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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(98/C 174/01)

WRITTEN QUESTION E-2113/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Authorization for varieties

1. Is it true that if genetically modified plants are registered in the common list of varieties for agricultural plant varieties (70/457/EEC) [1] (FN) and for seeds (70/458/EEC) [2] (FN) no further approval is required for these plants under the novel food regulation [3] (FN)?

2. If this is the case, will only the labelling of such plants bed covered by the novel food regulation?

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[1] OJ L 225, 12.10.1970, p. 1.
[2] OJ L 225, 12.10.1970, p. 7.
[3] OJ L 43, 14.2.1997, p. 1.

(98/C 174/02)

WRITTEN QUESTION E-2115/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Authorization through entry in the catalogue of species

In future will transgenic plants still require any authorization and approval before being entered in the common catalogue of species?

(98/C 174/03)

WRITTEN QUESTION E-2117/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Authorization of varieties

1. Is it true that all plant products which are authorized as varieties will Longer require application or the simplified authorization procedure pursuant to the novel food regulation [1]?

2. If so, will any products processed from such plants require authorization pursuant to the novel food regulation?

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[1] OJ L 43, 14.2.1997, p. 1.

(98/C 174/04)

WRITTEN QUESTION E-2119/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Authorization of varieties

Will secondary products of plants already covered by variety authorization needed to be tested and authorized individually pursuant to the novel food regulation ([1])?

([1]) OJ L 43, 14.2.1997, p. 1.

(98/C 174/05)

WRITTEN QUESTION E-2121/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Authorization requirements

Will secondary products which contain only a small, percentage of plant products requiring authorization need to undergo separate authorization (e.g. tomato concentrate in ready made pizzas)?

(98/C 174/06)

WRITTEN QUESTION E-2123/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Testing the health and environmental impact

When new genetically modified varieties are entered in the common list of varieties which require neither an authorization pursuant to the novel food regulation ([1]) nor an authorization pursuant to the deliberate release directive ([2]), what form does testing of health conformity and the ecological effects tasks?

([1]) OJ L 43, 14.2.1997, p. 1.
([2]) OJ L 117, 8.5.1990, p. 15.

(98/C 174/07)

WRITTEN QUESTION E-2127/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — 'Substantial equivalence' in derived varieties

1. What guarantees will there be that the 'substantial equivalence' of all plants of the same tested and authorized line remain present, or that they can be tested?

2. What will be the approach towards derived varieties?

(98/C 174/08)

WRITTEN QUESTION E-2129/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Reporting

1. Will new or unmodified products which do not have to be authorized, pursuant to the novel food regulation ([1]), be subject to a reporting obligation?

2. If not, how will national and EU authorities be informed of the market launch of such products?

3. How can these authorities test whether there is an obligation to label such products pursuant to the novel food regulation?

(1) OJ L 43, 14.2.1997, p. 1.

(98/C 174/09) **WRITTEN QUESTION E-2131/97**

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Requirements for authorization

What exactly are the test criteria, in accordance with which applications for authorization for products under the novel food regulation (1) have to be assessed to see whether permission is required or whether simple registration will be deemed to be sufficient if the manufacturer has not applied for permission?

(1) OJ L 43, 14.2.1997, p. 1.

(98/C 174/10) **WRITTEN QUESTION E-2133/97**

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Requirements for authorization: checking information supplied by manufacturers

1. What information is supposed to be used as the basis for assessment?

2. Is there provision for independent testing of the data submitted by manufacturers?

(98/C 174/11) **WRITTEN QUESTION E-2135/97**

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Requirements for authorization: checking information supplied by manufacturers

1. Is the information supplied by manufacturers to be checked, at least on a sample basis?

2. If so, how will the risk of allergies be assessed in products, the novel ingredients of which have hitherto not normally been consumed or have not usually been contained in foodstuffs (e.g. proteins from bacteria from hot springs?

(98/C 174/12) **WRITTEN QUESTION E-2137/97**

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Genetically produced enzymes and additives

Are there plans for activities for the European Union aimed at plugging the existing legislative gaps for the authorization of enzymes or additives produced with the aid of genetically modified micro-organisms which are not converted by either the novel food regulation or the additives regulation?

(98/C 174/13)

WRITTEN QUESTION E-2139/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Composition of the Food Committee

1. How will the public be represented on the EU's Food Committee?

2. Will representatives of national consumer and environmental organizations be involved in the Food Committee's deliberative and decision-making procedures?

3. If so, how will the representatives be chosen?

4. Will consumer and environmental organizations be entitled to nominate persons?

(98/C 174/14)

WRITTEN QUESTION E-2141/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Labelling requirements

In accordance with the novel food regulation ([1]), will labelling of a genetically modified food be required only if there is both a difference in its nutritional characteristics, as compared with a product which has not been genetically modified, and if proof of the genetic modification is possible?

([1]) OJ L 43, 14.2.1997, p. 1.

(98/C 174/15)

WRITTEN QUESTION E-2143/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Applications for authorization already made pursuant to directive 90/220/EC

Is it true that the genetic products currently awaiting marketing, authorization for which has been applied for under the deliberate release directive ([1]), do not have to be labelled pursuant to the novel food regulation ([2]) although the genetic modification in them has been demonstrated (in other words, voluntary labelling by the manufacturer is possible)?

([1]) OJ L 117, 8.5.1990, p. 15.
([2]) OJ L 43, 14.2.1997, p. 1.

(98/C 174/16)

WRITTEN QUESTION E-2145/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Labelling requirements

How are the supervisory bodies to check compliance with labelling requirements?

(98/C 174/17)

WRITTEN QUESTION E-2147/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Sanctions in the event of failure to comply with the labelling requirements

1. What punitive measures are provided for in the event of failure to comply with the labelling requirements?

2. Is there a list of fixed penalties?

(98/C 174/18)

WRITTEN QUESTION E-2149/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Varieties directive

1. In the event of authorization for a plant variety pursuant to the varieties directive which does not require approval pursuant to the novel food regulation ([1]), is labelling of this variety — which is required pursuant to the novel food directive — guaranteed in the case of sale of seeds?

2. How is this labelling maintained if the seed is passed on or if seedlings are sold (e.g. special packages or stickers in the case of sale to private or commercial users)?

3. Is the intention to revise the varieties directive so as to guarantee labelling pursuant to the novel food regulation?

([1]) OJ L 43, 14.2.1997, p. 1.

(98/C 174/19)

WRITTEN QUESTION E-2151/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Labelling information

What sort of information should the labelling provide, and in what form?

(98/C 174/20)

WRITTEN QUESTION E-2153/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Submission of DNA reference samples by applicants for a product

Is there any provision for manufacturers of genetically engineered food to submit to the supervisory bodies the information they need to perform their tasks (e.g. information on the detailed structure of the genetically engineered matter)?

(98/C 174/21)

WRITTEN QUESTION E-2155/97

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Form and content of labelling

1. What form will the labelling take for goods sold loose (e.g. fruit and vegetables)?

2. What form will the labelling take for processed goods, which consist largely of products for which labelling is obligatory (e.g. preserved products and tomato concentrate)?

3. What form will the labelling take for processed goods which consist only to a limited extent of products for which labelling is obligatory (e.g. ready meals with many additives)?

4. Have any proposals already been made for the form of labelling for the products under 1, 2 and 3, and what information is to be provided in each case?

(98/C 174/22) **WRITTEN QUESTION E-2157/97**

by Hiltrud Breyer (V) to the Commission

(23 June 1997)

Subject: Novel food regulation No 258/97 — Form and content of labelling

Is there any provision for involving national authorities, consumer associations and environmental groups etc. in making and discussing proposals before the form of labelling is finally agreed?

(98/C 174/23) **WRITTEN QUESTION E-2159/97**

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Unintentional inclusion in tradcitional foods of substances for which labelling is obligatory

1. What procedure is to be adopted towards products which, while not consisting of genetically modified products, may (unintentionally) contain elements of such products?

2. Is there any provision, in these cases, for monitoring and, where appropriate, labelling (e.g. honey and honey products with pollen from transgenic plants)?

3. Are products containing pollen to be tested to ensure that consumption poses no health risk?

(98/C 174/24) **WRITTEN QUESTION E-2161/97**

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — 'appropriate analysis'

1. What is undertstood by 'appropriate analysis' (novel food regulation No 258/97/EEC ([1]))?

2. How is monitoring to be carried out?

([1]) OJ L 43, 14.2.1997, p. 1.

(98/C 174/25) **WRITTEN QUESTION E-2163/97**

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Demonstrability

1. What demonstration systems are to be drawn up for the prescribed 'appropriate analysis'?

2. What methods will probably be used?

(98/C 174/26)

WRITTEN QUESTION E-2165/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Demonstrability methods

1. Who will be responsible for setting up demonstration methods?

2. By which authorities and/or private institutions will the controls be carried out?

3. By what date is this to be done?

(98/C 174/27)

WRITTEN QUESTION E-2167/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97

What method will be used to finance the setting up and maintenance of the authorities responsible for monitoring and assessment?

(98/C 174/28)

WRITTEN QUESTION E-2169/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — carrying out monitoring

Are there any initiatives aimed at setting up special laboratories to carry out the monitoring duties in food monitoring bodies?

(98/C 174/29)

WRITTEN QUESTION E-2171/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — staff required for monitoring

1. Are the staffing requirements for the various monitoring methods available, or will they be created?

2. Are there to be any special training measures for staff?

(98/C 174/30)

WRITTEN QUESTION E-2173/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Financial requirements for monitoring

Have additional appropriations been included in the budgets in the light of the likely duties?

