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(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

WRITTEN QUESTION E-497/95
by Fausto Bertinotti (GUE/NGL)
to the Commission
(27 February 1995)
(96/C 91/01)

Subject: Protection of 'lesser kestrels' in the Matera rock faces ('Sassi')

The 'lesser kestrel', the only bird of its species to nest in colonies in urban areas, is dying out. The largest colony of such birds, in Matera rock faces (Italy), is seriously threatened.

Will the Commission state what measures it intends to take, in conjunction with the commune of Matera and/or the Basilicata region, to save the 'lesser kestrel'?

Supplementary answer given by Mrs Bjerregaard on behalf of the Commission
(15 December 1995)

The Commission has recently received information from the Italian authorities, which indicates that the species *Falco naumanni* is not decreasing in the area of Sassi at Matera. However, in view of the general decline of the species in its distribution range, an action plan for the conservation of this species was discussed at the meeting of the committee pursuant to Article 16 of the Birds Directive 79/409/EEC [1] on 12 December 1995, and will be discussed in the framework of the next meeting of the Standing Committee of the Bern Convention on the conservation of European wildlife and natural habitats.

[1] OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION E-950/95
by Nel van Dijk (V)
to the Commission
(31 March 1995)
(96/C 91/02)

Subject: Protection of hamsters in Limburg

The common hamster (*Cricetus cricetus*) has declined considerably, both in numbers and in distribution, in the Netherlands, according to a recent reply from the Minister for Agriculture, Nature Management and Fisheries to questions from four Members of the Lower House of the Netherlands Parliament (Written Questions of 19 January 1995 by the members Stellingwerf, Swildens-Rozendaal, Esselink and M. B. Vos, Minister's reply of 27 February 1995). Hitherto, no account has been taken of the hamster in land-development projects or physical planning and development, despite the fact that the EU's Habitats Directive (Directive 92/43/EC (Appendix IV)) [1] (hamsters are also protected under Appendix II to the Bern Convention, the Dutch Nature Conservancy Act and the Protected Indigenous Animal Species Decree) requires strict protection of hamster populations.

Will the Commission evaluate the following projects in the province of Limburg, which concern areas in, or close to, which hamster populations are known or suspected to exist, in the light of the strict protection requirement laid down in the Habitats Directive, or will it ascertain whether such evaluations are already being carried out, for example as part of environmental impact assessments:

— land development in Roerdal, Mergelland and Centraal Plateau, development of an industrial estate at Margraten, and the projected route of the A73 along the east bank of the Maas (Meuse), particularly around Roermond; the research consultants Natuurbalans of Nijmegen have shown that there are hamster populations in or near these areas;

— the projected East-West runway at Maastricht-Aachen Airport, against which the association Das & Boom has

brought legal proceedings because of the possible disturbance to hamster burrows [2];

— the proposed cross-border Aachen-Heerlen economic development area; Naturschutzbund Aachen [3] and Aktiegroep Industrieterrein Langveld [4] have already informed the Commission that this area is a hamster habitat.

What is the situation with regard to the protection of hamsters in their habitat in Germany on the border with Limburg?

What will the Commission do if its inquiries show that certain land development, infrastructure or construction projects in Limburg are damaging hamster burrows and/or destroying the species?

[1] OJ No L 206, 22. 7. 1992, p. 7.
[2] Milieudefensie (monthly magazine), March 1995.
[3] De Limburger, 10 January 1992.
[4] Report, 'Groeien aan de Grens?', Bocholtz, February 1995.

Supplementary answer given by Mrs Bjerregaard on behalf of the Commission

(1 December 1995)

Following its answer of 12 May 1995 [1] the Commission would like to offer the Honourable Member the following further information:

Article 12 of Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora provides that Member States take the requisite measures to establish a system of strict protection for the animal species listed in Annex IV(a) in their natural range, prohibiting *inter alia* the deliberate disturbance of these species and the deterioration or destruction of breeding sites or resting places. The hamster (*Cricetus cricetus*) is referred to in Annex IV(a).

The protection of the hamster in Dutch legislation is governed by the Natuurbeschermingswet, Article 22 of which provides for the designation of protected wild animal species. In the 'Besluit beschermde diersoorten' the hamster is so designated.

According to Article 16 of the 'habitat' Directive Member States may, under certain conditions, derogate from the provisions of Article 12.

The Commission is still waiting to hear from the Dutch authorities as to whether, in the presence of populations of this protected species, the various projects referred to by the Honourable Member must have a derogation; and if a derogation is required, whether one has been granted.

As for the A 73 motorway construction project, the Commission has been informed that there has been an environmental impact assessment for the project and that it does take account of the effects on the hamster population.

[1] OJ No C 179, 13. 7. 1995.

WRITTEN QUESTION E-1847/95
by Elly Plooij-van Gorsel (ELDR)
to the Commission
(3 July 1995)
(96/C 91/03)

Subject: Quota regulation for the appointment of handicapped workers in the European institutions

The answer I received to my Written Question E-1051/95 [1] on the appointment of handicapped workers in the European institutions was that no quota system existed for such employees, but that an inter-service working group had been established within the Commission to produce a code of practice on this subject.

1. Does such a code of practice mean that more handicapped people will in fact be appointed?

2. Why does the Commission not introduce a quota system for appointments to posts within the European institutions which gives preference to qualified handicapped employees?

3. Are records kept of the numbers of handicapped employees working for the various institutions? If so, what were the relevant percentages for Parliament, the Council and the Commission respectively for the years 1992, 1993 and 1994? Do these figures suggest that a quota system needs to be introduced?

[1] OJ No C 222, 28. 8. 1995, p. 35.

Supplementary answer given by Mr Liikanen on behalf of the Commission

(9 October 1995)

Further to its answer of 17 July 1995, the Commission is now able to provide the following additional information.

1. A code of practice for the employment of people with disabilities is in the course of preparation within the Commission. The code will emphasize the positive attitude that the Commission takes towards disability and its commitment to ensuring that all qualified European citizens should have an equal opportunity for employment in its service. It is therefore to be hoped that this will encourage more candidates to participate in the Commission's recruitment competitions.

2. To be qualified for nominations to a post in the Commission a person's name must figure on the reserve list of candidates successful in an open competition. The Commission takes all possible measures to enable disabled people to compete on equal terms with other candidates in its competitions and does its best to ensure that disabled candidates on the reserve lists are offered appropriate posts. However, the Commission does not consider it appropriate to reserve a specific number of posts for disabled people.

3. Within the Commission disabled people are not the subject of any specific statistical analysis and the situation in other institutions is not known. The Commission is therefore unfortunately not able to provide the Honourable Member with the information she requests.

WRITTEN QUESTION E-2177/95
by Ursula Schleicher (PPE)
to the Commission
(28 July 1995)
(96/C 91/04)

Subject: European water pollution control and the precautionary principle

The Treaty stipulates that environmental protection should be based on the precautionary principle. Nevertheless, the 1976 Directive (76/464/EEC)([1]) and the proposed IPPC Directive permit the discharge of certain substances whose impact on the environment is little known, if known at all. The International Conference on the Protection of the North Sea therefore called on the Commission to propose, in conjunction with legislation on chemicals, a timetable for assessing the risks posed by substances which adversely affect water quality. Annex VI of Directive 91/414/EEC([2]) concerning the placing of plant protection products on the market is intended, in the same way, to result in Community authorization criteria which take account of environmental impact. As the success of the 1976 Directive demonstrates, emission standards have been adopted for relatively few (17) List I substances in 20 years. A 12-year programme is planned for the authorization of plant protection products, although its start date has already been delayed by at least one year.

1. Is the 1976 approach and the approach embodied in the IPPC Directive actually in keeping with the precautionary principle laid down in Article 130s of the Treaty?

2. Does the precautionary principle not call for rigorous risk management, i.e. the prohibition of discharges of substances whose impact on the environment has not been adequately demonstrated on the basis of the European notification procedure?

3. What prospects does the Commission see for reaching agreement on such assessment procedures at a European level and recording the full range of environmental impact?

4. What place does ecotoxicological, and in particular long-term toxicological, research have in existing risk assessment procedures?

5. Is is not necessary in this field to improve coordination with the Community's policy on chemicals, i.e. the authorization/notification of new chemicals and the assessment of existing chemicals in order to harness synergy with a view to improving environmental protection in the Community?

([1]) OJ No L 129, 18. 5. 1976, p. 23.
([2]) OJ No L 230, 19. 8. 1991, p. 1.

Answer given by Mrs Bjerregaard
on behalf of the Commission
(1 December 1995)

The best efforts approach embodied in the Council common position on the proposed integrated pollution prevention and control Directive (IPPC), and in particular in its Article 8, is a direct application of the precautionary principle as laid down in Article 130s EC Treaty. It takes account of the fact that full information on the impact of a discharge from an IPP installation is not in general available, and that therefore control measures driven by best available techniques should be introduced.

The precautionary principle does call for risk management, but this is not the only consideration involved. Risk assessment is employed to reduce uncertainties in risk management, so that risk management is based on probable rather than potential effect. Indeed rigorous risk management should involve a characterization of the risk.

The Commission expects to reach agreement at Community level on revised risk assessment procedures for chemical substances. These are laid down in a very detailed technical guidance document (TGD) and elaborate principles already included in Community legislation (Directive 93/67/EEC, Regulation (EC) No 1488/94). However work is still needed on exposure assessment regarding the marine environment.

Risk assessment procedures allow rapid adjustment in case of new methodological developments with regard to any aspects of effect or exposure. Current revision of TGDs has introduced guidance for dealing with poorly soluble metal compounds and petroleum products. Further revisions are inevitable, but none are foreseen in the immediate future.

Existing coordination between Community work on water quality and risk assessment of new and existing chemicals provides for risk assessment of substances dangerous to

water. The conclusions may lead to new or revised controls regarding emissions to water.

WRITTEN QUESTION E-2178/95
by Ursula Schleicher (PPE)
to the Commission
(28 July 1995)
(96/C 91/05)

Subject: European water pollution control and water pollution

Many of our seas, rivers and lakes are undeniably polluted. 'Users' generally view the situation differently. Environmental legislation forces the authorities into the role of defenders of the environment. The key question concerns the definition and measurement of pollution. Using current methods of measurement and detection, it is possible to establish molecular concentrations of virtually any substance in the natural environment. This brings 'new' cases of pollution to light many of which are in fact 'old'.

1. How does the Commission assess the level of pollution of European waters, including inland waters, groundwater, coastal waters and seas?
2. What degree of comparability exists between the data obtained from the various measurements of water pollution in Europe?
3. Is the current level of monitoring of water pollution adequate and are the measurement programmes commensurate with the pollution problems, or are fresh approaches required?
4. Implementation of the current bathing water Directive shows that the cost of taking measurements is already too high for the Member States. How much effort should be extended on the taking of measurements and what limits, if any, are there?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(7 December 1995)

A number of Directives in the water sector have been adopted the last 20 years. When there is a reporting obligation, the Commission assesses the data received from the Member States in order to assess the level of pollution of European waters. These data allow the determination of general trends in the water pollution and where specific targets have been set within Directives, conclusions can also be drawn on the quality of the aquatic environment. Framework requirements for monitoring methods exist in legislation relating to the water sector and are required to be used as minimum standards by the Member States. The level of comparability of data across Member States is difficult to assess. The monitoring programmes in place are designed for the specific purpose of showing compliance with their respective Directives.

The bathing water Directive is a case in point. The Council adopted Directive 76/160/EEC concerning the quality of bathing water on 8 December 1975([1]). The aim of this Directive is to protect public health and the environment. In order to guarantee a high level of protection, a number of standards related to microbiological and physicochemical parameters must be respected and monitored, as laid out in the Annex of the Directive. By adopting this Directive, Member States accepted the monitoring obligations which are an integral part of the Directive.

There have been several advances in the field of monitoring methodology in the last decade, notably in the field of biomonitoring. It is the intention that the new approach proposed in the ecological quality of water Directive will exploit these (COM(93) 680 final)([2]).

([1]) OJ No L 31, 5. 2. 1976.
([2]) COM(93) 680 final — OJ No C 222, 10. 8. 1994.

WRITTEN QUESTION E-2199/95
by Ursula Schleicher (PPE)
to the Commission
(28 July 1995)
(96/C 91/06)

Subject: European water pollution control — proliferation of measures to monitor and/or improve implementation

Under Article 155 of the Treaty, the Commission must ensure that the Treaty is applied.

In environmental law, the Commission relies firstly on the content of Member States' legislation, the results of which are reported on annually to Parliament in the reports on the monitoring of the application of Community law.

Information and complaints to the Commission constitute a second source, and the future water reports based on the water questionnaires under Directive 91/692/EEC([1]), standardizing and rationalizing reports on the implementation of certain Directives relating to the environment are a third source, and any special reports called for by the Commission constitute the fourth source.

In the Fifth Environmental Action Programme, a separate chapter is given over the questions of transposition and implementation of EU legislation, in which eight points are set out by way of practical reform.

In addition, an advisory forum has been set up — a network of representatives of national authorities and of the

Commission dealing with the practical implementation of Community measures (Chester Network) — and, lastly, there is a group of senior officials at Director-General level which reviews environmental policy with representatives of the Commission and of the Member States.

1. Have these diverse measures led to an improvement in implementation of Community law?

2. Why has the Commission hitherto failed to submit the air questionnaire and the waste questionnaire under Directive 91/692/EEC and failed in the past to meet its obligations to report on the implementation of certain water Directives?

3. Is it practical to develop new rules on water if implementation of the existing water Directives cannot yet be sufficiently verified and evaluated and if the necessary basis for this will not be available until 1996 at the earliest, when the water questionnaires have been answered?

(1) OJ No L 377, 31. 12. 1991, p. 48.

Answer given by Mrs Bjerregaard on behalf of the Commission

(6 November 1995)

1. It is premature to assess whether the initiatives suggested in the fifth Community action programme of policy and action in relation to the environment and sustainable development(1) have already had a positive effect with regard to the implementation and enforcement of Community law.

2. With regard to the present situation concerning the implementation of Council Directive 91/692/EEC of 23 December 1991, standardizing and rationalizing reports on the implementation of certain Directives relating to the environment, the Commission has adopted and published Decisions 92/446/EEC(2) and 95/337/EC(3), concerning the questionnaires relating to Directives mentioned in Annexes I and II of the Directive (water sector), and Decision 94/741/EC(4), concerning the questionnaires relating to Directives mentioned in Annex VI to the Directive (waste sector).

The Commission decided not to adopt the questionnaires relating to Directives mentioned in Annexes III, IV and V (air sector), because it considered that some of these questionnaires had not been sufficiently discussed between the Commission and the Member States. In order to achieve a higher level of consensus and understanding with the Member States in the preparation of these questionnaires with a view to guaranteeing their efficiency, revised versions of the questionnaires concerned were submitted to the Member States and the Commission expects that these could be adopted in the near future, once the necessary discussions take place.

3. Under the EC Treaty, the Commission has the power of legislative initiative and is always mindful of the desirability of enhancing the quality of Community legislation and of adapting it where necessary in the light of experience and results, as Member States do with their own national legislation.

This legitimate vocation of the Commission should not be hampered for the reasons put forward by the Honourable Member. Furthermore, the Commission has gained experience in assessing the performance and efficiency of existing legislation over the course of the years. The reports which will be produced under Directive 91/692/EEC will be an additional and valuable information source on the implementation of the Directives concerned, but will not be the only such source.

(1) OJ No C 138, 17. 5. 1993.
(2) OJ No L 247, 27. 8. 1992.
(3) OJ No L 200, 24. 8. 1995.
(4) OJ No L 296, 17. 11. 1994.

WRITTEN QUESTION E-2359/95
by Peter Crampton (PSE)
to the Commission
(1 September 1995)
(96/C 91/07)

Subject: EU research funding — United Kingdom universities

How much has each UK University received from European Union research funds in the past five years?

Supplementary answer given by Mrs Cresson on behalf of the Commission

(5 December 1995)

Further to its answer of 14 September 1995, the Commission is now in a position to communicate its findings. The information has been obtained from various databases as there is no central computer system covering all the research programmes.

The details, consisting of several lengthy computer printouts, will be sent direct to the Honourable Member and the Parliament's Secretariat.

WRITTEN QUESTION E-2587/95
by Ben Fayot (PSE)
to the Commission
(27 September 1995)
(96/C 91/08)

Subject: Free movement of doctors: transmission of information between national authorities

Doctors are authorized to practise medicine in a Member State which is not their country of origin on the basis of diplomas, certificates of good conduct and judicial records supplied by the authorities of the doctor's country of origin.

However, subsequent to this authorization being granted, judicial inquiries may be instituted against a doctor, whether in his country of origin or in another Member State of the Union, or he may be barred from practice, without the host country knowing anything about it.

Such information is not forwarded to the host country's authorities. This means that a doctor barred from practising medicine in one country could continue to do so in another.

Is it not desirable, in the interests of the medical profession itself, to follow up freedom of movement for doctors with a system for the transmission of up-to-date information on disciplinary decisions, including a suspension or ban on medical practice between the competent authorities of the Member States?

Answer given by Mr Monti
on behalf of the Commission
(9 November 1995)

Council Directive 93/16/EEC of 5 April 1993 to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications [1] already contains provisions allowing the exchange of information regarding measures, disciplinary action and criminal penalties. Article 12(1) provides that

> 'Where, in a host Member State, provisions laid down by law, regulation or administrative action are in force laying down requirements as to good character or good repute including provisions for disciplinary action in respect of serious professional misconduct or conviction of criminal offences and relating to the pursuit of any of the activities of a doctor, the Member State of origin or the Member State from which the foreign national comes shall forward to the host Member State all necessary information regarding measures or disciplinary action of a professional or administrative nature taken in respect of the person concerned or criminal penalties imposed on him when pursuing his profession in the Member State of origin or in the Member State from which he came.'

[1] OJ No L 165, 7. 7. 1993.

WRITTEN QUESTION E-2642/95
by Gianni Tamino (V)
to the Commission
(2 October 1995)
(96/C 91/09)

Subject: Failure to carry out an environmental impact assessment for the Bolzano—Merano motorway (Italy)

The ANAS (the Italian National Motorways Association) has been working for the last few years on a four-lane motorway between Bolzano, the capital of the province of the same name, and Merano, the second most populous town in the province, 25 km from Bolzano. The building of the highway has been interrupted on several occasions by protests from peasant farmers whose land has been expropriated, proceedings brought by environmentalists and corruption scandals. In May this year the High Court of Le Acque granted an appeal by the WWF and ordered an immediate halt to the work. The initial work on the highway was begun before the authorities of the Autonomous Province of Bolzano, who have responsibility, had transposed a law on the environmental impact assessment (EIA) and the Provincial Council had not therefore deemed it necessary to carry out an EIA. However, following recent proceedings, it has emerged that an EIA was necessary, and the Provincial Council has made provision for an EIA relating to the section referred to in the judgment of the Le Acque Court in accordance with a special clause of the Provincial Law. Articles 8, 9 and 10 of this Law (Provincial Law No 27 of 7 July 1992) stipulate that, for certain projects, a simple opinion of the EIA committee, a body consisting of 13 members, 11 of whom are appointed by the Provincial Council, is enough. This 'short-cut' has been used in the case of the motorway in question, without an environmental impact assessment being carried out in accordance with the criteria set out in Directive 85/337/EEC [1].

Is the Commission aware of the above facts?

Does the Commission consider that a simple opinion by a government-appointed committee is sufficient to assess the environmental impact of a 25-km four-lane motorway, such as the planned link between Bolzano and Merano, even though the opinion applies only to a section of it?

If not, does the Commission intend to pursue the matter with the Italian authorities, as regards both this specific case and the substance of the Bolzano Provincial Law?

(1) OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mrs Bjerregaard on behalf of the Commission

(1 December 1995)

Such motorway construction is covered by point 7 of Annex I to Directive 85/337/EEC and must therefore undergo prior impact assessment in accordance with the Directive. The Italian Government has transposed Annex I to the Directive into national law.

As regards this particular case, the Italian authorities have been approached for further information. One question is whether project authorization was granted before or after Directive 85/337/EEC was transposed into Italian law.

The Commission will be sure to keep the Honourable Member informed of any further developments.

WRITTEN QUESTION E-2678/95
by Alexandros Alavanos (GUE/NGL)
to the Commission
(4 October 1995)
(96/C 91/10)

Subject: Research on the Mediterranean pine forest

The fires which once again ravaged Mount Pendelis and other areas of pine forest in Greece during the summer of 1995 highlight the need for an integrated, comprehensive policy to protect the Mediterranean pine forest, going beyond the normal preventive and repressive measures to include research.

Has the Commission taken any measures under the EU's research programmes and in assisting European research workers with such projects? If so, what are they?

Answer given by Mr Fischler on behalf of the Commission

(5 December 1995)

The Commission is particularly concerned by the serious problem posed by forest fires which seriously affect southern Member States.

Like the Honourable Member, it emphasizes the importance of integrated forest-protection policies in Member States, while pointing out that this matter is largely their responsibility. Nevertheless, the Council adopted a specific Community measure to protect forests from fire in 1986, which was strengthened in 1992, intended to give greater effect and consistency to action financed by Member States and the Community in this field.

Under the scheme, preventive measures by Member States in fire-hazard areas can be jointly financed. Since 1992, ECU 47 million has been allocated to preventive projects, on condition that they form part of national or regional fire-protection plans on which the Commission has delivered a favourable opinion.

Through the scheme, too, a Community information system on forest fires has been set up to study the causes of fire, evaluate protective action and promote the exchange of information, in close collaboration with the Standing Forestry Committee. The first report on the implementation of the system is to be published shortly.

The system is an important tool of Community and international cooperation for analysing the causes of fires and the development of new strategies for protecting forests from fire, which goes beyond the mere subsidiarity aspect of Community joint financing of national preventive measures.

The Standing Forestry Committee, which is made up of government-appointed experts, has from the outset called in representatives from agricultural organizations. It seems clear that many fires owe their origin to the massive changes in rural society. There are, furthermore, a number of Community measures which can help to enhance the farmer's key role in protecting the forests.

The agricultural organizations gave that role practical expression at a seminar held in late 1993 in Seville, which was attended for the first time not only by farmers' unions but also by delegates from the Standing Forestry Committee and representatives of the Commission and Parliament; those involved wish to continue this initiative, with an integrated approach to the problem together with rural operators.

A further seminar is under consideration for 1996 to continue work along the same lines.

A large number of preventive measures have also been included in regional development programmes and, in Spain and Greece, the Cohesion Fund.

Special effort has been directed towards forest fires as part of Community environmental research and development.

Multi-disciplinary research projects have been initiated under Epoch (European programme on climatology and natural hazards 1989—1992)([1]) and the programme on the environment (1991—1994)([2]), in order to encourage and coordinate research by subject teams in several European countries, often working in isolation. A Community contribution of about ECU 6,5 million has been made towards twelve projects involving 60 institutions in nine Member States; they are now in progress as part of the environment programme.

These projects address the modelling of fire behaviour in specifically Mediterranean conditions, the effects of fires on soil and vegetation, with particular importance attaching to the role of the forest as a dynamic system, and the integration of technological decision-making aids for the prevention and fighting of fires. The results are expected to lead to an improvement in fire prevention and fire-watching systems and provide a scientific basis for implementing policies to protect forests from fire.

The work continues as part of the fourth framework programme of Community R&D activities (1994—1998)([3]) and, with more particular emphasis, as part of the environment and climate programme (1994—1998)([4]). The first call for proposals under the latter programme closed on 27 April and has led to another four projects being proposed for financing by the Commission in this field.

([1]) OJ No L 359, 8. 12. 1989.
([2]) OJ No L 192, 16. 7. 1991.
([3]) OJ No L 126, 18. 5. 1994.
([4]) OJ No L 361, 31. 12. 1994.

WRITTEN QUESTION E-2717/95
by Gerardo Fernández-Albor (PPE)
to the Commission
(6 October 1995)
(96/C 91/11)

Subject: Compatibility with Community provisions on freedom of competition of national regulations on the opening of pharmacies

Almost the entire population of the Andalusian village of Campocámara, Spain, recently organized a popular protest, which included blocking local roads, to demand that a pharmacy be opened in the village, on the ground that the nearest pharmacy is 17 kilometres away. This situation must surely raise questions about the legitimacy of the rules laid down by the Spanish Pharmacists' Association, which prohibit the opening of pharmacies in localities with less than 5 000 inhabitants.

These regulations are insensitive to the fact that, in order to obtain any medicinal products urgently, a resident of this village has to travel 17 kilometres, which sometimes seriously endangers the life of the person in need of the medicine. The regulations also do not take account of the fact that eight unemployed pharmacists have applied to the local council for a licence to open a pharmacy in the village.

Can pharmaceutical regulations which prohibit the opening of pharmacies in places with less than 5 000 inhabitants, with a total disregard for the distances and other circumstances which may be faced by a human and social entity such as the above Andalusian village, be considered compatible with Community provisions on freedom of competition?

Answer given by Mr Van Miert
on behalf of the Commission
(11 December 1995)

The Commission considers that decisions of professional bodies which restrict competition fall within the scope of Article 85 of the EC Treaty, even if those decisions are taken within the framework of powers delegated by the Member State. The two decisions which it has adopted to date concerning the professions illustrate this principle (Decision of 30 June 1993([1]) and Decision of 30 January 1995([2])).

However, the decisions of the pharmacists' association to prohibit the opening of pharmacies in the Andalusian municipality of Campocámara and, more generally, in any municipality with fewer than 5 000 inhabitants, to which the Honourable Member refers in his question, are unlikely to have an appreciable effect on trade between Member States. Where no such effect is evident, Articles 85 and 86 are inapplicable.

As regards the right of establishment and, in particular, the application of Article 52 of the EC Treaty, under the second recital of Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by law, regulation or administrative action in respect of certain activities in the field of pharmacy([3]), the geographical distribution of pharmacies and the monopoly of the supply of medicinal products continue to be matters for the Member States. As long as they are applied in a non-discriminatory manner, therefore, measures such as those in the case in point are not incompatible with the principle of freedom of establishment.

([1]) OJ No L 203, 13. 8. 1993.
([2]) OJ No L 122, 2. 6. 1995.
([3]) OJ No L 253, 24. 9. 1985.

WRITTEN QUESTION E-2724/95

by Guido Podestà (UPE), Claudio Azzolini (UPE), Giancarlo Ligabue (UPE), Luigi Caligaris (UPE) and Gian Boniperti (UPE)

to the Commission

(6 October 1995)

(96/C 91/12)

Subject: 1995 action plan for advanced television services

In 1995 the Commission issued an invitation to tender for the allocation of funding to operators of broadcasting networks which intend to broadcast advanced type television programmes in 16:9 format. The scheme was also accompanied by special incentives to promote the production and broadcasting of programmes in 16:9 format in those European Union Member States where the market has not yet developed (Italy, Denmark, Greece and Ireland), with the percentage of expenditure reimbursed being increased from 50 % to 80 %. Italy has submitted four projects, with financing applications of 250 hours, 200 hours, 600 hours and 62 hours respectively. Following an initial technical study, only the first of these applications was accepted in full, thereby being admitted to 'pre-selection' for the financing of 250 of the 20 000 broadcasting hours eligible throughout Europe. The project, which was submitted through the Syntesia consortium, has been promoted by the publishers of four of the leading daily newspapers in the south of Italy: La Gazzetta del Mezzogiorno, La Gazzetta del Sud, La Sicilia and Il Giornale di Sicilia. However, inexplicably despite Italy's initial inclusion amongst those eligible, no funding was subsequently awarded to the Syntesia consortium's project.

