

sites has gone hand in hand with a detailed discussion of management measures with owners and users, while in others there has been virtually no consultation of interested parties. This has caused much controversy in some Member States, prompting a series of administrative and legal difficulties which have delayed the submission of proposals.

It should nonetheless be noted that landowners and local representatives inevitably consider the local interests of a site, or even interests not directly related to the conservation of habitats. Community lists, on the other hand, are compiled with an eye to the European conservation interest, which may be different from the local interest. It falls primarily to the authorities of the Member States to strike a balance between what are sometimes divergent interests. The Commission, meanwhile, is obliged by Directive 92/43/EC to refer solely to the criteria specified in that Directive.

(¹) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992.

(2004/C 58 E/181)

WRITTEN QUESTION E-2417/03

by Esko Seppänen (GUE/NGL) to the Commission

(21 July 2003)

Subject: Banning the use of tar

There has been a big debate in the Finnish media concerning a matter which as far as I know does not even fall within the Commission's competence. It has been alleged that the Commission is banning the use of tar. Tar is a natural product which at one time was an important source of prosperity and wellbeing for many people in Finland and which is prepared using long-standing traditional methods. On what grounds does the Commission propose to ban the use of tar for any purpose (including caulking boats, etc.) and what is the legal basis for the proposed ban?

Answer given by Mrs Wallström on behalf of the Commission

(11 September 2003)

The Commission would like to draw the attention of the Honourable Member to the fact that there are different types of tar including coal tar and wood tar, which are produced by distillation of coal and wood respectively. It is therefore, strictly speaking, not correct to refer to them as natural products. In addition, it is well known that tars contain a large number of very dangerous substances, in particular carcinogenic substances, such as polycyclic aromatic hydrocarbons (PAH).

In his question, the Honourable Member is probably referring to wood tar, and more specifically pine tar, which is produced by dry distillation of pine wood and is used for the purpose of wood preservation.

Wood preservatives are regulated by Directive 98/8/EC of the Parliament and the Council of 16 February 1998 on the placing of biocidal products on the market (¹). Among other things, the Directive establishes that only authorised biocidal products may be placed on the market and used and that only products containing active substances listed in Annex I or IA of the Directive can be authorised. For an active substance to be listed, a comprehensive dossier has to be submitted that allows the evaluation of all risks to human health and the environment posed by the substance.

The Directive foresees that during a 10-year transition period, all existing active substances (i.e. those already on the market in biocides at the date of entry into force of the Directive) will have to be evaluated with regard to their safety for human health and the environment. According to Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC (²), existing active substances had to be identified by 28 March 2002, and those which operators would like to have included in Annex I or IA of the Directive had to notify them by the same date. Altogether about 950 substances have been identified (among them also pine tar) and about 400 notified.

The Commission will soon adopt a Regulation that will contain the lists of identified and notified substances as well as the workplan for the submission of complete dossiers and their evaluation (for example, dossiers for wood preservatives will have to be submitted by 28 March 2004). The Standing Committee on Biocidal products gave a favourable opinion on the draft Regulation on 11 June 2003 and the Parliament has been duly informed of the draft text and the outcome of the vote.

Substances that have been notified can stay on the market until a decision on the acceptability of the risks to human health and the environment has been taken. For substances that have only been identified, no operator will submit a complete dossier and therefore their safety for human health or the environment cannot be evaluated. The Regulation will therefore lay down that such substances will have to be phased out within a period of grace of three years from adoption of the Regulation.

This will apply to all the 550 substances that have only been identified including pine tar. However, at any time a company or the authorities of Member States could produce a complete dossier that would allow the evaluation of the substance, which could lead to its inclusion into one of the Annexes of Directive 98/8/EC and its continued use, provided that all safety requirements of the Directive are fulfilled. The Finnish authorities have already raised the specific issue of pine tar in the framework of the implementation of the Directive and further information can be found on the Commission's website⁽³⁾ and the website of the Finnish authorities⁽⁴⁾.

⁽¹⁾ OJ L 123, 24.4.1998.

⁽²⁾ OJ L 228, 8.9.2000.

⁽³⁾ <http://europa.eu.int/comm/environment/biocides/manualofdecisions030618.pdf> (pages 27/28 of the document).

⁽⁴⁾ <http://www.ymparisto.fi/ympsuo/kemik/terva.htm>

(2004/C 58 E/182)

WRITTEN QUESTION E-2435/03

by Ilda Figueiredo (GUE/NGL) to the Commission

(22 July 2003)

Subject: Restrictions on the movement of heavy vehicles

More than 40 000 Portuguese professional drivers regularly cross various European Union countries in the course of their work for haulage companies transporting heavy goods.

There are a number of restrictions on the movement of heavy goods vehicles, as is the case in France, where vehicles weighing more than 3 500 kg are not permitted to travel on Sundays.

Without wishing to question the need to regulate the sector, particularly with regard to restrictions on movement, minimum rest periods and maximum working hours for drivers, there are exceptional situations which should be taken into account.

For example, a driver may be only a matter of minutes away from the border but is not able to cross it before the start of the ban, in which case he is obliged to remain there for 24 hours even though he is already on his way home.

Can the Commission say what measures it will take to regulate such situations, after hearing the social partners (business organisations and trade unions representing the sector) and the Member State legal authorities involved and taking account of the various interests in play?