(98/C 174/31)

WRITTEN QUESTION E-2175/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Monitoring of products free of 'genetic engineering'

1. Will the research laboratories also be available to manufacturers not supplying products produced by genetic engineering processes and who wish to have this checked?

2. Will such research be free of charge, in order not to place the manufacturers in question at a disadvantage?

3. On the other hand, will the tests cover not only those foods which manufacturers declare not to have been produced by genetic engineering?

(98/C 174/32)

WRITTEN QUESTION E-2177/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Demonstration methods

In order to distinguish a genetically engineered product from a product which is not genetically engineered, will only the proof of the protein created by the new gene be used?

(98/C 174/33)

WRITTEN QUESTION E-2179/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Demonstration methods

1. Is the intention also to use indirect detection methods in order to be able to determine the changes characteristic of genetically modified varieties (e.g. modified fatty acid samples in oil from genetically modified soya beans)?

2. Will such significant changes be recorded and collected as alternative detection possiblities for monitoring bodies?

(98/C 174/34)

WRITTEN QUESTION E-2181/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Demonstration of genetic modification

1. How will the criterion of demonstrable genetic modification be applied to seeds if the new protein(s) is/are only formed, and can be demonstrated to exist, in plants?

2. What assessment methods are to be used in future to distinguish between different batches of seeds?

(98/C 174/35)

WRITTEN QUESTION E-2183/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Application of sensitivity limit values

Are the sensitivity limits used to demonstrate genetic modification to be continuously updated in line with the state of the art?

(98/C 174/36)

WRITTEN QUESTION E-2185/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Further development of demonstration methods

What efforts are the Institutions of the EU making to facilitate further development of demonstration methods?

(98/C 174/37)

WRITTEN QUESTION E-2187/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Laboratory standards

Are there generally binding procedures and prescribed reporting methods for the work to be carried out in laboratories?

(98/C 174/38)

WRITTEN QUESTION E-2189/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Submission of proof by applicants

Will it continue to be a requirement that manufacturers are obliged to forward to the monitoring authorities their demonstration systems, including samples, antibodies required for demonstration purposes, gene probes and extraction records etc.?

(98/C 174/39)

WRITTEN QUESTION E-2191/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Submission of genetically modified basic varieties and varieties bred from them

Is it intended for the manufacturer to submit, in parallels with the tests, both genetically modified basic vartieties and varieties bred from them (given that in some cases significant changes are apparent only from a direct comparison)?

(98/C 174/40)

WRITTEN QUESTION E-2193/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Recording of, and safety guarantees for, novel food products

Is it intended that authorities should keep a record of the foods in which various manufacturers use genetically modified products so that if, following consumption of such foods, there is an occurrence of a health problem which cannot be foreseen at present, all the products in question can be recalled?

(98/C 174/41)

WRITTEN QUESTION E-2195/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Recording the origins of novel food products

Are manufacturing firms obliged, as part of quality control, to keep a record of the origin of all ingredients used in food production and, where required, to forward such records to the authorities?

(98/C 174/42)

WRITTEN QUESTION E-2197/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Assessing the effects of the consumption of novel food products

1. How, and by whom, is the monitoring system called for by the Scientific Committee for Food (opinion on the assessment of novel foods, III/5915/97) for gathering information on the short- and long-term effects of the consumption of novel foods to be carried out once it has been introduced?

2. What data are to be recorded and over what period?

3. Will the results of the monitoring programme be made available to the public?

(98/C 174/43)

WRITTEN QUESTION E-2199/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Recording data on novel food products

What authorities are responsible, pursuant to the novel food regulation, for recording data in databases on all products which are approved or which have been registered?

(98/C 174/44)

WRITTEN QUESTION E-2201/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Access to data on novel food products

Will there be public access to these data banks, or will some data be subject to confidentiality?

(98/C 174/45)

WRITTEN QUESTION E-2203/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Publication of data on novel food products

Will both the scientific data that have been submitted and the evaluation of such data be published?

(98/C 174/46)

WRITTEN QUESTION E-2205/97

by Hiltrud Breyer (V) to the Commission

(25 June 1997)

Subject: Novel food regulation No 258/97 — Transparency of authorizations of novel food products

1. How will the requisite level of long-term public transparency and information be guaranteed?

2. Are the consumer organizations to be informed of all the products that have been authorized?

3. What guarantees are there that this information will be complete and up-to-date?

Supplementary joint answer
to Written Questions E-2113/97, E-2115/97, E-2117/97, E-2119/97, E-2121/97, E-2123/97, E-2127/97, E-2129/97, E-2131/97, E-2133/97, E-2135/97, E-2137/97, E-2139/97, E-2141/97, E-2143/97, E-2145/97, E-2147/97, E-2149/97, E-2151/97, E-2153/97, E-2155/97, E-2157/97, E-2159/97, E-2161/97, E-2163/97, E-2165/97, E-2167/97, E-2169/97, E-2171/97, E-2173/97, E-2175/97, E-2177/97, E-2179/97, E-2181/97, E-2183/97, E-2185/97, E-2187/97, E-2189/97, E-2191/97, E-2193/97, E-2195/97, E-2197/97, E-2199/97, E-2201/97, E-2203/97 and E-2205/97
given by Mr Bangemann on behalf of the Commission

(11 November 1997)

Further to its answer of 17 September 1997 ([1]), the Commission can now provide the following information.

E-2113/97, E-2115/97, E-2117/97, E-2119/97, E-2123/97, E-2149/97

At the present time, seeds covered by Directives 70/457/EEC and 70/458/EEC, be they genetically modified organisms (GMOs) or not, must be registered in the common catalogue of varieties before being placed on the market within the Community. Before being registered, it must be established that they are distinct, stable and sufficiently uniform. Where seeds are GMOs, they must, in addition, undergo a human safety and environmental risk assessment under Council Directive No 90/220/EC of 23 April 1990 concerning the deliberate release of genetically modified organisms into the environment. The labelling of such products, ie transgenic seeds, must be carried out in accordance with Annex III to that directive.

Furthermore, since 15 May 1997, all foods and food ingredients containing, consisting of, or derived from GMOs, which have not hitherto been consumed to a significant degree within the Community, must follow the procedures laid down in Regulation (EC) 258/97 concerning novel foods and novel food ingredients. Article 8 of that Regulation also lays down the labelling rules that apply to such products.

As the Honourable Member is aware, Regulation (EC) 258/97 initiates the so-called 'one-stop' policy. This means that it is possible to carry out the risk assessment relating to Directive 90/220/EC in the framework of the Regulation.

Moreover, the Commission has submitted a proposal to amend the directives relating to the marketing of seeds ([2]). This proposal, on which Parliament has given its opinion, stipulates that an applicant must have the environmental risks pursuant to Directive 90/220/EC assessed within the framework of the seeds directive, and also stipulates the possibility of having novel food characteristics analysed, in order to simplify administrative procedures, again in accordance with the 'one-stop' principle. This possibility, envisaged in Article 3(2) of Regulation (EC) 258/97, has not yet been implemented, pending the adoption of the new rules on seeds.

E-2121/97

Normally, the safety evaluation of a novel food will cover all uses of the foodstuff concerned. Thus the safety evaluation of a genetically modified tomato would cover tomato concentrate, and processed foods containing that concentrate. However, in certain cases, a separate evaluation of secondary products may be required.

For example, if ready-made pizza was imported from a third country containing tomato concentrate produced from a variety of genetically modified tomato which was not authorised in the Community, then a separate authorisation or notification procedure under Regulation (EC) 258/97 would be required.

E-2127/97, E-2129/97, E-2131/97

Novel foods or novel food ingredients which fall within the scope of Regulation (EC) 258/97 may only be placed on the market in accordance with the provisions of the Regulation. In accordance with Article 3 (4) and Article 5 of the Regulation, a simplified notification procedure is available for novel foods or novel food ingredients which are substantially equivalent to existing foods or food ingredients as regards their composition, nutritional value, metabolism, intended use and the number of undesirable substances contained therein.

The person placing the food or food ingredient on the market is required to notify the Commission, which forwards the notification to the Member States. The applicant must accompany the notification with the relevant details provided for in Article 3(4). The labelling requirement of Article 8 of the Regulation applies to products covered by the Article 3(4) procedure. The information supplied in accordance with Article 5 of the Regulation, namely the relevant details provided for in Article 3(4) accompanying the notification, can be used to assess which labelling obligations arise pursuant to Article 8. If necessary additional information may be requested.

As regards the evidence necessary to demonstrate substantial equivalence, the Honourable Member is referred to the Commission Recommendation of 29 July 1997 ([3]) concerning the scientific aspects and the presentation of information necessary to support applications for the placing on the market of novel foods and novel food ingredients and the preparation of initial assessment reports under Regulation (EC) 258/97.

E-2133/97, E-2135/97

For the scientific aspects of the evaluation of applications for novel foods and novel food ingredients, the Honourable Member is referred to the abovementioned Commission Recommendation of 29 July 1997.

This data is subject to an independent evaluation in accordance with the procedures laid down in Regulation (EC) 258/97. As part of this evaluation, the competent authorities may decide to verify certain of the results presented by the applicant.

E-2137/97

The Commission would refer the Honourable Member to the published statement it made in respect of Article 2 at the time of the adoption of the Regulation ([4]).

E-2139/97, E-2157/97

For some years, the Commission has been engaged in extensive consultations with Member States and representative organisations established at Community level on all aspects concerning novel foods, including labelling questions.

In accordance with the procedure laid down in Article 13 of Regulation (EC) 258/97, decisions on its implementation are taken by the Commission following the opinion of the Standing Committee for Foodstuffs, which was established by Council Decision 69/414/EEC of 13 November 1969 ([5]). The committee consists of representatives of the Member States, with a representative of the Commission as chairman. There is no possibility for representatives of non-governmental organisations to participate in the deliberations of the committee.

