2. The Honourable Member is asked to refer to the Commission's answer to Mr Campos's written question E-1766/99 [1]. The Commission would like to draw the Honourable Member's attention to the fact that the legal arrangements governing the booking of Community agricultural aid to the Community budget and to the EAGGF Guarantee Section in particular (Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [2] and Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be forwarded by the Member States and the monthly booking of expenditure financed under the Guarantee Secion of the Agricultural Guidance and Guarantee Fund [3]) delegate a wide range of tasks to the paying agencies of the Member States.

So it is the paying agencies (approved, moreover, by the Member States under Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section [4] which directly manage applications for agricultural aid and which have, therefore, all the data relating to the beneficiaries.

The Commission, for its part, does not have the data sought by the Honourable Member in its possession. For its control and auditing purposes the Commission receives from the Member States the accounting data specified in detail in the various regulations. These data could be processed in such a way as to identify the individual aid beneficiaries. However, the Community provisions on personal data protection, which apply to the Community institutions under Article 286 (formerly Article 213b) of the EC Treaty, make it impossible for the Commission to release this information.

3. EAGGF Guarantee Section expenditure accounts for only half the general Community budget or thereabouts. This means that a comparison of this expenditure with Member States' contributions will not reveal by how much a Member State is a net receiver or a net contributor. Account must also be taken of the expenditure under other Community instruments.

[1] OJ C 303 E, 24.10.2000, p. 14.
[2] OJ L 160, 26.6.1999.
[3] OJ L 39, 17.2.1996.
[4] OJ L 158, 8.7.1995.

(2001/C 103 E/071) **WRITTEN QUESTION E-2127/00**

by Benedetto Della Vedova (TDI) to the Commission

(30 June 2000)

Subject: Liberalisation of airport services

The Italian Government transposed Directive 96/67 [1] on the liberalisation of airport services in Legislative Decree No 18 of 3 January 1999.

ADUC (an association representing the rights of users and consumers) lodged an appeal against this decree (Community reference number 99/4472/, SG(99)A7228), pointing out that the decree allows the upholding of monopolistic positions to the detriment of consumers, as regards the cheapness, efficiency and quality of services.

DG VII, responsible for transport, in a letter dated 7 September 1999 (D899/gb/ass/150 290IT) echoed ADUC's observations and called on the Italian Government to amend its decree, saying that otherwise it would bring the matter before the Court of Justice.

Since the Italian Government has still not amended its decree and the Commission has not brought proceedings for infringement of the Community directive, can the latter say why, eight months after DG VII sent the above-mentioned letter, it has still not brought proceedings against the Italian Government and whether it does not consider that the Italian Government's behaviour is objectively aimed at safeguarding the interests of airport companies at the cost of the consumer, in violation of freedom of competition?

[1] OJ L 272, 25.10.1996, p. 36.

Answer given by Mrs de Palacio on behalf of the Commission

(11 September 2000)

In its letter dated 7 September 1999 the Commission informed the Italian authorities of the incompatibility with the provisions of Community law of certain clauses of legislative decree No 18 of 13 January 1999 transposing into Italian law Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports [1]. Indeed, those clauses are intended to prevent the full implementation of the Directive by restricting the right of access to the market, more particularly by requiring that staff be retained or that existing contracts continue.

The Commission would like to stress that an infringement procedure has been introduced. After various exchanges of views with the Italian authorities, the Commission has now sent a warning letter dated 3 May 2000 asking the Italian authorities to pass on their comments within two months.

In accordance with the rules laid down by the EC Treaty, the Commission has the option, in the absence of any reply by a Member State, or where that Member State gives an unsatisfactory reply, to deliver a reasoned opinion urging it to adhere to the Community principles within the given deadline. The matter may only be laid before the Court of Justice at a subsequent stage of the procedure.

That information had already been covered by a Commission letter to the ADUC (Associazione per i diritti degli utenti e consumatori) on 30 May 2000. Moreover, that association had been kept informed of developments in the procedure.

[1] OJ L 272, 25.10.1996.

(2001/C 103 E/072) **WRITTEN QUESTION E-2128/00**

by Sebastiano Musumeci (UEN) to the Commission

(30 June 2000)

Subject: Reimbursement of medical expenses for Italian nationals abroad

The Ministerial Decree of 3 November 1989 (published in the Italian Official Gazette No 273 of 22 November 1989) concerning the criteria for using highly specialised health care facilities abroad makes provision for the partial reimbursement of expenses incurred by Italian nationals resident in Italy for health care which is unavailable in Italy.

Article 6, paragraph 11 states that 80 % of the travelling expenses of the patient and a companion may be reimbursed if air travel was authorised beforehand.

However, Article 1 of the Regional Decree of 15 March 1990 issued by the Region of Sicily states that the flat rate reimbursement for the travelling and subsistence expenses actually incurred and documented is to be 60 % of the total cost for those with an income of up to LIT 20 million per year, 50 % for an income of up to LIT 35 million and 40 % for an income of up to 50 million.

Does the Commission not consider that the Regional Decree — apart from discriminating against Sicilian citizens who, if they have to use health facilities abroad cannot benefit from the above-mentioned refunds — conflicts with Article 2 of the EC Treaty?

Can it take steps to put an end to this regrettable situation?