

The Minors' Court in Venice issued two judgments awarding custody to the father Paolo Pozza. The court in Poznan subsequently also issued 19 judgments in favour of the father, establishing that the children should return to Italy and repeatedly stressing the father's right to visit them, which Karolina Paetz has never allowed.

The children's return to Italy is each time thwarted by information, probably leaked by the Polish authorities, telling Ms Paetz the date laid down by the courts and enabling her to avoid complying with the injunction.

Does the Commission not consider that Poland — a signatory to the Hague Convention on the repatriation of minors and the Luxembourg Convention on the recognition and enforcement of decisions issued in other countries — is in this case committing a serious violation of universally accepted legal provisions and thereby a serious infringement of the general principles of Community law and human rights?

Answer given by Mr Vitorino on behalf of the Commission

(17 September 2003)

The Commission is aware of the problem raised by the Honourable Member concerning the difficulties to enforce decisions ordering the return of wrongfully removed or retained children. However, the Commission informs the Honourable Member that neither the Hague Convention of 25 October 1980 on the civil aspects of international child abduction, nor the Luxembourg Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children is part of Community law. The Commission is therefore not competent for their monitoring or implementation.

Children's rights to maintain regular contacts with their parents is enshrined in Article 24 of the Charter of Fundamental Rights of the Union, which in turn has drawn inspiration from the 1989 United Nations Convention on the rights of the child. However, the Charter of Fundamental Rights is not applicable in the present case, as it is limited to the application of Community law.

There is currently no Community legislation on the issue of child abduction. However, the Commission would like to draw the attention of the Honourable Member to the draft Regulation on the jurisdiction, recognition and enforcement of judgements in matters of parental responsibility⁽¹⁾, which will be adopted within the next months. One of the main objectives of the future Regulation is to discourage parental child abduction within the European Community by ensuring that the courts of the Member State of the child's habitual residence before the abduction remain competent to take the final decision on custody. It will also complement and reinforce the application of the 1980 Hague Convention on international child abduction within the Community by imposing strict procedural rules to ensure the speedy return of the child.

⁽¹⁾ OJ C 203 E, 27.8.2002.

(2004/C 65 E/195)

WRITTEN QUESTION E-2577/03

by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: Reaction on the addition of glucose and carbon to slurry with a view to protecting agricultural soils against pollution and gaseous ammonia emissions

1. Is the Commission aware that a group of 100 stockbreeders in the Netherlands are adding a mixture of glucose and carbon called 'FIR' to the animal manure produced on their farms with a view to turning the slurry which they regard as toxic into a substance which may be used to fertilise their land without excessive emissions of gaseous ammonia into the atmosphere?

2. Is the Commission also aware that these farmers take the view that the method, in use since the early 1990s, of injecting slurry into the soil to prevent the emission of gaseous ammonia into the atmosphere results in the destruction of soil life in peat grazing areas so that earthworms no longer excrete a substance which promotes the intake of phosphates in plant roots?

3. Has the Commission been informed that, while Netherlands courts have found against those farmers on the grounds that they have been spreading fertiliser on their land instead of injecting it, they have not imposed any penalties because they take the view that this practice is in the interests of the environment?
4. To what extent are the provisions laid down by the EU and included in the Netherlands Decision on the use of fertilisers hampering increased lawful experimentation with the FIR method which seeks to establish whether or not this method merits closer consideration for peat areas?
5. What can the Commission do to promote, or remove hindrances to, experiments with the FIR method?

Source: The 22 July 2003 edition of NOVA, a programme on TV Nederland 3, a Dutch TV station

Answer given by Mrs Wallström on behalf of the Commission

(29 October 2003)

Agriculture is the major source of ammonia emissions to the atmosphere, which are among the pollutants causing the exceedance of critical loads for acidification and eutrophication.

Directive 2001/81/EC of 23 October 2001 of the Parliament and of the Council on national emission ceilings for certain atmospheric pollutants⁽¹⁾, requires that Member States prepare programmes of measures aimed at limiting the emission of acidifying and eutrophying pollutants in order not to exceed critical loads and levels and to improve the protection of the environment and human health. The ammonia emission ceilings per Member State to be attained by 2010 are listed in Annex I of the Directive.

The Directive does not, however, identify the specific measures to achieve the target, but leaves the responsibility to the Member States, which are required to define their programmes in relation to the level of reduction required. It should be stressed that a reduction of more than 40 % compared to 1990, as required in the case of the Netherlands, would imply the application of the whole set of measures for ammonia reduction, including specific measures to substantially reduce ammonia emission in the phase of manure landspreading.

