

Answer given by Mr Fischler on behalf of the Commission

(25 September 2002)

Marketing standards for several fruit and vegetables, including bananas, are laid down in Commission regulations. They are based on international agreements discussed in forums such as the Economic Commission for Europe in the United Nations context (CEE/ONU). The Commission has repeatedly made this situation clear, including in the explanations of 'Euromyths' given by the Commission Representation in the United Kingdom.

As regards the High Court judgment of 24 June 2002, to which the Honourable Member refers in his question, the Commission would like to point out that the Court did not call into question the applicability of the said Community marketing standards in the United Kingdom. Rather, its judgment is concerned with the interpretation of a national provision which makes the violation of those standards an offence. The Court concluded that that national provision does not apply in respect of such standards that were made after the provision came into force.

The Commission is following closely how the British authorities will react to the High Court's judgment.

(2003/C 52 E/153)

WRITTEN QUESTION P-2184/02

by Daniel Varela Suanzes-Carpegna (PPE-DE) to the Commission

(12 July 2002)

Subject: Modification of the cohesion policy agreed on in Berlin in the context of Agenda 2000

Article 14(1) of Regulation (EC) 1260/1999⁽¹⁾ laying down general provisions on the Structural Funds stipulates 'each plan, Community support framework, operational programme and single programming document shall cover a period of seven years'. Four exceptions to this timescale are envisaged, the first two in paragraph 1 itself and the others in paragraph 2.

The recent Commission proposal to amend Regulation (EC) 2792/1999⁽²⁾ aims to abolish certain forms of aid envisaged under the FIG in accordance with the provisions of Article 2(3) of Council Regulation (EC) 1263/1999⁽³⁾, which constitutes a unilateral modification of the Community Support Framework (CSF) adopted by the Commission, once the plan submitted by the Member State concerned has been analysed. The plan should describe, inter alia, the 'specific objectives' (Article 9(d)) of Regulation 1260/99.

Can the Commission say whether it considers this unilateral modification of what was already agreed under the said CSF as a result of the legislation deriving from Agenda 2000 to be lawful?

If it does, on the basis of what tangible legal basis and what arguments can the Commission justify this unilateral modification of the rules agreed for a period of seven years, which seriously affects the programming and interests of economic operators in the Member States and the economic and social cohesion of the regions where they are established, mainly Objective 1 regions?

⁽¹⁾ OJ L 161, 26.6.1999, p. 1.

⁽²⁾ OJ L 337, 30.12.1999, p. 10.

⁽³⁾ OJ L 161, 26.6.1999, p. 54.

(2003/C 52 E/154)

WRITTEN QUESTION E-2189/02

by Daniel Varela Suanzes-Carpegna (PPE-DE) to the Commission

(19 July 2002)

Subject: FIG reprogramming

In its proposals for the reform of the common fisheries policy (CFP) approved by the College of Commissioners on 28 May 2002, the Commission proposes abolishing aid for fleet renewal and

modernisation, joint enterprises and the export of vessels. This proposal entails the reprogramming of the funds earmarked for these objectives in the programming documents, which were the result of an earlier commitment, often achieved after tough negotiations between the Commission and the other parties involved at national, regional and local level.

1. Could the Commission provide information on the amount of FIFG funding which will be reprogrammed, broken down by Member State, and can it say to what other objectives this amount will be allocated?
2. Could the Commission provide information on the amount of Community funding to be made available, in addition to the FIFG funding already programmed, in order to compensate for this reprogramming, broken down by Member State?
3. Could the Commission say what type of socio-economic measures it will adopt in this connection, and what amounts will be involved for each Member State?

(2003/C 52 E/155)

WRITTEN QUESTION E-2190/02

by Daniel Varela Suanzes-Carpegna (PPE-DE) to the Commission

(19 July 2002)

Subject: Reprogramming of the FIFG

In its proposals for the reform of the common fisheries policy (CFP) approved by the College of Commissioners on 28 May 2002, the Commission proposes abolishing aid for fleet renewal and modernisation, joint enterprises and the export of vessels. This proposal entails the reprogramming of the funds earmarked for these objectives in the programming documents, which were the result of an earlier commitment, often achieved after tough negotiations between the Commission and the other parties involved at national, regional and local level.

1. Does the Commission believe that unilaterally abandoning this commitment and consequently reprogramming the funds allocated to the objectives set previously, without the agreement of the other parties involved, does not represent a breach of Community law? If so, on the basis of what arguments can this reprogramming be considered lawful?
2. What moral right does the Commission have to ditch these commitments and disregard the trust placed in them by the negotiating parties at all levels (national, regional and local) in the Member States, as well as by economic operators who have made investments on the basis of these commitments and who will suffer enormous economic damage as a result of reprogramming?
3. What measures will the Commission take to repair the damage which its proposals will cause for economic operators?

**Joint answer
to Written Questions P-2184/02, E-2189/02 and E-2190/02
given by Mr Fischler on behalf of the Commission**

(17 September 2002)

The Commission's proposals for amending the detailed rules and conditions for Community structural assistance in the fisheries sector and the emergency measure on scrapping fishing vessels in 2003-2006 are based on the following sources of law.

Article 1(4) of Regulation (EC) No 1263/1999⁽¹⁾ stipulates that it is the job of the Council to 'establish the fields of intervention for the structural actions' in fisheries, aquaculture and fish processing and marketing.