

**Answer given by Mrs Wallström on behalf of the Commission**

(18 July 2002)

According to Council Directives 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment<sup>(1)</sup> and 97/11/EC of 3 March 1997<sup>(2)</sup> which has modified Directive 85/337/EEC, Member States are obliged to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. Projects covered by the Directive are identified in the annexes. The Commission has the task of ensuring the correct application of Community law and, therefore, in this case, of assessing whether the Community legislation on the environmental impact assessment (EIA) has been correctly applied in the Member State concerned.

On the basis of the information given by the Honourable Member, the work to which the question makes reference, a project for a new building, known as the 'third satellite', at Milan's Malpensa Airport, which will deal with the terminal's aircraft docking systems, as well as all passenger and freight loading and unloading operations is different from the main 'Malpensa project' approved in 1987 and could fall either into class 12 Modifications to development projects included in Annex I of Annex II of Directive 85/337/EEC prior to the amendments or into class 13 Any change or extension of projects listed in Annex I or Annex II, already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment of Annex II of Directive 85/337/EEC, as modified by Directive 97/11/EC.

Under Directive 85/337/EEC prior to the amendments, projects falling into Annex II are to be made subject to an EIA where Member States consider that their characteristics so require. However, Member States are considered to be obliged to make a pre-assessment in order to establish whether Annex II projects need to be made subject to an EIA procedure. Under Directive 85/337/EEC, as modified, for Annex II projects, Member States are obliged to determine through a case-by-case examination or thresholds or by the setting of criteria whether the project shall be made subject to an assessment in accordance with Articles 5 to 10.

The Commission has already opened a complaint on the project and two letters have been sent to the Italian authorities to request information on the issue. The case is under assessment and the Commission will take appropriate steps in order to ensure the observance of Community law. After examining the case, should the Commission consider that a breach of Community law has occurred, an infringement procedure could be started.

As regards the application of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment, the information given by the Honourable Member is not sufficiently detailed. Due to a lack of grounds of complaint on the application of Directive 90/313/EEC, no breach of the Directive mentioned above can be identified at present.

<sup>(1)</sup> OJ L 175, 5.7.1985.

<sup>(2)</sup> OJ L 73, 14.3.1997.

(2002/C 301 E/205)

**WRITTEN QUESTION P-1627/02**

**by Ursula Schleicher (PPE-DE) to the Commission**

(3 June 2002)

*Subject:* Directive on the disposal of waste oils

Article 3(1) of the Directive on the disposal of waste oils (75/439/EEC<sup>(1)</sup>), amended by Directives 87/101/EEC<sup>(2)</sup> and 91/692/EEC<sup>(3)</sup>) stipulates that 'Where technical, economic and organisational constraints so allow, Member States shall take the measures necessary to give priority to the processing of waste oils by regeneration.'

According to my information, the Member States Austria, Ireland, France, Denmark, Belgium, the United Kingdom, the Netherlands and Finland have not yet complied with that provision.

Is that true?

If so, what is the Commission doing to ensure proper application of the Directive in all Member States?

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<sup>(1)</sup> OJ L 194, 25.7.1975, p. 23.

<sup>(2)</sup> OJ L 42, 12.2.1987, p. 43.

<sup>(3)</sup> OJ L 377, 31.12.1991, p. 48.

(2002/C 301 E/206)

**WRITTEN QUESTION P-1642/02**  
**by Bernd Lange (PSE) to the Commission**

(3 June 2002)

*Subject:* Recycling of waste oil

I have been dealing with the issue of the regeneration of waste oil in the EU ever since I was elected to the European Parliament in 1994, when I drew the attention of the Commissioner at the time, Mrs Bjerregard, to the fact that Directive 75/439/EEC <sup>(1)</sup> was not being properly transposed in the Member States.

I am still receiving complaints that the principle enshrined in the Directive stipulating that priority will be given to the recycling of waste oil is being ignored in almost all the Member States, despite formal notifications on the part of the Commission.

What will the Commission do to tackle this problem?

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<sup>(1)</sup> OJ L 194, 25.7.1975, p. 23.

**Joint answer**  
**to Written Questions P-1627/02 and P-1642/02**  
**given by Mrs Wallström on behalf of the Commission**

(28 June 2002)

The Commission shares the concern of the Honourable Members on the implementation of Council Directive 75/439/EEC of 16 June 1975, on the disposal of waste oils, as amended by Council Directives 87/101/EEC of 22 December 1986, and 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment, as on the disposal of waste oils and in particular the practical implementation of Article 3 thereof.

Indeed, Article 3(1) of the Directive requires that 'where technical, economic and organisational constraints so allow, Member States shall take the measures necessary to give priority to the processing of waste oils by regeneration.'

On the basis of the information in its possession, the Commission has launched in 2000 and 2001, infringement actions against 13 Member States (all except Italy and Luxembourg) for failure to implement the priority that must be given to the regeneration of waste oils where technical, organisational and economical constraints so allow.

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(2002/C 301 E/207)

**WRITTEN QUESTION E-1633/02**  
**by Cristiana Muscardini (UEN) to the Commission**

(10 June 2002)

*Subject:* Violent video games

Video games now represent a thriving market within the computer games sector, one characteristic of which appears to be the exponential growth in sales of violent video games. At the same time, newspapers