

Answer given by Mr Monti on behalf of the Commission*(6 January 1998)*

In general, the Commission does not consider it to be compatible with Community law for the tax legislation of a Member State to provide for discriminatory tax treatment of contributions to pension and retirement funds and gains accruing therefrom according to where the fund is based or where the contract was signed. However, there may be an objective justification for such discriminatory treatment, as the Court of justice stated in its Bachmann ruling of 28 January 1992 (Case 204/90). In later rulings the Court has further developed the Bachmann doctrine (Wiclockx, 11 August 1995, Case 080/94 and Svensson, 14 November 1995, Case 484/93). Another case is still pending (Jessica Safir, Case 118/96). The compatibility with Community law of each individual Member State's tax rules on pension and retirement funds will have to be judged in the light of these rulings.

As far as the Spanish system regarding the taxation of life insurance is concerned, the Commission has examined whether the law leads to a discriminatory tax treatment on the basis of the place where the assurance company is located. The Spanish authorities have indicated that Article 78(1) of Law 30/95 of 8 November 1995 on the regulation and supervision of private insurance provides that insurance companies established in Member States of the European Economic Area other than Spain which have obtained authorisation to operate in their Member State of origin can carry on their activities in Spain under the right of establishment or under the freedom to provide services. They have also indicated that life assurance premiums paid by Spanish residents to insurance companies which are not established in Spain but are allowed by law to do business there by way of the freedom to provide services can be deducted from personal income tax under the same conditions as premiums paid to insurance companies established in Spain. The Commission has therefore concluded that no discriminatory tax treatment exists in this particular case.

(98/C 174/126)

WRITTEN QUESTION E-3582/97**by José Apolinário (PSE) to the Commission***(13 November 1997)*

Subject: European pass for persons over 60 years of age

Following the Commission's reply to my Question E-1019/97 ⁽¹⁾ in which it refers to a feasibility study for a Europass for persons of over 60 years of age, will the Commission say whether such a study has already been undertaken and what developments have occurred in respect of this project since April 1997?

⁽¹⁾ OJ C 367, 4.12.1997, p. 69.

Answer given by Mr Flynn on behalf of the Commission*(13 January 1998)*

The results of a feasibility study on an over 60s card, carried out by non-governmental organisations working in the field of older people in five Member States, were received by the Commission just very recently. These results now fall to be carefully examined by the Commission.

(98/C 174/127)

WRITTEN QUESTION E-3586/97**by Karin Riis-Jørgensen (ELDR) to the Commission***(13 November 1997)*

Subject: Directive on the freedom of access to information on the environment

In some situations where people wish for information in connection with Directive 90/313/EEC ⁽¹⁾, uncertainty may arise about how far private organizations or firms which carry out public environmental protection tasks are covered by the directive.