

If so, is this because the Bratislava authorities wish to hinder close connections between southern Slovakia, with its Hungarian-speaking minority, and Hungary? Does the Commission consider such an attitude to be compatible with the spirit of a Europe without internal frontiers which is implicit in EU membership?

**Answer given by Mr Verheugen on behalf of the Commission**

(16 October 2003)

Concerning the decision of the Slovak Government on the construction of a motorway connecting Kosice to Bratislava, the Commission has taken note of the remarks of the Honourable Member. The Commission can only confirm that the above motorway as well as the road between Kosice and the Hungarian border have been identified as forming part of the trans-European transport (TEN-T) network and that the consequent priority that will be given to these routes has been agreed between Slovakia and the Union. Within this framework it is up to the national authorities to establish their own priorities and to propose projects for funding to the Commission.

(2004/C 88 E/0119)

**WRITTEN QUESTION E-2759/03**

**by Fernando Fernández Martín (PPE-DE) to the Commission**

(16 September 2003)

*Subject:* Method of calculating financial assistance to traditional ACP banana suppliers

As part of the technical and financial assistance measures for traditional ACP banana suppliers, the Commission determines the annual funding for each country by a method of calculation allowing for the 'competitiveness gap' between ACP recipient countries and third country banana suppliers and for the importance of banana production for the economy of the supplier concerned (Commission Regulation (EC) No 1609/1999<sup>(1)</sup>).

The Commission measures competitiveness according to the difference between the average cif (cost, insurance, and freight) price of third country bananas and the average price of bananas from each ACP country at the Union's frontiers. These figures, which are compiled by Eurostat, are obtained from the customs declarations of importers in the individual Member States. Unfortunately, however, they do not appear to correspond to any single definition, resulting in serious errors.

Even when the bananas come from the same place of origin, the cif price may vary widely in a given Member State, whereas in other Member States the cif price of all bananas is the same. Because there is no harmonisation, the Commission does not employ the proper tools to gauge the competitiveness of ACP banana suppliers, and the aid called for by the Council and Parliament is thus largely wasted.

Can the Commission explain what relationship is considered to exist between the market value of bananas and their competitiveness? Could not the competitiveness of bananas be gauged more accurately if production costs were taken into account? Can the Commission give an assurance that, instead of drawing inferences from the market price, it will measure the competitiveness of ACP bananas on the basis of a real cif (cost, insurance, and freight) price and do its utmost to put right the injustices that have been found to occur?

<sup>(1)</sup> OJ L 190, 23.7.1999, p. 14.

**Answer given by Mr Nielson on behalf of the Commission**

(21 October 2003)

As the Honourable Member correctly points out, the individual amounts allocated annually to each traditional African, Caribbean and Pacific (ACP) banana supplier are calculated in accordance with the criteria set out in Commission Regulation No 1609/99<sup>(1)</sup>. In particular, the Cost, Insurance and Freight (CIF) price as shown in Eurostat statistics is used as a benchmark to measure the competitiveness gap between ACP and Third Countries suppliers. Such figures — where they exist — are collected through the customs authorities of each Member State, in accordance with the values given in the declaration for release for free circulation. Since bananas are not subject to ad-valorem duties, the values are declared for

statistical and VAT purposes and are based upon the customs value, in accordance with the provisions set out in Article 9 of Commission Regulation No 1917/2000<sup>(2)</sup>. The possible variations in the statistical values registered in different Member States are in all likelihood due to variations in the relevant data available to administrations in the absence of CIF prices for the goods — indeed, when releasing the goods for free circulation, their actual price is not always available. Although efforts leading to a complete harmonisation should be pursued, the different practices are compatible with the provisions in force.

The Commission rejects the view that aid is 'largely wasted', given that the Commission applies the criteria in a uniform and fair manner.

As to the possible measurements of the competitiveness of bananas, it can well be argued that better measures than the CIF price could be found. The Honourable Member mentions production costs as the most suitable tool. However, when the Commission regulation was designed, no other data was found which would meet at once the requirements of availability, accountability, and comparability and this is still the case today.

(<sup>1</sup>) Commission Regulation (EC) No 1609/1999 of 22 July 1999 laying down the detailed rules for the implementation of Council Regulation (EC) No 856/1999 establishing a special framework of assistance to traditional ACP suppliers of bananas, OJ L 190, 23.7.1999.

(<sup>2</sup>) Commission Regulation (EC) No 1917/2000 of 7 September 2000 laying down certain provisions for the implementation of Council Regulation (EC) No 1172/95 as regards statistics on external trade, OJ L 229, 9.9.2000.

(2004/C 88 E/0120)

**WRITTEN QUESTION E-2775/03**

**by Jules Maaten (ELDR) to the Commission**

(16 September 2003)

*Subject:* Unlawful detention of an EU citizen in Thailand

1. Is the Commission aware that the Netherlands national Machiel Kuijt is still being held in detention despite having been acquitted by a Thai court of involvement in drugs smuggling?
2. Does the Commission agree that it is contrary to the principle of equality that an Italian fellow-suspect of Mr Kuijt's who has likewise been acquitted has, on the contrary, been allowed to leave Thailand pending an appeal? Does the Commission furthermore agree that it is undesirable for a friendly power to treat two EU citizens unequally?
3. Does the Commission agree that, in refusing to release Mr Kuijt on bail, the Thai authorities are failing to comply with their obligations under the International Covenant on Civil and Political Rights, to which Thailand has been a party since 1997?
4. Will the Commission raise the above issues with Thailand's representative to the EU?
5. Will the Commission consider sanctions to convince the Thai authorities that further detention of Mr Kuijt pending an appeal is a violation of international treaties? If so, what sanctions?

**Answer given by Mr Patten on behalf of the Commission**

(16 October 2003)

The Commission, through its Delegation in Bangkok, has been following the case of Mr Machiel Kuijt in Thailand.

In the Commission's view, the competence to intervene in Mr Kuijt's case lies primarily with the Dutch authorities.