Ammonia emission reduction is also part of the commitments for Parties (including all the Member States), which have signed the Gothenburg protocol of 1 December 1999 to the United Nations-Economic Commission for Europe (UN-ECE) Convention on long range transboundary air pollution to abate acidification, eutrophication and ozone. The Protocol contains a specific Annex (Annex IX) with the list of measures to reduce ammonia emission in agriculture, based on the extensive work of an expert panel from the different Parties participating in the Convention. In the case of manure land application, methods with a minimal efficiency of 30 % are required, including, therefore, manure injection.

On the general issue of the measures for emission reduction in intensive livestock rearing, including ammonia emission into the air, the Commission, in order to support the implementation of the IPPC Directive, (Council Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control⁽²⁾), in co-operation with the Member States, promoted the analysis of the practices in place and the identification of the best available techniques.

The Best Available Technique Reference Document (BREF) on intensive rearing of poultry and pigs, formally adopted in July 2003, lists the best available techniques to reduce emissions in housing, storage and spreading, as a result of an in depth work carried out by an expert panel, co-ordinated by the IPPC Bureau in Sevilla. Soil injection, is listed among the best available techniques to prevent ammonia emissions in the phase of spreading, with 80 % of reduction compared to the reference system (broadcasting).

On the basis of the above considerations it could be concluded that, at this stage of the knowledge, the technique of soil injection, if properly performed, is the most effective for ammonia emission reduction in the specific phase of animal manure application to land. However, the programmes of measures to reduce ammonia emission lie within the responsibility of Member States, which could rely on a broad series of measures, related to the different and subsequent phases of manure management: livestock housing, manure storage and spreading.

For land spreading, several alternative techniques are available in relation to crop type, expected ammonia reduction level, soil conditions and characteristics, and these can be adapted to the site, taking into account any sound scientific evidence on adverse effects of a given technique in a specific case.

On the issue of the use of additives for manure management, extensive scientific research has been carried out in order to assess their effectiveness in reducing ammonia and odour emission.

The Commission is aware of the results of the research. For instance, a recent review of a comprehensive network of experiments carried out by different research institutes on different types of additives to reduce ammonia and odour emission⁽³⁾ includes, inter alia, the results of experiments on the effects of labile carbon sources, such as glucose, as possible acidifying agents. These sources, inducing a pH reduction in slurry through organic acid formation by anaerobic bacteria, could lead to a reduction of ammonia volatilisation, which is strictly pH dependent. The authors concluded that: 'currently, the quantity of substrate required to induce a significant pH decline makes this additive type uneconomic'. However, they remarked that: 'if the production of acid from glucose can be optimised ... it would offer an effective and safe means to prevent NH₃ volatilisation.'

In any case, the Commission would welcome any further scientific work carried on in individual Member States, on utilisation of additives for emission reduction, according to a sound and rigorous experimental design, capable of providing reliable results.

On the issue of additives to improve manure management it could also be recalled that the Commission (Directorate General Research), in the context of the European Co-operative Research Action for Technology (CRAFT) of the BRITE EURAM Programme, aimed at promoting technological innovation in small and medium sized enterprises through its research and technological development, has funded a pilot project on additives for reduction of ammonia and odour emission from livestock manure (RAPID-QLK5-CT-2001-70429), which will be completed in December 2003.

⁽¹⁾ OJ L 309, 27.11.2001.

⁽²⁾ OJ L 257, 10.10.1996.

⁽³⁾ Mc Crory and Hobbs, JEQ, 2001.30: 345-355.

(2004/C 65 E/196)

WRITTEN QUESTION E-2583/03

by Graham Watson (ELDR) to the Commission

(8 August 2003)

Subject: Statute of European Schools

Does the Commission believe that the UK Government contracts for UK teachers at the European Schools in Brussels are in conformity with Article 12 of the Statute of the European schools to which all Member States are signatory?

What is the Commission's view of the recent rulings of the UK Employment Tribunal in this regard?

Answer given by Mr Kinnock on behalf of the Commission

(22 September 2003)

As the Honourable Member knows, the European Schools are governed by a specific intergovernmental Convention, the 'Convention defining the Statute of the European Schools' a revised version of which entered into force on 1 October 2002. Teaching staff seconded to the schools are subject to the 'Regulations for Members of the Seconded Staff of the European Schools' which became applicable from 1 September 2000, but they remain employed by the authorities of the seconding Member State.