

To provide market services, they must be mainly financed by households and/or private insurance companies, or mainly financed by general government if they provide services for the general government at economically significant prices.

If they are non-market, on the contrary, they must be classified in the general government sector.

As regards the interest-free loans from the Länder to the clinics, if Austrian public clinics are institutional units providing market services, this should be treated as follows:

- If the provision of funds is an unrequited transaction, that is if loans are made with no likelihood of repayment, it should be treated as a capital transfer;
- If the provision of funds implies a repayment to the government under contractual conditions (the date of repayment is explicit) and there is a clear likelihood of repayment, it should be treated as a loan. However, the potential interest on the loan which is being waived might be considered a subsidy to the provision of services.

Concerning the transfer of property to the Federal Real Estate Company (BIG) it should be recalled that according to the ESA 95 principles:

- If most BIG activity is devoted to providing services to general government units, then it should be classified in the general government sector;
- If BIG is renting/leasing mostly outside general government, it should be treated as a non-financial corporation.

A final decision on BIG classification, however, will be taken by Eurostat following the forthcoming visit to the Austrian Central Statistical Office.

(2001/C 364 E/272)

WRITTEN QUESTION E-2123/01

by Mihail Papayannakis (GUE/NGL) to the Commission

(13 July 2001)

Subject: Transposition of Community legislation into the law of the Member States

According to the biannual scoreboard published by the Commission, there are significant delays in the transposition of Community legislation into the Member States. In particular, 11 % of Community legislation enacted is not transposed into the national law of the Member States within the specified deadlines, and only three Member States (Sweden, Denmark and Finland) seem to be honouring the commitment made at the Lisbon Summit to transpose 98,5 % of Community legislation into their national law by 2002. According to Commissioner Bolkestein, the following countries, in declining order, are in danger of not attaining the target of transposing Community legislation by March 2002: Greece, France, Ireland, the United Kingdom, Austria and Germany.

Given the above data, will the Commission say whether it considers that Portugal's decision to appoint a person with exclusive responsibility for transposing Community legislation into its national law is an effective measure and whether it intends to propose that other Member States adopt a similar approach to ensure that they attain the goal set at the Lisbon Summit?

Answer given by Mr Bolkestein on behalf of the Commission

(17 September 2001)

It is for Member States to decide how they wish to organise themselves with a view to transposing Community legislation into national law. Some Member States, such as Portugal, Sweden and Luxembourg, have appointed national transposition co-ordinators who are responsible for ensuring that steps are taken to transpose Community legislation on time. The results from the May 2001 Internal Market Scoreboard reveal that these Member States have reduced their transposition deficits successfully. Sweden's deficit of

0,5% is the lowest of all Member States. Luxembourg and Portugal, with deficits of 2% and 2,7% respectively, have each moved up four places in the overall ranking since they appointed a national transposition co-ordinator.

The Commission encourages the exchange of best practice on transposition, such as the appointment of transposition co-ordinators and/or regular reporting on progress to national parliaments, particularly through the Internal Market Advisory Committee. It expects Member States to consider these experiences as part of their efforts to attain the 1,5% deficit target set by the European Council for Spring 2002.

(2001/C 364 E/273)

WRITTEN QUESTION E-2164/01

by Colette Flesch (ELDR) to the Commission

(19 July 2001)

Subject: Brussels: a capital for Europe?

According to press reports, the Belgian Prime Minister and the Commission President have organised a discussion forum on the role of Brussels as capital of Europe.

1. Does the President's involvement stem from a Commission decision?
2. If so, does the Commission think it right to intervene in this way regarding the seat of the institutions by coming out on the side of Brussels? Can it justify its attitude?
3. If not, should the Commission President be considered to be acting in a personal capacity?
4. Is he willing to show the same kind of support for Luxembourg and Strasbourg?

Answer given by Mr Prodi on behalf of the Commission

(31 July 2001)

Mr Prodi, President of the Commission, took part in the discussion forum referred to by the Honourable Member as a follow-up to Declaration No 22 annexed to the Treaty of Nice relating to the venues for European Councils. The Commission recalls that the Declaration states that 'As from 2002, one European Council meeting per Presidency will be held in Brussels. When the Union comprises 18 members, all European Council meetings will be held in Brussels.'

The discussions at this event sponsored by Mr Verhofstadt and Mr Prodi were purely an intellectual exercise with a view to clarifying the image and role of Brussels in the light of the European Council Declaration: there was no intention of calling into Question the decisions on the seats of the institutions, determined by the EC Treaty.

Thus the last Question is superfluous.

(2001/C 364 E/274)

WRITTEN QUESTION P-2226/01

by Roger Helmer (PPE-DE) to the Commission

(18 July 2001)

Subject: Tobacco directive, Article 7

Can the Commission confirm that the descriptor ban on normal-strength cigarettes does not apply to cigarettes exported outside the EU?