Can the Commission therefore state:

1. what criteria are used in the assessment and selection of projects?

2. why, despite the initial pre-selection, the Syntesia project (and hence Italy) was excluded from the final phase of allocating financing under the 1995 action plan?

3. why it did not reconvene the committee of experts before sending the definitive letter on the allocation of financing?

WRITTEN QUESTION E-2736/95

by Salvatore Tatarella (NI)

to the Commission

(6 October 1995)

(96/C 91/13)

Subject: The projects submitted by the Syntesia Consortium

Can the Commission state the reasons why the projects submitted by the Syntesia Consortium and the Editoriale San Marco group under the 1995 action plan for the introduction of advanced television services have not been approved, given that the two projects had been admitted to the pre-selection stage as they broadly fulfilled the technical and economic/financial requirements stipulated under the plan, that five broadcasting companies from the south of Italy (the Apulian company Antenna Sud and the Sicilian company Antenna Sicilia as well as RTP, Tele Etna and TGS) and the publishers of leading daily newspapers in the south of Italy (La Gazzetta del Mezzogiorno, La Sicilia, Il Giornale di Sicilia and La Gazzetta del Sud) form part of the Syntesia Consortium and that the Veneto broadcasting company Telenuovo Veronese and major enterprises from the Veneto region (Benetton, Coin, Stefanel, Riello and Tognana) form part of the Editoriale San Marco group?

As the exclusion of the two Italian projects is heavily penalizing Italy, one of the countries promoting and financing the action plan, is failing to guarantee a fair distribution between the Member States and is encouraging the creation of cartels, including amongst the different entities, can the Commission explain why the projects were not approved?

WRITTEN QUESTION E-2754/95

by Gianfranco Dell'Alba (ARE)

to the Commission

(12 October 1995)

(96/C 91/14)

Subject: 1995 action plan for advanced television services

In 1995 the Commission issued an invitation to tender for the allocation of funding to operators of broadcasting networks which intend to broadcast advanced type television programmes in 16:9 format. The scheme was also accompanied by special incentives to promote the production and broadcasting of programmes in 16:9 format in those European Union Member States where the market has not yet developed (Italy, Denmark, Greece and Ireland), with the percentage of expenditure reimbursed being increased from 50 % to 80 %. Italy has submitted four projects, with financing applications of 250 hours, 200 hours, 600 hours and 62 hours respectively. Following an initial technical study, only the first of these applications was accepted in full, thereby being admitted to 'pre-selection' for the financing of 250 of the 20 000 broacasting hours eligible throughout Europe. The project, which was submitted through the Syntesia consortium, has been promoted by the publishers of four of the leading daily newspapers in the south of Italy: La Gazzetta del Mezzogiorno, La Gazzetta del Sud, La Sicilia and Il Giornale di Sicilia. However, inexplicably despite Italy's initial inclusion amongst those eligible, no funding was subsequently awarded to the Syntesia consortium's project.

Can the Commission therefore state:

1. what criteria are used in the assessment and selection of projects?

2. why, despite the initial pre-selection, the Syntesia project (and hence Italy) was excluded from the final phase of allocating financing under the 1995 action plan?

3. why it did not reconvene the committee of experts before sending the definitive letter on the allocation of financing?

Joint answer to Written Questions E-2724/95, E-2736/95 and E-2754/95 given by Mr Bangemann on behalf of the Commission

(14 December 1995)

The Commission would refer the Honourable Members to its answer to Written Question P-2649/95 by Mrs Marin [1] covering most of the concerns expressed.

In order to be complete, the Commission would add the following information:

1. The criteria used by the external independent evaluator contracted by the Commission are strictly those set out in Council Decision 93/424/EEC of 22 July 1993 on an action plan for the introduction of advanced television services in Europe [2].

2. The highest score achieved by any Italian project in the independent evaluation was 'Proposal showing major weaknesses requiring major modifications before it could be accepted'.

   Despite the low quality of the projects evident from the written proposals, the Commission nonetheless welcomed the interest shown in wide-screen television by these small Italian broadcasters. It was in marked contrast to the indifference of the Italian national channels. The Commission was very aware of the potential of these projects for offering wide-screen to the Italian public at local level.

   The Commission was specifically concerned that the written projects were incomplete in many respects. Therefore, a representative of the Commission visited the companies to seek clarification of the proposals and to make a direct assessment of the strengths of the proponents themselves. As a result, the Commission is now convinced of the high technical capacity and financial soundness of the applicants; however the proposals could nevertheless not be retained as submitted.

3. The members of the committee were kept informed throughout the process.

The Commission maintains regular contacts with applicants with a view to explain in detail what are the requirements. They should, as a consequence be in a position to submit a better response to further calls, should they wish to do so.

[1] OJ No C 340, 18. 12. 1995.
[2] OJ No L 196, 5. 8. 1993.

WRITTEN QUESTION E-2735/95
by Cristiana Muscardini (NI)
to the Commission
(6 October 1995)
(96/C 91/15)

Subject: Projects posing environmental risks in the Ticino national park

In its reply to Written Question E-1377/95 [1] on environmental risks caused by oil drilling in the Ticino national park, the Commission said that it had

> 'asked the Italian authorities for more details concerning this project and whether it will be subject to an environmental impact assessment'.

1. Has the Commission received the additional details requested?

2. Has the project been subject to an environmental impact assessment?

3. Has the park been included in the list of sites pre-selected as future special areas of conservation within the meaning of Directive 92/43/EEC [2]?

4. Is the Commission in a position to make its own assessment, through the Ispra research centre, of whether the threatened drilling operations genuinely represent a risk for local inhabitants and the environment, as claimed by the local authorities?

[1] OJ No C 230, 4. 9. 1995, p. 38.
[2] OJ No L 206, 22. 7. 1992, p. 7.

Answer given by Mrs Bjerregaard on behalf of the Commission

(30 November 1995)

According to information received by the Commission from the Italian authorities, the Trecate Villafortuna oil field which straddles the Piedmont and Lombardy regions was discovered by the company Agip in 1984 and came on stream in 1988. So far, 27 wells have been drilled, some of them in the Ticino regional park.

Oil extraction projects are covered by Annex II to Directive 85/337/EEC(1). As regards projects involving exploration for and production of hydrocarbons, Law No 9 of 9 January 1991 lays down that they are subject to an environmental impact assessment. The provisions governing the environmental impact assessment for projects involving exploration for and extraction of hydrocarbons were published by Presidential Decree (DPR) No 526 of 18 April 1994.

As the oil field in question entered into production before the adoption of these laws or regulations, it was not the subject of an environmental impact assessment.

The activities carried out in the Ticino park have been regulated by an agreement between Agip and the park authorities.

As regards the new Villafortuna 14x well, the granting of prospecting, exploration and extraction permits is subject, under DPR 526/94, to the presentation of environmental impact studies followed by a declaration of environmental compatibility from the Environment Ministry. Article 9 of DPR 526/94 also lays down that hydrocarbon prospecting, exploration and extraction activities in natural areas which are protected or subject to certain safeguards may be the subject of ad hoc agreements between the authorities or bodies responsible for the management of those areas.

The Italian authorities have communicated the list (but not the plans) of the sites proposed as sites of Community importance within the meaning of Directive 92/43/EEC. The Ticino Valley natural park is apparently included in this list. However, pending receipt of the plans of the site, the Commission is unable at present to establish whether the whole area has been included or only a part thereof.

Article 6 of Directive 92/43/EEC applies to sites of Community importance thus designated. Under this Article, plans and projects which could have a significant impact on those sites must be the subject of an assessment of the effects they will have. In certain specific cases, compensatory measures must be taken.

The Commission has asked the Italian authorities for the necessary information concerning the location of drilling activities in relation to the sites proposed under Directive 92/43/EEC.

The national authorities, not the Commission, are responsible for assessing the effects that projects of this nature might have on the environment and on the population.

(1) OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION E-2752/95

by Maria Aglietta (V) and Renzo Imbeni (PSE)

to the Commission

(12 October 1995)

(96/C 91/16)

Subject: Homeopathic medicines in Italy

In view of the fact that:

over 4 million Italians regularly use homeopathic medicines, and this number is constantly on the increase,

it is necessary to ensure freedom of access to this medical and therapeutic treatment in respect of which the European Union issued a specific Directive in 1992,

the Italian Parliament transposed Directive 92/73/EEC(1) laying down specific provisions on the production of and trade in homeopathic medicinal products into Article 25 of Community Delegated Law No 146/94,

instead of enforcing the provisions laid down by Parliament, the Italian Government, in Legislative Decree No 185/95, while formally instituting the committee responsible for setting specific standards in line with the tradition of Italian homeopathic medicine for the authorizing of homeopathic medicinal products, has in fact deprived it of any decision-making power and made it impossible in practice to authorize the vast majority of homeopathic medicinal products available as at 31 December 1992,

the abovementioned Legislative Decree No 185/95 has also made those homeopathic medicinal products on the market before 31 December 1992 subject to the same new authorization procedure as that which applies to conventional pharmaceutical products, thereby overturning the provisions of the Delegated Law which conferred automatic authorization on the homeopathic products in question,

1. Does the Commission not consider that the Italian Government's action constitutes an infringement of Community law which could mean that Italian citizens will be prevented from obtaining new supplies of the homeopathic medicinal products currently on the market in Italy?

2. Does it not consider that the rights of consumers, who will thereby be forced to look abroad for products previously available in Italy, are being infringed?

3. Does it not believe that this law infringes the rules of free competition by causing serious difficulties for Italian producers and distributors of homeopathic medicinal products?

4. What representations does the Commission intend to make to the Italian Government to prevent such infringements?

(1) OJ No L 297, 13. 10. 1992, p. 8.

Answer given by Mr Bangemann on behalf of the Commission

(13 December 1995)

1. Italy has established the two procedures laid down in Article 7 and 9 of Directive 92/73/EEC widening the scope of Directive 65/65/EEC and 75/319/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products and laying down additional provisions on homeopathic medicinal products, and has thereby complied with the requirements of that Directive.

2. Directive 92/73/EEC does not provide that Member States shall apply the principles laid down in the Directive for homeopathics already on the market prior to 31 December 1993. However Member States are not prevented form doing so on voluntary basis.

3. The Italian legislation implementing Directive 92/73/EEC applies to homeopathic medicinal products irrespective of whether they are produced in Italy or in other Member States. Italian producers and distributors of homeopathic medicinal products are therefore in the same position as those established in other Member States.

4. The Commission has initiated a study on the application of Directive 92/73/EEC, the result of which will be presented to the Council and the Parliament in due course. If this report shows that a Member State has misinterpreted or incorrectly implemented the Directive, the Commission will take appropriate steps.

WRITTEN QUESTION E-2792/95
by Alexandros Alavanos (GUE/NGL)
to the Commission
(16 October 1995)
(96/C 91/17)

Subject: Problems due to the establishment of a fish farm in the municipality of Chalkia in Aitoloakarnania

The Greek authorities are issuing undertakings with permits to set up fish farms, without having consulted the local authorities and this has generated considerable friction.

For instance, in the touristic region of Vassiliki in the municipality of Chalkia in Aitoloakarnania a meeting of local inhabitants unanimously opposed a plan to set up a fish farm in the Bay of Kostika which had previously been authorized by the Greek authorities.

The inhabitants point to the touristic nature of the Bay, the environmental consequences which the establishment of a fish farm may have in the long term on the shallow waters of the Bay and the problems this project would pose for traditional fishing.

Will the Commission say:

1. Has an environmental impact study been approved in connection with the establishment of the fish farm in question?

2. How does it view the fact that the authorities have given authorization for a fish farm, without notifying the local authorities of the environmental impact study?

3. Does a general study exist determining which regions which are suitable locations for fish farms in Aitoloakarnania, taking into account water quality, among other factors, given that there are already 11 fish farms in this region and that investors in other sectors, such as tourism, are unsure whether to invest in the region or not?

Answer given by Mrs Bonino on behalf of the Commission

(21 December 1995)

1. Since the adoption of Regulation (EEC) No 2080/93 establishing the financial instrument for fisheries guidance (FIFG) [1], the selection of individual fish farm investment projects has been a matter for the Member States. National authorities take part in the authorization procedure for the establishment of new farms and the Commission is informed of the outcome through the monitoring committee of the operational fisheries programme. All activities financed by the Structural Funds and the FIFG must comply with Community policies, including those on environmental protection, pursuant to Article 7 of Regulation (EEC) No 2052/88 [2].

The Commission consulted the Greek authorities about the new fish farm referred to by the Honourable Member and was told that:

— the farm in question is not in receipt of Community or national aid;

— the project has been approved by the Greek authorities.

2. As regards the environmental impact study, the only type of fish farming referred to by Directive (EEC) No 85/337 [3] is the breeding of salmonids, which is covered by Annex II (projects subject to an assessment where

Member States consider that their characteristics so require). The Directive stipulates that such an assessment should include consultation of the public, whose views must be taken into consideration before granting authorization. The form this consultation procedures takes is up to the Member States. The Greek authorities tell us that in this case, such a procedure was carried out in accordance with Greek environmental laws.

3. The Greek authorities have informed the Commission that there is no general study to decide which activities (such as fish farming or tourism) marine waters in the region should be used for.

(1) OJ No L 193, 31. 7. 1993.
(2) OJ No L 185, 15. 7. 1988.
(3) OJ No L 175, 5. 7. 1985.

WRITTEN QUESTION E-2800/95

by Glyn Ford (PSE)

to the Commission

(16 October 1995)

(96/C 91/18)

Subject: ERDF funding

What ERDF monies have been given to Toulon, Marignane and Orange (France) over each year for the past five years?

How does the Commission intend to ensure in future that monies given to those towns are used in a non-discriminatory manner?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(6 December 1995)

The Honourable Member will find below a list of operations co-financed from Structural Funds to assist the communes of Marignane (Objective 2 and Envireg) and Toulon (Renaval) for the period 1989—1993, and the relevant amounts. Only individuals were eligible for projects financed as part of the European Mediterranean programmes (IMPs) in Orange (agricultural projects).

(FF)

	Total cost	ERDF contribution
Objective 2 and Envireg operations in Marignane		
— enlargement of the Palun treatment plant	8 500 000	2 249 400
— establishment fo a sewage system	950 000	237 500
— selective collection for paper and cardboard	297 685	98 235
— pilot operation concerning the environment	110 974	21 624
Total	9 858 659	2 606 759
Renaval Operations in Toulon		
— construction of a launching slip for the harbour	1 858 500	900 000
— restoration and improvement of an old building	15 620 950	4 600 000
— landscaping of derelict industrial land	520 650	260 325
Total	18 000 100	5 760 325

No operation was funded in 1994 in respect of the Objective 2 SPD 1994—1996 programming period, since the SPD was not adopted by the Commission until 9 December 1994.

As regards the operations submitted but not yet programmed, in Toulon they concern urban rehabilitation initiatives intended to revitalize trade in the town centre.

As for Marignane, no operation has been notified to date.

Note, for the record, that Orange is not eligible for aid from Structural Funds.

For the current and future programming periods, applying the principle of subsidiarity and in accordance with the Regulations governing Structural Funds, it is for the region's prefect, who is responsible for implementing Community programmes in France, to ensure that local authority projects for funding comply with the priorities jointly agreed and fulfil the selection criteria laid down in each measure.

The Objective 2 SPD (under which Toulon and Marignane are eligible) accords priority to:

— integrated development of undertakings to the almost exclusive advantage of the private sector (except in the case of the establishment of local authority-run business parks),

— development of the area's logistic infrastructure, mainly supported by the chambers of commerce,

— strengthening of the region's potential, which would allow funding of initiatives to exploit the areas's touristic and cultural potential as well as urban rehabilitation operations.

Under the above headings, the local authorities may put forward small-scale projects for equipment or infractructure; these will only be financed from Structural Funds (and from public funds in general) if they meet the selection criteria laid down in the SPD, and in particular if they ensure more efficient use of leisure facilities, including cultural ones, either for the benefit of the local population or to attract more tourists, or if they are for especially impoverished areas which are covered by programmed initiatives as part of central/local authority planning agreements.

It should therefore be clear that Structural Funds are applied in a non-discriminatory manner.

WRITTEN QUESTION E-2825/95

by Ilona Graenitz (PSE)

to the Commission

(16 October 1995)

(96/C 91/19)

Subject: Commission action plan to combat ground-level ozone

Was a debate held during the summer on Community-wide measures to combat ground-level ozone to ensure that discussion of the matter next summer does not remain on the same level?

Does the Commission have a proposal for an action plan to coordinate the measures of the individual Member States to combat precursors?

Answer given by Mrs Bjerregaard on behalf of the Commission

(7 December 1995)

The Commission is aware of the serious effects on health and vegetation of ozone pollution. This is reflected in two documents that it presented to the Environment Council at its meeting on 6 October 1995 on ozone pollution in Europe over 1994 as a whole and more specifically in the summer of 1995.

In September 1992, the Council adopted Directive 92/72/EEC [1] with the aim, among other things, of collecting sufficient information on ozone incidents. On the basis of this information and various studies, the Commission is developing an overall strategy for a reduction which it will propose under the said Directive by March 1988 at the latest. Given the urgency of the situation, the Commission will endeavour to complete this work before the scheduled date.

The Commission has already undertaken a whole series of studies and consultations which will lead to proposals for legislation further reducing emissions of substances encourating the formation of ozone, particularly nitrogen oxides (NO_x) and volatile organic compounds (VOC). Given that one of the main sources of emissions of precursors mentioned above is road traffic, the Commission will present by the end of 1995, on the basis of the results of the 'Auto-oil' programme, a proposal for a framework Directive on fuel quality and a proposal on new emission limits for vehicles. As regards this sector, the Commission recently adopted a proposal [2] on limit values for emissions from internal combustion engines to be installed in non-road mobile machinery such as machines used in the construction industry (lift trucks, bulldozers, hydraulic excavators, etc.).

Finally, as regards other sources of emissions of these precursors, the Commission will present to the Council in the course of 1996 an amended version of the Directive on large combustion plants.

Moreover, the Commission is studying a number of specific actions such as:

— a Directive to limit emissions of industrial solvents not covered by Community legislation;

— a Directive to limit emissions from small combustion plants.

Finally, the proposal for a Directive concerning integrated pollution prevention and control [3], which was the subject of an agreement on the common position in the Council of Environment Ministers on 22/23 June 1995, will constitute, together with the current legislation and the proposals mentioned above, an effective means of reducing significantly emissions of these pollutants into the atmosphere.

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[1] OJ No L 297, 13. 10. 1992.
[2] COM(95) 350, 6. 9. 1995.
[3] COM(95)88 — OJ No C 165, 1. 7. 1995, amending COM(93) 423 — OJ No C 311, 17. 11. 1993.

WRITTEN QUESTION E-2835/95

by Karl Schweitzer (NI)

to the Commission

(18 October 1995)

(96/C 91/20)

Subject: Hazardous domestic waste

Since the list of hazardous waste established by Council Decision 94/904/EC [1] had not been published at the time of

negotiations for the accession of the Republic of Austria to the European Union, Austria issued a unilateral declaration to the effect that, during the transitional period up to 31 December 1996, stipulated by Austria for implementation of the (EC) Regulation on shipments of waste (Council Regulation (EEC) No 259/93 [2]), the types of waste listed in the Austrian regulations on the definition of hazardous waste (BGBI 49/1991) and on harmful substances (BGBI 771/1991) should be classified as hazardous wastes in Austria. Although hazardous domestic wastes are regarded as harmful substances in Austria, neither are covered by Directive 91/689/EEC [3]. However, the Council should, on a proposal from the Commission, have drafted specific measures for domestic wastes by the end of 1992.

What proposals has the Commission made to the Council, pursuant to Article 1(5) of Directive 91/689/EEC on hazardous waste, for specific rules taking into consideration the particular nature of domestic waste, given that, under Austrian rules, certain harmful domestic substances are classified as hazardous waste?

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[1] OJ No L 356, 31. 12. 1994, p. 14.
[2] OJ No L 30, 6. 2. 1993, p. 1.
[3] OJ No L 377, 31. 12. 1991, p. 20.

Answer given by Mrs Bjerregaard on behalf of the Commission

(15 December 1995)

The Commission has not yet issued any proposals concerning hazardous domestic waste.

It intends to prepare a proposal in 1996.

WRITTEN QUESTION E-2839/95
by Mihail Papayannakis (GUE/NGL)
to the Commission
(18 October 1995)
(96/C 91/21)

Subject: Preservation of Mithimna Castle

Mithimna (Molivos) consists of a semi-circle of traditional listed buildings situated around a castle on the north-west coast of Lesbos. The castle, which forms part of the cultural heritage of Europe as a whole and not just an isolated community, is built on top of a cliff, the southern face of which has become dangerously unstable, which means that this wing of the castle is in imminent danger of collapse, thereby placing at risk the nearby houses and anyone in the vicinity. There are also problems with the restoration of the northern wing.

Given that Article 128 of the EU Treaty makes particular reference to the conservation and safeguarding of cultural heritage of European significance and in view of cultural measures taken by the EU, albeit of a subsidiary nature, given that the Member States have primary responsibility in this area:

1. Does Interreg II include 'shoring up and stabilizing the cliff beneath Molivos Castle' and what funds have been earmarked for this purpose?

2. Does the second CSF include funding for 'shoring up and restoring Molivos Castle' and how much?

3. How would the Commission respond to a request from the Greek authorities for funding from the Raphael programme, to be launched on 1 January 1996, for restoration work on Molivos Castle?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(5 December 1995)

The Commission shares the Honourable Member's opinion regarding the archaeological and cultural value and tourism potential of medieval castles. It has accordingly approved the inclusion of measure 1.2 (development of cultural heritage and tourist regions) in the 1994—1999 operational programme (OP) for the northern Aegean for a total cost of ECU 21,858 million. Operations covered by this measure include the restoration and tourism development of medieval castles in the northern Aegean. It will therefore be for the Greek authorities to implement the measure and propose, if they see fit, a project for the restoration and development of Mythimna castle on the island of Lesbos.

The Community initiative Interreg II includes a measure which provides for cultural heritage development in eligible regions. As with the northern Aegean OP, this measure can be considered only after the submittal of a proposal by the Greek authorities.

If the project in question meets the criteria and conditions specified in the Raphael programme, once this programme has been adopted the project could be considered by the Commission for financing under the 1996 budget provided it is not financed by other Community programmes.

WRITTEN QUESTION E-2848/95
by Philippe De Coene (PSE)
to the Commission
(18 October 1995)
(96/C 91/22)

Subject: Complaints concerning infringements of Directive 76/464/EEC

In its answer of 28 November 1991 to Written Question 1495/91 [1] by Mrs van Hemeldonck, the Commission announced that it was taking account of complaints concerning pollution of the aquatic environment by dangerous substances. What action has the Commission taken in response to complaints by a number of environmental organizations, including Greenpeace Belgium, concerning infringements of Directive 76/464/EEC [2] and related Directives? Why have none of these complaints yet resulted in infringement proceedings before the Court of Justice?

[1] OJ No C 78, 30. 3. 1992, p. 13.
[2] OJ No L 129, 18. 5. 1976, p. 23.

Answer given by Mrs Bjerregaard on behalf of the Commission
(7 December 1995)

It is the Commission's task to ensure that Community law is applied correctly. This role of guardian of the Treaties is conferred on it by Article 155 of the EC Treaty. In this connection, it is called upon to investigate complaints whereby individuals and non-governmental organizations draw its attention to possible infringements of Community law on the environment.

Where the Commission considers that there is sufficient evidence to make a reasonable presumption of an infringement of Community law, it then initiates the infringement procedure provided for in Article 169 of the EC Treaty. This procedure involves two stages: initially, a letter of formal notice is sent to the Member State concerned requesting its observations and, in the absence of a satisfactory reply within the specified time limit, the Commission delivers a reasoned opinion. If the Member State does not put an end to the situation complained of, the matter is referred to the Court of Justice for a ruling that the Member State in question has failed to fulfil its obligations. Depending on the technical and legal complexity of the case, it may be a lengthy process before the Commission is in a position to refer the matter to the Court of Justice.

On the specific question of Directive 76/464/EEC, the Commission is aware of the various problems encountered by Belgium in implementing its provisions. In particular it is very concerned about the application in practice of Article 7 of the Directive which provides for the adoption of programmes to reduce pollution. The Belgian authorities have moreover communicated the texts of various legal acts laying down the conditions governing discharges of waste water and quality objectives to be observed by various industrial sectors.

As regards the complaint to which the Honourable Member refers, it appears from information communicated to the Commission by the Belgian authorities that the discharges of pollutants by the enterprise in question are subject to emission standards laid down in the authorization to discharge. As the complaint in question touches on other less specific points, it has moreover been included in a general procedure which is under way. It is normal for a number of individual complaints to be brought together in a single procedure enabling general problems touched on by individual complaints to be examined.

WRITTEN QUESTION E-2851/95
by Philippe De Coene (PSE)
to the Commission
(18 October 1995)
(96/C 91/23)

Subject: Assessment of the implementation of Directive 76/464/EEC

In its reply of 28 November 1991 to Written Question No 1495/91 [1] by Mrs Van Hemeldonck, the Commission indicated that it intended to carry out a comparative assessment of the implementation of Directive 76/464/EEC [2] and each of the related specific Directives. Was this assessment carried out, and what were the findings?

[1] OJ No C 78, 30. 3. 1992, p. 13.
[2] OJ No L 129, 18. 5. 1976, p. 23.

Answer given by Mrs Bjerregaard on behalf of the Commission
(18 December 1995)

Article 13 of Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community requires Member States to supply the Commission with information concerning the implementation of the Directive.

To assess this information a first report entitled 'administrative structures and implementation of the Community Directives on the dangerous substances discharged into the aquatic environment' was completed in December 1993. This concluded that Directive 76/464/EEC and its daughter Directives (Directives 82/176/EEC [1]; 83/513/EEC [2]; 84/156/EEC [3]; 84/491/EEC [4] and 86/280/EEC [5]) have been transposed into Member States' legislation. This was carried out sequentially, reflecting both the historical development of the Directives themselves and the adaptation of Member States' Regulations and regulatory systems to the requirements of the Directives. Implementation of the Directives is still underway, in particular for those Directives most recently published and where changes in administrative competence have been required.

Two further reports are under way to assess the impact of the Directives on the quality of the main surface waters of the Community as affected by discharges of dangerous substances. The first, covering List I substances is expected at the beginning of 1996. The second, covering List II substances is expected at the end of the first quarter of 1996.

All three reports will be published and transmitted to the Parliament for information.

(1) OJ No L 81, 27. 3. 1982.
(2) OJ No L 291, 24. 10. 1983.
(3) OJ No L 74, 17. 3. 1984.
(4) OJ No L 274, 17. 10. 1984.
(5) OJ No L 181, 4. 7. 1986.

WRITTEN QUESTION E-2858/95

by Reimer Böge (PPE)

to the Commission

(18 October 1995)

(96/C 91/24)

Subject: 'Land' regulations on the use of bird decoys on the island of Föhr

Under Council Directive 79/409/EEC(1) on the conservation of wild birds, the use of decoys is prohibited (Article 8 and Annex IV(a)).

This provision has been transposed into German national law under paragraph 19(1)(5b) of the Federal Hunting Law.

Can the Commission confirm that bird decoys are also used in the Netherlands, France, Belgium, Denmark and the United Kingdom?