E-2141/97

Pursuant to Article 8(1) of Regulation (EC) 258/97, the label must indicate the modified characteristics or properties, together with the method by which that characteristic or property was obtained.

E-2143/97

It is true that the labelling of products, for which applications for authorisation were subject to Directive 90/220/EC and presented before the amendment of Annex III, is voluntary. The Commission would however draw the Honourable Member's attention to the fact that under Directive 90/220/EC it has received voluntary labelling proposals from applicants. In addition, all novel foods and food ingredients, as defined in Article 1 of Regulation (EC) 258/97, are subject to the provisions of that Regulation, including the labelling rules laid down in Article 8.

E-2145/97

The Commission would refer the Honourable Member to Council Directive 89/397/EEC on the official control of foodstuffs ([6]) and Council Directive 93/99/EEC on additional measures on the official control of foodstuffs ([7]).

E-2147/97

Responsibility for deciding on the sanctions applicable in case of non-respect of the Regulation lies with the Member States.

E-2151/97

A novel food or food ingredient is deemed to be Longer equivalent for the purpose of Article 8 of Regulation (EC) 258/97, if a scientific assessment, based upon an appropriate analysis of existing data, can demonstrate that the characteristics assessed are different in comparison with a conventional food or food ingredient, having regard to the accepted limits of natural variations for such characteristics. In this case, the labelling must indicate the modified characteristics or properties, together with the method by which that characteristic or property was obtained.

E-2153/97

Yes. The above mentioned Commission Recommendation of 29 July 1997 makes it clear in paragraph 3.4 that analytical studies of the composition of the novel food are of crucial importance and so should be included in the request referred to in Article 4(1) of Regulation (CE) 258/97.

E-2155/97

1. In such circumstances, the Commission considers that a notice displayed prominently at the point of sale would be appropriate to ensure the proper information of the consumer. However, since no application has yet been submitted under the Regulation for genetically modified fruit and vegetables which are intended to be sold loose to the consumer, no final decision has yet been made on this matter.

2. - 4. The questions raised by the Honourable Member are currently under active consideration by the Commission in the framework of the preparation of detailed Community rules for the labelling of foods and food ingredients produced from genetically modified soya and maize.

E-2159/97

The possibility of the unintentional transfer of elements derived from genetically modified organisms into other crops or products is considered during the environmental risk assessment which is provided for in Regulation (EC) 258/97 and in Directive 90/220/EEC. This risk assessment includes human safety aspects.

On the basis of the information currently available, the Commission considers that honey unintentionally containing pollen transferred by bees from genetically modified crops does not constitute a novel food within the meaning of the Regulation. Therefore, the labelling provisions of the Regulation do not apply.

E-2161/97, E-2163/97

Article 8(1)(a) of Regulation (EC) 258/97 requires the final consumer to be informed of any characteristic or food property such as composition, nutritional value or nutritional effects, or the intended use of a food which renders a novel food or a novel food ingredient Longer equivalent to an existing food or food ingredient.

A novel food or food ingredient is deemed to be Longer equivalent for the purposes of that Article if a scientific assessment, based on an appropriate analysis of existing data, can demonstrate that the characteristics assessed are different in comparison with a conventional food or food ingredient, having regard to the acceptable limits of natural variations for such characteristics.

In this context, the reference to an appropriate analysis of existing data requires an evaluation of all the relevant information in order to determine whether the characteristics assessed are in fact different. It is not possible to determine in advance which analytical methods will be used to define whether or not there is a difference between a novel food and a conventional food.

E-2165/97, E-2167/97, E-2171/97, E-2173/97

The primary responsibility for the control and enforcement of the requirements of Regulation (EC) 258/97, including the development of analytical control methods, lies with the official control authorities of the Member States in accordance with Directives 89/397/EEC and 93/99/EEC. The financing and staffing of the national official control bodies is a matter for the Member States.

In accordance with Article 5 of Directive 93/99/EEC, the Commission may undertake missions to the Member States to report on the equivalence and effectiveness of the official control systems of the Member States, including questions relating to the implementation of Regulation (EC) 258/97.

The Commission has presented a draft supplementary budget with a view to increasing the resources available for food control activities at the Community level. Since the official control of foodstuffs is an ongoing activity, there is no date for the completion of these activities.

E-2169/97, E-2187/97

The Commission would refer the Honourable Member to Article 3 of Directive 93/99/EEC which sets out in detail the requirements to be met by the official control laboratories for the monitoring of foodstuffs.

E-2175/97

1. In accordance with the general Community rules on food labelling, producers may include claims on the labelling that particular foods do not contain material which has been produced from genetically modified organisms, provided that such a claim is true. Before making such a claim, the producer will need to take the steps necessary to ensure the claim is true. These may include arranging for analyses to be undertaken by independent laboratories.

2. The arrangements for payment for such analyses will be the responsibility of the parties concerned.

3. Control tests on all foods on the market may be carried out by the official control authorities as part of their general enforcement programmes.

E-2177/97, E-2179/97, E-2181/97

The Commission considers that there is no single criterion which can be used to decide on appropriate analytical methods for genetically modified foods. The choice of appropriate methods must be made on a case by case basis, having regard to all relevant factors.

E-2183/97

The analytical methods used by the official control authorities of the Member States are kept under constant review. However, the choice of methods used for enforcement purposes depends on a variety of factors including not only the sensitivity of the method, but its reliability, accuracy, robustness and cost.

E-2185/97

The primary responsibility for the development of appropriate enforcement methods lies with Member States. Where appropriate, standardised methods may be developed at Community level. In addition, Community research programmes may support research projects aimed at improving methods for the assessment of novel foods and novel food ingredients.

E-2189/97, E-2191/97

In accordance with Article 4 of the Regulation, the applicant is required to submit a dossier which demonstrates that the product meets the requirements for authorisation set out in Article 3. The need for the provision of samples by the applicant is determined on a case by case basis during the authorisation procedure.

E-2193/97

The authorities of the Member States and the Commission will keep records of all novel foods and novel food ingredients which have been placed on the market in accordance with the regulation.

As regards product recalls, the Commission would refer the Honourable Member to Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs ([8]).

E-2195/97

There is no formal obligation in Community law for manufacturers to keep detailed records of the origin of all ingredients used in food production. However, appropriate record-keeping is an important part of the obligations of food businesses, and will be verified by the official control authorities during inspections.

E-2197/97

In its opinion on the safety evaluation of novel foods, the Scientific Committee for Food drew attention to the fact that scientific knowledge in the field is evolving rapidly, and that there is a need for any guidelines to be kept under review. The committee identified certain specific areas where the information currently available is incomplete. In the section of the guidelines dealing with intake, it also indicated that the inclusion of novel foods in the diet may cause major changes in consumption patterns, which should be the subject of monitoring.

Having regard to these recommendations, the Commission does not consider that it is necessary at this stage to set up a formal monitoring programme covering all novel foods. Where appropriate, specific monitoring programmes will be part of the conditions of authorisation of a novel food.

E-2199/97, E-2201/97 E-2205/97

There is no obligation under Regulation (EC) 258/97 to establish a data base on novel foods, and the Commission does not envisage setting up such a data base at present.

In accordance with the Regulation, authorisation decisions and summaries of notifications received are to be published in the Official journal.

E-2203/97

In accordance with the principles announced in the Commission's communication on consumer health and food safety ([9]), safety evaluations of novel foods which have been undertaken by the Scientific Committee for Food will be published together with bibliographical references to the data evaluated by the committee.

([1]) OJ C 60, 25.2.1998, p. 109.
([2]) COM(93) 598.
([3]) SEC(97) 1452.
([4]) OJ L 43, 14.2.1997.
([5]) OJ L 291, 19.11.1969.
([6]) OJ L 186, 30.6.1989.
([7]) OJ L 290, 24.11.1993.
([8]) OJ L 186, 30.6.1989.
([9]) COM(97) 183 final.

(98/C 174/47)

WRITTEN QUESTION E-2868/97

by Florus Wijsenbeek (ELDR) to the Commission

(11 September 1997)

Subject: Special derogation for tax-free sales

The Commission is, no doubt, aware that the sale of tax-free goods within the EU will cease with effect from 1 January 1999 pursuant to Council Directive 92/12/EEC ([1]), thereby preventing unfair competition and speeding up creation of the internal market.

Is the Commission aware that derogations have been made to this scheme and that the new directive on tax-free goods will not apply to the following territories: Heligoland and Büsingen (Germany); the Canary islands and the enclaves of Ceuta and Melilla (Spain); Athos (Greece); Livigno, Camione d'Itala and the Italian waters of Lake Lugano (Italy); Gibraltar (United Kingdom); and the Åland Islands (Finland)?

Can the Commission explain the reasons for these derogations, since at no point are they clearly set out in the acts of accession?

Does the Commission not feel that these derogations are an infringement of EU legislation in this field, that they involve unfair competition, and that they might give rise to a shift in flows of transport and goods, and even fraud?

If so, does the Commission intend to put an end to these derogations from the general scheme?

If not, which derogations can it change and which ones can it not change? Why not?

([1]) OJ L 76, 23.3.1992, p. 1.

Answer given by Mr Monti on behalf of the Commission

(11 November 1997)

The Commission can confirm to the Honourable Member that, in accordance with Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ([1]) (Article 28) and Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ([2]), as amended (Article 28K), intra-Community duty-free sales will end by 30 June 1999.

This decision only applies with regard to intra-Community travel. It does not apply to travel to and from territories in which the above mentioned directives are not applicable as they are considerered, for fiscal purposes, to be third countries. There is no obligation, under Community law, to apply Community VAT or excise in these territories.

