

Answer given by Mr Lamy on behalf of the Commission

(25 April 2003)

Environmental services are covered by the ongoing general agreement on trade in services (GATS) negotiations, and the Community has made a negotiating proposal, and presented requests on environmental services, including on water distribution and waste water services, to most of its trading partners. The main objective of the Community for the negotiations is to reduce, or eliminate, barriers to trade in environmental services.

The Community requests on water distribution do not ask for privatisation, they clearly exclude any cross-border transportation either by pipeline or by any other means of transport, and they do not seek access to water resources. Moreover, even if a World Trade Organisation (WTO) Member chooses to take commitments, these do not undermine or reduce in any way the host governments' ability to regulate water management and allocation among users, to choose the more appropriate form of private participation and to impose equitable pricing policies and ensure affordability for the poor. The Community has and will continue to support developing countries in this respect, including through the provision of technical assistance.

The Community's approach to water related services, including in WTO, is guided by its overall policy on water, which is based on a thorough assessment of the issues, and challenges, involved. This includes, evidently, also the question of private sector participation in the provision of water and sanitation services. There is recognition that the private sector needs to be involved in efforts, together with government and civil society, to bringing water and sanitation services to the unserved and to strengthen investment and management capabilities. In view of the high capital demand for water infrastructure investment (by some estimates up to USD 180 billion annually compared to present investment levels of USD 70-80 billion annually), it is necessary to augment public funding by mobilising private funding for water utilities, wastewater treatment, irrigation and other water-related programmes and to make the sector a more attractive target for private investment. To achieve the latter goal private investors – local or foreign – must be given confidence that their legal and financial rights are protected. The Commission believes that the GATS negotiations, if adequately driven, could make a useful contribution to this goal. Liberalisation of trade in water services should be used as an instrument to facilitate infrastructure investments, strengthen water management capabilities and foster technological development, taking into account developing countries' administrative capacities and regulatory framework.

In addition, the Commission has launched a 'Sustainability Impact Assessment' (SIA) of the WTO negotiations. In this context, one specific sector study is devoted to environmental services, with a particular emphasis on water wastewater services. Consultation with stakeholders is an integral part of the SIA process, and mechanisms have been established to ensure that stakeholders can contribute fully to the SIA study both as experts, and as part of the consultative process. The contractors and the Commission are committed to actively seeking the expert views of stakeholders, and to ensuring a comprehensive and inclusive process of consultation with civil society.

In addition, the Commission is regularly consulting civil society, including non-governmental organisations (NGOs) with relevant experience and particular interest in trade policy, on its policy. This dialogue is an important element in the process of formulating trade policy.

(2004/C 33 E/084)

WRITTEN QUESTION E-0852/03

by Christos Folias (PPE-DE) to the Commission

(20 March 2003)

Subject: Public supply contracts

Article 7(2) of Greek law 2955/2002 authorises the supply of products in the absence of estimates regarding annual requirements or procedures for the awarding of contracts. It does not provide for any means of establishing which product is the most suitable for patients and allows prices to be set arbitrarily

at the highest level thereby limiting competition. Similarly Joint Ministerial Decision DG6a/GP/73754/24-7-7-02(Official Gazette 984/31/7-02) implementing the above law is not based on any technical specifications, observing that no comparison is possible as, more specifically, that entire categories of products cannot be compared with each other, on the principle that, by definition, all manufacturers produce items which cannot be compared with those produced by any other manufacturer. It also fails to stipulate procedures for the according of public supply contracts or require estimation of annual requirements to be drawn up specifying either exact content or quality, leaving matters to the discretion of the body concerned.

Is Greek Law 2955/2002, together with the Ministerial Decision implementing it, in accordance with EU legislation in this field and more specifically Directive 93/36/EEC⁽¹⁾. If not, what measures will the Commission take to ensure that Greece fully complies with the directive and when?

⁽¹⁾ OJ L 199, 9.8.1993.

**Supplementary answer
given by Mr Bolkestein on behalf of the Commission**

(31 July 2003)

The Commission has in fact obtained Greek law No 2955/2001, and the Ministerial Decision implementing that law⁽¹⁾. After an initial examination, it appears that these provisions might not comply with the requirements of Directive 93/36/EEC⁽²⁾.

The Commission has just received a complaint about the same matter, which seems to give a more comprehensive description of the way in which the Greek legislation applies to hospital supplies.

The Commission will examine the bulky documents it has received on this matter and, in dealing with this complaint, will contact the Greek authorities to obtain their point of view both on the allegations made by the complainant and on the Commission's analysis of this case.

⁽¹⁾ DY6a/GP/73754/24-7-02/FEK 984/31-7-02.

⁽²⁾ Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, OJ L 199, 9.8.1993.

(2004/C 33 E/085)

WRITTEN QUESTION E-0905/03

by José Ribeiro e Castro (UEN) to the Commission

(24 March 2003)

Subject: Romania — access to the Securitate archives

In a report televised on 11 March 2003 the Euronews channel announced the Romanian Government's recent decision to stop the public from gaining access to the files of the former secret police, the Securitate. It seems that the new Romanian information service has made access difficult. The government also proposes dismantling the National Council for the Study of the Securitate Archives (CNSAS — Consiliul National de Studiere a Arhivelor Securitatii) set up three years ago.

According to the same source around 3 000 people demonstrated in front of the Romanian Parliament to protest against these measures.