Can the Commission conform that, under Article 9(1) of the Directive, Member States may derogate from the above provision 'where there is no other satisfactory solution'?

Can the Commission also conform that, in accordance with the principle of subsidiarity, the Schleswig-Holstein Land regulation of 23 December 1994 is in accordance with Directive 70/409/EEC?

(1) OJ No L 103, 25. 4. 1979, p. 1.

Answer given by Mrs Bjerregaard on behalf of the Commission

(7 December 1995)

Article 8 of Council Directive 79/409/EEC stipulates that 'Member States shall prohibit the use of all means, arrangements or methods used for the large-scale or non-selective capture or killing of birds . . ., in particular the use of those listed in Annex IV (a)'. This Annex mentions *inter alia* snares and traps. The decoys referred to by the Honourable Member may be considered traps within the meaning of the Directive.

Pursuant to Article 9 of the Directive, Member States may derogate from this prohibition 'where there is no other satisfactory solution' and for the reasons and under the conditions listed explicitly in the Directive.

In this context, the Commission has no reason to believe that the Schleswig-Holstein Land Regulation of 23 December 1994 is not in accordance with Directive 79/409/EEC.

Derogations for the capture of birds, including with the aid of traps, have also been granted by other Member States. According to information received by the Commission, the countries concerned in recent years are Belgium, Denmark, France, the Netherlands, Spain and the United Kingdom. The most common derogations authorizing the use of cage traps relate to the capture of birds for scientific research purposes, to avoid air safety problems or to limit populations which could cause harm to other vulnerable species.

WRITTEN QUESTION E-2868/95

by Karl-Heinz Florenz (PPE)

to the Commission

(21 October 1995)

(96/C 91/25)

Subject: Approximation of provisions laid down by law, regulation or administrative action relating to veterinary medicinal products and laying down additional provisions on homeopathic veterinary medicinal products

Pursuant to Directive 92/74/EEC(1), the simplified authorization procedure does not apply to homeopathic veterinary medicinal products intended for animals from which foodstuffs are derived. It could therefore be argued that Article 7 of the Directive makes it virtually impossible to place new homeopathic products on the market and considerably more difficult to develop existing and new veterinary medicinal products. Does the Commission share this view and does it consider that the current legal situation needs to be changed?

(1) OJ No L 297, 13. 10. 1992, p. 12.

Answer given by Mr Bangemann on behalf of the Commission

(12 December 1995)

According to Article 7 of Directive 92/74/EEC, widening the scope of Directive 81/851/EEC on the approximation of provisions laid down by law, regulation or administrative action relating to veterinary medicinal products and laying

down additional provisions on homeopathic veterinary medicinal products, only homeopathic veterinary medicinal products which satisfy all of the conditions in this Article may be subject to a simplified registration procedure. One of these conditions is that the products are intended for administration to pet animals or exotic species the flesh or products of which are not intended for human consumption.

The Commission does not share the opinion that it is therefore virtually impossible to place new homeopathic products on the market. Instead, homeopathic veterinary medicinal products other than those referred to in Article 7 can be authorized in accordance with the provisions of Articles 5 to 15 and Articles 43 to 50 of Directive 81/851/EEC. Hence, the Commission does not see a need to change the current legal situation.

WRITTEN QUESTION E-2898/95
by Nikitas Kaklamanis (UPE)
to the Commission
(26 October 1995)
(96/C 91/26)

Subject: European Environment Agency

The procedure for recruiting management staff to the newly established European Environment Agency in Copenhagen raised a number of questions.

Why, in filling the 15 posts in accordance with Notice 94/C 303 A/02, was there no balanced geographical distribution (as there should be) and, in particular, why was no Greek selected when Greece may well suffer the most severe environmental problems?

Why, in filling post EEA/A/2/G (project manager), were the few candidates who were called for interview on 1 June 1995 not informed in writing of the results of their interview?

What are the qualifications of the candidate who was appointed to post EEA/A/2/G?

How was the sole Greek candidate invited to interview for the above post ruled out without even being informed, as he should have been, even though he holds two Ph.Ds. and is a full member of the New York Academy of Science?

Is it actually true that the letter informing the above candidate was lost in the post? Could a copy of the letter not be provided showing the relevant date and reference number?

What action will the Commission take to restore the credibility of the procedure used for recruiting staff to the new EEA — which in our view lacks transparency — and how will Greece be involved in EEA proceedings on a continuous basis?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(4 December 1995)

The European environment agency was granted legal autonomy by the Council Regulation (EEC) No 1210/90 [1] which established it. This means that the Commission does not have a responsibility for the Agency's recruitment procedures and therefore, as far as the details of the procedures and the individual case cited by the Honourable Member are concerned, the question has been passed to the executive director for a direct reply.

The Commission understands the concerns of the Honourable Member that Greece should be fully involved in the work of the Agency. It is for this reason that, in common with other Member States, Greece is represented on the management board of the Agency. It also has an active national focal point, nominated by the Greek Government, to assure a two-way information flow with the Agency and the building of a network of organisations which contribute to the data collection work and to the general projects of the Agency.

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[1] OJ No L 120, 11. 5. 1990.

WRITTEN QUESTION E-2918/95
by Undine-Uta Bloch von Blottnitz (V)
to the Commission
(26 October 1995)
(96/C 91/27)

Subject: Air transport of nuclear fuels

A technical working party of the International Atomic Energy Agency recently drew up new standards for the air transport of nuclear fuels. For the transport of MOX fuels, type B containers are still deemed adequate. US specifications have long stipulated much higher safety standards for transport containers used in air freight than those proposed by the IAEA. Prototypes tested in the USA have failed to meet approval standards.

1. Does the Commission take part in IAEA proceedings? If so, what positions does it represent and what objectives does it pursue?

2. What is the Commission's opinion of the decision to continue to allow MOX fuels to be air-freighted in type B containers?

3. What technical regulations are at present applicable in the EU to the air-freighting of nuclear fuels? How widespread is the air transport of plutonium or substances containing plutonium?

4. Does the EU support research projects relating to safety in the air-freighting of nuclear fuels? If so, which projects are these, and what progress has been made with them?

5. Is the Commission aware of the extent to which nuclear fuels are now being air-freighted in Europe? If so, what specific date can it provide?

Answer given by Mr Papoutsis on behalf of the Commission

(18 December 1995)

Research undertaken by the Commission in order to answer the question asked by the Honourable Member has revealed that the complexity of the subject makes it necessary to pursue more detailed investigations in some Member States (Belgium, Denmark, France and Spain). The Commission will inform the Honourable Member of the outcome of these investigations as soon as possible.

WRITTEN QUESTION E-2921/95
by Alexandros Alavanos (GUE/NGL)
to the Commission
(26 October 1995)
(96/C 91/28)

Subject: Bringing forward the closed fishing season in the Aegean

Trawler fishing in the Aegean is banned for four months, from June to September. It is thus allowed in May, a month during which fish reproduction takes place so that fish-fry are destroyed with far-reaching and catastrophic environmental consequences, and banned in September, when the reproduction period is over.

Will the Commission say whether, in the discussions being held at technical level on the harmonization of fisheries legislations, it has raised the question of bringing forward the closed season for trawlers by one month, so that it corresponds more precisely to the reproductive period of fish, since such a measure would contribute to the protection of the environment, and, if not, how does it consider that this problem can be adequately addressed?

Answer given by Mrs Bonino on behalf of the Commission

(19 December 1995)

The Commission has no plans to get involved in any change to date restrictions on trawling in the Aegean. Such restrictions are additional to the minimum requirements laid down by Regulation (EC) No 1626/94 of 27 June 1994 harmonizing certain technical measures for conserving fish stocks in the Mediterranean [1]. Greece, like other Member States in the region, can adopt or modify these measures in accordance with Article 1(2) of the Regulation provided that they remain in step with the relevant obligations set out in Article 14 of Regulation (EEC) No 3094/86 of 7 October 1986, which lays down certain technical measures for conserving fish stocks [2].

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[1] OJ No L 171, 6. 7. 1994.
[2] OJ No L 288, 11. 10. 1986.

WRITTEN QUESTION P-2948/95
by Alexandros Alavanos (GUE/NGL)
to the Commission
(24 October 1995)
(96/C 91/29)

Subject: New construction materials and protection of public health

A building had been constructed on a speedway through a built-up area of Athens whose external surface is entirely covered with materials that reflect sunlight. Neighbours have complained to the national authorities that they find the reflected solar radiation intolerable, that this building has had a devastating impact on the surrounding area and that the temperature in neighbouring buildings has risen to an unbearable level, which may have fatal consequences in the event of a heat wave. Furthermore, when neighbours open their windows they are blinded by the reflection of the sun, and they are concerned about possible ophthalmic damage they may suffer and also by other possible consequences of the radiation. Finally, they point out that the reflected sunlight increases the danger of road accidents as drivers are distracted.

Will the Commission say:

1. What action it intends to take to implement Articles 129 and 129a of the Treaty on the protection of public health and consumer protection?

2. Do any quality specifications exist regarding the external surfaces of buildings?

3. Since there are already many construction materials which are dangerous or are misused, such as the lead used in water pipes and the asbestos used in cement and bricks, and since the use of unsuitable construction methods is becoming more frequent, as in the present case or construction methods which lead to the accumulation of radon, does the Commission intend to intervene and specify which materials and construction methods are to be recommended, particularly in inhabited areas?

Answer given by Mr Bangemann on behalf of the Commission

(17 November 1995)

Construction products (ducting, cement, facade coatings) are regulated at Community level by Directive 89/106/EEC of 21 December 1988 [1] which provides, in particular, that the fitness of such products for use is judged by their suitability to be employed in works designed and built in such a way that they will not pose a threat to the hygiene or health of the occupants.

However, as became clear from the report by the 'Molitor' group of independent experts on the simplification of legislative and administrative procedures, the implementation of this Directive has encountered delays to the extent that harmonized standards for the products (including those mentioned by the Honourable Member) are not yet available.

The standardization work on which the Directive hinges is in progress, and will define the conditions for the approval of construction products at Community level.

The Directive also provides that, in the absence of such standards, it is the responsibility of the Member States to take whatever measures may be necessary, subject, of course, to conformity with the provisions of the EC Treaty and with the essential requirements of the Directive in question.

Moreover, the Commission wishes to stress that the determination of the fitness of products for use on the basis of Community standards does not mean that such products have to be used for all types of works. Building designers have a responsibility in this field, particularly if there are special circumstances involved, as seems to be the case in the matter reported by the Honourable Member.

[1] OJ No L 40, 11. 2. 1989.

WRITTEN QUESTION E-2949/95
by Konstadinos Klironomos (PSE)
to the Commission
(9 November 1995)
(96/C 91/30)

Subject: Transfrontier cooperation between the European Union and the Balkan countries

Following the entry into force on 13 October 1995 of the agreement signed in New York on 13 September 1995 between Greece and the former Yugoslav Republic of Macedonia, funds are needed to finance infrastructure projects and various transfrontier cooperation activities in the model of transfrontier cooperation between the European Union and Bulgaria, Albania and Cyprus, bearing in mind that the Interreg II appropriations for projects and actions in the above countries have already been exhausted.

Does the Commission intend to fund part of the necessary projects and actions that are needed in Greece, as part of transfrontier cooperation between the European Union and the former Yugoslav Republic of Macedonia?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(19 December 1995)

In the framework of the Community Structural Funds, all the credits for the period 1994—1999 have already been attributed. No overall increase can therefore be envisaged in the credits available for cross-border cooperation between Greece and its neighbours within the Interreg II Community initiative.

The Commission is prepared to support peaceful cooperation between Greece and the Former Yugoslav Republic of Macedonia and is identifying potential sources of funding, if possible within existing resources.

WRITTEN QUESTION E-2959/95
by Isidoro Sánchez García (ARE)
to the Commission
(9 November 1995)
(96/C 91/31)

Subject: Measuring system for liquid fuels

Directive 77/313/EEC [1] lays down in its Annex 1.1.1. a measuring system for liquids other than water comprised, in addition to the meter itself, all the equipment to ensure correct measuring of those liquids.

In the specific case of petroleum-derived liquid fuels:

When will the Commission lay down the technical characteristics of the equipment to be used for correctly measuring fuel delivered by road tankers?

Will the density of fuel supplied by road tanker use a reference temperature of 15 °C, as applies worldwide?

Will the ISO 91/1 tables apply for establishing volume at different temperatures and densities?

Does the Commission believe that paragraph 1.1.1. of Annex to Directive 77/313/EEC could be clarified by the following text:

'In order to guarantee the exact volume of petroleum-derived liquid fuel delivered by a road tanker, the latter must be furnished with the necessary equipment to establish the real volume of fuel supplied at a density equivalent to 15 °C; this equipment may be replaced by a storage point loading certificate issued by the person responsible for the delivery, expressly stating the gross volume, net volume, density at 15 °C and weight of the contents of each compartment of the tank'?

(1) OJ No L 105, 28. 4. 1977, p. 18.

Answer given by Mr Bangemann on behalf of the Commission

(9 January 1996)

The Commission considers that Directive 77/313/EEC lays down provisions which apply to measuring instruments in order to ensure a correct measurement at the temperature of the measuring itself. Therefore, the aspects relating to temperature are not taken into account, and the Commission does not envisage any action on this issue, because they fall outside the scope of the Directive.

The Commission agrees with the Honourable Member that the density of a liquid is temperature dependent and that there may be good reasons in certain cases to express the quantity of product in terms of volume at a reference temperature. Two routes are open to deal with this, namely prescription of manual conversion of the measured value at the prescribed reference temperature, or prescription of the use of a measuring instrument with automatic conversion.

However, as said before, this aspect is not harmonized by Community legislation. Therefore, any legislation in this respect is within the competence of the Member States, which are entitled, if the volume value of petroleum products is to be used for trading purposes, and subject to the respect of the EC Treaty and in particular of Articles 30 to 36, to lay down a reference temperature under national law and prescribe conversion to this reference temperature.

The Community legislation on measuring instruments that is currently under development will cover all technologies, so that for instance appropriate Community instruments will be available for the measurement of quantities of petroleum products.

WRITTEN QUESTION E-2969/95

by Christian Rovsing (PPE)

to the Commission

(9 November 1995)

(96/C 91/32)

Subject: Breach of Community Directives on the putting of public contracts out to tender

In various, if not all, Member States, efforts to give private undertakings access to the market in supplying goods and services to the public sector are being hampered by repeated breaches by publicly-owned undertakings of the Community Directives requiring the public sector to put its procurement of goods and services above a certain value out to public tender.

How does the Commission intend to ensure that Community rules on tendering are complied with, and does it expect, in view of the many examples of deliberate circumvention of the rules, that the investigation that has been announced into the implementation of the internal market in relation to public calls for tender will reveal the need for new action to ensure market access in this areas?

Answer given by Mr Monti on behalf of the Commission

(17 January 1996)

The Commission attaches the utmost importance to its task of ensuring that Member States meet their obligation to transpose Directives and to implement them correctly once they have been transposed.

However, the study to which the Honourable Member is apparently referring, 'Mid-term impact assessment of public procurement legislation', sets out not to provide details of the number of breaches but to assess the economic impact of public procurement on the internal market.

The Commission can address breaches of Community rules on public procurement by examining progress in the transposal of Directives.

In 1995, 26 breaches of Community legislation involving failure to notify national implementing measures were investigated. In addition, examination of measures notified revealed 14 new cases of incorrect transposal, bringing the total number of current infringements involving incorrect transposal to 30. Some of these cases raise questions of principle which could jeopardize the opening-up of public procurement in the Member States concerned.

The Commission has also stepped up its monitoring of the implementation of the rules by the various contracting authorities or contracting entities in each of the Member

States. In 1995 the number of cases handled by the Commission (acting on complaints or detected by its own departments) involving breaches of Community public procurement rules (Directives and Treaty Articles) were up by 50 % on the previous year. This is almost certainly attributable to the gradual extension of implementation of the Directives that has taken place following the entry into force of the most recent texts.

Of the 214 cases processed during the first half of 1995 (48 of which were new cases), the Commission settled 38 without it being necessary to complete infringement proceedings. To this end, a dialogue and cooperation procedure was set up (in particular by means of 'package meetings') to provide Member States with the necessary legal and technical assistance and to identify by mutual agreement solutions to outstanding disputes that are in accordance with Community law.

Lastly, the Commission is in the process of launching a study on the means of redress available to ensure that there is effective scope in the different Member States for persons who consider themselves to have been harmed by a breach of Community public procurement rules to enforce their rights before national courts.

In the light of these studies and of the conclusions that it may draw from the state of play in transposal and from the difficulties encountered in the Member States in implementing the Community rules, the Commission will be able to determine whether new public procurement initiatives are needed.

WRITTEN QUESTION E-2977/95

by Carlos Robles Piquer (PPE)

to the Commission

(9 November 1995)

(96/C 91/33)

Subject: Biomass as an energy source

A recent joint statement by COPA and Cogeca, in September 1995, called for serious attention to be paid to the role of renewable energy sources in the European economy, as a means of reducing the Union's increasing energy dependence and protecting its environment. The statement in particular pointed out the need to use biomass of agricultural and forestry origin to this end.

Does the Commission agree with the views expressed in the statement? If so, does it intend to set up the coordinating group it recommends, comprising representatives from DGs II, VI, VII, VIII, XI, XII, XVII and XXI?

Answer given by Mr Fischler on behalf of the Commission

(19 December 1995)

The Commission agrees that renewable energies play an important role in rural development, in particular by reducing energy dependence and protecting the environment. They constitute a substantial part of the Commission's white paper on an energy-policy for the European Union [1].

The Commission has forwarded to the Council an amended proposal [2] on excise duties on motor fuels from agricultural sources. The adoption of this proposal requires unanimity in the Council, which could not be reached until now. This leaves the Member States with the option to promote renewable energies if they so wish subject to Community rules of competition.

The Commission, for its part, supports the development for energy use of renewable resources including biomass of agricultural and forestry origin.

Research, development and demonstration activities dealing with biomass as a renewable energy source are being carried out in coordination between the non-nuclear energy programme (conversion and use) and the agro-industry programme (production and logistics). Furthermore there are several Community programmes in place, which promote the development and use of renewable energy, e.g. Altener, Joule, Thermie, etc.

The Commission is examining the setting up the interservice group which has been suggested.

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[1] COM(95) 682.
[2] COM(94) 147.

WRITTEN QUESTION E-2992/95

by Glyn Ford (PSE)

to the Commission

(13 November 1995)

(96/C 91/34)

Subject: EC financing of Plysu

Would the Commission be aware of any grants awarded to Plysu for new operations in Littleborough, Lancashire within the last five years?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(19 December 1995)

The Commission is not aware of any such grants awarded by the Structural Funds to Plysu.

WRITTEN QUESTION E-3001/95

by Gianni Tamino (V) and Carlo Ripa di Meana (V) to the Commission

(13 November 1995)

(96/C 91/35)

Subject: International Molecular Genetics Centre

The Italian National Research Council and the (Italian) National Oil Corporation (ENI) have announced that the International Molecular Genetics Centre is to start work in Monterotondo (Rome) in accordance with the plans drawn up by the European Molecular Biology Laboratory (EMBL) and the European Mouse Mutants Archive (EMMA).

The Centre will be housed within the ENI complex, which the Italian Ministry of Health has previously refused to recognize as an approved site for animal experiments because it does not conform to the relevant legal requirements.

The Centre, a partner of the US Jackson Laboratory, is a joint venture involving the French National Scientific Research Centre (CNRS), the German Max Planck Institute, and the British Medical Research Council and being financed under the fourth Community framework programme of research, technological development, and demonstration activities.

1. How is it possible that a centre has been granted funding when it is located on a site regarded by the Italian authorities as unsuitable for the use of animals?

2. What are the features of the funded project?

Answer given by Mrs Cresson on behalf of the Commission

(4 December 1995)

1. The Community programme in biotechnology intends to support in Monterotondo a project called European mouse mutant archive (Emma) which belongs to the Consiglio Nazionale delle Ricerche (CNR). It does not however contribute to the setting up of the International centre of molecular genetics which the European molecular biology laboratory (EMBL) has established on the same site. The European archive Emma has a different purpose, which is to collect on a European scale all existing mutants that appeared in research laboratories and to maintain the collection accessible to all those in Europe who may need to examine genetic traits for research purposes. In negotiating a contract for Emma, the Commission obtained from the CNR a written undertaking that national and international ethical and safety provisions applicable in the country where the research is carried out be strictly respected.

2. The funding given to Emma will serve to put in place on the European scale the system of collection, storage and distribution of mutant strains. The facility will thus make it possible for any biomedical research laboratory investigating the effects of mutations to find out rapidly whether the mutation had been seen already and on which animal, in which laboratory it has been studied and where it was accessible through the central repository. By pooling the knowledge of existing mutations, it will undoubtedly reduce the need for scientists to produce mutants which they know they are already available.

WRITTEN QUESTION E-3002/95

by Gianni Tamino (V) and Carlo Ripa di Meana (V) to the Commission

(13 November 1995)

(96/C 91/36)

Subject: Italy: Poaching in the Brescian valleys

In Italy, especially in Val Trompia and the other Brescian valleys, illegal autumn poaching has resumed, as it does every year. The type of snare commonly used kills countless robins and other small birds. On 30 September 1995 a game-warden was twice shot at by a poacher who was busy retrieving snared birds.

1. Is the Commission aware that protected bird species in the EU are still being trapped in Italy with the aid of illegal snares?

2. Will not the Commission call on the Italian authorities to increase the number of game-wardens and thereby put a stop to the persistent poaching?

Answer given by Mrs Bjerregaard on behalf of the Commission

(21 December 1995)

Directive 79/409/EEC on the conservation of wild birds ([1]) was transposed in Italy in 1992, by means of Parliament law No 157. Since then, the Commission has ascertained the existence of some irregularities as to the implementation in practice of that Directive and has started infringement proceedings in order to ensure full compliance with its content.

As for the present case, the use of snares against wild birds, such as robins, violates the Directive as it involves the use of illegal hunting methods and the indiscriminate killing of protected species. Far from being allowed by the Italian law No 157, these activities are rather treated as an illegal hunting method.

Nevertheless, Article 5 of Directive 79/409/EEC requires all Member States to take the requisite measures to establish a general system of protection for all species of birds covered by the Directive. For this reason, the Commission has asked the Italian authorities to increase all preventive measures already taken against any sort of illegal hunting practised in its territory, in order to comply fully with its obligations under the Directive.

(1) OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION E-3003/95
by Gianni Tamino (V) and Maria Aglietta (V)
to the Commission
(13 November 1995)
(96/C 91/37)

Subject: 'Blue Telephone' — helpline for distressed children in Italy

'Blue Telephone' has for years been offering vital help to distressed children in Italy. The service is greatly valued and therefore widely used. Unfortunately, the forthcoming appropriation bill has omitted to allocate any funding to the helpline, whereas similar services in other European countries are financed by public money. Not even the Telecom Italia company is showing willingness to lend its support, contrary to the practice of telephone companies in other countries. A few days ago the President of 'Blue Telephone', Ernesto Caffo, said that the helpline would almost certainly be obliged to close down unless it secured the financial resources required to guarantee its survival.

Does the Commission know about the above service and consider it a matter of importance?

If so, can it help 'Blue Telephone' either by taking its own steps or by appealing to the Italian authorities?

Answer given by Mr Bangemann
on behalf of the Commission
(13 December 1995)

The Commission is aware of this highly valued service.

Community policy in the area of telecommunications has introduced gradual liberalization of networks and services, together with the implementation of a common regulatory framework designed to safeguard the public interest. This approach is promoting an increased number of innovative services, including help lines such as the Telefono Azzurro. Nevertheless, in line with the principle of subsidiarity, only limited measures have been taken to require the delivery of specific services or infrastructure. The principal requirement at this stage has been the identification of the scope of universal service at a Community level. That has been set out in the proposal for a Parliament and Council directive on the application of open network provision to voice telephony (1) which the Parliament recently approved in second reading. Neither that proposal nor the current consensus on universal service would require the provision of a service such as Telefono Azzurro or financial support for it.

The issue of funding for the Telefono Azzurro is therefore a matter for the services provider, operator or national regulatory authority concerned. It appears from the information provided that there would be no grounds for Commission intervention in relation to this matter.

(1) COM(94) 689 final.

WRITTEN QUESTION E-3005/95
by Amedeo Amadeo (NI)
to the Commission
(13 November 1995)
(96/C 91/38)

Subject: Statistical requirements relating to public contracts

With reference to Council Directives 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (1), 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts (2), and 93/37/EEC of 14 June 1993 coordinating procedures for the award of public works contracts (3), does the Commission believe that more stringent requirements should be laid down regarding the statistical information which government departments must supply when contracts are awarded, or at least when the contracting authority is a private corporation providing public services, given that such corporations are excluded from the scope of the GPA?

(1) OJ No L 209, 24. 7. 1992, p. 1.
(2) OJ No L 199, 9. 8. 1993, p. 1.
(3) OJ No L 199, 9. 8. 1993, p. 54.

Answer given by Mr Monti
on behalf of the Commission
(17 January 1996)

Directives 93/36/EEC, 93/37/EEC and 92/50/EEC stipulate, in Articles 31, 34 and 39 respectively, that Member States

must supply the Commission with certain statistical information. Such information is necessary in order to assess the results of applying the Directives. Under these provisions, no information is required regarding private contracting bodies providing services.

In its proposal seeking to amend the above Directives to take account of the agreement on government procurement (GPA) (proposal for a Directive of the European Parliament and of the Council amending Council Directive 92/50/EEC of 18 June 1992 and Council Directives 93/36/EEC and 93/37/EEC of 14 June 1993)(1), the Commission proposes that these provisions be amended by increasing the amount and the level of the information to be provided in accordance with the requirements of the GPA. Private contracting bodies providing services are not covered at all under this proposal.

In its proposal amending Directives 93/36/EEC, 93/37/EEC and 92/50/EEC, the Commission has therefore not been particularly stringent regarding the statistical information which must be provided by Member States, since no information is required of private contracting bodies providing services.

(1) COM(95) 107.

WRITTEN QUESTION E-3006/95
by Amedeo Amadeo (NI)
to the Commission
(13 November 1995)
(96/C 91/39)

Subject: Award of public contracts without an invitation to tender

With reference to Directive 93/38/EEC(1) governing the award of public contracts without an invitation to tender, specifically as it affects additional contracts within the meaning of the Directive on essential public services, the provisions of the GPA apply only to additional building services. According to the Community text, however, the 50% ceiling relates both to additional works and to additional services.

Is this arrangement feasible and acceptable, given that it is not called for by the GPA and out of step with practical requirements?

(1) OJ No L 199, 9. 8. 1993, p. 84.

Answer given by Mr Monti
on behalf of the Commission
(16 January 1996)

Article XV(f) of the Agreement on Government Procurement (GPA) allows the contracting authorities covered by it to award public contracts without an invitation to tender for additional construction services which, through unforeseeable circumstances, become necessary and which, for technical or economic reasons, cannot be separated from the original contract without significant inconvenience, provided that the total value of the contracts awarded for the such additional services does not exceed 50% of the amount of the main contract.

In its proposal amending Directive 93/38/EEC to take account of the GPA (proposal for a European Parliament and Council Directive amending Council Directive 93/38/EEC of 14 June 1993)(1), the Commission put forward an amendment to Article 20(2)(f) introducing an additional condition before contracting authorities are allowed to award contracts by negotiated procedure without prior publication of a contract notice for additional works or services. Under this amendment, that procedure may be used only for additional contracts where the aggregate value does not exceed 50% of the amount of the main contract.

