

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

(3 April 2003)

As correctly underlined by the Honourable Member, illegal landfills of waste could be relevant for the application of Council Directive 75/442/EEC of 15 July 1975 on waste<sup>(1)</sup> as amended and in particular of its Articles 4, 8 and 9. They could also be relevant under Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste<sup>(2)</sup>.

However, in the specific cases, not being aware of the situation described by the Honourable Member, the Commission will take the appropriate steps in order to gather detailed information about it and to ensure, within the limits conferred to it by the EC Treaty, compliance with Community law.

As the Honourable Member knows, on the basis of Article 211 of the EC Treaty, 'in order to ensure the proper functioning and development of the common market, the Commission shall ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied'.

Among the range of measures available to the Commission in particular in the context of its duties as guardian of the Treaty, infringement procedures pursuant to Article 226 of the Treaty might be initiated if the Commission considers that a Member State has failed to fulfil an obligation under Community Law.

As for reclamation of the contaminated sites, measure 1.4.2 of the regional operational programme for Sicily (2000-2006 programming of the Structural Funds) provides for action such as the identification and rehabilitation of polluted sites. The Commission's information is that no payments have been made under this measure to date; nor has any application been made for payment.

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

<sup>(2)</sup> OJ L 182, 16.7.1999.

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(2003/C 280 E/085)

**WRITTEN QUESTION E-0678/03****by Marco Cappato (NI) to the Council**

(7 March 2003)

*Subject:* Arrest of the Peruvian national Nelson Palomino

Last week, whilst I was staying in Lima Nelson Palomino — one of the leaders of the Peruvian 'campesinos' — was arrested on charges of incitement to terrorism, an offence covered by the Fujimori government's Penal Code, which is currently undergoing reform. Peruvian press sources indicate that Palomino is allegedly guilty of encouraging demonstrations and road blocks without ruling out the use of force.

Relations between the Peruvian Government and the 'campesinos' are particularly tense because of a stalemate in the dialogue on a package of agricultural reforms, in particular the disastrous policies to eradicate by force the cultivation of coca.

During my meeting with the leaders of the Peruvian anti-drugs agency Devida, they refused to give me and the Secretary of the International Anti-Prohibitionist League, Marco Perduca, any information on the situation of the 'campesinos' and, in particular, on the arrest of Palomino.

Can the Council ask the Peruvian authorities for information — to be passed on to Parliament — concerning a situation which, if it is not tackled promptly in a spirit of dialogue, threatens to lead to outbreaks of violence such as those which caused dozens of people to die and hundreds to be injured in neighbouring Bolivia in recent weeks?

**Reply**

(22 July 2003)

The Council has been informed that, the Peruvian Public Prosecutor's Office, has formally charged Nelson Palomino la Serna with the offences of inter alia supporting terrorism, aggravated robbery, and kidnapping. An action in this respect has been brought before the District Court of Aynes, San Francisco Province, Department of Ayacucho. The case is currently at the preliminary investigation stage.

According to information provided on Friday 11 April by the Ayacucho regional directorate of the national prisons institute (INPE), Nelson Palomino was being held in Lianamilla Prison.

It is not for the Council to comment on an ongoing judicial process at national level. Nevertheless, the Council reaffirms that the maintenance of the rule of law and of democratic and civil rights is a key factor for peace in that region.

(2003/C 280 E/086)

**WRITTEN QUESTION E-0717/03**

**by Rosa Miguélez Ramos (PSE) to the Council**

(11 March 2003)

*Subject:* Prestige: re-routing of maritime transport corridors

On 21 November 2002, the European Parliament adopted a resolution on the Prestige disaster off the coast of Galicia. Paragraph 12 reads:

Calls for the existing corridors for the maritime transport of oil and hazardous substances in Community waters to be rerouted as far away as possible from coastlines and, in particular, areas declared vulnerable; asks the Commission to work with the IMO towards the establishment of such a mechanism at international level.

How does the Council view this request from Parliament?

What steps has it taken or does it intend to take in response?

(2003/C 280 E/087)

**WRITTEN QUESTION E-0719/03**

**by Rosa Miguélez Ramos (PSE) to the Council**

(11 March 2003)

*Subject:* Prestige: EU action at WTO level

On 19 December 2002 the European Parliament adopted a resolution on safety at sea and measures to alleviate the effects of the Prestige disaster. Paragraph 5 reads:

Recognises the fact that the EU has only limited power to control ships in transit through its waters; therefore calls on the Council to act quickly to grant the Commission the mandate to negotiate on behalf of all 15 Member States within the International Maritime Organisation, with particular regard to the establishment of more stringent rules on Port State Control in third countries, the development of a Flag State audit procedure aimed at combating flags of convenience, as defined by the Paris Memorandum of Understanding, and the proper implementation of compulsory shipping routes and pilotage and the restriction of shipping in designated Particularly Sensitive Sea Areas in order to protect sensitive coastlines; given the slow process of decision-making at IMO level, calls on the Commission simultaneously to initiate bilateral negotiations with key third countries with a view to improving the safety of ships in transit through EU waters;.