The exceptions, which are contained in the relevant Acts of Accession, were agreed by the Council for a number of different reasons. Some territories are covered by international agreements prior to the EC Treaty and others had autonomy to decide on their indirect tax matters. Exchanges of goods with these territories are, and will continue to be subject to the same control as exports and imports from third countries in order to minimize the risk of fraud.

([1]) OJ L 76, 23.3.1992.
([2]) OJ 145, 13.6.1977.

(98/C 174/48)

WRITTEN QUESTION P-2906/97

by Elly Plooij-van Gorsel (ELDR) to the Commission

(3 September 1997)

Subject: Extra charge levied on EU nationals' health-care bills in New York State

1. Is the Commission aware that New York State levies an extra charge of 32% on health-care costs incurred by visitors (tourists) from outside the US as a means of covering the health-care costs of poor (uninsured) Americans?

2. Does the Commission consider that this amounts to unlawful discrimination against non-US nationals compared with US nationals?

3. Does the Commission agree that this imposes unwarranted additional charges on EU nationals, possibly even causing them serious financial problems, if they fall sick in the US? At all events, European sickness and travel insurance policies do not cover these extra costs. EU citizens are now being forced either to take out extra insurance or to expose themselves to an unacceptable risk.

4. Does this practice contravene agreements concluded between the US and the EU (e.g. in relation to the WTO)?

5. What action will Commission take?

Supplementary answer
given by Sir Leon Brittan on behalf of the Commission

(15 December 1997)

Further to its answer of 19 September 1997 ([1]), the Commission is now able to provide the following additional information.

Information obtained to date by the Commission does not confirm that New York State levies an extra charge of 32% on health-care costs incurred by visitors (tourists) from outside the United States as a means of covering the health-care costs of poor (uninsured) Americans.

According to the information available, it seems that a 12% surcharge is claimed by hospitals, medical institutions and laboratories from Americans and non-Americans alike who are not members of a 'management care group' which is a less expensive form of health insurance which limits the choice of doctors and imposes caps on reimbursable expenses. This money serves to supplement a central fund which contributes to covering the medical expenses of the uninsured.

The Commission believes this is more a matter for the Member States than for the Commission.

([1]) OJ C 60, 25.2.1998, p. 140.

(98/C 174/49) **WRITTEN QUESTION E-2921/97**

by Bertel Haarder (ELDR) to the Commission

(17 September 1997)

Subject: Development aid to third world countries

A number of Member States have found it practically impossible to return persons whose applications for asylum have been rejected (and are not refugees) to their home countries, as their governments refuse to accept their own citizens. Some of these countries' governments are also receiving considerable amounts of development aid from the EU.

Will the Commission seriously consider stopping all development aid to third world governments which do not accept back their own citizens who are refused asylum in an EU country?

Answer given by Mrs Gradin on behalf of the Commission

(11 November 1997)

As far as development aid is concerned, the Commission is implementing the Council Resolution of 5 June 1997 on coherence. It is proceeding by convening meetings of experts from Member States, where all the global questions relating to the link between migration and development are currently under consideration.

On the specific point of readmission, the Commission is aware of the problems created by third countries which refuse or delay the readmission of their citizens illegally present on the territory of the Member States. The Commission believes that these problems can be raised in the framework of bilateral relations between the Community and the third countries concerned. The Council can decide, case by case, that specific reference to the problems of readmission is to be included in the Community or mixed agreements with third countries. Therefore, on the basis of the mandate received by the Council, the Commission negotiates the insertion of these references in the agreements.

(98/C 174/50)

WRITTEN QUESTION E-2982/97

by Patricia McKenna (V) to the Council

(30 September 1997)

Subject: Secrecy and the EU's K4 committee on justice and home affairs

The so-called K4 committee, which undertakes much of the preparatory work for EU initiatives on justice and home affairs, has come under some criticism for the secretive nature of the way it conducts its business. Civil liberties campaigners have argued that it is beyond democratic control and that it is difficult to ascertain what items it is discussing.

In 1995 K4 drafted many of the guidelines to enable the EU to establish a telephone tapping system affecting citizens in all Member States. No details of the system were published in the EU's Official Journal until almost two years later

Can the Council give details of any plans it may have to make K4's work more transparent?

Answer

(26 February 1998)

The K4 Committee is not a special type of Committee, it is a Council working party set up under Article K4 of the Treaty on European Union which conducts its proceedings in accordance with the Council's Rules of Procedure.

Thus any suggestions as to the secretive nature of the way it conducts its business or the fact that it is beyond democratic control are without foundation.

The documents produced by the K4 Committee are subject to the same rules as other Council documents as regards their release to the public. Furthermore, the Ministers responsible for justice and home affairs increasingly make a point of informing the European Parliament about the proceedings of the various working parties operating in the justice and home affairs field, and this includes the K4 Committee.

(98/C 174/51)

WRITTEN QUESTION E-3031/97

by Amedeo Amadeo (NI) to the Commission

(1 October 1997)

Subject: Living and working in the information society (Green Paper)

With reference to the Green Paper 'Living and working in the information society: people first' (COM(96) 0389 final),

will the Commission conduct studies to determine the level of investment needed and assess the impact which the creation and operation of the information highways and new services will have on employment?

Answer given by Mr Flynn on behalf of the Commission

(27 November 1997)

The Commission has commissioned several studies related to the employment effects of the information society including 'The impact of telecoms liberalisation on the realisation of the single integrated information market' Analysis 1996 (forwarded direct to the Honourable Member and to Parliament's secretariat) and 'Effects on employment of the liberalisation on the telecommunications sector' BIPE, IFO and LENTIC, 1997 (not yet published).

The studies focus on the effects of the process of liberalisation of the telecommunications markets and agree that liberalisation will have positive effects on employment. These effects rely largely on two factors, the pace of markets liberalisation and the speed of technological diffusion. The quicker the process, the better the chances are of a favourable outcome on net job creation.

Job creation in information and communication technologies industries is expected to be in software and computer services, mobile services and in multimedia content processing. The wider adoption of electronic commerce will help to diffuse the benefits of information technologies on competitiveness in other branches of economy. It is difficult to monitor and predict the multiplier effects of the investment which can spill over to almost every other sector of the economy.

The Commission is currently supporting various projects contributing to a better understanding of the economic and social effects on the information society, including FAIR (Forecast and assessment of socio-economic impact of advanced communications and recommendations), Project AC093, in the Advanced communication technologies and services (ACTS) programme (the 1997 report is forwarded direct to the Honourable Member and to Parliament's secretariat) and the European survey on the information society (ESIS), launched in February 1997, to make an inventory of information society projects, initiatives and incentives in Member States.

Following the Information society activity centre/Information society project office (ISAC/ISPO) call for proposals 1997 (in the process of selection), the Commission will support studies aimed at promoting a better understanding of the political, economic and social impacts of the information society. In addition to this, a pilot research project is being launched on how to monitor and survey information technology added value services, the emerging demand for these services and the needs for new investment.

Finally, in its communication 'The social labour market dimension of the information society. People first — The next steps' ([1]), the Commission has emphasised the need to improve existing knowledge on the employment effects of the information society. For this purpose it has announced that it will monitor in the annual report employment trends and changes in employment structure, propose to pursue in the 5th research and technological development framework programme the research on the dematerialisation of the economy and the relationships between technological change, employment, skills and economic competitiveness, and continue the efforts to improve the statistical framework and tools necessary to understand and monitor the development of the information society, particularly related to employment trends.

([1]) COM(97) 390.

(98/C 174/52) **WRITTEN QUESTION E-3103/97**

by Hiltrud Breyer (V) to the Commission

(13 October 1997)

Subject: Conflict between EPO case law and draft patent directive

Recital 17b (new) of the Rothley report (which the Commission intends to accept), on the proposal for a European Parliament and Council Directive on the legal protection of biotechnological inventions

(A4-0222/97), stipulates that a plant totality which is characterized by a particular gene is not excluded from patentability even if it comprises plant varieties. This is in flagrant breach of the case law of the European Patent Organization, such as decision T 356/93 (EPO Official Journal for 1995, p. 545).

How is this conflict, and the associated legal uncertainty, to be resolved?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

In reply to the question put by the Honourable Member, the Commission would point out that it is aware of the fact that the wording of recital 17b (new), which takes over Amendment No 20 adopted by Parliament, is at variance with Decision T 356/93 of 21 February 1995 of the Technical Board of Appeal of the European Patent Office (EPO). The same is true of Article 4(2) of the amended proposal, which takes over Parliament's Amendment No 47. Parliament took the view that the interpretation of the exclusion from patentability of plant varieties given by the Technical Board of Appeal was not to be followed as regards application of Member State legislation on invention patents that also provides for exclusion from patentability. The Commission shares this view.

(98/C 174/53)

WRITTEN QUESTION E-3131/97

by Raimo Ilaskivi (PPE) to the Commission

(13 October 1997)

Subject: Follow-up question on passenger seating space on airlines

In my written question of 24 March 1997 (E-1118/97) to the Commission ([1]) I proposed the introduction of a directive on minimum seating space for air passengers, citing health reasons among others.

In her reply Commissioner Kinnock stated that the Commission does not regard a directive as necessary but 'will ... take up this matter through its regular contacts with the relevant operators'.

During the past year a number of airlines have reduced the legroom in tourist class. In the USA a medical study has been published which stresses the damage to health caused by being confined in a cramped space, referring inter alia to confirmed cases of heart attacks.

I should therefore like to know whether, and with what result, the Commission has contacted the transport operators referred to in its answer, and what importance it attaches to eliminating the health risks which are becoming ever more apparent.

([1]) OJ C 367, 4.12.1997, p. 80.