This proposed amendment, which goes beyond the abovementioned provision of the GPA concerning contracts for additional services, was tabled in order to bring the provision allowing exceptional use of the negotiated procedure without prior invitation to tender into line with a similar derogation contained in Article 11(3)(f) of Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts(2).

(1) COM(95) 107.
(2) OJ No L 209, 24. 7. 1992.

WRITTEN QUESTION E-3007/95
by Amedeo Amadeo (NI)
to the Commission
(13 November 1995)
(96/C 91/40)

Subject: Energy policy

The Green Paper on European Union energy policy does not lay down any specific criterion on which to base a Community policy going beyond the policies of the individual Member States and convergence thereof.

Does the Commission not feel that the EU ought to play a greater role in the energy sector? Why is there no proper

information about the priorities to be set in terms of the different objectives in cases where it might prove difficult to pursue all of them at once? As well as the three objectives mentioned by the Commission, should not economic and social cohesion and job creation at least be added to the list?

Answer given by Mr Papoutsis on behalf of the Commission

(7 December 1995)

At the beginning of its Green Paper (1), the Commission specifies that its objective is to provide the European institutions with the basis for evaluating whether or not the Community has a greater role to play in energy. The purpose of this document was therefore to bring together the elements needed to assess this question, without at this stage deciding on fundamental issues. The exchanges of opinions on this Green Paper will enable the Commission to state its precise position in a White Paper, which is now being written.

When it comes to establishing priorities between the three stated objectives, the White Paper will have to state how a balance between them is to be achieved. This document will also enable the Commission to specify that, while these three objectives remain of primary importance, other imperatives, such as economic cohesion or the social dimension, should be strengthened.

(1) COM(94) 659.

WRITTEN QUESTION E-3012/95
by Amedeo Amadeo (NI)
to the Commission
(13 November 1995)
(96/C 91/41)

Subject: Audio-visual sector

Among the industrial sectors offering the greatest growth and, more especially, job-creating potential, the audio-visual sector must constitute a particular priority. Although the Commission proposals for Council Decisions 95/26(SYN) (1) and 95/27(SYN) (2) can be endorsed, the Commission's understanding of the problems affecting the industry is disappointingly sketchy. Because the funding is of such modest proportions and limited scope, the means to be employed will undoubtedly be insufficient to generate an impact in terms of structures. Does the Commission not believe, therefore, that it is essential to set up a European audio-visual agency?

(1) OJ No C 108, 29. 4. 1995, p. 4.
(2) OJ No C 108, 29. 4. 1995, p. 8.

Answer given by Mr Oreja on behalf of the Commission

(17 January 1996)

The Commission's proposals for a Council Decision on a training programme for professionals in the European audiovisual programme industry and a Council Decision on a programme to promote the development and distribution of European audiovisual works (1) were preceded by extensive consultation on the state of the European audiovisual programme industry with professionals in the field.

To recapitulate, the Commission appointed a group of experts which produced a report on audiovisual policy in March 1994 (2). In April of the same year, the Commission published a Green Paper on strategy options to strengthen the European programme industry in the context of audiovisual policy (3). The publication of this document was followed by consultations with the professionals, culminating in a European audiovisual conference, organized in conjunction with Parliament, from 30 June to 2 July 1994 (4). Copies of these three documents have been sent directly to the Honourable Member and to Parliament's General Secretariat.

It is clear from this background that the proposals cited by the Honourable Member were preceded by a thorough analysis of the state and needs of the European audiovisual industry.

The Commission believes that the changes made to the priorities and administration of the Media II programme, compared with the previous programme, should help to produce the desired structural effects. This is why the resources earmarked for the programme will be targeted on three sectors (training, development and distribution). The suggestion that the Commission should set up a European audiovisual agency would have to be considered in the future, in the light of the experience gained with the various Community support instruments that already exist. Given the amount of time needed to set up such an organization it was impossible to envisage it coinciding with the launch of the Media II programme on 1 January 1996.

(1) COM(94) 523.
(2) Think-tank report on the audiovisual policy in the European Union, March 1994, Office for Official Publications of the European Communities, Luxembourg.
(3) COM(94) 96 final.
(4) Proceedings of the European Audiovisual Conference.

WRITTEN QUESTION E-3016/95
by Carlos Robles Piquer (PPE)
to the Commission
(13 November 1995)
(96/C 91/42)

Subject: Failure by the municipal authorities of Fuengirola (Malaga) to comply with Directive 80/778/EEC

In her reply to my Written Question P-823/95 [1] of 9 March 1995 on the above topic, Mrs Bjerregaard informed me that the Commission was unaware of the decision by the municipal authorities in Fuengirola (Malaga) to connect the water mains to wells supplying low-quality water unfit for human consumption and that, at the appropriate time, the Commission had written to the Spanish authorities requesting further information on the matter.

Since sufficient time has now gone by for the relevant Spanish authorities to have replied to the Commission's letter, can the Commission provide any information about whatever reply may have been received, and what action does it intend to take in order to fulfil the task allotted to it under the Treaties, i.e. to ensure compliance with laws such as those contained in Directive 80/778/EEC [2]?

[1] OJ No C 179, 13. 7. 1995, p. 55.
[2] OJ No L 229, 30. 8. 1980, p. 11.

Answer given by Mrs Bjerregaard
on behalf of the Commission
(8 January 1996)

The Spanish authorities recently answered the Commission's request for information. The assessment of their answer is currently under way. The Commission will keep the Honourable Member informed of the results of its assessment.

WRITTEN QUESTION E-3033/95
by Undine-Uta Bloch von Blottnitz (V)
to the Commission
(15 November 1995)
(96/C 91/43)

Subject: Neutron radiation

At present there is very little scientific data on neutron radiation which is founded on experience. The scale and potential hazard posed by such radiation are simply extrapolated. The calculations are based on the gamma radiation measured in Nagasaki and Hiroshima. The figures are applied to neutrons with the aid of conversion factors. A dispute has arisen among experts in Germany regarding the level of these conversion factors. Scientists consider factors of around 300 to be appropriate, while the German radiation protection regulation lays down a factor of 10.

1. Is the Commission aware of this scientific dispute?
2. Is the Commission supporting research projects in this field, and if so what projects?
3. What conversion factors does the Commission consider appropriate for an accurate description of the potential hazard posed by neutron radiation?
4. Should the German radiation protection regulation be adjusted in this regard or brought into line with European scientific standards?

Answer given by Mrs Cresson
on behalf of the Commission
(21 December 1995)

1. The Commission is aware of recent, partly public, discussions on this subject, predominantly in Germany.

2. Within the third research framework programme, the Commission has supported a total of seven multipartner research contracts dealing with biological consequences of neutron irradiations and eight multipartner contracts addressing issues of dosimetry and monitoring for neutron exposures. Research contracts within the framework programme 1994—1998 are being negotiated.

3. In preparing the revision of the current basic safety standards for the protection of the health of workers and general public against the dangers arising from ionizing radiations (Directive 76/579/Euratom) [1] and (Directive 80/836/Euratom) [2], the Commission, assisted by outside experts, based itself, as concerns the calculation of conversion coefficients for neutron and other radiations, on the recommendations of the International commission on radiological protection (ICRP) [3] as the most recent and internationally agreed scientific findings in radiation protection. ICRP recommends conversion factors for neutrons which vary between 5 and 20, depending on the energy of the neutrons. Following the opinion of the Parliament, the Commission submitted its amended proposal [4] which is presently under consideration in Council.

4. The Euratom treaty obliges the Member States to lay down appropriate provisions in order to ensure compliance with the basic safety standards Directive. The respective German authorities will change the 'Strahlenschutzverordnung' after the adoption of the directive by the Council taking into account the proposed new concepts in dosimetry and radiation protection.

[1] OJ No L 187, 12. 7. 1976.
[2] OJ No L 246, 17. 9. 1980.
[3] ICRP No 60 publication, published by Pargamon Press, Oxford, 1991.
[4] COM(94) 298 final.

WRITTEN QUESTION E-3037/95
by Horst Schnellhardt (PPE)
to the Commission
(15 November 1995)
(96/C 91/44)

Subject: Further training in veterinary medicine

Due to the absence of harmonization with regard to further training in veterinary medicine, such training is offered by private institutions in a number of countries. As a result, qualifications are obtained which have no official character whatever but must nevertheless be recognized.

1. Does the Commission intend to draw up a proposal on harmonizing further training in veterinary medicine?

2. In the Commission's view, what reasons might mitigate against harmonization?

Answer given by Mr Monti
on behalf of the Commission
(14 December 1995)

The Honourable Member is asked to refer to the Commission's answer to Written Question No 2378/94 by Mrs Pack [1].

The Commission believes that the question of harmonizing specialized training should also be considered in the light of Articles 126 and 127 of the EC Treaty. Those Articles clearly define the fundamental responsibility of the Member States for the organization and content of education and training systems. They specifically exclude any harmonization of such systems.

This position has been made clear on several occasions by the Community institutions, notably by the Council in its Decision 94/819/EEC of 6 December 1994 establishing an action programme for the implementation of a European Community vocational training policy [2].

[1] OJ No C 152, 19. 6. 1995.
[2] OJ No L 340, 29. 12. 1994.

WRITTEN QUESTION E-3049/95
by Spalato Belleré (NI)
to the Commission
(15 November 1995)
(96/C 91/45)

Subject: Child TV viewers

Does the Commission consider that it would be advisable to protect children from unsuitable and immoral television shows and determine how much is shown to them in advertizing (in commercial spots on TV)?

Answer given by Mr Oreja
on behalf of the Commission
(18 January 1996)

The protection of minors is one of the fields coordinated by Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities [1]. The main purpose of this Directive is to create the legal conditions needed to ensure the free circulation of television broadcasts. The method used is the coordination of national measures in the fields where disparities between these measures are likely to create obstacles to the free circulation of television broadcasts. The level of coordination does not go beyond what is necessary and sufficient to achieve this objective. Member States may adopt stricter or more detailed measures as regards broadcasts under their jurisdiction.

Article 16 of the Directive lays down the rules governing the content of advertisements with regard to minors.

Article 18 of the Directive sets overall limits on the amount of advertising that may be shown.

Article 22 contains a ban on programmes that are likely seriously to impair the development of minors. This measure is extended to other programmes likely to harm minors except where they are protected by technical means or broadcast at particular times of the day. Given the importance of the protection of minors and the difficulty of harmonizing such notions as pornography and excessive violence, Article 2 of the Directive provides for an exception — the only one — to the general principal of freedom of reception and re-transmission. In the case of flagrant and repeated violations of Article 22, Member States may take action against incoming broadcasts.

The Directive is currently being revised following the Commission's proposal of 31 May 1995 [2]. As regards Article 22, the Commission has proposed clarifying the text in order to ensure improved implementation.

[1] OJ No L 298, 17. 10. 1989.
[2] COM(95) 86 — OJ No C 185, 19. 7. 1995.

WRITTEN QUESTION E-3062/95
by Nuala Ahern (V)
to the Commission
(15 November 1995)
(96/C 91/46)

Subject: Information to the Commission regarding Wylfa

What information has been presented to the Commission by Nuclear Electric or the British nuclear authorities on the effect on safety of the doubling of the fueling speed at the Wylfa nuclear plant, as reported in the June 1995 issue of the nuclear electric monthly paper 'Nuclear Times'?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(21 December 1995)

The Commission has received no information on the operating procedure referred to by the Honourable Member.

Moreover it is not compulsory for the operator or national safety authority to send such information to the Commission.

WRITTEN QUESTION E-3065/95
by Frode Kristoffersen (PPE)
to the Commission
(20 November 1995)
(96/C 91/47)

Subject: NEAFC negotiations on the allocation of quotas

The available fish stocks in Atlantic waters off Scandinavia, which total an estimated 900 000 tonnes, are to be divided up during the NEAFC negotiations on the allocation of quotas in the North-East Atlantic on 15—17 November 1995. Does the Commission intend during those negotiations to press for a quota of at least 300 000 tonnes for the EU as a whole, so as to ensure that due account is taken of the needs of Member States bordering the waters concerned?

Answer given by Mrs Bonino
on behalf of the Commission
(19 December 1995)

The North-East Atlantic Fisheries Commission, at its 14th annual meeting on 15—17 November 1995, discussed the issue of regulating the Atlanto-scandian herring which now occurs both in several fishery zones and in international waters. It was not possible to reach a conclusion and it was agreed to meet again in march 1996, with a view to seeking consensus on regulatory measures for this stock.

WRITTEN QUESTION E-3069/95
by Raymonde Dury (PSE)
to the Commission
(20 November 1995)
(96/C 91/48)

Subject: Recruitment by the Committee of the Regions

Is it true that the presidency, bureau and administration of the Committee of the Regions are at present seeking to upgrade to the status of 'officials' all the Committee's current staff, who were coopted on the basis of personal contacts and not through open competitions open to all Community citizens?

Such a procedure is contrary to the spirit and letter of the Staff Regulations, and is hard to justify. If the budgetary constraints referred to really prevent the Committee of the Regions from organizing its own competitions, why does it not organize open competitons jointly with other Community institutions?

Moreover, why does the Committee of the Regions not use the other Institutions' reserve lists to recruit staff who have been successful in open competitions, at no cost to its own budget?

What action does the Commission intend to take to prevent this manoeuvre, which would bring all the European institutions into disrepute?

More generally, what action does the Commission intend to take to ensure that, in future, staff are recruited to all Community institutions on the basis of merit alone and not through personal contacts?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(9 January 1996)

The way in which the Committee of the Regions organizes its departments, including its recruitment policy, is the responsibility of that body alone and the Commission has no say in this matter. Only the Court of First Instance and ultimately the Court of Justice may rule on the legality of the recruitments made by the Committee in terms of the Staff Regulations of Officials and Other Servants, and then only on the basis of admissible actions. The Commission notes that the amendment to the Staff Regulations required to give the Committee the power to appoint officials has not yet been adopted by the Council.

The Commission is open to any requests from other institutions and bodies to recruit successful candidates in open competitions from its reserve lists.

WRITTEN QUESTION E-3074/95
by Florus Wijsenbeek (ELDR)
to the Commission
(20 November 1995)
(96/C 91/49)

Subject: Eco-vouchers

Is the Commission aware that Austrian eco-vouchers issued for transit traffic in 1995 are just barely sufficient?

Does the Commission consider it acceptable for transit traffic to be held to an upper limit by a Member State in this way?

Will the Commission consult further with the Member State Austria to ensure that the most efficient use possible is made of the eco-vouchers by the different Member States?

If so, how?

If not, why not?

Answer given by Mr Kinnock on behalf of the Commission

(11 December 1995)

The Commission is aware of the fact that the number of ecopoints, which give the right to transit Austria, is only just sufficient for 1995. For 1996 it is likely that the situation will become even more difficult and may lead to further restrictions on the number of possible transit trips.

This is the consequence of the system as agreed in the transit agreement between the Community and Austria in 1992 and confirmed at the accession of Austria to the Community. The aim is to reduce the pollution caused by the transit traffic of trucks through Austria by the year 2003 to a level of only 40 % of that of 1991.

If the improvement in the environmental quality of the lorries used for these journeys does not match the reduction as agreed or if traffic volume grows too much, then this automatically leads to a situation of scarce ecopoints. The Commission does not intend to raise with Austria the principle of this agreement but rather it is making every practical effort to promote an efficient use of the available ecopoints, including the redistribution of unused ecopoints from one Member State to another.

WRITTEN QUESTION P-3076/95
by Frederik Willockx (PSE)
to the Commission
(13 November 1995)
(96/C 91/50)

Subject: Reciprocity and the opening up of cable television networks for telecommunications services

On 11 October 1995 the Commission abolished the restrictions on the use of cable television networks to provide telecommunications services (Directive amending directive 90/388/EEC) [1]. From 1 January 1996 it will be possible for cable networks to provide services such as multimedia, tele-sales and on-line transactions etc. Only voice telephony will be excluded.

In its resolution on this proposal (Report A4-129/95) [2] the European Parliament expressed its opposition to the one-sided liberalization of just the telecommunications sector. It called for reciprocity so that telecommunications networks could also be used for transmitting audio-visual material. The Commission has not responded to this request.

Does the Commission not agree that by leaving reciprocity out it has created a distortion of competition in this sector? Why did the Commission not include this element in the

amended Directive, and has it any plans to resolve this issue separately in the very near future?

(1) OJ No L 256, 26. 10. 1995, p. 49.
(2) OJ No C 166, 3. 7. 1995, p. 109.

Answer given by Mr Van Miert on behalf of the Commission

(15 December 1995)

On 18 October 1995 the Commission adopted a Directive amending Commission Directive 90/388/EEC with regard to the use of cable television networks for the provision of telecommunications services. This Directive lifts restrictions on the use of cable television networks for the provision of all telecommunications services, apart from voice telephony.

During the consultation of the Directive, the Parliament had proposed in two resolutions, of 15 June 1995 and of 19 June 1995, to extend the scope of the Directive to abolish in parallel all current restrictions imposed on telecommunications organizations to carry broadcasting services over telecommunications networks, from 1 January 1998 onwards. This proposal was also supported by some other interested parties. It is based on the idea of a symmetry of liberalization according to which once cable operators may enter the telecoms services market, telecoms operators should be allowed to enter the television broadcasting market.

Ultimately, it appeared not to be possible to include a provision introducing such symmetry in the Directive, which deals with State measures granting exclusive and special rights in the telecommunications sector. To request Member States in an Article 90(3) Directive to abolish exclusive or special rights granted to cable television companies, the Commission would have to demonstrate the incompatibility of such rights with provisions of the EC Treaty, particularly with the provisions on freedom to provide the relevant services within the Community, if that was appropriate. In this framework, the Member States would have to be given the opportunity to present possible justifications for derogations under these rules and the Commission would have to see whether they were proportional to the aims pursued. Whatever the result of such an enquiry, such a legal assessment could not be completed in the timeframe set out for the adoption of the cable television Directive.

Therefore it is currently still up to the Member States to decide whether telecoms operators are allowed to provide television broadcasting services over their networks. However, the Commission agrees with the Parliament that a Community-wide solution should be sought.

WRITTEN QUESTION P-3078/95
by María Sornosa Martínez (GUE/NGL)
to the Commission
(13 November 1995)
(96/C 91/51)

Subject: Noise pollution in cities

Noise pollution, particularly that caused by recreational activities (discotheques, fairs, etc.) disrupts the quality of life of people living in a large number of European cities and is becoming a real social problem.

1. Can the Commission provide information on the Community provisions in force with regard to noise pollution from recreational activities?

2. If there is no Community legislation in this field, what measures and proposals does the Commission intend to draw up in the short term?

Answer given by Mrs Bjerregaard on behalf of the Commission

(7 December 1995)

There is no Community legislation concerning noise emitted by recreational activities. Neither are there regulations concerning ambient noise exposure in general. This is an issue where responsibility lies with the Member States. Some Member States have such legislation. This can vary considerably between Member States.

The Commission is currently preparing an overall communication on noise as an environmental problem, which will contain an action programme addressing, in particular, the assessment of ambient noise exposure, information to be given to the public and abatement measures to be taken in areas exposed to high levels of noise.

WRITTEN QUESTION E-3083/95
by Martin Schulz (PSE)
to the Commission
(20 November 1995)
(96/C 91/52)

Subject: Seizure of plutonium at Munich airport

In the summer of 1994 a suitcase containing plutonium illegally imported into Germany was seized in sensational circumstances at Munich airport in the Federal Republic of Germany.

Is The Commission aware of this matter and, if so, when were the Commission and its services, and other European agencies, informed of it?

Can the Commission say whether the Joint Research Centre in Karlsruhe was involved, what services it provided for the German police, when it provided them, when the plutonium was seized, and when it was handed over to the Joint Research Centre?

Answer given by Mr Papoutsis on behalf of the Commission

(10 January 1996)

The Commission would refer the Honourable Member to its earlier replies to questions about this incident (Written Questions No 1489/95 [1] and No 1508/95 [2] by Mrs Breyer).

The Commission (Euratom safeguards directorate) was alerted by the German authorities in the early afternoon of 10 August 1994, that some material might be seized. In accordance with formal agreements between the Commission and the German Government this information was immediately passed by phone to the European Institute for Transuranium Elements (TUI) at Karlsruhe to ensure that preparations were made to receive any material seized.

The seizure was made by the German police, and the TUI was not involved. Its activities that night were limited to receiving the closed suitcase at its premises in Karlsruhe. Subsequently, the TUI performed a precise analysis of the material found inside the suitcase, to support the investigations carried out by Member State authorities and to determine as far as possible the source and history of the nuclear material.

(1) OJ No C 213, 17. 8. 1995.
(2) OJ No C 230, 4. 9. 1995.

WRITTEN QUESTION E-3085/95
by Konstadinos Klironomos (PSE)
to the Commission
(20 November 1995)
(96/C 91/53)

Subject: Construction of a road parallel to the 'Via Egnatia'

On 23 October 1995 the Presidents of Albania, Bulgaria, Turkey and the former Yugoslav Republic of Macedonia gave a joint press conference at the seat of the UN and announced the signature of a cooperation protocol for the construction of a road running parallel to the 'Via Egnatia'. The fact that this press conference was attended by Mr Van den Broek, Member of the Commission, raises numerous questions.

Will the Commission say whether the Commissioner was attending as a representative of the European Union, what its own position is and what commitments it has made in respect of the construction of this road axis?

WRITTEN QUESTION P-3224/95
by Nikitas Kaklamanis (UPE)
to the Commission
(24 November 1995)
(96/C 91/54)

Subject: The Via Egnatia

As we know, the trans-European network policy includes the construction of the Via Egnatia linking the Greek-Turkish border with the port of Igoumenitsa in western Greece.

Consequently, the European Union has already indicated its willingness to build this trunk road, which, moreover, is being funded entirely by the ERDF and the Cohesion Fund.

Bearing that in mind, to what extent does the presence of Commissioner Van den Broek at the final signing of the inter-State agreement on the construction of a parallel trunk road, to the north-east of Greece's frontiers, reveal a change in the European Union's decision on the importance of constructing the Via Egnatia, taken under the trans-European network policy?

Joint answer to Written Questions E-3085/95 and P-3224/95 given by Mr Van den Broek on behalf of the Commission

(16 January 1996)

The Commission was represented at the special session of the general assembly on 23 October 1995 for the celebration of the 50th anniversary of the United Nations.

In the margin of that event in New York, the commissioner responsible for Europe and the Newly Independent States, common foreign and security policy and the external service was invited by the president of Bulgaria, also on behalf of his colleagues from Albania, Turkey and the Fyrom, to be present at the signing ceremony of an inter-State agreement on the construction of a road to which the Honourable Member refers. The commissioner did not attend the press conference which followed.

At the signing ceremony, the commissioner recalled, in general terms and in line with standing Commission policy, the importance of regional cooperation wherever feasible. This view does not affect the approach taken within the

trans-European network policy, towards the construction of the via Egnatia.

WRITTEN QUESTION E-3086/95
by Mihail Papayannakis (GUE/NGL)
to the Commission
(20 November 1995)
(96/C 91/55)

Subject: Operation of a quarry at a protected archaeological site

A quarry is operating illegally within the protection area of the archaeological site of Aptera in the prefecture of Chania in Crete, despite the fact that the deadline for its relocation passed on 24 January 1994 and the operation and exploitation licences expired in 1990 and 1991 respectively, pursuant to document 14L 1/637/26.7.1995 of the Chania Industry and Mineral Resources Directorate.

Given that:

1. In accordance with Decision IPPO/ARCH/A1/F25/41398/2127 of the Ministry of Culture (24 August 1994),

   '. . . the site of Th. Nikakis, where a quarry and a unit for the production of finished concrete have been operating illegally for a number of years and are continuing to pursue certain activities on a periodic basis, causing very substantial damage to the archaeological site, must be permanently vacated and restored by the relevant services of the Prefecture of Chania, after the drawing up of a special report so as to ensure that it fully harmonizes with the natural environment of the region',

2. No authorization has been issued for the operation and exploitation of the quarry in question,

3. This constitutes a violation of Community legislation and, in particular, Directive 85/337/EEC([1]), and

4. On 20 July 1981 the Greek authorities ratified the European Convention on the Protection of the Archaeological Heritage (London, 6 May 1969),

Will the Commission say what measures it intends to take to put an end to the illegal mining activities in question, and what means it intends to use, in conjunction with the Greek authorities, to restore the environment?

([1]) OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mrs Bjerregaard
on behalf of the Commission
(20 December 1995)

From an environment point of view, Directive 85/337/EEC is not applicable as it refers only to new projects. The Commission therefore cannot take any specific measures, especially if the activities described by the Honourable Member are illegal, and hence the Member State in question should simply enforce the law.

With respect to the restoration of the environment, the Commission will examine any proposal submitted by the Greek authorities in the framework of the existing financial instrument.

WRITTEN QUESTION E-3092/95
by Christine Crawley (PSE)
to the Commission
(20 November 1995)
(96/C 91/56)

Subject: Cycle paths

Is the Commission aware of any provision being made for cycle paths as a condition of EU funding for ERDF road projects and, if not, would the Commission consider making this a condition?

Answer given by Mrs Wulf-Mathies
on behalf of the Commission
(18 December 1995)

The Structural Funds regulations do not contain any such provision, nor, in view of the subsidiarity principle, does the Commission envisage making such a proposal.

Nevertheless, outside the field of road projects, the Structural Funds may assist the development of cycle paths in certain regions under local economic strategies, for example for the promotion of sustainable tourism.

WRITTEN QUESTION E-3103/95
by Florus Wijsenbeek (ELDR)
to the Commission
(20 November 1995)
(96/C 91/57)

Subject: Netherlands decision to ban hunting a number of species of migratory birds

Is the Commission aware of the proposal by the Netherlands Minister of Agriculture, Nature Management and Fisheries to ban hunting eight species of migratory birds from next year onwards?

Does the Commission feel this proposal is in line with:

— the Agreement on the Conservation of African-Eurasian Migratory Water Birds (the Ramsar Convention),

— hunting policy in the other European countries,

— the concept of 'wise use' (communication from the Commission on wise use and conservation of wetlands) [1]?

Has the Netherlands minister submitted reasons for this proposal to the Commission?

Does the Commission not think that this decision is inconsistent with the hunting of migratory species of fish such as salmon and eel?

Can the Commission provide information on the European populations of teal, pochard, shoveler, tufted duck, snipe, woodcock, long-tailed tit and scaup?

Will the Commission inform the Netherlands Government that this decision does not reflect European policy, that it therefore detracts from consistency of European policy on hunting and that it will have a detrimental effect not only on the economic viability of rural areas but also on the consistency of the Internal Market?

Does the Commission intend to take action against the Netherlands Government in this respect? If so, how? If not, why not?

[1] COM(95) 189.

Answer given by Mrs Bjerregaard on behalf of the Commission

(21 December 1995)

The Commission has not yet been informed of the proposed Dutch legislation referred to by the Honourable Member, as Directive 79/409/EEC on the conservation of wild birds [1] does not require Member States to inform the Commission of draft legislation in that area.

Article 14 of the Directive allows Member States to apply stricter protection measures than those laid down in the Directive, so if the proposed Dutch legislation does contain such measures it will not infringe Community law in that area.

[1] OJ No L 103, 25. 4. 1979.

