

In keeping with best practise, the Commission considers that the system set out in its decision of 4 April 2002 strikes a fair balance between the right to protection of the whistleblower and the right of those accused of fraudulent behaviour to be presumed innocent until shown by due process to be culpable. In addition, and also in keeping with best practise, officials will not be expected to prove that the wrongdoing has occurred, nor will they lose protection simply because their concern turned out not to be correct, provided that they could not have been expected to realise that.

The Commission emphasises that the rules on raising concerns about serious wrongdoings are not substitutes for grievance procedures where staff could have some personal interest in the outcome. Therefore, if it was proved that an official had not acted reasonably and honestly in reporting information to OLAF, that official would be open to disciplinary proceedings. In addition, those who may have been wrongly accused retain the right to ask the Commission for assistance in their actions against individuals spreading false accusations under Article 24 of the Staff Regulations.

(¹) Commission Decision 1999/396/EC, ECSC, Euratom of 2 June 1999 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests, OJ L 149, 16.6.1999.

(²) Commission Decision on 'raising concerns about serious wrongdoings', adopted by the Commission on 4 April 2002.

(2002/C 229 E/084)

WRITTEN QUESTION E-0341/02

by Isidoro Sánchez García (ELDR) to the Council

(12 February 2002)

Subject: Entry into force of a single banana-market tariff

Recently, the chairman of ASAGA (the Tenerife farmers' and livestock breeders' association), Mr Fernando Jiménez, forwarded to the Spanish Government's minister for agriculture, livestock breeding and fisheries – Mr Miguel Arias Cañete – a call from the Canary Islands' banana growers to the effect that advantage should be taken of the Spanish Presidency in order to do what is necessary in order to prevent the entry into force of the single tariff which is due to be introduced in respect of the banana market in 2006, since such a step would have an adverse effect on Canary Islands production.

What view does the Council take of such a call?

Reply

(25 June 2002)

Article 16(1) of Regulation (EEC) No 404/93 on the common organisation of the market in bananas, as amended by Regulation (EC) No 2587/2001 of 19 December 2001, provides that the current arrangements for importing bananas shall apply 'until the entry into force, no later than 1 January 2006, of the rate of the common customs tariff for those products established under the procedure provided for in Article XXVIII of the General Agreement on Tariffs and Trade'.

It follows that the Council cannot decide on any amendment to this provision except on the basis of a Commission proposal to that effect, on which inter alia it would have to obtain the EP's opinion. No such amendment is under consideration.

It is worth recalling the international circumstances in which the current arrangements were adopted and the need to put an end to the dispute with third countries, in particular the United States and Ecuador, while at the same time seeking to protect both Community producers and imports from the ACP States – with which the Community is also linked by agreements – under conditions that are compatible with the Community's WTO commitments.