Answer given by Mr Kinnock on behalf of the Commission

(11 December 1997)

Like the Honourable Member, the Commission is concerned with the health and safety of all involved in air travel, including both airline staff and passengers. Community legislation already regulates the safety standards of aircraft operated by Community operators, and the Commission is satisfied as to the general safety of these aircrafts.

Minimum specifications apply to aircraft seat spacing in order to meet strict evacuation requirements. Beyond that, the Commission holds that this is a question primarily of comfort and does not believe there is any necessity, nor indeed any possibility, to propose legislation on the basis of safety provisions set out in the EC Treaty.

The increasing range of services offered by tour operators and 'no-frills' airlines is to an extent dependent on carrying the greatest number of passengers per flight, which may impinge upon individual comfort. It is for air users to decide their own 'trade-off' between comfort and price.

So long as the Commission has Cause for concern on safety grounds, it will not bring forward proposals. Nevertheless, the Commission will continue to advise relevant operators of the concerns that have been expressed to it, but it is for the operators, in their own commercial interests, to act upon such concerns.

(98/C 174/54)

WRITTEN QUESTION E-3137/97

by Jessica Larive (ELDR) to the Commission

(13 October 1997)

Subject: Recycling of old plastic

Every year in Europe some 17.5 tonnes of plastic disappear into the mountain of household waste which accounts for 6% of the total weight of our household waste and a quarter of the total volume of waste. 6% of the plastic is recycled, while the rest is incinerated or disposed of. Although incineration releases energy, this is not a good solution. Disposal should also be avoided since most plastic is not biodegradable or at least not to any significant extent. For some years now a new technology has existed for the recycling of old plastic, developed by Bennet Europe with the support of the European REWARD Technology Programme. This represents a very environmentally friendly solution to our growing plastic waste mountain.

On 13 September this year the new Gelredome Stadium in Arnhem launched an initiative in collaboration with the Nature, Environment and Information Foundation, involving the collection from the public of plastic garden chairs and the manufacture of 26 000 new bucket seats for the stadium entirely out of recycled plastic. The Arnhem Gelredome is the first place in the world where old plastic garden chairs have been completely recycled into usable products by means of new technology.

1. Can the Commission produce figures, both in total and broken down by Member State, on the quantity of plastic household waste produced annually by the citizens of the European Union?

2. Is the Commission aware of this new technology?

3. Is the Commission aware of this unique plastic chair project in Arnhem which involves the citizen directly in environmental issues in a new and original way?

4. If so, what does the Commission think of this project, and does it consider that such projects should take place at European level?

5. Is the Commission prepared to take the Gelredome project as the starting point for a European pilot scheme considering on the one hand the logistics and positioning of recycling banks (i.e. the collection of waste) and on the other hand the ways of increasing the awareness of the local population?

Answer given by Mrs Bjerregaard on behalf of the Commission

(1 December 1997)

1. The Commission has no standardised data regarding the quantity of plastic household waste produced annually in the Community. However, the environment statistics of 1996 from Eurostat provide the following figures for municipal waste (MW) which includes household waste and waste from commercial activities, institutions and small businesses etc.:

	Total MW (1 000 tonnes)	% plastic	Total plastic MW (1 000 tonnes)
Belgium	4 783	9	431
Denmark	4 000	7	177
Germany	21 615	5	1 081
Greece	3 200	9	288
Spain	14 296	11	1 573
France	27 000	10	2 700
Ireland	1 106	14	155
Italy	20 033	7	1 402
Luxembourg	190	8	15
Netherlands	9 175	9	826
Austria	4 783	9	431
Portugal	3 270	12	392
Finland	3 100	5	155
Sweden	3 180	7	223
United Kingdom	–	10	–

2. The Commission supported the specific research and development technology (R&D) project REWA 5, 'The recycling of mixed plastic waste', which resulted in the development of methods to separate, sort and treat samples of plastic waste collected in container parks. It was demonstrated that it is possible to adapt and optimise the properties of the plastic granulate after sorting and cleaning by incorporation of different additives in view of the final product. More specifically, a specific substance is used, which makes it possible to mix different types of plastics, in particular polypropylene (PP) or polyethylene (PE) with polyvinylchloride (PVC). The quality of the product and its compatibility with the environment depends strongly on the purity of the recycled material. In order to increase the purity, the Environment and climate programme supported further R&D work aimed at recognising different plastic materials and automating the separation procedure. Combining the results of various R&D projects should result in a better separation of waste streams and in the development of cleaner products using less additives. This would also reduce the creation of hazardous emissions once the product will be used for energy recovery.

3. The Commission is not familiar with the plastic chair project in Arnhem.

4. The Commission has doubts about the environmental soundness of the project because different plastic materials are being mixed. Furthermore, the Commission is not aware of the possible environmental effects of the substance used in this specific recycling technology. Therefore, this process needs to be thoroughly analysed with respect to its environmental performance.

5. Initiatives which improve the recycling of waste and thus save virgin materials in an environmentally sound manner would be welcomed by the Commission. Whether the specific project in Arnhem represents recycling in an environmentally sound manner remains to be shown.

In order to improve and initiate recycling in general, the Commission is at present preparing a communication on the recycling industry.

(98/C 174/55) **WRITTEN QUESTION E-3177/97**

by Alexandros Alavanos (GUE/NGL) to the Commission

(13 October 1997)

Subject: Innovative schemes for women in agriculture and in rural areas

With a view to supporting and strengthening the position of women in rural areas, the Commission invited proposals for pilot and demonstration projects for innovative schemes for women in agriculture and women in general (96/C/284/10).

1. Have the assessment and selection of the schemes been completed, and

2. how many and which of the proposals submitted with Greek participation were approved?

Answer given by Mr Fischler on behalf of the Commission

(9 December 1997)

1. The assessment and selection of the schemes proposed in response to the invitation to submit proposals referred to by the Honourable Member have not yet been completed.

2. The Commission is therefore not able at present to give the Honourable Member the information he has asked for concerning the Greek proposals.

(98/C 174/56) **WRITTEN QUESTION E-3198/97**

by Anita Pollack (PSE) to the Commission

(16 October 1997)

Subject: Second company law Directive

Does the Commission think there is sufficient basis in Directive 77/91 ([1]) to take action against any government for actions taken which were in breach of this Directive, in the period between the coming into force of the Directive and amendment of national legislation?

([1]) OJ L 26, 31.1.1977, p. 1

Answer given by Mr Monti on behalf of the Commission

(8 December 1997)

The Commission can initiate infringement proceedings against a Member State for failure to fulfil any of its obligations under Community law. This principle naturally applies in the case of the legislation mentioned by the Honourable Member, namely Council Directive 77/91/EEC of 13 December 1976 on coordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent. The question of whether or not infringement proceedings should be initiated, and what should be their scope, can however be addressed only in relation to a specific infringement by a particular Member State and in relation to that Member State's national legislation.

(98/C 174/57) **WRITTEN QUESTION E-3212/97**

by Glyn Ford (PSE) to the Commission

(16 October 1997)

Subject: Airline timetabling

In view of the fact that airlines publish flight times that only on the rarest of occasions are met, does the Commission consider it should take action to regulate these timetables?

Might it consider, in the interests of improved customer information, recommending that schedules must reflect the average performance achieved duirng the previous twelve months?

Answer given by Mr Kinnock on behalf of the Commission

(26 November 1997)

The Commission understands and shares the concerns of the Honourable Member about the fact that the actual departing times of airlines — and often arrival times — frequently deviate from the scheduled times. While in 1996 delays were slightly better than in 1995, which was a year with very poor results in Europe, the situation in 1997 seems again to be deteriorating. On average 18.4 % of all departures were delayed by more than 15 minutes in 1995. For 1997, September included, on average as many as 19.6 % of all flights were delayed by more than 15 minutes.

The Commission also recognises the importance of providing adequate information to passengers. However, rather than recommending that average performance achieved should be reflected in the timetables, which could be misleading, the Commission is investigating other methods of improving information to passengers.

A feasibility study on the establishment of a 'Community punctuality reporting system' was launched a year ago as a follow-up to the communication on congestion and crisis in air traffic ([1]). Following a call for tender the contract was awarded to the International Air Transport Association (IATA), which recently submitted its report. The study investigated the practicability of an information system which would enable the publication on a regular basis of punctuality indicators. The information would be primarily directed to passengers in order to inform them of the quality of the services provided, and enable them to compare and plan their travel accordingly.

It is the intention of the Commission to pursue this idea further with a view to defining which measures should be taken, and at which level, so that there would be a reliable basis for any measures that implemented a punctuality reporting system.

([1]) COM (95) 318.

(98/C 174/58)

WRITTEN QUESTION E-3221/97

by Patricia McKenna (V) to the Council

(15 October 1997)

Subject: Allegations of summary executions in the Philippines

It is alleged that, on 4 September 1997, members of the Philippines National Police Second Mobile Group forcibly entered the house of 25-year old Marlon Fernandez in Barangay, Santo Domingo, and accused him of being a member of the armed opposition group the National People's Army (NPA).

A subsequent report from the Filippino authorities claimed that Mr Fernandez was killed during an armed clash with the police. However, there are other reports stating that he was later seen in the residence of a member of the provincial government of Santa Domingo, being beaten by members of the same police group which entered his home, and that gunshots were heard nearby.

Because of the conflicting reports surrounding the death of Mr Fernandez, will the Council make representations to the Filippino authorities, urging that a thorough and impartial investigation be conducted into the circumstances of his death?

Answer

(9 March 1998)

The case in question has not been referred to the Council.

In its relations with all third countries in general the Council is unswerving in its concern for the application of the principles of the rule of law and respect for human rights.