WRITTEN QUESTION E-3107/95

by Michl Ebner (PPE)

to the Commission

(20 November 1995)

(96/C 91/58)

Subject: Office and information centre in Brussels representing the three border areas: autonomous province of Bolzano, autonomous province of Trento and the federal province of Tyrol

The Madrid Agreement and the Maastricht Treaty provide for measures to underpine the principles of regionalism and subsidiarity.

With this political objective in mind, the chambers of commerce of Bolzano (autonomous province of South Tyrol) and Trento (Autonomous Province of Trento), the Innsbruck provincial government (federal province of Tyrol) (acting on the basis of the agreement concluded between Italy and Austria, under the terms of the Paris Treaty, concerning the Trentino-Alto Adige (South Tyrol region) and the federal provinces of Tyrol and Vorarlberg have decided jointly to set up an office and information centre in Brussels representing these border areas.

However, the government representatives of Bolzano and Trento sent telegrams to all government bodies and dignitaries urging them not to attend the opening ceremony on in Brussels on 19 October because of a number of unspecified infringements of the Constitution.

At the same time, cooperation is being achieved without any difficulty, not only on either side of the Brenner Pass but also in many other border areas within the EU.

Is the Commission aware of this situation? Is it investigating the reasons for this unmotivated boycott, which runs counter to the spirit of Europe? Does it condemn the stance adopted by the relevant Italian government authorities?

What measures will the Commission take to prevent any recurrence of such unfortunate incidents, which lead to mistrust between Member States and cause difficulties with regard to interregional cooperation?

Answer given by Mrs Wulf-Mathies on behalf of the Commission

(17 January 1996)

The incident mentioned by the Honourable Member is not a matter for the Commission.

For its part, the Commission encourages cross-border cooperation notably through the Community initiative Interreg supported by the Structural Funds. The Member States cited are involved in this initiative and negotiations to develop a joint programme between the regions concerned are well advanced.

WRITTEN QUESTION E-3116/95
by Joaquín Sisó Cruellas (PPE)
to the Commission
(20 November 1995)
(96/C 91/59)

Subject: 'Television without frontiers' Directive

A study by the Association of Media Users, commissioned by the European Union, has shown that all Spanish networks without exception are infringing certain provisions of Directive 89/552/EEC on television without frontiers([1]) which has been in force in Spain for three months. The survey involved a series of spot checks carried out over the last three months on programmes broadcast by the Spanish national networks, that is 'TVE-1', 'La 2', 'Antena 3' and 'Tele 5'. The results are as follows:

— The legal provision which is infringed most widely by all the networks relates to covert advertising. Similarly, all the networks without exception include indirect advertising in their broadcasts.

— The Directive expressly states that news and current affairs programmes may not be sponsored. However news broadcasts by both 'Antena 3' and 'Tele 5' are backed by sponsors.

— In addition the statutory limit of 5% of daily broadcasting time or one hour per day for television advertising is also being infringed.

— With a number of exceptions, the television networks are complying with statutory requirements concerning the duration of advertising spots. However, according to the survey, the insertion of advertising spots between programmes, as practised by 'Tele 5', infringes television legislation.

In view of this, will the Commission ensure that the Spanish networks take steps to comply with the substance of the Directive on television without frontiers?

([1]) OJ No L 298, 17. 10. 1989, p. 23.

Answer given by Mr Oreja
on behalf of the Commission
(17 January 1996)

Spain has correctly transposed Chapter V (advertising and sponsorship) of Directive 89/552/EEC in sections 9 and 12 to 16 of Act No 25 of 12 July 1994([1]). It is incumbent on Spain to apply these provisions to television broadcasters as transposed into national law by whatever means are already available to it or which it might acquire.

The Commission shares the Honourable Member's concern to ensure that the rules on advertising are observed by all the broadcasting bodies under the Member States' jurisdiction. The Commission has already sent a request for information to the Spanish authorities, reminding them that the transitional period for implementing section 13 of the Spanish Act has ended and that the television broadcasters under their jurisdiction are required to observe the provisions on advertising spots laid down by Article 11 of Directive 89/552/EEC. No reply has yet been received from the Spanish authorities. The Commission plans to remind the Spanish authorities that a reply is still awaited urgently, and that Articles 10 (surreptitious advertising) and 17 (sponsorship) should be correctly implemented.

([1]) BOE No 166, 13. 7. 1994.

WRITTEN QUESTION E-3118/95
by Gianni Tamino (V)
to the Commission
(20 November 1995)
(96/C 91/60)

Subject: Use of hormones in stockbreeding

By decision of 6 June 1995, the use of hormones for the breeding of livestock for human consumption was authorized by the 'Codex Alimentarius'. However, the new rules do not establish maximum limits for residues of certain substances prohibited under European law. The decision was taken by 33 votes to 29 with seven abstentions. Codex rules are often used as the basis for National and European laws.

To what extent does this decision affect European rules in this area? What steps will the Commission take to uphold existing Directives on the protection of consumer health and the strengthening of veterinary controls for this purpose, particularly with regard to the import of meat from third countries (for example the USA) in which such substances are authorized?

Answer given by Mr Fischler on behalf of the Commission

(20 December 1995)

Contrary to the Community position expressed by the Commission, the commission of the Codex adopted by secret vote on 6 July 1995 in Rome maximum residue limits for certain synthetic hormones (zeranol and trenbolone), and decided that it was not necessary to fix maximum residue limits for natural hormones. Nevertheless this decision does not call into question the prohibition on the use of these substances as growth promoters currently in force within the Community.

The Commission has always shown its attachment to the concerns of the consumers of the Community, in particular at the time of its proposals for Regulations [1] (currently under discussion in the Council) which aim at a better harmonization and at a significant strengthening of the prohibition measures and of controls on the use of hormones in livestock farming.

The Commission continues to ensure the respect of Community legislation and requirements, including those regarding the prohibition of importation from third countries of animals and meat from animals to which have been administered hormonal substances for fattening purposes. A scientific conference was held in Brussels from 29 November to 1 December 1995 on the use of growth-promoting substances in meat production, and the conclusions are available to the Honourable Member.

[1] COM(93) 441 final — OJ No C 302, 9. 11. 1993.

WRITTEN QUESTION E-3137/95

by Jessica Larive (ELDR)

to the Commission

(20 November 1995)

(96/C 91/61)

Subject: Recognition in Germany of Netherlands qualifications for geriatric and patient care helpers (bejaarden en ziekenverzorgers)

Having regard to the Second General System for the Recognition of Professional Education and Training (Directive 92/51/EEC) [1], supplementing Directive 89/48/EEC [2], concerning the harmonization of diplomas, and in the context of the free movement of persons and the completion of the internal market,

1. is the Commission aware that in Germany the Netherlands qualifications for geriatric and patient care helpers cannot be treated as equivalent to the German qualification for Altenpfleger, even when accompanied by considerable experience?

2. can the Commission confirm that the position of the German Regierungspräsidium, that the training leading to this qualification is insufficient for it to be treated as equivalent to the German Altenpfleger qualification, is in conflict with Directive 92/51/EEC?

3. if so, what action does the Commission intend taking to ensure that Dutch qualified geriatric and patient care helpers have their qualifications recognized in Germany?

[1] OJ No L 209, 24. 7. 1992, p. 25.
[2] OJ No L 19, 24. 1. 1989, p. 16.

Answer given by Mr Monti on behalf of the Commission

(16 January 1996)

The Commission is not aware of any particular difficulties with regard to the recognition in Germany of the Dutch qualifications of geriatric and patient-care helpers (bejaarden en ziekenverzorgers). In the absence of more detailed information on the cases referred to by the Honourable Member and on the decisions by the regional authorities in Germany, it is unable to establish whether there has been any infringement of Directive 92/51/EEC (which forms part of the legislation that the Community has introduced specifically in order to facilitate the free movement of professionals).

Directive 92/51/EEC covers the recognition of paramedical qualifications, provided that certain conditions are fulfilled: the migrant must be a Community national and be fully qualified to practise the profession concerned in his home Member State; he must wish to practise the same profession in another Member State, where the profession must be regulated; and the profession must be one not covered by another recognition system introduced by Community law.

But it should be stressed that, even where an application fulfils these conditions and is admissible under the terms of the Directive, recognition is not automatic. The authorities must examine each application individually and compare the professional education and training undergone by the migrant with that required in the host Member State. If they discover that there are substantial differences in either duration or content, they may — subject to certain conditions — require the migrant to complete an adaptation period or aptitude test before granting recognition.

On receipt of full particulars from the Honourable Member, the Commission will willingly investigate further the cases referred to in the question.

WRITTEN QUESTION P-3138/95
by Luigi Vinci (GUE/NGL)
to the Commission
(15 November 1995)
(96/C 91/62)

Subject: Waste disposal in Mereta in the district of Isola del Cantone

A multi-purpose centre for the storage and treatment of industrial waste is shortly to be built in Liguria, at Mereta in the district of Isola del Cantone (Genova).

Does the Commission not consider that the environmental impact assessment of the project carried out by the Ramoco company is in clear breach of Directive 85/337/EEC [1] and that the project poses clear environmental and social dangers in an area where there is already heavy industrial settlement?

Does the Commission intend to co-finance this project and, if so, should it not block the funding until further guarantees are provided concerning the environmental aspects of the project?

[1] OJ No L 175, 5. 7. 1985, p. 40.

Answer given by Mrs Bjerregaard
on behalf of the Commission
(7 December 1995)

Projects for the construction of waste (including industrial waste) storage and disposal facilities fall within the scope of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment.

The Commission takes note of the fact reported by the Honourable Member that an environmental impact assessment has been carried out for the project in question — a multi-purpose centre for the storage and treatment of industrial waste to be built at Mereta, in the district of Isola del Cantone (Genova). However, before it can express an opinion on whether or not the Directive has been complied with, the Commission must first be acquainted with the procedure actually followed by the Italian authorities. Consequently, the Commission would like the Honourable Member to supply it with detailed information regarding the various stages of the project authorization procedure.

The Commission has no intention of co-financing this project.

WRITTEN QUESTION E-3149/95
by Doeke Eisma (ELDR)
to the Commission
(22 November 1995)
(96/C 91/63)

Subject: Allocation of the reserve budget for Community initiatives, notably Interreg II C

Following its decision of 4 October 1995 concerning the allocation of the reserve budget for Community initiatives, can the Commission provide an overview of the amounts of extra funding granted and the initiatives to which it has been allocated?

On the basis of what data and strategies was the reserve budget allocated? Is the whole of the reserve budget now being allocated, or is part of it being reserved for initiatives in 1998 and 1999?

How does the third section, Interreg II C, particularly with regard to combating flooding and drought, comply with established criteria such as partnership and additionality?

Answer given by Mrs Wulf-Mathies
on behalf of the Commission
(19 December 1995)

Parliament has been notified of the guidelines, criteria and priorities for the reserve budget for Community initiatives and of the share-out of funding as decided by the Commission on 4 October. It is now examining the details.

In allocating the reserve's funds, which have now all been allotted, care was taken not to increase new initiatives. At the request of some Member States and Parliament, only one such initiative, Interreg II C, was launched. Where requirements have been duly substantiated, the funding of existing initiatives has been increased.

As regards Interreg II C, the Commission has only drawn up guidelines. The way in which the principles governing partnership and additionality will be put into practice will be decided when the operational programmes are drawn up next year.

WRITTEN QUESTION E-3162/95
by Doeke Eisma (ELDR) and Hugh Kerr (PSE)
to the Commission
(22 November 1995)
(96/C 91/64)

Subject: Misuse of EU funding by the European Bureau for Conservation and Development (EBCD)

On 28 April 1995, the Commission answered Question E-999/95 [1] by Hugh Kerr (MEP), concerning the misuse of EU funding by the EBCD, by stating that the activity report relating to the identification of Community-based wild resource management projects in South-East Asia, implemented by the EBCD, had just been received.

After reading both the activity and financial reports, what is the opinion of the Commission regarding possible misuse of EU funding by the EBCD?

[1] OJ No C 179, 13. 7. 1995, p. 63.

Answer given by Mr Marín
on behalf of the Commission
(10 January 1996)

The activity report relating to this project complies with the project's terms of reference and corresponds to the project's objectives. The country studies have been judged useful in planning future projects in the field of wild-life resource management.

As regards the financial report relating to the project, the Commission is currently colleting additional information to enable it to check that Community funds have been properly managed by the European Bureau for Conservation and Development. More specific information will be provided to the Honourable Member in due course.

WRITTEN QUESTION E-3165/95
by Erich Farthofer (PSE)
to the Commission
(29 November 1995)
(96/C 91/65)

Subject: Community initiative for SMEs — operational programme for Austria

1. Is the Commission cutting through the red tape to reach a rapid decision confined to an operational SME programme for eight provinces, with 12 target areas? If so, can this decision be expected before the end of 1995?

2. Does the Commission endorse the approach of dipping into ESF funds in addition to ERDF funds, or does it have problems with this, and are we to expect prolonged negotiations?

3. Is the Commission aware that a trial period is needed for the innovatory sections of the programme so that they can be fully operational in the planning stage (1996—1999)?

4. Should particular emphasis not be laid on the programme's innovative approach, given the rather modest funding of Community initiatives?

Answer given by Mrs Wulf-Mathies
on behalf of the Commission
(16 January 1996)

1. There will be only one small and medium-sized enterprises (SME) programme for Austria, covering all Austrian Objective 1, 2 and 5b areas. The Commission expects that the programme will be ready for signature at the beginning of 1996.

2. The Austrian authorities propose that both the European Regional Development Fund and the European Social Fund should contribute to funding the SME programme. The Commission agrees with this integrated approach, which need not cause any delay.

3. Yes, but the Commission considers that a commitment period for four years should be long enough for the implementation of this relatively small programme.

4. Yes. The Commission believes that the SME programme submitted by the Austrian authorities contains interesting and innovative proposals, in particular a number of pilot projects in the field of information technology and the environment.

WRITTEN QUESTION E-3166/95
by Imelda Read (PSE)
to the Commission
(29 November 1995)
(96/C 91/66)

Subject: Atlas Joint Venture

On 16 October 1995 the Commission signalled the possible clearance by mid-1996 of the proposed Atlas Joint Venture between Deutsche Telekom and France Telecom.

Would the Commission provide details of the conditions attached to this agreement which are not required by current or draft EU legislation, and would it confirm that all information (excepting that which is of commercial sensitivity) relating to the Joint Venture will be made available to the public?

Answer given by Mr Van Miert on behalf of the Commission

(22 December 1995)

The Commission reminds the Honourable Member that Deutsche Telekom and France Telecom formally notified the Atlas joint venture and requested an exemption decision pursuant to Article 85(3) of the EC Treaty. Under the procedural rules applicable, the Commission must publish a summary of the notification in the *Official Journal of the European Communities* and invite interested parties to submit their observations within a given time before consulting the advisory committee on restrictive practices and monopolies. Only thereafter can the Commission adopt a favourable decision which may impose conditions and obligations upon the parties. A comprehensive summary of the notification as amended, and of the undertaking given by the parties, was published on 15 December 1995 [1].

The Commission confirms that, as noted by the Honourable Member, the parties on 16 October 1995 undertook certain commitments and submitted a number of contractual changes:

— the French and German public switched data networks will remain separate from the Atlas joint venture until both telecommunications infrastructure and services are fully liberalized in France and Germany, as is scheduled to occur by 1 January 1998. Until that time, the parties will provide non-discriminatory third-party access to these networks;

— the parties will provide third parties with access to reserved services and to the public switched telephone network (PSTN) in the same terms as to the Atlas joint venture;

— the parties undertake certain commitments regarding discrimination, cross-subsidization as well as auditing and reporting obligations; and

— France Telecom agrees to divest its interest in the German value-added telecommunications services provider Info AG.

The Commission has indicated that in view of these commitments and without prejudice to the comments recieved from third parties and the opinion of the advisory committee on restrictive practices and monopolies, a favourable decision with respect to these transactions may be expected by mid-1996.

[1] OJ No C 337, 15. 12. 1995.

WRITTEN QUESTION E-3171/95
by Susan Waddington (PSE)
to the Commission
(29 November 1995)
(96/C 91/67)

Subject: Recruitment of women chauffeurs by the institutions

Given that it appears that no women chauffeurs are employed by the Commission, and indeed the other institutions, will the Commission ensure that positive action will be taken to recruit more women into these posts?

Answer given by Mr Liikanen on behalf of the Commission

(9 January 1996)

It is true that at present there are no women employed as drivers at the Commission.

Notices of recruitment competitions invariably draw attention to the fact that the institutions are equal opportunities employers and particularly welcome applications from women.

It must be said, however, that competitions for drivers do not attract enough applications from women and that there are consequently not enough successful women candidates, as in the case of competition COM/D/577 held in 1977, which yielded only one successful female candidate, who has since neen taken on as a messenger, or none at all, as in the case of the last competition (EUR/D/24).

The Commission, like the Honourable Member, would like to see a fair proportion of women in occupations which, for no valid reason, are still a traditionally male preserve. In future, it will endeavour to target information specifically on the female population so as to encourage women to take part in these competitions and will pay particular attention to ensuring that women placed on the list of suitable candidates are actually recruited.

WRITTEN QUESTION E-3188/95
by Jan Mulder (ELDR)
to the Commission
(29 November 1995)
(96/C 91/68)

Subject: Concentration of nitrates in vegetables, particularly lettuce

To my oral question of 28 October 1994 (H-609/94) the Commission answered as follows([1]):

'Under the terms of Council Regulation (EEC) No 315/93([2]), every Member State which deems it necessary to adopt new legislation relating to contaminants in food must inform the Commission and other Member States of the measures envisaged, indicating the grounds which justify them. The Member State may only take the measures envisaged three months after communicating this information, and provided the Commission's opinion is not negative.

If, as the Honourable Member indicates, a certain Member State intends to limit the nitrate content of lettuce, the Commission will examine whether these measures are justified and will consult Member States.

As the question of whether there is a need to legislate on nitrates at Community level is still being studied, it is likely that, as in similar cases, the Commission will invite the Member State to defer any national initiative in this area.'

In the light of the above answer:

1. In what way was the procedure referred to in the Commission's answer implemented with regard to the proposed standards for the nitrate content of lettuce in Germany?

2. When does the Commission expect a European standard for nitrates in lettuce to be applicable?

3. What action does the Commission intend taking in future if the situation arises whereby the European standard on nitrates in lettuce does not yet apply while a national standard is in application in Germany?

4. Has the Commission any plans to make compensation payments to growers affected by the failure to apply in good time a European standard on the nitrate content of lettuce?

([1]) Debates of the European Parliament, No 4-453 (November 1995).
([2]) OJ No L 37, 13. 2. 1993, p. 1.

Answer given by Mr Fischler
on behalf of the Commission
(21 December 1995)

1. Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food was not in existence in January 1992 when the German authorities notified the Commission of a draft sixth amending Regulation intended to limit permitted levels of various crop treatment chemicals.

Germany's action in notifying its intention to limit the nitrate content of vegetables was taken under Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations([1]).

In its comments on the proposal, the Commission told Germany that in the absence of Community legislation the Member States were free to take action under Article 36 of the EC Treaty provided the rule of proportionality was observed and this could be shown by importing Member States. It also announced its own plans to adopt legislation in this area, pointing out that Germany might therefore be required in due course to bring its own standards into line with the Community rules.

2. The Commission is working with the Member States to find a Community solution to this issue without delay.

3. The new German standards for the nitrate content of lettuces have been in force since 1 November 1995. So far there has been no hindrance to trade and the Commission trusts this will continue to be the case until a Community solution is in place.

4. The Commission sees no basis for compensation payments to growers along the lines suggested by the Honourable Member.

([1]) OJ No L 109, 26. 4. 1983.

WRITTEN QUESTION P-3189/95
by Alexandros Alavanos (GUE/NGL)
to the Commission
(21 November 1995)
(96/C 91/69)

Subject: Duplicate personal files of Commission officials

In Cases T39/93 and T553/93, the Court of First Instance of the European Communities condemned the Commission for

having kept duplicate personal files of its officials (secret files as well as official files) for many years, thereby infringing Article 26 of the Staff Regulations which explicitly prohibits the keeping of duplicate personal files. This inadmissible and unprecedented occurrence reveals a number of procedures and practices within the Commission in the absence of formal legislation explicitly prohibiting such a state of affairs.

In order to achieve the transparency and democracy frequently advocated by the Commission, can it provide the following information:

1. Was it aware of the existence of duplicate personal files?

2. Has a thorough investigation been carried out to ascertain whether this has also been taking place elsewhere (outside the translation service) and, if not, will the Commission launch such an investigation?

3. Will the Commission establish where the responsibility lies and take disciplinary action accordingly, irrespective of the hierarchical position of those responsible or in any way involved?

4. Why did it secretly destroy a number of files, at least those whose existence had been revealed (in the translation service)?

5. Who can guarantee that duplicate personal files of officials are not still being kept?

6. In order to safeguard transparency and democracy and the dignity of officials in all European Union institutions and bodies, will the Commission enact an administrative Regulation prohibiting this and other similar practices, particularly in view of the deliberations of the Intergovernmental Conference on the future of the European Union?

7. Will the Commission keep the European Parliament informed of developments concerning this major issue?

Answer given by Mr Liikanen on behalf of the Commission

(11 January 1996)

1. The Commission complies in full with the provisions of the Staff Regulations which state unequivocally, without need for implementing provisions, that there shall be one file on each official, enabling him to defend himself if necessary. The Commission does not keep personal files containing appraisals of its officials beyond the official file.

2. Directors-General and Heads of Department/Service have been acquainted with the judgment given by the Court of First Instance on 11 October 1995. No comparable files are kept in any department.

3. The institution ended the practice between 13 December 1991 and 15 January 1992 at the initiative of the Service itself. That was well before the Court of First Instance gave its judgment. The Commission has issued internal instructions for strict compliance with the Staff Regulations.

4. The parallel files were destroyed in a wholly appropriate manner.

5. Those responsible for organizing work done in the Directorates-General and departments of comparable status undertake to secure compliance with the Staff Regulations. There are no longer any files containing reports or appraisals on ability, efficiency or conduct in the service other than those in the official personal files.

6. The Staff Regulations make provision for protection of officials in this respect. There is consequently no need for further rules or Regulations to safeguard staff rights.

7. This is purely a matter of internal organization in the Commission.

WRITTEN QUESTION E-3193/95

by Honório Novo (GUE/NGL)

to the Commission

(29 November 1995)

(96/C 91/70)

Subject: Substance of new provisions in the EU-Morocco trade agreement

On the night of 10 November 1995 the governments of the 15 Member States — including the Portuguese Government — accepted the terms of the new trade and association agreement between the EU and the Kingdom of Morocco which, according to reports carried in all of the media, has apparently incorporated new provisions relating to the Portuguese canning industry.

Can the Commission give full details of these new provisions? Specifically as regards the aid of some ECU 2,2 million (Esc 430 million), for how long is it to be granted, what particular objectives is it intended to attain, and how is it to be financed under the budget? (Is the money to be provided, for instance, by re-allocating Structural Funds already earmarked for Portugal under the second CSF)?

Answer given by Mrs Bonino on behalf of the Commission

(22 December 1995)

As a follow-up to the conclusions reached at the meeting of the Council (fisheries) on 26 October regarding the

Commission's report on the sardine market, and to soften the impact of the association Agreement with Morocco, a range of specific measures will be implemented to provide increased support for the Community sardine industry and for Portugal's canning industry in particular.

The aid level referred to by the Honourable Member corresponds in part to an estimate of the annual scope for carry-over aid, after uprating of the sardine premium. This form of assistance is intended to cover freezing and storage costs, for up to six months, in respect of stocks taken off the market when heavy landings drive prices down to withdrawal levels. The aid will come from the EAGGF Guarantee Section and is not subject to a time limit since it is covered by the common market organization for fishery products.

The remainder of the aid is to help with setting up producers' organizations and groupings of such organizations, and also to assist quality improvement. It will be covered by the Financial Instrument for Fisheries Guidance under a budget heading not included in the national Community support frameworks; this aid will be available once only, when an organization is set up or a quality improvement scheme is implemented.

WRITTEN QUESTION E-3197/95

by Honório Novo (GUE/NGL)

to the Commission

(29 November 1995)

(96/C 91/71)

Subject: Regeneration periods provided for in the EU-Morocco fisheries agreement

On the night of 10 November 1995 the governments of the 15 Member States — including the Portuguese Government — accepted the terms of the new fisheries agreement between the EU and the Kingdom of Morocco.

According to the available information, the biological regeneration period provided for in the agreement was to have been two months a year. However, media reports in Portugal have claimed that the Moroccan negotiators managed at the last minute to push through a longer period, namely three months.

What is the actual regeneration period laid down in the EU-Morocco fisheries agreement? What additional stipulations imposed, if any, have caused the biological regeneration period to be extended?

Answer given by Mrs Bonino on behalf of the Commission

(19 December 1995)

As the Honourable Member states, on the night of 10/11 November the Council approved the terms of an agreement between the Community and Morocco. The agreement concerned was the association Agreement, however, and not the fishery agreement, which was initialled in Brussels on 15 November.

The biological regeneration periods are specified in the datasheets annexed to the Protocol to the fishery agreement [1].

As the Honourable Member may verify, the Portuguese fleet, operating solely in the long-liners category, is bound to observe a biological regeneration period of two months.

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[1] COM(95) 608.

WRITTEN QUESTION E-3200/95

by Karl von Wogau (PPE)

to the Commission

(29 November 1995)

(96/C 91/72)

Subject: Distortions of competition concerning timber production in the Federal Republic of Germany

The German Government's annual report on agriculture reveals that, over the period 1989—1993, the average annual deficit of the national forestry undertakings in the original 'Länder' amounting to about DM 220 per hectare was met from the public funds of the Länder. For the period 1992—93, the average compensatory payment in respect of the new Länder amounted to DM 380 per hectare.

At the same time, private undertakings received annual aid of between DM 22/ha and DM 77/ha only, in the form of funding and advisory services.

This discrepancy, which was greatly widened in 1994 as a result of an additional increase in subsidies, is being compounded by the increased burden of taxation on private undertakings. As a result, competition between forest owners and the trade within the internal market is being distorted.

Does the Commission consider that aid for public forestry undertakings is compatible with Article 92 of the EC Treaty?

Has the Commission investigated whether the aid is in accordance with Article 93 of the EC Treaty, or does it intend to do so?

What proposals can the Commission make to safeguard fair competition in the internal market with regard to timber production and trade?

Answer given by Mr Fischler on behalf of the Commission

(22 December 1995)

The practices described might involve state aid. However, the Commission is not aware of any state aid to public or to private undertakings in the forestry sector of the type and amounts cited.

The Commission has asked the German authorities to clarify the matter and further emphasized the Member State's obligation under Article 93(3) of the EC Treaty to notify any plans to grant or alter aid. The Commission will take position under Article 93 of the EC Treaty with respect to aids which may exist in Germany.

The Commission often takes a favourable view of State aid in relation to forestry, but assesses each individual case on its merits. Its policy is partly based on Council Regulation (EEC) No 2080/92 [1] which provides for Community co-financing of afforestation measures (investments, maintenance and income loss compensation) on agricultural holdings. Article 8(2) of this Regulation allows Member States to provide additional aid for measures for which the aid conditions differ from those laid down in the Regulation, or the amounts exceed the limits stipulated in the Regulation, provided that the aid measures comply with Articles 92 to 94 of the EC Treaty. Regarding forestry exploitation the Commission's State aid policy is based on Council Regulation (EEC) No 867/90 [2], which provides for Community co-financing of measures for the development and rationalization of the processing and marketing of wood. It is often the Commission's practice under Article 92(3)(c) of the EC Treaty to regard relatively high aid rates in the forestry sector as compatible with the common market.

