Recommendations had not been effective in providing a uniform level of fire safety, and that in a later report in June 2001 the Commission recognised that more needed to be done to improve fire safety in hotels throughout the EU, when does the Commission intend to introduce a directive on hotel fire safety, to ensure a consistent and adequate level of protection for all Europe's citizens who are guests or who work in hotels?

**Answer given by Mr Byrne on behalf of the Commission**

(12 December 2003)

The Commission would refer the Honourable Member to its answer to written E-3172/03 by Mrs Jackson (1)

(1) OJC65E, 13.3.2004, p. 271.

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(2004/C 70 E/290) **WRITTEN QUESTION P-3538/03**

by Edward McMillan-Scott (PPE-DE) to the Commission

(20 November 2003)

Subject: Pensions

Apart from Belgium, which other Member States operate a discretionary pension scheme based on means testing?
Answer given by Mme Diamantopoulou on behalf of the Commission

(15 December 2003)

All current 15 Member States have some forms of minimum income provision for older people. These may take the form of a flat-rate pension based on residency (Netherlands, Denmark), a minimum contributory pension (subject to a minimum number of contribution years) or a fully means-tested social assistance type benefit. Various provisions may co-exist within a single Member State.

The joint report of the Council and the Commission on adequate and sustainable pensions adopted in March 2003 (1) summarises in table 1 information obtained from the Member States’ authorities on such minimum income guarantees for older people. The table indicates for each Member State whether the provision of such guaranteed income is conditional on a means test or not. More information can be obtained from the Missoc report 2001 ‘Social protection in the EU Member States and the EEA’, European Commission (2).


WRITTEN QUESTION P-3931/03
by Paulo Casaca (PSE) to the Commission

(16 December 2003)

Subject: Rehabilitation of areas devastated by the summer 2003 forest fires in Portugal

The summer 2003 forest fires in Portugal devastated 410 000 hectares, i.e. 5% of Portugal’s landmass and 12% of its woodlands, destroying numerous Natura 2000 Network areas, various cork oak, holm oak and oak forests, causing numerous deaths, destroying homes, killing animals and destroying crops in some of the country’s most fragile and deprived rural regions.

Support provided under the aegis of the Solidarity Fund, although extremely useful, is nowhere like equal to the enormous task of rehabilitating incalculably valuable natural heritage on this scale, and a rural economy which is under threat of total disappearance.

At the Budgetary Committee meeting which discussed the Solidarity Fund contribution to Portugal, it was claimed that a total of EUR 180 million was going to be reprogrammed from Portuguese Structural Funds to cope with the challenge.

Could the Commission explain:

1. Why amounts programmed for the 2000-2003 Structural Funds, and not yet taken up, cannot be reprogrammed to this end?

2. Whether the Portuguese authorities have already submitted specific proposals for reprogramming the EUR 180 million, and whether this amount is earmarked for rehabilitating the natural heritage and the rural economy of the areas devastated?

3. What other means it thinks could be used to support this rehabilitation which, while of direct concern to Portugal, is of no less concern to Europe?

Answer given by Mr Barnier on behalf of the Commission

(14 January 2004)

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