(98/C 174/59)

WRITTEN QUESTION E-3222/97

by Carlos Robles Piquer (PPE) to the Commission

(16 October 1997)

Subject: Recycling of discarded vehicles

One of the greatest subjects of polemic in the environmental sphere is the recycling of discarded vehicles.

There are a large number of different proposals, ranging from the recommendation that the market should draw up the best solutions, with the cooperation of everybody, to the idea of imposing 'eco-taxes', as in Holland, although there is the risk, according to those opposed to this proposal, that owners may forget their vehicles and abandon them on the street.

Can the Commission say what stage has been reached in regulating this matter, which countries have opted for levying a recycling tax and whether it intends to make any proposals to the Member States to facilitate the solutions agreed on?

Answer given by Mrs Bjerregaard on behalf of the Commission

(1 December 1997)

On 9 July 1997, the Commission adopted a proposal for a directive on end of life vehicles ([1]). This contains measures in the field of prevention, collection, treatment, recovery, monitoring and information. In particular, it lays down quantified targets for the re-use, recycling and recovery of waste.

With this proposal, the Commission intends to promote the harmonization of national approaches to the problem of end of life vehicles. Initiatives by national authorities or by economic operators exist in certain Member States. These initiatives vary considerably in their content, the year of achievement of the targets, the period of time covered and the nature of the commitments. Initiatives (some including recycling and recovery objectives) have been started in Germany, Spain, France, Italy, the Netherlands, Austria, Sweden, the United Kingdom.

In order to avoid the risk of vehicles being abandoned in the environment, the proposal for a directive requires that end of life vehicles may be de-registered from public registers only after the delivery of a certificate of destruction issued by an authorized dismantler. Only dismantlers complying with the requirements set out in the directive will receive an authorization to operate and to issue certificates of destruction.

([1]) Doc. COM(97) 358.

(98/C 174/60)

WRITTEN QUESTION P-3228/97

by Daniel Féret (NI) to the Commission

(9 October 1997)

Subject: European sticker on toll motorways

Some European Union Member States have introduced a European sticker on their motorways which allows heavy goods vehicles to pay a uniform preferential fee.

Other Member States, by contrast, refuse to grant this economic advantage to carriers using their motorways. This situation creates harmful distortions on the European Union's motorway network, which have repercussions on transport costs.

Does the Commission not consider it desirable and necessary to propose that a 'European sticker' facilitating the use of the motorway networks by carriers be introduced and uniformly applied?

Answer given by Mr Kinnock on behalf of the Commission

(18 November 1997)

The Commission believes that the parallel application of tolls in some Member States and a common sticker in other Member States, does not constitute a distortion of competition. All users of a Member State's road network are subject to the same system that applies to residents of that Member State.

The two systems (tolls and user charge stickers) are both envisaged in Directive 93/89/EEC [1] which lays down the general conditions of their application.

However, the Commission considers that road tolls (based on kilometres driven) are better related to the real costs arising from the use of the infrastructure than the user charges (sticker) which are based on the permitted duration of the use of the road and not on the real use of the roads.

That is why the Commission favours a generalised application of road tolls for heavy goods vehicles according to methods which ensure non-discrimination and free-flowing traffic, particularly using electronic systems which do not require vehicles to stop.

[1] On the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures; OJ L 279, 12.11.1993.

(98/C 174/61) **WRITTEN QUESTION E-3231/97**

by Konstantinos Hatzidakis (PPE) to the Commission

(20 October 1997)

Subject: Irregularities by the Greek Ministry of Culture in awarding contracts for projects funded by the European Union

Allegations have been made to the effect that the Greek Ministry of Culture has infringed a number of the provisions of Directive 92/50/EEC [1] and other Community rules for example Article 85 of the Treaty concerning competition, in awarding six contracts to carry out studies for the consolidation of archaeological sites in Athens, a project receiving Community funding.

For example, the allegations refer to discrimination between applicants, the fact that the offices to which finally the study was awarded submitted their proposals after the deadline, together with other procedural infringements and irregularities, all of which were disregarded by the Greek Ministry of Culture. Complaints have also been made by the Greek Technical Chamber and one of the injured parties has referred the matter to the Commission, which, nine months later, has not yet replied.

Is the Commission aware of this situation and what measures will it take to ensure compliance with Community law, together with transparent and proper use of Community funds by the Greek authorities?

[1] OJ L 209, 24.7.1992, p. 1.

Answer given by Mr Monti on behalf of the Commission

(7 January 1998)

The Greek Ministry of Culture published two invitations to tender, in June 1995 and in March 1996, concerning the award of six contracts to carry out studies for the consolidation of archaeological sites in Athens. The results were announced simultaneously for all the studies in July 1996. In January 1977, one of the applicants who had been eliminated during the tendering stage complained to the Commission that Directive 92/50/EEC relating to the coordination of procedures for the award of public service contracts had been infringed.

According to the complainant, the contracting authority had infringed the principle of non-discrimination provided for in Article 3(2) of Directive 92/50/EEC because it had rejected certain tenders, including the complainant's, on the grounds of failure to comply with the administrative formalities while, at the same time, accepting other tenders which also had presentational shortcomings.

The information provided by the complainant does not reveal any infringement of Directive 92/50/EEC. The complaint concerns purely procedural aspects — compliance of tenders with internal administrative formalities — which applied to all applicants. The complainant does not provide any evidence of discrimination against certain consultancy firms, such as acceptance by the contracting authority of tenders with shortcomings which resulted in other applicants being excluded, a practice which could undermine Directive 92/50/EEC and the principle of non-discrimination.

(98/C 174/62)

WRITTEN QUESTION E-3243/97

by Alfonso Novo Belenguer (ARE) to the Commission

(20 October 1997)

Subject: Transport of plutonium by sea

From December 1997 onwards France will increase its shipments of plutonium transported by sea from the French reprocessing plant of La Hague to Japan. In order to make the journey, the ships have to pass close to the Spanish coastline of Galicia and the Canary islands, with the danger which such hazardous waste entails.

Does the Commission know what route will be taken regularly by these ships on their way to Japan?

Has the Commission taken any steps to ensure that such dangerous radioactive cargo does not pass close to the coast?

Answer given by Mr Kinnock on behalf of the Commission

(15 December 1997)

According to Directive 93/75/EEC concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods [1], all operators of vessels carrying dangerous or polluting goods, including nuclear materials, leaving a port of a Member State, or leaving a port outside the Community and bound for a port of a Member State, have to notify to the authority certain information, notably the intended route of the vessel.

The objective of the law is to improve information to national authorities in case of a maritime accident involving dangerous substances carried on board a vessel. Since, in this situation, other Member States involved should also be informed, the Commission does not need to be directly involved in the notification process, which serves an operational purpose. The Commission would only intervene in the event of failure to comply with this Directive.

Taking into account in particular the present level of protection for transporting packages used for the transport of plutonium shipped which conforms to the International maritime goods (IMDG) code and the code for the safe carriage of irradiated nuclear fuel, plutonium and high-level radioactive wastes in flasks on board ships (INF) of the International maritime organisation (IMO), the Commission does not currently envisage proposing further initiatives at Community level addressing routing of ships carrying plutonium or other radioactive materials.

[1] OJ L 247, 5.10.1993. This Directive is being amended in order to incorporate the radioactive materials covered by the INF code.

(98/C 174/63)

WRITTEN QUESTION E-3245/97

by Rijk van Dam (I-EDN), Frits Castricum (PSE) and Georg Jarzembowski (PPE) to the Commission

(20 October 1997)

Subject: Guidelines for state aid to ports

In its communication, 'The Development of Short Sea Shipping in Europe: Prospects and Challenges', of 5 July 1995, the Commission envisages 'the establishment of guidelines on how to apply the State aid provisions of the Treaty to the port sector'.

1. Two years on from the publication of the communication, can the Commission say when it will be presenting the guidelines on State aid to ports?

2. How does the Commission check whether the Member States' State aid to ports accords with the provisions of the Treaty?

Answer given by Mr Kinnock on behalf of the Commission

(15 December 1997)

1. The Commission's recent green paper ([1]) on ports and maritime infrastructure, which will address a number of issues relevant to the port sector with emphasis on public financing of infrastructure and state aid. The issuing of state aid guidelines for the port sector will, to a large extent, depend on the outcome of discussions with the other Community institutions, Member States, Parliament and other interested parties following the publication of the green paper.

2. The examination of state aid to ports at present depends largely on the type and purpose of the aid, which may vary from social aid to financial support for infrastructure. As regards the latter, the Commission has always taken the view that public investment in infrastructure does not generally constitute aid within the meaning of Article 92 of the EC Treaty, as long as the infrastructure remains open to all users in the public interest on the basis of normal non-discriminatory access. Public financing of superstructure on the other hand, the use of which is limited to certain companies, would normally fall under Article 92 of the EC Treaty.

([1]) COM(97) 678 final.

(98/C 174/64)

WRITTEN QUESTION E-3249/97

by Freddy Blak (PSE) to the Commission

(20 October 1997)

Subject: Cosmetic products and the working environment

The hairdressing profession has pointed out that hairdressers' health is impaired because of the large amounts of cosmetic products they use.

Will the Commission state whether it has looked into this problem or intends to do so?

Does it consider the Council Directive on the approximation of Member States' laws relating to cosmetic products to be a satisfactory basis for providing adequate information to people working professionally with cosmetic products and protecting them against health problems?

Answer given by Mr Bangemann on behalf of the Commission

(2 December 1997)

People working professionally with cosmetic products are covered by the measures provided by the Community legislation on health and safety at work, such as Council Directives 80/1107/EEC, 89/391/EEC and 90/394/EEC ([1]). These lay down minimum requirements which are to be applied in the workplace.

