

Answer given by Mr Liikanen on behalf of the Commission

(16 July 2001)

The existing Community legislation forbids a medicinal product to be placed on the market of a Member State unless a marketing authorisation has been issued either by the Commission or by one of the Member States. The marketing authorisation is granted only where the product proves to comply with the fundamental requirements of quality, safety and efficacy. The intention is to preclude the marketing of medicinal products with a negative benefit-risk balance. This legislation applies to all kinds of medicinal products, including those on herbal basis.

The treatment of herbal substances by national authorities is not completely coherent though, thus endangering the effective protection of public health by the Community's pharmaceutical legislation. Differences relate inter alia to the classification of the products as well as to the application requirements and the procedures.

To further improve this situation, the Commission currently prepares a separate directive on traditionally used herbal medicinal products. It is envisaged to establish a special registration procedure and will lay down specific criteria regarded appropriate to guarantee quality, safety and efficacy with regard to these products. If a herbal medicinal product is not authorised under the existing legislation or registered under the new directive, it will not be allowed to market it within the Community. For this reason, a separate list of prohibited products or substances is not considered necessary and therefore not foreseen in the draft directive.

(2001/C 350 E/194)

WRITTEN QUESTION E-1525/01

by Bartho Pronk (PPE-DE) and Ria Oomen-Ruijten (PPE-DE) to the Commission

(21 May 2001)

Subject: The Netherlands Government's intention to cease paying social security benefits under the Social Security Supplements Act

On 1 January 2000, the 'Beperking Export Uitkeringen (BEU Wet)' (Restriction on the Payment Abroad of Social Security Benefits Act) came into force in the Netherlands. As a result thereof, changes were made to the possibilities for the payment abroad of social security benefits: payment of some benefits is now restricted solely to countries in the EU or EEA, of others to countries in the EU or EEA and countries with which the Netherlands has concluded of a social security agreement, and of yet others not at all.

At present, the payment abroad of social security benefits under the Social Security Supplements Act is restricted to countries in the European Union and to countries which are members of the European Economic Area.

The Netherlands Government now intends to impose a further restriction on the Social Security Supplements Act, with the result that the payment abroad of any of the benefits in question will no longer be possible. There is, however, a proviso that the relevant European Union law will have to be changed first.

1. Does the Commission agree with me that this ban on the payment abroad of social security benefits is undesirable since it will lead to the abolition of the difference between EU Member States and non-member countries? Does it take the view that the ban referred to constitutes a threat to the principle of the free movement of workers?
2. The Social Security Supplements Act serves to protect citizens with an income below the minimum, especially partners. From the point of view of social security protection, does the Commission think it desirable and admissible that such citizens should have their income reduced?
3. The incoming Belgian Presidency has announced that one of the main priorities during its term of office will be 'A Social Europe', which entails, inter alia, a modern social security system for all Europeans. To what extent does the Netherlands Government's planned measure fit in with that concept?
4. The Netherlands Government has announced that the payment abroad of social security benefits will cease as soon as the relevant European Union legislation has been changed. Can the Commission indicate whether that process is already under way? Has it submitted any proposals to that end? If the process has already begun, is the Commission prepared to suspend it on the grounds of the undesirable consequences thereof?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(3 July 2001)

The Commission would like to remind the Honourable Members that Regulation (EEC) No 1408/71⁽¹⁾ requires Member States in principle to provide social security benefits acquired under their legislation to recipients residing in another Member State. However, this Regulation provides for some exceptions to this exportability principle, for example in the case of special non-contributory benefits which fall simultaneously within social assistance and social security, provided these benefits are listed, by Decision of the Community legislature, in Annex IIa of the Regulation⁽²⁾. The Court of Justice confirmed in its Snares⁽³⁾ ruling that this derogation from the principle of the exportability of social security benefits was compatible with the EC Treaty, as the benefits are closely linked to a particular economic and social context. However, the Court of Justice has just added its rulings in the Jauch⁽⁴⁾ and Leclere⁽⁵⁾ cases to this jurisprudence. In these rulings, the Court felt that the derogation from exportability resulting from the inclusion of certain benefits in Annex IIa was incompatible with the principle of free movement of workers laid down in the EC Treaty, particularly where these were not special benefits but related to the traditional areas of social security.

The Commission has been informed of the Dutch Government's intention to include in Annex IIa the benefit provided for in the 'Supplementary Benefits Act' (Toeslagenwet). This would exempt the Netherlands from awarding this benefit to persons resident in another Member State. It seems that the objective of this benefit is to supplement traditional social security benefits in order to guarantee recipients an income that is regarded as minimal in the social and economic context of the Netherlands.

The Commission is currently examining whether it is appropriate to propose that this benefit be included in the list contained in Annex IIa mentioned above. Not only the Council but also the European Parliament would be required, as part of the codecision procedure that applies to any amendment to Regulation (EEC) No 1408/71, to give an opinion on any such proposals.

⁽¹⁾ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 149, 5.7.1971). Regulation updated by Council Regulation (EC) No 118/97 of 2 December 1996 (OJ L 28, 30.1.1997).

⁽²⁾ See Article 4(2a) and Article 10a of Regulation No 1408/71, introduced by Regulation (EEC) No 1247/92.

⁽³⁾ Ruling of 4 November 1997, Snares, C-20/96, Rec. p. I-6057.

⁽⁴⁾ Ruling of 8 March 2001, Jauch, C-215/99, not yet published.

⁽⁵⁾ Ruling of 31 May 2001, Leclere, C-43/99, not yet published.

(2001/C 350 E/195)

WRITTEN QUESTION P-1531/01**by Roger Helmer (PPE-DE) to the Commission**

(15 May 2001)

Subject: Sixth Framework Directive

Can the Commission confirm what provisions will be made for research into mathematics under the Sixth Framework Directive?

Answer given by Mr Busquin on behalf of the Commission

(26 June 2001)

The Commission is well aware of the important role of mathematics in scientific research and of its impact on innovation. Research into mathematics will have a place in the new framework programme via its contribution to the various thematic priorities, and in the planned action to meet emerging scientific and technological requirements.