[1] OJ No L 215, 30. 7. 1992.
[2] OJ No L 91, 6. 4. 1990.

WRITTEN QUESTION E-3202/95
by James Fitzsimons (UPE)
to the Commission
(29 November 1995)
(96/C 91/73)

Subject: Production of newsletters in DGs

In the light of the success of the Newsletters produced by DGs IV, XV, XII and XIII, will the Commission state what its intentions are concerning similar newsletters from other DGs?

Answer given by Mr Santer on behalf of the Commission

(15 December 1995)

The newsletters mentioned by the Honourable Member form only a small part of the newsletters produced by the departments, Offices and Representations in the Member States and the Commission delegations. The Statistical Office, DGs I, II, III, V, X, XI, XVI, XVII and XXIV and ECHO should be added to the list contained in the question.

A review of the current situation shows that these newsletters are generally effective in informing the various publics. However, in order to introduce a measure of consistency, the Commission departments recently agreed on common general principles to be applied to the production of bulletins and newsletters for the general public.

WRITTEN QUESTION E-3204/95
by James Fitzsimons (UPE)
to the Commission
(29 November 1995)
(96/C 91/74)

Subject: Lifting restrictions on access to the Breydel press centre

In the light of the Commission's commitment to transparency, will it indicate when it will reverse its decision to restrict access to the Breydel press centre to journalists only? Would the Commission consider opening the press centre when it is not being used for press conferences?

Answer given by Mr Santer on behalf of the Commission

(16 January 1996)

The Commission press centre is reserved by definition for professional journalists. However, members of the press services of the institutions have a number of specific passes giving access to it. Moreover, all the documents published for journalists are accessible on the day of publication in the Rapid database.

WRITTEN QUESTION E-3208/95
by James Fitzsimons (UPE)
to the Commission
(29 November 1995)
(96/C 91/75)

Subject: Excessive State aids

Could the Commission set out what it intends to do, in the light of the Fourth report on State aids, to press the richer Member States to reduce excessive State aids to industry at the expense of the poorer cohesion countries?

Answer given by Mr Van Miert
on behalf of the Commission
(17 January 1996)

Several years ago the Commission set in train a policy for reducing the amount of aid granted to domestic firms by Member States, particularly the most prosperous ones. Economic and social cohesion is the focal point of its policy on regional aid. Under that policy, the Commission makes a careful selection of the regions eligible for regional aid in order that aid can be concentrated in the least-favoured regions. It also fixes the level of aid so that a sufficiently wide differential is maintained between the different types of region.

The figures contained in the fourth survey from the Commission on State aid in the manufacturing and certain other sectors [1], which covers the period 1991/92, confirm the downward trend in the aggregate volume of aid. The disparities between the richest Member States and those covered by the cohesion arrangements must be looked at in the light not only of the growing budgets of the Structural and Cohesion Funds but also of the very significant needs created by the exceptional situation of German unification and by the essential restructuring of ailing industries.

The Commission is also convinced that the tightening of its rules since 1992 will prove effective, with the volume of aid being reduced even more substantially. In the meantime, it has also abolished certain forms of aid that were not geared to any specific objective of interest to the Community, lowered certain regional aid thresholds and the thresholds for environmental aid, imposed very strict criteria for restructuring aid and pursued a policy of improving the monitoring of aid, in particular by ensuring better compliance with the notification requirement by Member States.

[1] COM(95) 365 final.

WRITTEN QUESTION E-3214/95
by Gerardo Fernández-Albor (PPE)
to the Commission
(1 December 1995)
(96/C 91/76)

Subject: Cancellation of foreign debt for Latin American countries which protect their tropical forests

Costa Rica is meeting with some success in having its debt with developed countries such as Canada and Sweden cancelled in return for support for the conservation of protected areas in that country, which represent 32 % of its entire territory.

Following this experiment negotiations on similar agreements have begun with a number of European countries, including Spain.

The initiative has proved to be highly effective and profitable, both in terms of helping to cancel the foreign debt of developing countries and as a contribution to conserving the various protected areas in Latin American countries.

Can the Commission say whether it considers it advisable to study the introduction of a Community policy in this area so as to help the above countries to conserve their natural habitats and reduce their dependence on foreign debt with the most developed countries?

Answer given by Mr Marín
on behalf of the Commission
(11 January 1996)

The Community provides financial assistance for nature conservation schemes in Costa Rica and other Latin American countries, notably to protect tropical forests, but it has no direct involvement in debt remission.

The Commission is well aware of the constraints placed by indebtedness on many developing countries and in 1993 proposed that debt and financial flows be regarded as prime candidates for policy coordination at Community level. That proposal, however, was not taken up by the Council.

In Latin America as elsewhere Community aid largely takes the form of grants. As regards the treatment of bilateral debt with industrialized countries, the Commission wholeheartedly supports the efforts made over the last ten

years at the instigation of Member States and others to find new, more flexible ways of managing debt.

While it does not believe conversion of debt into investments or development funds is appropriate in all cases or substitutes for other forms of debt reduction it is a useful addition to the repertoire and can help steer resources towards areas of greatest need. The protection of the environment is one such area in which operations of this kind can make a significant contribution.

The UN's Commission on Sustainable Development also sees such operations as a way of allocating resources to conservation in developing countries.

WRITTEN QUESTION E-3216/95
by Gerardo Fernández-Albor (PPE)
to the Commission
(1 December 1995)
(96/C 91/77)

Subject: Introduction of Community VAT for culture

A large number of art dealers from the 15 Member States of the European Union recently met in Spain to discuss the taxes imposed in the market in works of art and called for the introduction of Community VAT on cultural works.

The conference organizers claimed that there is an astonishing variation in the VAT applied to works of art in each individual country of the European Union, which hinders their free movement throughout Europe.

Can the Commission say what opinion it holds on the matter and what real possibilities there are for introducing Community VAT on culture as requested at the recent meeting of Community art dealers in Spain?

Answer given by Mr Monti
on behalf of the Commission
(19 January 1996)

The Commission does not possess any information regarding the meeting referred to by the Honourable Member.

The VAT arrangements for works of art were harmonized by Directive 94/5/EC of 14 February 1994 [1], which introduced a special scheme based on the profit margin, with derogations for certain Member States being allowed only on a transitional basis.

As regards rates, harmonization was carried out by Directive 92/77/EEC of 19 October 1992 [2] (approximation of VAT rates). Since works of art are not mentioned in Annex H to that Directive, all Member States apply the standard rate, which may not exceed 15 %, to the margin.

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[1] OJ No L 60, 3. 3. 1994.
[2] OJ No L 316, 31. 10. 1992.

WRITTEN QUESTION P-3222/95
by Carles-Alfred Gasòliba i Böhm (ELDR)
to the Commission
(24 November 1995)
(96/C 91/78)

Subject: Customs union with Turkey

The Treaty on a customs union with Turkey is shortly to come before the European Parliament for approval.

Can the Commission state what measures have been provided for with a view to ensuring fair competition in trade with Turkey and preventing possible prejudice to European Union undertakings?

Answer given by Mr Van den Broek
on behalf of the Commission
(17 January 1996)

The proposal for a Decision concerning the introduction of the final phase of the customs union between the Community and Turkey, which has been submitted to Parliament for its assent, confers significant economic and commercial benefits on the Community, the most important being the complete elimination of the customs duties imposed by Turkey on European exports. A very considerable increase in the volume of European exports to Turkey and a lasting beneficial effect on employment in the Community can be expected as a result of the implementation of this Agreement.

Appropriate provisions covering sensitive sectors such as textiles, the motor vehicle industry and agriculture have been included in the text of the Decision. The text also ensures that Turkey will bring its law and practice into line with the Community's law and practice, especially as regards respect for intellectual property rights, competition rules, technical standards and commercial policy.

An extract from the document on the customs union with Turkey which has been prepared for the information of the

members of the parliamentary committees that are required to deliver an opinion on the customs union is being sent direct to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION E-3225/95
by Stephen Hughes (PSE)
to the Commission
(1 December 1995)
(96/C 91/79)

Subject: Community forestry project in Lesotho (contract No B7-5040/93-46)

Could the Commission indicate what the present situation is in the Development Section for meeting their obligations to the various non-governmental organizations, most especially to the Community forestry project in Lesotho in regard to the funding of the projects undertaken on behalf of the European Union?

Answer given by Mr Pinheiro
on behalf of the Commission
(22 January 1996)

The 1995 payment credit allocation under budget line B7-5040 'Environment in developing countries' has proved to be insufficient to meet an increased number of payment requests introduced during the first nine months of 1995.

This unfortunate state of affairs has been remedied in accordance with budgetary procedures by the transfer of unused payment credits from another budget line.

As far as the community-based forestry project in Lesotho is concerned, payment has now been made.

WRITTEN QUESTION E-3227/95
by David Thomas (PSE)
to the Commission
(1 December 1995)
(96/C 91/80)

Subject: State aids in the pig sector

Has any of the money paid by the French Government to pig producers in contravention of the Treaties been recovered? If not, can the Commission explain why not?

Answer given by Mr Fischler
on behalf of the Commission
(22 December 1995)

The French Government informed the Commission by letters dated 25 September and 19 October 1995 that the part of the subsidized repayment of interest on loans due in 1993 exceeding what could be approved by the Commission has been recovered in compliance with the Commission decision of 27 July 1994.

The French Government has complied also with the Commission Decision of 27 July 1994 relative to Stabiporc, as confirmed in its letter dated 30 october 1995.

Concerning another aspect of Stabiporc ('pool bancaire'), the Commission adopted on 31 October 1995 another final decision involving recovery of aid under Article 93(2) of the EC Treaty. This will be published in the *Official Journal of the European Communities.*

WRITTEN QUESTION E-3230/95
by Jan Mulder (ELDR)
to the Commission
(1 December 1995)
(96/C 91/81)

Subject: Outbreak of brown-rot in the Netherlands

As the Commission is aware, the infectious disease of brown-rot has broken out in a number of potato-growing farms in the Netherlands. The Netherlands Government, as the Commission is also aware, is making considerable efforts to track down the causes of the infection and prevent it from spreading further. In addition strict control measures have been set up to prevent infected material from coming onto the market. The farms affected by brown-rot face considerable losses, at all events if no adequate compensation arrangements are available.

To avoid the great uncertainty that is now being created by ad hoc solutions and solutions that will also have to be monitored for compliance with current European competition rules, I wish to ask the Commission the following questions:

1. Is the assumption correct that there exist at this time at European level no arrangements under which the affected farms can apply for relief from the financial consequences of this disaster?

2. If that is indeed the case, is the Commission prepared to take steps resulting in the provision of compensation arrangements by analogy with those that already apply to infectious animal diseases? The financing basis for

such arrangements could likewise be based on contributions from the European budget, the national budget and contributions from the sector itself.

Answer given by Mr Fischler on behalf of the Commission

(20 December 1995)

The Commission is aware of outbreaks of potato brown-rot, caused by *pseudomonas solanacearum,* in the Netherlands. In this context, the Commission has recently adopted specific measures under the safeguard clause provisions of Directive 77/93/EEC(1) on protective measures against the introduction into the Community of organisms harmful to plants or plant products or against their spread within the Community, as amended, with a view to strengthening protection against the spread within and the introduction of brown-rot from the Netherlands.

The current Community plant health regime as established by the Directive does indeed not include provisions for a financial contribution from the Community for expenses arising from such outbreaks. However, it should be noted that in this respect the Commission presented in 1989 a proposal for a Council Directive(2) amending Directive 77/93/EEC.

The proposal consists essentially of two elements, namely financial solidarity under which a Community fund would be created to provide a contribution to Member States' expenses in combating an outbreak of a harmful organism spread by contaminated consignments, and financial liability under which this contribution would have to be reimbursed to the solidarity fund in the event of non-compliance by a Member State with its obligations under the Community plant health regime. The proposal is still under discussion in the Council.

(1) OJ No L 26, 31. 1. 1977.
(2) COM(89) 647 — OJ No C 31, 9. 2. 1990; COM(91) 246 — OJ No C 205, 6. 8. 1991.

WRITTEN QUESTION E-3236/95

by Glyn Ford (PSE)

to the Commission

(1 December 1995)

(96/C 91/82)

Subject: Preservation of drystone walls as an essential feature of the agricultural landscape in the United Kingdom

Is the Commission to include the building and maintenance of drystone walling in funding criteria to enable this important aspect of the rural and agricultural landscape in the United Kingdom to be preserved and advanced?

Answer given by Mr Fischler on behalf of the Commission

(20 December 1995)

Dry stone walls are recognized as an essential feature of the landscape and effective for stock control in many parts of the Community. However, traditional walls are expensive to maintain. Dry stone walling is a skilled operation employing construction techniques which vary considerably in different regions. Without public support, dry stone walls could fall into disrepair and be replaced by wire fencing. This would reduce the quality of the landscape and risk losing the traditional construction skills in those regions.

Dry stone walling is eligible for support under a number of Community agricultural and rural programmes. In the framework of Objectives 1 (regions where development is lagging behind), 5b (development of rural areas) and 5a (adjustment of agricultural structures) of the Structural Funds, part-funding from the Community is available for measures designed to safeguard the rural environment. This may include the restoration and maintenance of farm buildings and the collective improvement of the built rural environment. For example, the single programming document 1994—1999 for Northern Ireland, which is an Objective 1 region, makes provision for this type of aid, 75 % part-funded by the Community.

The agri-environment programmes within Council Regulation (EEC) No 2078/92(1) provide for support for farming practices compatible with the maintenance of the countryside and the landscape. In the United Kingdom this includes aid for the maintenance of dry stone walls, notably through the environmentally sensitive area (ESA) schemes. The Community finances 50 %, or in Objective 1 areas 75 %, of the cost of the agri-environment measures.

(1) OJ No L 215, 30. 7. 1992.

WRITTEN QUESTION E-3238/95

by José García-Margallo y Marfil (PPE)

to the Commission

(1 December 1995)

(96/C 91/83)

Subject: Declaration of regions at a disadvantage due to specific constraints

Crops in the municipal districts of Oropesa del Mar, Cabanes and Torreblanca in the province of Castellón (Spain) are being badly damaged as a result of the high level of salt in the region's aquifers due to sea encroachment. The

Spanish Institute of Geology and Mining has described the situation as irreversible, with analysis yielding results of more than 2 grams per litre of chloride and electrical conductivity above 3 to 4 milliohms per centimetre.

In view of this alarming situation, what type of aid will the Commission provide to combat the negative effects of salification in the above region?

When will this aid be made available?

Does the Commission intend to include the districts concerned in the Community list of regions at a disadvantage due to specific constraints?

Answer given by Mr Fischler on behalf of the Commission

(20 December 1995)

It is correct that a high soil salinity level is one of the classification criteria adopted under Directive 86/466/EEC concerning the Community list of less-favoured farming areas within the meaning of Directive 75/268/EEC (Spain) [1].

It is for the Spanish authorities, however, to judge whether the levels observed are such that they wish to propose that given areas be classified as less favoured within the meaning of Directive 75/268/EEC [2].

Pending such classification, farmers in the districts concerned may, if they choose to participate in the relevant programmes, receive aid under the agri-environment or forestry programmes implemented in Spain as measures to back up the reform of the common agricultural policy.

[1] OJ No L 273, 24. 9. 1986.
[2] OJ No L 128, 19. 5. 1975.

WRITTEN QUESTION E-3252/95
by Amedeo Amadeo (NI)
to the Commission
(1 December 1995)
(96/C 91/84)

Subject: Exercise of trade-union freedom at the Commission

Although it has submitted a proper written request to become party to the outline agreement governing relations between the Commission and staff trade unions, A & D (Action et Défense), a European civil servants' union recently set up in Luxembourg, has never received an official written reply.

More seriously, Mr Ralf Dreyer, head of the unit in DG IX responsible for relations with the unions, wrote to the A & D General Secretary on 26 October 1995 to inform him that organizations which had not signed the outline agreement were prohibited from distributing information material on Commission premises.

Article 24a of the Staff Regulations clearly states that European civil servants have the right to join trade unions or professional associations.

The attitude of the Directorate-General for Personnel appears incomprehensible in the light of the above provision.

Can the Commission say when it will act to put a stop to the discrimination being meted out to the new union?

Answer given by Mr Liikanen on behalf of the Commission

(9 January 1996)

On 9 October 1995, the Action et Défense trade union, which was set up in Luxembourg in that year, asked to become party to the outline agreement governing relations between the Commission and trade unions and staff associations. As a new organization, the union's credentials were examined and on 31 October 1995 it was informed that it did not currently satisfy the criterion laid down in Chapter 1, paragraph 2 of the agreement, but that the situation could be reviewed at the time of the next staff committee elections.

Under Article 21 of the outline agreement the Commission allows the Staff Committee and the trade unions and staff associations that are parties to the agreement to use the Commission's information distribution facilities. There is no mention of organizations which are not parties to the agreement and therefore no obligation to allow them to use the facilities.

Nonetheless, the Commission is currently considering under what conditions it may allow organizations not covered by the agreement to make use of its information distribution facilities for activities that do not qualify as public service activities as laid down in the agreement.

Once a decision is taken the organizations concerned will be notified accordingly.

WRITTEN QUESTION E-3254/95
by Amedeo Amadeo (NI)
to the Commission
(1 December 1995)
(96/C 91/85)

Subject: Human rights

Since June 1995, when he was arrested by Tutsi soldiers who accused him of showing favouritism to the Hutu, Father Isaia Bellomi, a member of the religious community based in Treviglio (Bergamo province), has been held prisoner in Rwanda.

The Secretary at the Italian Embassy in Kampala has made several requests to the Tutsi Government to specify the crimes with which Father Bellomi has apparently been charged, but the Government has refused to do so.

As a result, the missionary is not only still awaiting trial after five months, but he does not even know what formal charges he will be called upon to answer.

Will the Commission, which has such a keen regard for the defence of democracy and human rights, use its good offices in obtaining information from the Tutsi Government and, pursuing relations founded on cooperation, however fraught with difficulty these may be, take an active part in the attempt to resolve this very serious case?

Answer given by Mr Pinheiro
on behalf of the Commission
(26 January 1996)

The Commission has never lost sight of the problems facing prisoners in Rwanda and is playing an active role in judicial and human rights issues in the country.

The issue has been the subject of representations on several occasions.

When accompanying missions by the troika or, more directly, during DG VIII's high-level mission in July 1995, the Commission has raised the matter of prisoners and their conditions with the Rwandan authorities.

The Commission's interest in the subject is borne out by its participation in the UN observer mission and other schemes to rebuild the judicial system and by its considerable contribution to the work of the international tribunal.

With regard to Father Bellomi, who is accused of acts in connection with the genocide of April 1994, he was allowed to stay at home in Kubungo and then at the Italian consulate in Kigali. Information received by the Commission would suggest that the missionary's release is imminent.

WRITTEN QUESTION E-3255/95
by Amedeo Amadeo (NI)
to the Commission
(1 December 1995)
(96/C 91/86)

Subject: Preventive distillation of wine

In the first half of October 1995 the Commission announced that 6,3 million hectolitres of wine would be subject this year to the preventive distillation arrangements. Out of that total, 3,8 million hectolitres would be accounted for by Italy, 800 000 by France, 800 000 by Spain, and 400 000 by Portugal.

It is common knowledge that distillation is a technical term, a euphemism for destruction of wine by means of its conversion into alcohol, and 'preventive' means that the wine is destroyed in advance, before any attempt is made to market it: no sooner has the grape harvest been gathered in than the destruction starts! The cost of the operation in 1995 will be ECU 100 million (approximately Lit 200 billion), the consequences will be harmful from the ecological point of view, and the only endproduct will be useless alcohol that will be sold at a loss wherever in the world it can be disposed of.

Further distillation will be carried out in months to come.

Succumbing to the fashion for 'free-trade areas', the institutions are promising to throw open the European market, quite without restrictions, to agricultural produce from a growing number of (nearby or distant) third countries. In so doing they are aggravating and exacerbating the problems of European agriculture and even running the risk of upheavals that would be occasioned if a large part of the sector were to disappear.

Will the Commission therefore submit a plan at an early date with a view to reforming preventive distillation of wine and curbing the unfortunate effects resulting from excessive use of the arrangements?

Answer given by Mr Fischler
on behalf of the Commission
(19 December 1995)

Preventive distillation is one of the options open to the Commission for regulating wine production, its purpose being to prevent prices being depressed by a glut of cheap wine on the market early in the season. The distillation price is set at 65 % of the guide price, with the additional aim of getting rid of poor wine and hence improving the position of higher-quality varieties.

For the 1995/96 marketing year the decision was taken to allow preventive distillation of up to 6,3 million hectolitres. In the event prices have held firm this year and the harvest was down, so it is expected that no more than 4 million hectolitres will be subject to these arrangements, as against 5,5 million hectolitres last season, and there should be no compulsory distillation at all.

Regarding the opening up of the Community market to wines from non-member countries under 'free-trade agreements', notably the GATT agreements, it is important to realize that this in no way affects the Community's export trade. In 1994 the Community exported 11,7 million hectolitres of wine and imported 2,7 million hectolitres. The import/export ratio was therefore 23 %, the average for the years 1990/91—1993/94 being 34 %.

It is also worth pointing out that the Community's imports of wine average just 2 % of internal production.

As regards reform of the preventive distillation arrangements, the Commission would remind the Honourable Member that on 11 May 1994 it submitted a proposal to the Council for a reform of the whole common organization of the market in wine. As part of the proposal, a system of voluntary distillation would replace the existing preventive and support distillation schemes. Distillation would take place at the start of the season and would be intended purely as a means of dealing with cyclical oversupply. Parliament has already returned an opinion on the draft legislation and, while putting forward suggestions on a number of other aspects, took no exception to the Commission's approach on distillation.

WRITTEN QUESTION E-3259/95

by Johanna Maij-Weggen (PPE)

to the Commission

(1 December 1995)

(96/C 91/87)

Subject: Flood Action Plan in Bangladesh

1. Is the Commission aware that parts of the Flood Action Plan in Bangladesh are being severly criticized by local people because the socio-economic position of millions of people is allegedly being damaged and because the adverse impact on the environment is far greater than anticipated?

2. What are the findings of the studies of environmental impact and participation by the local people commissioned by the European Union, and how are these findings being used in the further planning?

3. Does the Commission agree with the recommendation by NGOs in Bangladesh that a fresh independent study should be carried out before Stage 2 of the FAP begins?

4. Will the Commission ensure that NGOs, as advocates of the cause of the people of Bangladesh, are assigned a full role in the forthcoming donor conference?

5. Will the Commission support a national debate on an integrated water management model, in accordance with one of the UNDP's recommendations?

6. Will the Commission await the debate in the Bangladesh Parliament before cooperating over Stage 2 of the FAP?

7. How does the Commission see its future involvement in the FAP in the light of the persistent criticisms, the various critical evaluation reports and the opposition in broad sections of the population?

Answer given by Mr Marín
on behalf of the Commission

(11 January 1996)

1. The Commission is aware of the reports in the media. The flood action plan (FAP) projects implemented by the Community have been confined to coastal embankment rehabilitation and general surveys. There have been no reports of adverse effects on the environment from projects implemented by the Community.

2. Within the FAP the Commission has started detailed studies, including environmental impact assessments, and results will be available in 1996/97.

3. The Commission understands the FAP to be a continuous, rather than a strictly-phased, process for planning, programming and identifying development options. In accordance with normal practices, the Commission will satisfy itself that the environmental and other aims are achieved before it agrees to provide further financial assistance in the water-resources sector.

4. The non-governmental organizations' (NGOs) participation in the Fourth FAP conference was limited to the inaugural session. However, the Commission agrees that the role of NGOs should be more extensive in future meetings.

5. The Commission has applied the concept of integrated water-management in the past, but is not aware of a specific recommendation of the United Nations development programme (UNDP) with respect to 'an integrated

water-management model'. If the need for a national debate on the topic is generally perceived the Commission will support it.

6. The Bangladesh parliament is at present dissolved. It is expected, however, that the new parliament will discuss the planning process in the water sector. The Commission considers it important that the parliament discuss the controversial issues before a decision on further Community financing on FAP is taken.

7. The Government of Bangladesh has declared that there should be extensive public participation and consultation in connection with FAP. The Commission is certainly aware of the importance of this issue and will consider further Community financing only if it is satisfied that the social, environmental and economic objectives are duly considered.

8. The Commission has supported an alternative, community-based disaster management approach, modelled to reduce dependency on relief activities during severe flooding. The project has been implemented in Northern Bangladesh and has effectively reached 600 000 people in 1995. It has been implemented by a well-established local NGO, the Rangpur Dinaipur rural service (RDRS).

With this support the Commission has actively contributed to a comprehensive approach for future development of the flood action plan along the lines expressed by the Honourable Member. The Commission expects support to this programme to continue into 1996.

WRITTEN QUESTION E-3265/95

by Jesús Cabezón Alonso (PSE) and Josep Pons Grau (PSE)

to the Commission

(6 December 1995)

(96/C 91/88)

Subject: Aid to Mali

What economic and political contribution has the European Union made to the process of consolidating peace in Mali and, more specifically, what contribution has it made to the process of normalizing the army and the police and to the return of the refugees?

Answer given by Mr Pinheiro on behalf of the Commission

(25 January 1996)

The Commission is far and away the main development partner in northern Mali. Recent decisions aimed at helping consolidate the peace process, one of the Malian government's most immediate priorities, have added to the projects already under way in the region, projects that have continued without interruption in spite of the often difficult conditions. The latest schemes concern:

— the social sectors, in the shape of a project to restore classrooms in the Gao region and another to rehabilitate health centres in the three northern regions;

— support for measures aimed at generating or reviving economic activity, with a microprojects programme, a livestock project and an SME support project: the latter includes a special fund for the north targeted on two groups, namely refugees returning to Mali and ex-combatants willing and able to return to civilian life.

All these schemes are aimed at improving incomes and living conditions in the region, so helping refugees return to their homes and consolidate peace in the north. They could soon be joined by new schemes pursuing similar objectives in other sectors. The setting-up of a monitoring unit for the north will help ensure that the various schemes under way are consistent and complementary and — now that some calm has been restored — that new needs can be identified.

WRITTEN QUESTION E-3269/95

by Karl Schweitzer (NI)

to the Commission

(6 December 1995)

(96/C 91/89)

Subject: Water management construction project

At the Committee on the Environment, Public Health and Consumer Protection's meeting of 7 September 1995, the Spanish Minister for the Environment and President on the Council, José Borrel Fontanelles, stated that Article 130s of the (EC) Treaty established the principle that water resources should be shared within the EU, an objective Spain wished to achieve by means of a trans-European water network.

At its meeting of 31 October 1995, the Committee on External Economic Relations unanimously adopted a motion for a resolution on economic and trade relations between the European Union and the countries of the Mediterranean basin, which was adopted by the European

Parliament in plenary on 17 November 1995 (Doc. A4-0271/95). Paragraph 18 of the resolution reads:

'it will be necessary to promote the transfer and transport of water from the countries of northern Europe with a surplus to those of the Mediterranean basin which require it; thus supports the construction of transport systems with low energy consumption to transfer water to drought areas'.