The safety of cosmetic products marketed in the Community is ensured by the provisions of Council Directive 76/768/EC on the approximation of the laws of the Member States relating to cosmetic products ([2]), otherwise known as the cosmetics Directive. Article 2 of the cosmetics Directive requires that 'A cosmetic product put on the market within the Community must not cause harm to human health when applied under normal or reasonably foreseeable conditions of use ...'. Therefore, if it is likely that the product will be used in a professional beautycare environment, the manufacturer or agent is legally required to ensure that the product is safe for such applications.

Products such as hair dyes are now assessed by the scientific committee on cosmetology, with respect to their safety. This group of experts, which advises the Commission on the safety of cosmetic products, considers all foreseeable uses of the products. Such considerations would include professional use, and may result in the use of specific warning labels bearing safety precautions or usage instructions.

Article 6, 1 (g) of the cosmetics Directive requires the labelling of all ingredients in a cosmetic. This allows consumers to check a product in order to ensure that it does not contain an ingredient to which they are allergic or particularly sensitive. In addition, Council Directive 93/35/EEC of 14 June 1993 amending for the sixth time Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products ([3]) introduced the concept of product information files that must be held at the address specified on the label and packaging of the cosmetic product. Such information shall be readily accessible to the authorities of a Member State for inspection purposes. Article 7a, 1. (f) requires the manufacturer or importer of a cosmetic product to make accessible to the authorities 'existing data on undesirable effects on human health resulting from use of the cosmetic product'. This requirement allows for marketplace surveillance of adverse effects, thereby permitting continuous monitoring of product safety in the marketplace.

Therefore, the Commission considers that the safety of cosmetic products used in a professional environment has been addressed and that the requirements of the cosmetics Directive ensure sufficient information is available for the users of such cosmetics to protect them against health problems.

([1]) OJ L 327, 3.12.1980.
OJ L 183, 29.6.1989.
OJ L 196, 26.7.1990.
([2]) OJ L 262, 27. 9.1976.
([3]) OJ L 151, 23. 6.1993.

(98/C 174/65) **WRITTEN QUESTION E-3250/97**

by Friedhelm Frischenschlager (ELDR) to the Commission

(20 October 1997)

Subject: Transport of animals

What steps has the Commissioner, Dr Franz Fischler, taken to date to encourage the building of cold stores in Lebanon, either under the MEDA programme or through EIB loans?

Why does the Commission continue to grant an export premium for the transport of live animals, but not for the transport of refrigerated meat?

How many kilograms of live cattle and how many kilograms of refrigerated meat are exported annually from the European Union to Lebanon?

Will the Commission involve NGOs in its work in future?

Answer given by Mr Fischler on behalf of the Commission

(19 December 1997)

The Commission has communicated to the Lebanese authorities that it would be possible to finance a cold storage facility in the framework of the MEDA programme. In order to do so, some conditions (compatibility with the MEDA guidelines as well as presentation under the Lebanese indicative programme) have to be met. In addition, in response to the overall objectives of the project, some guarantees concerning the replacement of live animal imports by meat imports are essential. At this stage, Lebanon has not presented a project meeting these conditions but the Commission will continue discussion with the Lebanese authorities on the issue.

Export refunds are paid both for live animals and for fresh and frozen beef. The refund level for beef and live animals is fixed at least once every three months and published in the Official journal. Export of live animals is an important outlet for the Community beef market and can hardly be substituted by export of beef due to the different slaughtering rites, the lack of coldstores in importing countries and the absence of specific demand for fresh meat of the required quality in these countries. If the export of live animals from the Community were to become impossible due to unrealistic requirements or disproportionate costs or simply by phasing out export refunds, other suppliers would take over these markets (Australia increasingly exports live animals to the Arab world with a journey considerably longer than from the Community).

The table below shows exports from the Community to Lebanon, during the past three years, of live animals (carcase weight equivalent) and fresh and frozen beef:

Year	Exports of live animals (carcase weight equivalent, (tonnes)	Exports of fresh and frozen beef tonnes)
1996	38 696	7 484
1995	33 984	10 862
1994	31 215	8 157

The Commission regularly consults non-governmental organisations on policy in the area of animal welfare, in particular the European umbrella organisation for animal welfare groups, Eurogroup for animal welfare.

(98/C 174/66)

WRITTEN QUESTION E-3265/97

by María Estevan Bolea (PPE) to the Commission

(20 October 1997)

Subject: Waste oil

How much waste oil is produced in the Union every year?

Could the Commission give a breakdown by Member State and say what is done with the oil?

Answer given by Mrs Bjerregaard on behalf of the Commission

(1 December 1997)

The data below, taken from a report commissioned by the Commission, may answer the Honourable Member's questions. They refer to 1994-95, are expressed in tonnes and cover all stages of waste oil management in the Member States and the Community as a whole.

The table shows that 1 827 300 tonnes (75.6% of waste oil) were collected. The remaining 24.4% was probably burned illegally, disposed of with other waste, used to generate energy by the companies which produced it, or dumped in the environment.

Of the 75.6% collected, 677 000 tonnes (37.1%) were regenerated, of which 657 000 tonnes (36%) were recycled into lubricant oils and 20 000 tonnes (1.1%) upgraded as good quality oil for energy use (heating).

The remaining 1 150 300 tonnes (63%) were disposed of by burning, either following processing (filtering) (584 600 tonnes — 32%) as energy substitutes in industry (cement) or ships' engines, or without any processing (566 000 tonnes — 31%) in waste incinerators (or licensed cement works).

Waste oil management 1994-95, in tonnes

Country	Waste oil produced	Waste oil collected	Regenerated		Disposed of	
			Re-refined lubricant oils	Re-processed heating oils	Burning after processing	Incineration
Belgium	95 000	50 000			50 000	
Denmark	43 000	40 000		20 000	10 000	10 000
Germany	690 000	600 000	360 000			240 000
Greece	60 000	5 000	5 000			
Spain	250 000	110 000	35 000		27 500	47 500
France	325 000	225 000	95 000			130 000
Ireland	40 000	14 000			14 000	
Italy	208 000	180 000	150 000			30 000
Luxembourg	2 500	2 300			2 100	200
Netherlands	85 000	60 000			60 000	
Austria	45 000	38 000				38 000
Portugal	45 000	13 000				13 000
Finland	50 000	40 000	2 000		21 000	17 000
Sweden	110 000	90 000			80 000	10 000
United Kingdom	400 000	360 000	10 000		320 000	30 000
Community	2 448 500	1 827 300	657 000	20 000	584 600	565 700
			677 000		1 150 300	

Source: Economics of waste oils Regeneration — Coopers & Lybrand, 1997

(98/C 174/67)

WRITTEN QUESTION E-3267/97

by María Estevan Bolea (PPE) to the Commission

(20 October 1997)

Subject: Used tyres

How many used tyres are produced in the EU? Could the Commission give a breakdown by Member State?

Answer given by Mrs Bjerregaard behalf of the Commission

(1 December 1997)

Used tyres make up most of the rubber waste stream. Figures on rubber waste produced in some Member States are available from the 1996 Commission (Eurostat) and Organisation for economic cooperation and development (OECD) report on environment statistics. These figures are shown in bold in the table below.

For those Member States which have not provided data to the Commission, the figures have been taken from a 1997 report on waste statistics carried out for the Commission. These figures are for used tyres only and are shown in italics on the table below.

Member State	tonnes
Belgium	(1) 91 146
Denmark	33 000
Germany	263 000
Greece	30 000
Spain	205 000
France	(2) 118 000
Ireland	21 735
Italy	(3) 323 000
Luxembourg	6 000
Netherlands	(4) 80 000
Austria	16 000
Finland	29 000
Sweden	50 000

No figures are provided for the United Kingdom or Portugal under either of these two reports. However, the United Kingdom industry/government scrap tyre working group reported that 378 000 tonnes of used tyres were produced in the United Kingdom in 1996. The priority waste group on used tyres set up by the Commission reported that Portugal produced 30 000 tonnes of used tyres in 1990.

(1) Total for Flanders and Wallonia, excluding Brussels. Figures for Flanders (54146) from 1994.
(2) Figures for 1993.
(3) Figures for 1991.
(4) Figures for 1990.

(98/C 174/68)

WRITTEN QUESTION E-3268/97

by María Estevan Bolea (PPE) to the Commission

(20 October 1997)

Subject: Used tyres

How many used tyres are burned at EU plants? Could the Commission give a breakdown by Member State?

Answer given by Mrs Bjerregaard on behalf of the Commission

(3 December 1997)

A study on waste statistics carried out for the Commission shows the following numbers of used tyres were incinerated in the Community in 1995.

Member State	Used tyres incinerated (tonnes)
Belgium	(1) 18 100
Denmark	None
Germany	(2) 84 903
Greece	None
France	None
Italy	None
Netherlands	None
Austria	(3) 32 000
Portugal	3 937

No distinction is made in these figures between those which were incinerated with energy recovery and those incinerated without energy recovery.

The United Kingdom incinerated 102 000 tonnes of used tyres with energy recovery in 1996 (4). Official figures are not available to the Commission for Spain, Ireland, Luxembourg or Finland.

(1) Total for Wallonia and Flanders, excluding Brussels region.
Figures for Flanders (100) for 1994.
(2) Figures for 1993.
(3) Per annum figures 1993-1995.
(4) United Kingdom Industry/Government Scrap Tyre Working Group 2nd Annual Report.