1. Does the Commission plan to transfer water from northern to southern European countries?

2. If so, approximately what volume of water does the Commission consider should be transferred per annum?

3. Does the Commission already have any estimates as to the financial cost of constructing trans-European water networks?

Answer given by Mrs Bjerregaard on behalf of the Commission

(10 January 1996)

The Commission has no plans for water transfer from northern to southern Member States. Furthermore, any measures concerning the quantitative management of water resources would require unanimity in Council (Article 130s, paragraph (2) of the EC Treaty).

WRITTEN QUESTION E-3272/95

by Richard Balfe (PSE)

to the Commission

(6 December 1995)

(96/C 91/90)

Subject: Protocol to the 1963 (EEC)-Turkey Association Agreement — Spain and Portugal

When was the protocol to the agreement establishing an association between the Community and Turkey consequent on Spain and Portugal's accession to the Community signed by Spain, Portugal, the other Member States, the Council and Turkey? When did Spain and Portugal ratify this protocol and notify the other Contracting Parties of their ratification?

Answer given by Mr Van den Broek on behalf of the Commission

(30 January 1996)

The protocol to the agreement establishing an association agreement between the Community and Turkey consequent to the accession of Spain and Portugal was signed by Spain, Portugal and the other Member States, by the Council and Turkey on 23 July 1987. Portugal and Spain have not yet ratified the protocol which has therefore not yet been notified.

WRITTEN QUESTION E-3273/95

by Richard Balfe (PSE)

to the Commission

(6 December 1995)

(96/C 91/91)

Subject: 1963 (EEC)-Turkey Association Agreement — Sweden, Finland and Austria

With reference to an earlier Written Question (E-2550/95)[1], concerning the application of the (EEC)-Turkey Association Agreement of 1963 in the three new Member States, it would appear from the reply that the necessary ratification procedures in each Member State could take several years and may not be completed before the end of this century.

1. Can the Commission confirm that as long as the necessary ratification procedures are pending, Turkish workers in Austria, Finland and Sweden cannot lay claim to certain rights, especially those concerning residence and access to the labour market, which are enjoyed by their compatriots in other Member States?

2. Bearing in mind *inter alia* the principle of acceptance of the 'acquis communautaire' by the new Member States, the aim of setting up the internal market by 31 December 1992 as stipulated in Article 7a of the EC Treaty, and the Commission's position of equating the internal market with a national market[2], does the Commission not consider as an anomaly, if not an outright contradiction, the fact that there is a sort of two-tier European Union as far as Turkish workers are concerned?

3. What does the Commission intend to do or what can it do to ensure that Turkish workers and their families in the new Member States enjoy the same rights as their compatriots established in the other Member States?

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[1] OJ No C 340, 18. 12. 1995, p. 43.
[2] SEC(92) 877 final.

WRITTEN QUESTION E-3274/95
by Richard Balfe (PSE)
to the Commission
(6 December 1995)
(96/C 91/92)

Subject: 1963 (EEC)-Turkey Association Agreement — Sweden, Finland and Austria

As a follow-up to my question P-2544/95 [1], can the Commission confirm that following the notification by the Greek Government to the other Contracting Parties of its ratification, on 10 November 1994, of the protocol to the agreement establishing an association between the Community and Turkey consequent on Greece's accession to the Community, Turkish workers who are legally residing in Greece benefit from the more favourable provisions concerning *inter alia* the right of residence and the right to work which are contained in Decisions 2/76 and 1/80 of the Association Council established by the Association Agreement between the EEC and Turkey, of 19 September 1980, on the development of the Association?

[1] OJ No C 326, 6. 12. 1995, p. 50.

Joint answer to Written Questions E-3273/95 and E-3274/95
given by Mr Van den Broek
on behalf of the Commission
(17 January 1996)

International agreements concluded by the Community, and also the decisions adopted by the bodies set up by those agreements, form an integral part of the corpus of Community law — and hence of the Community acquis — from the moment of their entry into force.

The Court of Justice has made this point on a number of occasions, notably in the Demirel judgment [1] of 30 September 1987 and the Sevince ruling [2] of 20 September 1990.

Without prejudice to any specific transitional provisions stipulated by the act of accession, the relevant international agreements and also the decisions adopted by the bodies set up by those agreements are binding on new Member States from the moment of entry into force of the act of accession (see for example Article 5 and Article 76(1) of the Act concerning the conditions of accession of Austria, Finland and Sweden) [3] and their provisions may, where appropriate, be directly applicable to private individuals.

[1] Case 12/86, ECR 1987, page 3719 *et seq.*
[2] Case C 192/89, ECR 1990, page 3497 *et seq.*
[3] OJ No C 241, 29. 8. 1994.

WRITTEN QUESTION E-3278/95
by Johanna Maij-Weggen (PPE)
to the Commission
(6 December 1995)
(96/C 91/93)

Subject: Forced labour by prisoners in Myanmar

The Commission's reply to my Written Question E-2846/95 [1] indicates that the Commission is aware of Amnesty International's report on the bad conditions under which prisoners, including political prisoners, are used as forced labour.

1. What volume of goods is imported into the European Union from Burma, and can the Commission guarantee that they are not produced using forced labour?

2. If no such guarantee can be given, will the Commission take measures? If so, what measures?

[1] OJ No C 9, 15. 1. 1996, p. 63.

Answer given by Mr Marín
on behalf of the Commission
(10 January 1996)

1. Overall dutiable exports from Myanmar to the Community in 1993 (last data available) amounted to ECU 28 million. The most important product exported to the Community was shrimps, followed by shirts, tropical timber and oil seeds. These products are mainly produced by joint ventures or the agricultural sector. It was not brought to the attention of the Commission that forced labour is used in joint ventures or the agricultural sector.

2. The Commission has received a complaint under Article 9 of the generalized system of preferences Regulation (EC) No 3281/94 [1] regarding the use of forced labour in Myanmar, especially in infrastructure and for military purposes. This complaint is at present under examination.

[1] OJ No L 348, 31. 12. 1995.

WRITTEN QUESTION P-3279/95
by Irene Soltwedel-Schäfer (V)
to the Commission
(1 December 1995)
(96/C 91/94)

Subject: Promotion of ecological farming under the EU's Fourth Research Programme (Agriculture and Fisheries)

State-subsidized research projects are generally regarded as an indicator or guideline concerning a desired economic trend. At European level ecological farming represents less than 3 % of agricultural production. The research projects submitted under the Fourth EU Framework Programme for Research in the field of Agriculture and Fisheries represent less than 1 % (less than 10 out of 937 projects (see answer to Written Question P-2627/95)([1])).

1. Does the Commission agree with me that the information brochure's lack of sectoral and specific guidance, transparency and definition as regards research projects on ecological farming are the main reason for the small number of applications submitted? If not, why not?

2. What is the Commission's assessment of the results of the research projects submitted? Does it think that 10 research projects on ecological farming is a satisfactory number?

3. Does the Commission regard increasing the extent of ecological farming as a priority? If so, does it intend to reflect this view by giving preferential support to reseach projects on ecological farming?

4. In the interests of clarity, transparency, internal logic and consistency, and of achieving the desired objectives and identifying priorities, is it not important, indeed essential, for the call for projects to be directed principally, as with the Research Programme on Energy, towards forms of production (ecological farming, integrated farming, traditional farming), and only secondarily towards primary production, processing, marketing, effects of the CAP, employment etc? Does the Commission intend to make corrections to that effect in the Fourth Framework Programme? If not, why not?

5. What specific steps does the Commission propose taking to bring about a significant increase in the number of research projects submitted which relate to ecological farming?

([1]) OJ No C 48, 19. 2. 1996, p. 17.

Answer given by Mr Fischler
on behalf of the Commission
(22 December 1995)

1. The Fair (Agriculture and Fisheries, including Agro-Industry, Food-Technologies, Forestry, Aquaculture and Rural Development; 1994—1998) work programme clearly refers to organic farming, in particular in programme areas 4.1 (common agricultural policy), 4.2 (quality) and 4.3 (diversification).

The Commission would refer the Honourable Member to its answer to his Written Question P-1692/95([1]) where it explained that research projects may target a particular type of farming or may deal with generic agricultural techniques. Projects that concentrate on a specific type of farming, such as organic farming, would either investigate aspects that are specific to that system or might investigate the complete system (e.g. the crop rotation within the biological, technical and commercial framework of the farm) in an integrated and holistic manner. Projects that deal with agricultural techniques (e.g. reduced soil tillage, non-chemical weed control, symbiosis between crop plants and microorganisms that substitute fertilizers) would be relevant to several types of farming.

The number of research projects that explicitly refer to organic farming is therefore not an accurate measure of the total amount of research of relevance to organic farming which takes place. It is necessary to add other projects which aim to benefit low-input farming as a whole.

2. The answer to Written Question 1692/95 also explained that the specific agricultural research programmes Fair, Air (Agriculture and Agro-industry, including Fisheries; 1991—1994) and Camar (Competitiveness of Agriculture and Management of Agricultural Resources; 1989—1993), all part of the Community research and technological development framework programmes, provide financial support for research on various aspects of organic farming. In Camar and Air a number of good research proposals were received on different aspects of organic farming.

3. The Commission favours organic farming in order to further the objectives of the common agricultural policy concerning the rural environment, product quality, rural development and avoidance of production surpluses.

4. For the subject headings 'processing', 'marketing', 'common agricultural policy impact' and 'employment', much of the technology that will be developed under Fair should be useful both for products originating from organic farming and from other types of agriculture. The situation for primary production is detailed under (1) above.

5. To supplement the aspects of organic farming covered by the existing projects described above, the quality aspect of organic farming products has been highlighted in area 4.2 of the Fair work programme.

Research on aspects of the market for quality products of organic farming and on the authenticity of organic farming products are specially targeted in Area 4.2 of Fair. These aspects of organic farming are important because they relate to Council Regulation (EEC) No 2092/91 [2] on organic production of agricultural products and on indications referring thereto on agricultural products and foodstuffs, and because organic farming depends on the trust of the consumers in the quality and authenticity of the products.

[1] OJ No C 270, 16. 10. 1995.
[2] OJ No L 198, 22. 7. 1991.

WRITTEN QUESTION E-3282/95

by Hilde Hawlicek (PSE)

to the Commission

(6 December 1995)

(96/C 91/95)

Subject: Participation of the countries of central and eastern Europe in the 'Socrates', 'Leonardo' and 'Youth for Europe' programmes

As regards the participation of the associated countries of central and eastern Europe in Community programmes in the spheres of general culture (Socrates), professional training (Leonardo) and youth (Youth For Europe), it is both necessary and important that the citizens of the countries of central and eastern Europe should participate in such programmes, particularly in view of Austria's experience with eastern Europe over many years.

Will the Commission say, as regards the necessary preparatory measures:

What kind of information is available in the countries concerned? What arrangements exist concerning financial participation? Is there any provision for financial aid, even outside the Phare programme?

Is any specialist aid available to support the construction of the national structures which are a prerequisite for participation in this programme?

Answer given by Mr Van den Broek on behalf of the Commission

(17 January 1996)

As from July 1994, when the Commission was issued with Directives authorizing it to negotiate additional protocols to the Europe Agreements with Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia, it has provided the six central European countries concerned with general and preparatory information on all the programmes covered by the said protocols.

With regard to the Leonardo, Socrates and Youth for Europe III programmes, information meetings on the content of these new programmes were held in Brussels in June 1995 and were attended by representatives of the six central European countries concerned. Further information meetings for the Baltic countries and Slovenia were held in September 1995.

Community back-up for the measures intended to prepare the associated central European countries for their future participation in the programmes has been made available to them from budget heading B-7 633 to which ECU 9 940 000 was allocated in 1995. These measures include information meetings on the various elements of the programmes concerned, study visits for decision-makers in the fields of education, vocational training and youth, the dispatch of documents and guides, setting up the arrangements at national level that are needed to operate the programmes and training seminars for those responsible for administering the arrangements. These preparatory measures constitute an essential element of the strategy aimed at enabling the countries in question to participate efficiently and effectively, that will be put into operation in stages in 1996 and 1997.

WRITTEN QUESTION E-3283/95

by Hilde Hawlicek (PSE)

to the Commission

(6 December 1995)

(96/C 91/96)

Subject: Cooperation with the Council of Europe in the field of education

The documents concerning cooperation with the Council of Europe focus on the following:

— the institutional asymmetry of the institutions;

— cooperation which also brings benefits to the EU;

— joint actions (conferences, pupils' competitions, a foreign language centre in Graz, etc.);

— the Council of Europe's 'lead' in the field of educational research.

Have practical proposals already been put forward for joint actions? What kind of cooperation is envisaged in connection with the foreign language centre in Graz?

Answer given by Mrs Cresson
on behalf of the Commission
(19 January 1996)

The Commission is sending the document in question directly to the Honourable Member and to the Secretariat-General of the European Parliament. It is an information document prepared by the Commission at the request of the Council's Education Committee.

On examining the document, the Education Committee gave its approval to the pragmatic approach of cooperation on specific matters as pursued by the Commission in its relations with the Council of Europe on the subject of education.

The document refers to existing areas of cooperation, including the European Schools Day and the Eudised database, as well as the possible joint initiatives to be launched in 1996 and implemented in 1997, such as European conferences on secondary education and language teaching.

Referring more specifically to the language centre in Graz, the Commission draws the Honourable Member's attention to the fact that this centre did not become operational until 1995, under a Council of Europe partial agreement to which at the moment only a limited number of Community Member States have subscribed.

Nevertheless, the Commission is in the process of examining the potential scope for cooperation, together with the management of the centre and the Council of Europe's education directorate.

WRITTEN QUESTION E-3285/95
by Glyn Ford (PSE)
to the Commission
(6 December 1995)
(96/C 91/97)

Subject: Varying prices in the canteens of the European institutions

In view of the sharply varying prices in the canteens of the European institutions, can you give details of the level of subsidies provide by your institution?

Answer given by Mr Liikanen
on behalf of the Commission
(15 January 1996)

Given that certain costs such as rent, light, heat and electricity are included in global budget lines, it is not possible to identify separately the cost of the restaurant economat service operated by the Commission under these headings. Similarly, the original cost of equipping these locations is not identifiable.

However, the cost of the identifiable budget lines dedicated to the operation of the services in Brussels is as follows:

(in ECU)

Heading	Description	1995
Operational costs	Budget lines A0 1400, 1401, 1402 (includes cost of materials, crockery, cleaning products, repairs, maintenance)	1 106 000
Personnel costs	Operational (60 officials)	2 426 000
	Administrative (20 officials)	970 000
Total budget cost		4 502 000
Total operating cost	Budget + food + internal and external personnel	24 470 797
Client payment	Cash receipts	19 968 797
Subsidy as % total cost	Budget cost/total cost	18 %

WRITTEN QUESTION E-3288/95
by Joan Vallvé (ELDR)
to the Commission
(9 December 1995)
(96/C 91/98)

Subject: Measures to eliminate and monitor the growth of *carpobrotus edulis* in Minorca, Balearic Islands

Carpobrotus edulis, a plant species originating in southern Africa, is spreading at a worrying rate in the island of Minorca. This plant possesses an extraordinary resistance to salinity and drought, and hence an adaptability which enables it to compete successfully with native plants. As a result, it poses a considerable danger to the local flora of the Balearic Islands.

The Council for Agriculture and Fisheries of the Government of the Balearic Islands compiled a report in April 1993 which noted the serious impact of this species —

which was introduced into Europe for ornamental purposes in parks and gardens because of its rapid growth rate and ability to provide ground cover — on certain coastal areas of northern Minorca such as Cap Favaritx and Sa Mesquida, where it already covered an area of more than 3 000 m^2. *Carpobrotus edulis* is a hanging and creeping plant which spreads at ground level, covering and stifling the plants it encounters as it spreads. In these areas, *carpobrotus edulis* has become a dangerous competitor to species indigenous to the Balearic Islands (many of which are specifically protected by Directive 92/43/EEC([1])). It should be recalled that in 1993 Unesco declared Minorca a natural biosphere reserve because of its ecological richness and diversity.

The extraordinary adaptability of this invasive plant, which can be borne on the swell of the waves and colonize new areas, may lead to serious changes in the ecosystems of the shores of the Balearic archipelago. Teams of scientists from the universities of the Balearic Islands and Barcelona have recommended that it be eradicated because of the dangers referred to above.

Is the Commission aware of this phenomenon and does it plan to take any measures to deal with it?

([1]) OJ No L 206, 22. 7. 1992, p. 7.

Answer given by Mr Fischler on behalf of the Commission

(19 January 1996)

The Commission is aware of the harmful effects of the spread of the exotic plant species *Carpobrotus edulis* for certain endemic plant species listed in Annex II to Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna.

The Commission knows of the measures taken by the regional authorities, i.e. the study undertaken to assess the scope of the problem prior to drawing up a plan of action, which is now being implemented, to eradicate the invasive plant from the areas affected.

In view of the importance which the problem could have for other coastal areas in the south of the Community, the Commission wishes to draw the Honourable Member's attention to the financial aid available for research as part of the FAIR agriculture and fisheries research programme for 1994—1998 under the fourth Community framework programme for research and technological development (RTD).

The FAIR programme covers the conservation and improvement of the genetic heritage and biodiversity of crops and wild plants and also the development of practices which promote greater protection of environmental features such as the countryside. A third call for proposals was published on 15 December 1995([1]).

([1]) OJ No C 337, 15. 12. 1995.

WRITTEN QUESTION P-3297/95

by Ernesto Caccavale (UPE)

to the Commission

(1 December 1995)

(96/C 91/99)

Subject: Transparency in the management of Community funds

In Italy Community funds can be administered by unrecognized private associations which are nonprofit-making and which are not required by law to publish annual accounts.

1. Does the Commission not consider that these associations should be required to publish annual accounts, in the interests of the transparency and efficiency of Community aid?

2. Does the Commission not also consider that the Italian ministries responsible for finance and public services should be asked to exercise greater control over the activities, structure and financial situation of these associations?

Answer given by Mrs Gradin on behalf of the Commission

(11 January 1996)

As a general rule, the global subsidies are managed — regarding the Community Structural Funds — by an intermediary designated by the Member State in agreement with the Commission. The Commission must therefore ensure that this intermediary offers the necessary guarantees as regards the regularity and legality of its management as well as the application of the principles of sound financial management.

As regards the management of funds of the European Agricultural Guidance and Guarantee Fund, Guarantee Section (common market organization), it is decentralized and delegated to paying agencies (public) authorized by the Member States. Therefore, the expenditure is executed by

the services and agencies that the Member States have accredited for this purpose. The quality of the management of the paying agencies is verified through the clearance of accounts procedure by the Commission.

In addition, Article 209 A of the Treaty requires that Member States take the same measures to counter fraud affecting the financial interests of the Community as they take to counter fraud affecting their own financial interests. The Convention with respect to the protection of the financial interests of the Community was signed this summer[1]. It has made fraud against the Community budget a criminal offence in all Member States.

Finally, it should be noted that in the framework of phase 3 of its initiative aimed at improving financial management, the Commission is examining with Member States what measures might be appropriate to improve their management of Community funds, given that 80 % of the Community budget is managed in and by the Member States.

The Madrid Summit of 15/16 December 1995 called upon the Member States and the institutions to adopt the necessary measures to ensure an equivalent level of protection throughout the Community and in the Community budget and the European development fund as a whole.

[1] OJ No C 316, 27. 11. 1995.

WRITTEN QUESTION E-3314/95

by Frank Vanhecke (NI)

to the Commission

(9 December 1995)

(96/C 91/100)

Subject: Participation by European citizens in elections to the European Parliament in Member States of which they are not nationals

In the European elections of 12 June 1994, citizens of the European Member States were for the first time permitted to participate in the elections in the Member State where they were currently resident, even if they were not nationals of that country.

The Commission's representatives, among other people, constantly presented this new option as complying with the wishes of many European citizens.

Does the Commission have figures on the exact number of citizens who made use of this option in the various Member States, if possible broken down by original nationality?

What percentages of the total number of potential participants ultimately made use of this franchise?

Answer given by Mr Monti on behalf of the Commission

(16 January 1996)

The Commission is currently collecting from Member States the statistical information about the number of Union citizens who exercised their right to vote and to stand as a candidate in their Member State of residence during the June 1994 Parliament elections.

This information as well as all other aspects of the application of Council Directive 93/109/EC[1] which lays down detailed arrangements for the exercise of such rights, will be contained in a report that the Commission will present, in the near future, to the Parliament and to the Council on the application of the abovementioned Directive in the June 1994 Parliament elections.

[1] OJ No L 329, 30. 12. 1993.

WRITTEN QUESTION P-3317/95

by Isidoro Sánchez García (ARE)

to the Commission

(6 December 1995)

(96/C 91/101)

Subject: 1996 Intergovernmental Conference: Permanent Statute for the Canary Islands within the Union

In connection with the forthcoming review of the Union Treaty, the Canary Islands have indicated a desire to see a Permanent Statute included in the Treaty which would enable the region to consolidate special arrangements within the Union appropriate to the particular features and circumstances to which it is subject as a consequence of its remote location and isolation. The establishment of such a Permanent Statute in the Treaty would serve as a foundation for a modulated, differentiated application of Community policies in various areas.

Can the Commission say whether the drafting of such a Statute and its incorporation in the Treaty have been included by the Spanish Presidency, as part of the preparations for the 1996 Intergovernmental Conference, among the topics for discussion?

If so, what is the current position and what are the Council's impressions and expectations in this connection?

Answer given by Mr Santer
on behalf of the Commission
(11 January 1996)

The Commission considers that the approach of the European Union to the remote regions should be consolidated, amplified and clarified.

The question was raised in the Reflection Group preparing for the 1996 Intergovernmental Conference. The Commission is examining the possibility of writing a provision into the Treaty allowing for special support arrangements for these regions when the point is raised at the Conference.

WRITTEN QUESTION E-3325/95
by Jesús Cabezón Alonso (PSE)
to the Commission
(13 December 1995)
(96/C 91/102)

Subject: San José talks

How does the Commission think the presence and involvement of and dialogue with non-governmental organizations in the forthcoming San José meeting could be encouraged and brought about, so that the San José talks do not remain restricted to the intergovernmental sphere?

Answer given by Mr Marín
on behalf of the Commission
(8 January 1996)

There has so far been no decision by the dialogue partners to open up the ministerial meeting proper to non-governmental organizations, though the issue was discussed during the week of talks on the future of the dialogue organized in May 1995 in San José by the Institute for Europe-Latin America Relations.

The Commission does not rule out the possibility of raising the question in discussions on the future of the dialogue during the San José XII meeting.

As a means to revitalize the institutional framework of relations between the two regions, the Commission has proposed, in its recent communication to the Council [1], that 'there must be greater involvement of civil society in the work of the European Community-Central America Joint Committee', through consultation machinery to be defined.

[1] COM(95) 600.

WRITTEN QUESTION E-3331/95
by Ria Oomen-Ruijten (PPE)
to the Commission
(13 December 1995)
(96/C 91/103)

Subject: Unclear use of language by the Commission

1. Is the Commission aware that an advertisement concerning the Alfa programme has appeared in Dutch newspapers in which the word 'sollicitatie' (application) is used instead of 'Call for Tender', which could cause confusion and result in replies from private individuals who will not ultimately be eligible?

2. Will the Commission correct this linguistic error?

Answer given by Mr Marín
on behalf of the Commission
(24 January 1996)

1. The Commission recognizes that the use of the term 'applications' in the different language versions of the notices published for the purposes of the Alfa programme is vague and may have raised false expectations.

2. The Commission has already taken steps to ensure that future notices give details of the nature of the projects and those eligible to take part in the Alfa programme.

WRITTEN QUESTION P-3332/95
by Edith Müller (V)
to the Commission
(6 December 1995)
(96/C 91/104)

Subject: China — possible death sentence on the non-violent political prisoner Wei Jingsheng

The well-known Chinese dissident Wei Jingsheng, who was in the past detained for many years as a non-violent political prisoner, was re-arrested in April 1994 after spending half a year at liberty. He is now to be tried on a charge of attempted subversion, an offence for which the maximum penalty is death.

In view of the recent experience of the case of the Nigerian Ken Saro-Wiwa and the fact that the number of executions

in China has risen dramatically since 1990 (in 1994 alone, Amnesty International learned of 2 496 death sentences and 1 791 executions, while the actual figures were probably much larger), what will the Commission do to help to secure justice for Wei Jingsheng or at the very least save his life?

Answer given by Sir Leon Brittan on behalf of the Commission

(9 January 1996)

The Commission shares the Honourable Member's concern over the current treatment of Mr Wei Jingsheng. The latest information, reporting his sentencing on 13 December 1995 to a 14-year prison term, confirms previous fears.

The European Union has regularly raised the issue of human rights in China, both in the framework of its political dialogue with China, and also more specifically, in the human rights context. It intends to use all appropriate means available within this context in the case of Mr Wei Jingsheng.

The European Union is stressing the great importance it attaches to Mr Wei Jingsheng's right to all legal procedural guarantees and to his being set free as soon as possible. The Commission, for its part, is ready to back any specific steps which the Union may consider appropriate vis-à-vis the Chinese authorities.

WRITTEN QUESTION P-3334/95
by Katerina Daskalaki (UPE)
to the Commission
(6 December 1995)
(96/C 91/105)

Subject: Subsidies for the renewal of the fishing fleet — the destruction of traditional boats

Payment of the Commission's subsidy for the renewal of the fishing fleet is conditional on, among other things, the destruction of old fishing vessels.

The result is the destruction of traditional boats in Greece and the disappearance of the art of wooden-ship building, an art which flourished in the Mediterranean from the 18th century.

Will the Commission modify the subsidy scheme in question so that it does not harm this nautical part of our cultural heritage?

Answer given by Mrs Bonino on behalf of the Commission

(5 January 1996)

Community law, in the form of Council Regulation (EEC) No 3699/93 of 21 December 1993 [1], provides aid for the definitive cessation of vessels' fishing activities. Though grants are higher for vessels that are scrapped, smaller grants are available for vessels put to another use, e.g. for transport purposes or as museum pieces.

In the light of these provisions, the issue was discussed when the monitoring committee for the fisheries operational programme met in Athens on 17 November. The monitoring committee was apprised by its secretariat of a request that a number of Greek fishing vessels satisfying certain criteria in respect of age, traditional design and type of fishing activity and constituting examples of traditional Greek fishing be allowed to benefit from the level of support normally available only if vessels are actually scrapped. The Commission is considering to what extent the request is admissible under the Regulation in question and will keep the Honourable Member informed of any developments in this matter.

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[1] OJ No L 346, 31. 12. 1993.

WRITTEN QUESTION E-3429/95
by Martina Gredler (ELDR)
to the Commission
(18 December 1995)
(96/C 91/106)

Subject: Compulsory virus tests for foreign doctors

A committee of inquiry has proposed to the Irish Minister for Health that a compulsory virus test be introduced for foreign doctors wishing to practise in the Republic of Ireland.

In which Member States are there such provisions?

Are foreign doctors required to undergo these tests only once or do they have to repeat the test following trips abroad?

What consequences are provided for should a doctor refuse to undergo compulsory testing?

Does the fact that these tests include an HIV test mean that sexual behaviour is also being investigated?

Answer given by Mr Monti
on behalf of the Commission
(7 February 1996)

The Commission was not aware of the facts referred to by the Honourable Member. It is investigating the matter with the Member States and will inform the Honourable Member of its findings.

WRITTEN QUESTION E-3431/95
by Martina Gredler (ELDR)
to the Commission
(18 December 1995)
(96/C 91/107)

Subject: Infringements of animal transport regulations

According to press reports, the number of infringements of animal transport Regulations on Austrian roads, notably the Brenner transit route through the Tyrol, is on the increase. Whereas, prior to Austria's accession to the EU, rail transport accounted for the majority of animal shipments through the Tyrol, road transport has now taken over as the main form of transport. Spot-checks regularly find cases of serious infringements of the provisions on the maximum permissible duration of transport (24 hours under Austrian regulations, 30 under the EC Directive) and of extremely distressing conditions for the animals. In spite of the high penalties imposed by the Austrian authorities, it has not been possible to keep the problem under control. This is presumably because the risk of being 'caught' is very small, and on the other because the transport of animals for slaughter is heavily subsidized from EU funds, so that fines of S 25 000 to S 50 000 can be borne.

Is the Commission aware of the problem of cruel animal shipments, which are presumably common-place in other Member States also? What measures does it intend to take to tackle this intolerable situation?

Does the Commission intend to prepare sanctions against countries which do not carry out effective controls to enforce compliance with animal transport Regulations?

Answer given by Mr Fischler
on behalf of the Commission
(16 January 1996)

Community legislation has been in force since 1974 concerning the protection of animals on farms, during transport and at the time of slaughter. The Council has recently adopted more comprehensive standards for livestock transport which Member States will be required to transpose into their national legislation and fully apply by 1 January 1997 (Directive 95/29/EC([1])).

The primary responsibility for the enforcement of this legislation rests with the Member States while the Commission is responsible for ensuring, as far as possible, the uniform application of the rules within the Community. In cases where the Commission becomes aware that a Directive is not being properly enforced by the authorities of a Member State, the Commission intervenes with the Member State concerned and, if the matter is not satisfactorily resolved, the Commission may open the legal procedure laid down in Article 169 of the EC Treaty which can lead to the Member State concerned being brought before the Court of Justice.

Article 8 of Council Directive 91/628/EEC concerning the protection of animals during transport, as last amended by Directive 95/29/EC, states that animal welfare inspections must be carried out on an adequate sample of the animals transported each year within each Member State and may be carried out at the same time as checks for other purposes.

The Member States have to submit an annual report to the Commission stating the number of inspections carried out including any details of any reported infringements and the action taken by the competent authority. The Commission will closely monitor these reports.

The Office of veterinary and phytosanitary inspection and control (OICVP) is also currently carrying out a programme of inspections within the Member States specifically aimed at examining the practical implementation by those Member States of the requirements of Community legislation on animal transport. Any discrepancies noted as a result of these inspections will be taken up with the authorities of the Member States concerned and, if not rectified, the Commission may take such further action as is necessary including the opening of the Article 169 infringement procedure.

In order to increase the degree of protection for animals transported to third countries, the Commission is currently examining the further legal possibilities which could be available to better ensure that Community exporters fully respect the Community's welfare provisions when they transport animals to third countries.

([1]) OJ No L 148, 30. 6. 1995.

WRITTEN QUESTION E-3435/95
by Michl Ebner (PPE)
to the Commission
(18 December 1995)
(96/C 91/108)

Subject: Recognition of surveyors' qualifications at European level

Given

— that the profession of surveyor in Italy is governed by the following Italian laws: Article 7 of Law No 1395/23; R.D. (regulation on the profession of surveyor); Law No 144/49 (governing rates of pay);

— that school education in Italy currently lasts five years and that a two-year traineeship, or proof of five years' work experience, is required after which a State Exam (Law No 75/85) must be taken;

— that the profession of surveyor in Italy covers a wide range of areas of work requiring continual further training;

— that the Italian Parliament is currently considering two draft laws (Chamber of Deputies draft law No 2701 and Senate draft law No 262) making a university degree a prerequisite for admittance to the Register of Surveyors;

— that a number of Italian universities have, at the recommendation of the Ministry, introduced experimental courses within existing subjects (infrastructure, construction, etc.) with financial support from the Surveyors' Fund pending recognition of a university degree;

— that similar courses leading to a university degree after three years' study have been approved for other professions (Law No 183 of 12 February 1992),

can the Commission say what action it intends to take to ensure that the profession of surveyor is included in Directive 89/48/EEC[1], which is more suitable for the nature of the profession of surveyor and to which surveyors in other Member States are already subject, so that all those practising this profession enjoy the same opportunities and are not required to take additional exams as has hitherto been the case?

[1] OJ No L 19, 24. 1. 1989, p. 16.

Answer given by Mr Monti on behalf of the Commission

(17 January 1996)

There are Community rules governing the mutual recognition, by Member States, of qualifications required in order to take up and pursue a regulated profession. For all professions not covered by a sectoral Directive, the relevant rules are contained either in Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration or in Directive 92/51/EEC[1] on a second general system for the recognition of professional education and training to supplement the first. Italian surveyors' qualifications are covered by the second Directive. Which Directive applies to a particular profession depends entirely on the level of training required. It remains the responsibility of the Member States to determine the rules governing the taking-up and pursuit of a regulated profession, and hence the level of training required. Consequently, the Commission is not able to influence which of the two Directives will apply. Were the requirements for surveyors in Italy to be changed such that they had to complete three years' higher education after obtaining an advanced level school-leaving certificate, then the profession would be covered by Directive 89/48/EEC.

Both Directives are based on the principle that a Community national who holds a qualification, awarded in a Member State, which entitles him to take up and pursue a professional activity in that Member State has the right to obtain recognition for his qualification in order to pursue the same activity elsewhere in the Community. The crucial factor is the extent to which the activity for which he is fully qualified in the home Member State is identical to that which he wishes to pursue in the host Member State. The Directives include provision for the host Member State to stipulate that a migrant whose training differs substantially from that which it requires for the profession in question must make up any shortfall. This machinery, which may be applied even where the migrant holds a qualification covered by Directive 89/48/EEC, provides a means of reconciling the need for freedom of movement with the principle of the Member States' jurisdiction over regulated professions. Its purpose is to make freedom of movement possible even where different Member States' training for the same profession is not entirely equivalent.

[1] OJ No L 209, 24. 7. 1992.

WRITTEN QUESTION P-3445/95
by Fiorella Ghilardotti (PSE)
to the Commission
(6 December 1995)
(96/C 91/109)

Subject: Internal Commission competition COM/B/9/93 and equal opportunities

Could the Commission explain why the Selection Board for internal competition COM/B/9/93 for promotion from category C to category B was chaired by a member of the Appointing Authority, whereas the guide to competitions currently in use at the Commission recommends that a selection board chairman should not at the same time be a member of the Appointing Authority? Could it also explain why that same person was reconfirmed as a selection board chairman, given his experience with internal competition COM/B/4/92, which was the subject of an appeal, and given that the person who lodged the appeal was a candidate for competition COM/B/9/93?

The outcome of competition COM/B/9/93 was that there were only 37 successful candidates out of the 121 who had passed the written test, despite the fact that there were 60 posts available. Does the Commission not think that the mere cost, in financial and logistical terms, of organizing the competition justifies re-opening the list of successful candidates and extending it to enable the 60 posts to be filled? Could it explain why there should be so few successful candidates by comparison with the number who passed the written test? Could all of this not suggest that the outcome of the competition was determined on the basis of partial, subjective criteria?

Could the Commission provide reassurances regarding the implementation of Directives 75/117/EEC([1]) and 76/207/EEC([2]) on application of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions? For example, have secretaries holding a qualification equivalent to a school-leaving certificate the same employment possibilities, based on the same criteria, as the holders of a qualification of the same level in other sections of the administration?

Could the Commission say what action has been taken with regard to the professional updating of category C under the second Positive Action Programme? In particular, has the Commission received from the Directorate-General for Personnel and from the administration a report on the situation of C-grade staff containing proposals for specific measures, as already stipulated in the PAP? If so, what have been, or what will be, the implications for this category?

([1]) OJ No L 45, 19. 2. 1975, p. 19.
([2]) OJ No L 39, 14. 2. 1976, p. 40.

Answer given by Mr Liikanen on behalf of the Commission

(12 January 1996)

The first part of the question reveals a misunderstanding regarding the appointing authority. Under the Community public service rules, the appointing authority is the Commission, which can delegate certain matters of personnel management to individual officials who are qualified by their status. In this case a single individual exercises these powers. Depending on the nature of the decision to be taken, or the category it concerns, various people may be involved (the Member of the Commission responsible for personnel matters, a Director-General, Director or Head of Unit). It is incorrect, therefore, to refer to a member of the appointing authority.

In this particular case, the chairman of the selection board for COM/B/9/93 was not the appointing authority. The fact that the chairman was a member of the Directorate-General of Personnel and Administration in no way disqualifies her from participation in selection boards. Under the Staff Regulations members of boards carry out their duties independently; the administration and staff representatives are scrupulous in ensuring their independence is respected.

Neither the guides to selection boards nor any other document exclude officials from the Directorate-General of Personnel and Administration from being chairman or member of a selection board.

The notice of competition COM/B/9/93 provided that the board would select a maximum of the 60 best candidates who passed all the tests. In this instance the board found that it could place only 37 names on the list of suitable candidates. The work of the selection boards is confidential and the board has sole authority to assess the candidates' merits. Since the Commission is not aware of any factors which would indicate an irregularity, it can only endorse the board's decision.

The Commission considers that its competitions policy is in line with the Honourable Member's wishes. Since a large proportion of staff in Category C are women, cross-category competitions offer them additional opportunities to enter Category B. This is confirmed by the outcome of the COM/B/9/93 competition, where 36 of the 37 successful candidates were women.

The Commission is well aware of the specific problems of Category C staff. Proposals for measures will shortly be presented to the Commission on the basis of the report on the situation of Category C staff to which the Honourable Member refers.

WRITTEN QUESTION E-3457/95

by Anita Pollack (PSE)

to the Commission

(18 December 1995)

(96/C 91/110)

Subject: Nepal

Now that the Cooperation Agreement between the EU and Nepal has been signed, does the Commission agree the time has come to fulfil Parliament's long-standing request for a proper EU delegation office to be set up in Katmandu to facilitate relations between the EU and Nepal and also SAARC?

Answer given by Mr Marín
on behalf of the Commission
(10 January 1996)

For the moment the Commission is represented in Nepal by the New Delhi delegation, the head of delegation being accredited by the King of Nepal.

In addition to that, a technical cooperation office has been open in Katmandu for three years, with the aim to fill crucial gaps.

However, the Commission is aware that this can offer only a temporary and inadequate solution. The Commission is therefore examining, among different priorities, the possibility of improving its presence in Nepal through the establishment of a formal office.

WRITTEN QUESTION P-3502/95
by Christian Rovsing (PPE)
to the Commission
(12 December 1995)
(96/C 91/111)

Subject: Exchange of letters between the Commission and the Danish Minister of Transport on new ferry services between Helsingør and Helsingborg

During debates in recent months on the possibility of establishing new ferry services between Helsingør in Denmark and Helsingborg in Sweden the Danish Minister of Transport has made frequent reference to a letter dated 29 September 1995 from the Commission's DG IV to the Danish Ministry of Transport. In a letter dated 16 October 1995 to the Folketing Transport Committee for instance he said that the Ministry did not intend to accede to the request made by the Commission (in its letter of 29 September) to the Danish Government to allow all shipping companies that were interested to provide a ferry service between Helsingør and Helsingborg on equal conditions of competition since, according to him, there was no legal justification for the request. In answer to a question from a member of the Folketing's Transport Committee on 22 November 1995 he also said that it was evident from the letter of 29 September that the Commission was aware that the Danish Ole Lauritzen line had not then submitted a final proposal. Does the Commission agree with the way in which the Danish Minister of Transport interpreted its letter of 29 September in his correspondence with the Folketing's Transport Committee?

Answer given by Mr Van Miert
on behalf of the Commission
(16 January 1996)

The Commission is actively pursuing this case and it has had several meetings and extensive correspondence with the Danish authorities in order to find a solution.

The Commission is not in a position to comment on the different interpretations given by Danish ministers and members of the Danish Folketing of the meetings which take place or on the letters being sent during the examination of this case.

Any action taken by the Commission needs to have a legal basis. In such a case as the present it is the Commission's duty to make sure that access to essential facilities, like a port, is given on a non-discriminatory basis in accordance with the principles of Articles 85, 86 and 90 of the EC Treaty. The Commission will make all necessary efforts to reach a rapid conclusion in this case.

WRITTEN QUESTION E-3504/95
by Stephen Hughes (PSE)
to the Commission
(3 January 1996)
(96/C 91/112)

Subject: Humanitarian aid projects

What sources of statutory funding for humanitarian aid projects are currently available from the Commission? Which humanitarian agencies in the United Kingdom receive such funding?

Answer given by Mrs Bonino
on behalf of the Commission
(24 January 1996)

The European Community humanitarian office (ECHO) has two sources of funding for humanitarian aid projects, namely the Lomé Convention (Article 254 emergency assistance) and the Community budget (Chapter B7-21 humanitarian aid).

A list of all the British partners with whom ECHO has worked during the last years is sent direct to the Honourable Member and to the Secretariat-General of Parliament.

WRITTEN QUESTION P-3553/95
by Undine-Uta Bloch von Blottnitz (V)
to the Commission
(12 December 1995)
(96/C 91/113)

Subject: Funding of the Guben/Gubin waste water treatment plant (joint German and Polish environmental project)

For some time, the EU has been giving increased support for cross-border regional cooperation on its external frontiers. This is intended to 'overcome the specific development problems . . . in the interest of the local population and in a manner compatible with the protection of the environment' (Article 3 of Regulation (EC) No 1628/94 [1] on Phare/CBC). Cross-border waste water treatment projects are particularly suitable for cooperation of this type. The plans of the German municipality of Guben and the Polish municipality of Gubin for a shared-use waste water treatment plant were therefore supported by the Commission. Despite having initially made announcements to the contrary, the Commission refused last summer to grant Interreg-II funds for the German share in the costs, because the investment is to be carried out in Poland. There would, however, have been no restriction on Interreg-II funding for the construction of a considerably more expensive plant in Germany. Interreg-II funding has been granted only for the pipes to be laid physically on German territory. Phare/CBC funds are to granted in respect of the costs incurred by Poland.

1. Will the Commission state why it has taken this stance, which clearly goes against the express wishes of Parliament and the Commission that the Interreg-II and Phare/CBC programmes be linked as far as possible in specific projects?

2. What form does it envisage such linkage taking if it interprets the territorial principle so narrowly that decisions on the use of funds take account of the physical location of an investment rather than its beneficiaries?

3. How does it plan to regain the confidence of local policy-makers which has been lost as a result of its stance?

[1] OJ No L 171, 6. 7. 1994, p. 14.

Answer given by Mr Van den Broek
on behalf of the Commission
(11 January 1996)

The cross-border cooperation programme (CBC) is founded on Interreg II and the Phare (EC) Regulation (EC) No 1628/94 which together provide for the financing of projects in the Polish/German border region.

Interreg finances projects up to the Community border and Phare (CBC) takes up the financing after the border on the Polish side. The projects are jointly developed by the Polish and German sides but separately financed.

It is thanks to this arrangement that the Gubin-Guben wastewater project could be considered for financing since it had to be located on the Polish side. In this way Phare (CBC) is able to finance the project which is of benefit to the whole town (both German and Polish populations) with a contribution of some ECU 3 million.

In view of the relatively few possibilities for projects actually on the border itself, the opportunity for joint projects where one part is financed by Interreg and the other part by Phare are relatively few. Examples do exist of which the best is the University of Viadrina which has buildings both on the German side, financed partly by Interreg, and buildings on the Polish side, financed by Phare.

However, from the outset, it was found to be essential to approach the programmes with a wider perspective since, in particular, the problems of the pollution of the border river, the Oder-Neisse, could not be solved by only concentrating on the border towns such as Guben-Gubin, where truly joint projects are sought, but by addressing the problems of towns 'inland' where further pollution occurred affecting the border itself.

Preferential and complementary financing of the socio-economic development of the border region is the essential foundation, from which both Interreg and Phare (CBC) spring, and is particularly well attained by the Polish and German programme. The projects which are funded by both sides fit within the jointly prepared strategic development plan for the border region taken as a whole and are analysed and decided by joint working groups and the joint programming and monitoring committee (Polish and German authorities jointly).

Nevertheless, it was felt that the joint nature of the projects might be lost on the populations nearest the border which are organised together in Euro-regions. For this reason, under the 1995 Phare (CBC) programme a small project fund for these participants was set up. Under this more 'people to people' needs can be satisfied and the joint nature of the programme can be reinforced.

It is expected that as the Phare implementation approach draws closer to the Community Structural Funds model, a clearer definition of projects at the outset will clarify financial arrangements early on and ensure that funding is only sought from the right sources. This will certainly help to make for a smoother implementation of projects such as the Guben-Gubin waste water treatment.

WRITTEN QUESTION P-3554/95
by Freddy Blak (PSE)
to the Commission
(18 December 1995)
(96/C 91/114)

Subject: Problems connected with repetitive work

The Commission has given very high priority to the labour market and aid for small and medium-sized undertakings; it is therefore paradoxical that the EU's rules really put a curb on a series of Danish research projects about problems connected with repetitive work (see article in the Labour Inspection Directorate's periodical 'Arbejdsmiljø' No 11, 1995).

Danish undertakings have carried out studies of repetitive work with economic aid from the Ministry of Labour, and the findings are available to other undertakings in Denmark and the EU. The problem however is that some of the undertakings have been granted more than Dkr 400 000 in project aid and that the projects must therefore be formally notified to the Commission since they can be deemed to distort competition under Article 92.

Can an exemption be granted for such projects, which must be characterized as of a purely health policy nature and should therefore not be subject to the ban on State aid?

Answer given by Mr Van Miert
on behalf of the Commission
(11 January 1996)

The Danish authorities have notified the scheme for 'uniform and repetitive work' to the Commission under Article 93(3) of the EC Treaty. The scheme is caught by the ban on State aid enshrined in Article 92(1) of the Treaty, and the Commission is therefore currently examining whether it can qualify for exemption on any of the grounds listed in Article 92(3).

WRITTEN QUESTION E-3570/95
by Mihail Papayannakis (GUE/NGL)
to the Commission
(5 January 1996)
(96/C 91/115)

Subject: Elimination of HCFCs

Sweden has proposed that HCFCs be phased out by 2010, and several Member States support this proposal. Extensive research has shown that alternatives are widely available at reasonable cost for all HCFC uses. Why did the Commission not support the Swedish proposal?

Answer given by Mrs Bjerregaard
on behalf of the Commission
(31 January 1996)

On 6 October 1995 the Council went beyond both the current Montreal Protocol (which specifies a ceiling of 3,1 % on HCFCs and their elimination by 2030) and the present Regulation (EEC) No 3093/94 on substances which deplete the ozone layer (which specifies a ceiling of 2,6 % and elimination by 2015)([1]) by adopting, for HCFCs, a ceiling of 2,0 % of the calculated level of CFCs consumed in 1989 together with the 1989 consumption of HCFCs and the elimination date of 2015 as the Community position to be defended in Vienna at the seventh meeting of the Parties to the Montreal Protocol on substances which deplete the ozone layer (28 November to 7 December 1995).

Following difficult negotiations, in particular with the USA, the Parties agreed on a ceiling of 2,8 % and total elimination by 2020 (though with exemptions up to 2030).

The Commission will start the procedure for the amendment of Regulation (EEC) No 3093/94 and, as during the preparatory talks for the meeting of the Parties in Vienna, will defend the most advanced position.

([1]) OJ No L 333, 22. 12. 1994.

WRITTEN QUESTION E-3605/95
by Jean-Yves Le Gallou (NI)
to the Commission
(12 January 1996)
(96/C 91/116)

Subject: Community subsidies to associations, NGOs and various bodies

Can the Commission provide a detailed list of the associations or bodies receiving Community subsidies under budget item B3-4103 (measures to combat poverty and social exclusion) and the exact amount of such subsidies for the financial year that has just ended?

Answer given by Mr Flynn
on behalf of the Commission
(5 February 1996)

The Commission is sending the information requested direct to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION E-3610/95
by Jean-Yves Le Gallou (NI)
to the Commission
(12 January 1996)
(96/C 91/117)

Subject: Community subsidies to associations, NGOs and various bodies

Can the Commission provide a detailed list of the associations or bodies receiving Community subsidies under budget item B3-1001 (Socrates programme) and the exact amount of such subsidies for the last financial year?

Answer given by Mrs Cresson
on behalf of the Commission
(15 February 1996)

The Commission is sending the information requested direct to the Honourable Member and to Parliament's Secretariat.

WRITTEN QUESTION E-3611/95
by Jean-Yves Le Gallou (NI)
to the Commission
(12 January 1996)
(96/C 91/118)

Subject: Community grants to associations, NGOs and other bodies

With regard to Article B3-101 (Youth for Europe), could the Commission give a complete list of associations or bodies which receive Community grants and the exact amount of these grants during the last financial year for which accounts have been closed?

WRITTEN QUESTION E-3612/95
by Jean-Yves Le Gallou (NI)
to the Commission
(12 January 1996)
(96/C 91/119)

Subject: Community grants to associations, NGOs and other bodies

With regard to the new Item B3-1010 (Youth for Europe II), could the Commission give a complete list of associations or bodies which receive Community grants and the exact amount of these grants during the last financial year for which accounts have been closed?

Joint answer to Written Questions
E-3611/95 and E-3612/95
given by Mrs Cresson
on behalf of the Commission
(6 February 1996)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

WRITTEN QUESTION E-3656/95
by Martina Gredler (ELDR)
to the Commission
(12 January 1996)
(96/C 91/120)

Subject: Thrombosis risk associated with new oral contraceptives

Two new studies the results of which have been published by the WHO in Geneva show that the composition of certain contraceptive pills containing gestoden and desogestrel is associated with a considerably increased risk of thrombosis.

Does the Commission intend to instruct the experts at the European Agency for the Evaluation of Medicinal Products to investigate the thrombosis risk for girls and women using these contraceptives?

If there is shown to be a risk, what will the Commission do to prevent further health risks to women?

Does the Commission intend to launch a campaign to raise awareness of the possible health risks for girls and women who use the new brands of contraceptive pill (Marvelon, Minulett, Femovan, Lovelle, Biviol, Oviol, Cyklosa, Cetenyl and Dimirel)?

How much funding would be available for an information campaign of this kind, and under what budget heading would it come?

Answer given by Mr Bangemann on behalf of the Commission

(21 February 1996)

The Commission would refer the Honourable Member to its answer to Written Question P-3141/95 by Mrs Breyer([1]).

([1]) OJ No C 66, 4. 3. 1996, p. 62.

WRITTEN QUESTION E-3658/95
by Josu Imaz San Miguel (PPE)
to the Commission
(12 January 1996)
(96/C 91/121)

Subject: Textile agreement with the United Arab Emirates

In May 1995 consultations were held for the second time between the Community and the United Arab Emirates with the aim of concluding a bilateral textile agreement which would make it possible to establish the genuine origin of goods by introducing a system of mutual checks. The next round of consultations was due to be held in September 1995 once the United Arab Emirates had examined the revised version of the agreement submitted to it by the Commission.

Will the Commission say whether the scheduled consultations have taken place and what progress has been made with regard to the bilateral textile agreement? Will it also say whether in the meantime indications of fraud have continued to be found in the origin of certain types of garment, particularly knitted articles, and, if so, whether it has introduced, or plans to introduce, a system of controls on the import of products of this kind?

Answer given by Sir Leon Brittan on behalf of the Commission

(1 February 1996)

A third round of consultations for the conclusion of a bilateral agreement on trade in textiles between the Community and the United Arab Emirates (UAE) took place in Abu Dhabi from 16 to 18 October 1995. Since the UAE was not yet ready to initial an agreement, the Commission made 11 categories of products originating in that country subject to prior surveillance from 15 November 1995 (Commission Regulation (EC) No 2635/95 of 13 November 1995)([1]).

During the consultations contacts were established with the UAE customs authorities with a view to pursuing previous enquiries into the true origin of certain products about which there were strong suspicions of fraud.

Subsequent contacts between the Commission and the UAE authorities led to the signing of an agreement on trade in textile products on 11 December 1995. This agreement will apply from 1 January 1996 to 31 December 1998. Though it does not provide for quantitative limits, it does introduce a system of double checks on 12 product categories, including the 11 covered by the abovementioned surveillance arrangements, in order to ensure that trade in the products concerned is quite above board.

Regulation (EC) No 2635/95 will be repealed once the Council has approved the provisional application of the agreement.

([1]) OJ No L 271, 14. 11. 1995.

WRITTEN QUESTION P-1/96
by Irene Soltwedel-Schäfer (V)
to the Commission
(9 January 1996)
(96/C 91/122)

Subject: Validation of in vivo experiments serving to confirm or rule out infectibility of tissue with the BSE pathogen

The Commission's answer to Oral Question 114, H-837/95, states that infectibility with the BSE pathogen could not be established in tests on any of the following organs: peripheral nerve fibres, muscles, the liver, kidneys, blood/serum, the bladder, bone marrow, and lungs.

It has been demonstrated that the liver is a seat of infection in sheep, goats, mice, and mink which have contracted spongiform encephalopathies. How many of the independent experiments that produce these scientific findings are known to the Commission? What tissue samples and particular animal species were used in those experiments? How far can the experiments which failed to detect specific BSE-infected tissue in cows be compared with those that revealed the presence of tissue infected with scrapie? What is the extent and nature of the differences?

The spleen has been shown to be infectible in sheep, goats, mice, mink, and humans that have contracted spongiform encephalopathies. How far can the tests which failed to establish infectibility in cows' spleens be equated with or distinguished from the scientific experiments which have demonstrated that the spleen can be infected in sheep, goats, mice, mink, and humans (in terms of the number of tests, the number of tissue samples, the titres measured in control experiments on the brain, spinal cord, and ileum, and so forth)?

In a 1994 experiment to determine the route by which BSE spreads when transmitted orally, four month-old calves were fed with BSE-infected brain. The agent which causes BSE was detected in the ileum (distal end of the small intestine) of 10- and 14-month-old test animals. What scientific methods were used to obtain these findings and in what respects can they be compared with the experiments which failed to confirm the infectibility of bovine tissue (see above)?

What control values for titres were established in the experiments that failed to demonstrate the infectibility of the organs listed above, specifically as regards

(a) the brain,

(b) the spinal cord, and

(c) the ileum?

Answer given by Mr Fischler on behalf of the Commission

(2 February 1996)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

WRITTEN QUESTION E-70/96

by Amedeo Amadeo (NI)

to the Commission

(26 January 1996)

(96/C 91/123)

Subject: Monk seals

The World Conservation Monitoring Centre in Cambridge reports that the Mediterranean Monkseal could probably disappear during 1996 and 20 other rare animal species, almost all of which are exotic creatures, could become extinct during the year.

This danger of extinction is the result of pollution, indiscriminate fishing and hunting and the pressure of the continual rise in the human population.

It is reported that the survival of the monk seal species, of which there are now only 650 members living in Mediterranean waters, in particular off Sardinia and in the Aegean Sea, is threatened primarily by uncontrolled fishing, increasing urbanization and tourism along the coast.

Could the Commission provide more precise details and, if possible, take measures in conjunction with the different Member States?

Answer given by Mrs Bjerregaard on behalf of the Commission

(22 February 1996)

The Commission is sending the information requested direct to the Honourable Member and to Parliament's Secretariat.