(98/C 174/69)

WRITTEN QUESTION E-3269/97

by María Estevan Bolea (PPE) to the Commission

(20 October 1997)

Subject: Used tyres

Article 5(2)(d) of the proposal for a Council Directive on the landfill of waste (COM(97) 0105) stipulates that whole used tyres may not be accepted in a landfill with effect from two years from the date of entry into force of the Directive and shredded used tyres may not be accepted with effect from five years from that date (1).

Can the Commission say what measures and procedures it has laid down to ensure compliance with the requirements of the above proposal for a Directive?

(1) OJ C 156, 24.5.1997, p. 10.

Answer given by Mrs Bjerregaard on behalf of the Commission

(2 December 1997)

A priority waste stream working group on used tyres, which was set up by the Commission in 1991, proposed a ban on landfilling of tyres in its final conclusions of September 1993. As mentioned by the Honourable Member, this has been taken into account in the new proposal on landfill of waste in order to prevent landfilled tyres from making the sites unstable and to reduce the risk of fire. Furthermore, the ban on landfilling of whole tyres and shredded tyres aims to encourage the recovery of tyres and thus to save resources.

When the time for implementation of the landfill directive expires Member States will communicate to the Commission their national implementing measures, which the Commission will examine in the usual way.

(98/C 174/70)

WRITTEN QUESTION E-3272/97

by Gianni Tamino (V) to the Commission

(20 October 1997)

Subject: Fifth framework programme

To repeat the query not dealt with in the answer to my Written Question E-1873/97 (1) of 29 May 1997 (see point 2 of the question), will acceptance of projects be 'linked to compliance with the 50% reduction in the use of animals in experiments announced by the Commission in the fifth programme on the environment'?

(1) OJ C 45, 10.2.1998, p. 115.

Answer given by Mrs Cresson on behalf of the Commission

(13 January 1998)

The acceptance of research projects under the Fifth Framework Programme in the field of Research will depend on whether the criteria set out in Annex I of the Commission Proposal ([1]) are met. Moreover, the Commission stipulates in its Proposal that, as far as possible, testing on animals will be replaced by in vitro experiments or other alternative means. The Commission places great importance on the objective of reducing the amount of testing carried out on animals to a minimum; to achieve this, when it comes to assessing the research projects submitted within the Fifth Framework Programme, compliance with the ethical requirements in relation to animal testing — replacement, reduction, optimisation — will be taken into account. These principles are also mentioned by the Group of Advisers on the Ethical Implications of Biotechnology in its 10th Opinion, published on 11 December 1997, on the ethical aspects of the Fifth Framework Programme.

The objective referred to by the Honourable Member appears in the general terms of the Commission Proposal on the Fifth Community programme of policy and action in relation to the environment ([2]), as presented by the Commission in 1992. This objective has not however been re-addressed at Council level in its resolution on the Fifth Community programme of policy and action, but it remains a principal which the Commission pays close attention to when accepting projects.

([1]) COM(97) 142 final.
([2]) COM(92) 23.

(98/C 174/71)

WRITTEN QUESTION E-3280/97

by Bernd Lange (PSE) to the Commission

(20 October 1997)

Subject: Classification of the stowage of waste in mining cavities according to Annex IIA or IIB of Directive 91/156/EEC on waste

In Germany, some of the waste used as stowage in mines is of high quality and could be suitable for recycling, for example the recovery of metals from steelwork dust or the treatment of foundry sand. This is contrary to a waste management policy of channelling waste towards recovery centres where it can be recycled as effectively as possible and endangers the very existence of such recovery centres.

1. Is stowage in mines a disposal operation within the meaning of Annex IIA or a recovery operation within the meaning of Annex IIB of Directive 91/156/EEC?

2. If the Commission considers stowage in mines to be a disposal operation, does it regard it as the most rational solution in ecological terms?

3. What part of coherent Community waste-management strategy is formed by stowage in mines?

Answer given by Mrs Bjerregaard on behalf of the Commission

(5 December 1997)

1. The Commission considers stowage of waste in mines to be a disposal operation in accordance with Annex IIA of Directive 75/442/EEC, as amended by Directive 91/156/EEC ([1]), on waste. Such an operation could be classified as D1, D3 or D12.

2. Pursuant to Article 3 of Directive 75/442/EEC, Member States take the appropriate measures to encourage firstly the prevention or reduction of waste production and its harmfulness, and secondly the recovery of waste by means of recycling, re-use or reclamation or any other process with a view to extracting secondary raw materials or the use of waste as a source of energy.

This hierarchy of waste management principles is confirmed in the communication from the Commission on the review of the Community strategy for waste management of July 1996 ([2]), stating that prevention of waste shall remain the first priority, followed by recovery and finally by the safe disposal of waste. It is recognised that this hierarchy has to be applied with a certain degree of flexibility, with a view to the best environmental solution in each specific case. Notwithstanding, landfilling of waste is seen by the Commission as the last and least best solution.

3. In the context of a coherent Community waste management strategy, the Commission is of the opinion that stowage of waste in mines may be considered as an option when the other options higher up the waste management hierarchy, namely prevention and recovery, have been exhausted or are not possible for the waste in question taking into account available technologies and economic and social costs.

The authorities would have to ensure that any stowage is carried out without endangering human health or the environment, and in particular without risk to water and soil. For this purpose, the operation must be subject to a permit from the authority in accordance with Article 9 of Directive 75/442/EEC. Such a permit will cover the types and quantities of waste, the technical requirements, the security precautions taken, the disposal site and the treatment method. If the intended method of disposal is unacceptable from the point of view of environmental protection, it may be refused.

(1) OJ L 194, 25.7.1975 amended by Directive 91/156/CEE, OJ L 78, 26.3.1991.
(2) COM(96) 399 final.

(98/C 174/72)

WRITTEN QUESTION E-3281/97

by Xaver Mayer (PPE) to the Commission

(20 October 1997)

Subject: Use of alternative raw materials for the production of yeast — reduction of environmental pollution

The use of molasses for yeast production results in residues which must be disposed of. Some of these residues are disposed of with waste waste in municipal sewage treatment plants. The costs incurred by yeast producers in connection wtih the large additional strain on public sewage treatment plants is now threatening their existence in Germany.

1. Does the Commission consider that the yeast manufacturing sector in Germany is at a competitive disadvantage because of discrepancies regarding environmental legislation within the EU?

2. Does the Commission consider that yeast should be included under Regulation (EEC) No 1010/86? In the Commission's view what are the arguments for or against such a move?

3. Was the inclusion of yeast in Regulations (EEC) Nos 1009/86 and 1010/86 discussed in previous years in the EU Management Committee on Sugar? If so, what conclusions were drawn?

Answer given by Mr Fischler on behalf of the Commission

(1 December 1997)

The production of yeast in the Community uses a number of raw materials, the most important of which for large-scale production purposes are glucose, molasses and sugar. The choice of raw material is for each yeast manufacturer to make alone and until now, as indicated by the Honourable Member, molasses has predominated in view of its lower price.

This situation is however slowly changing in view in particular of the 1992 reform in the arable crops sector, which has brought down the market price for cereals and its derived product glucose. The adaptation process is however taking place slowly in view of the large scale and long term capital commitments required to change from one raw material base to another.

1. The Commission has been aware for a long time of the additional effluent disposal costs associated with the use of molasses as a raw material and would emphasize that yeast manufacturers, like all other manufacturers, must bear the consequences of their actions in ensuring that the environment is protected.

Considerable progress has been made in improving and harmonizing environmental policy and legislation in the Community, but it is inevitable that Member States have sought to go even further by imposing stricter environmental standards for their most vulnerable areas.

Where this is the case, the yeast manufacturers are in a similar position to the other manufacturers located in the areas concerned and the Commission cannot see any justification for an exception to be granted.

2. When the Council decided in April 1995, with Regulation (EEC) No 1101/95 amending Regulation (EEC) No 1785/81 on the common organization of the market in the sugar sector and Regulation (EEC) No 1010/86 laying down general rules for the production refund on certain sugar products used in the chemical industry ([1]), after consulting the Parliament, to extend the common market organization in the sugar sector for a further six years until 30 June 2001, it also examined the possibility of including yeast as an eligible product for receiving the production refund which is granted for the manufacture of certain chemical industry products in accordance with Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry ([2]).

In view of the important effects, both positive and negative, that inclusion would have on the functioning of the common market organization in the sugar sector directly concerned by any change to the production refund rules, the Council felt that no decision should be taken without first consulting the competent experts meeting in the management committee for sugar.

3. The consultation took place in February 1996 and the management committee for sugar concluded that the best course of action, in view of concerns over possible market distortions in the sales of glucose, molasses and sugar, would be to postpone any decision for a further two marketing years, after which the situation will once again be reviewed. The production refund arrangements applicable in the cereals sector have similarly continued to exclude yeast as an eligible product.

([1]) OJ L 94, 9.4.1986.
([2]) OJ L 110, 17.5.1995.

(98/C 174/73)

WRITTEN QUESTION E-3283/97

by Leonie van Bladel (UPE) to the Council

(21 October 1997)

Subject: Lack of hospital care for elderly people followinmg cardiac catheterization operations

1. Does the Council agree that after a cardiac catheterization operation on a middle-aged person the hospital should keep the patient in for observation for at least two day, as recommended by the Nederlandse Hartstichting (Dutch heart foundation)? A hospital in Amsterdam recently failed to observe this, with the result that the patient died.

2. Can the Council indicate where this rule is set out?

3. Can the Council guarantee that this rule is strictly observed in all the Member States?

4. Can the Council confirm that the growing number of elderly persons, whose efforts brought about the economic rise of Europe, do not become the victims of the purely economic policy of hospitals and are allowed to stay in hospital, under expert nursing supervision, for two days after a cardiac catheterization operation?

Answer

(26 February 1998)

The issue raised by the Honourable Member is not the subject of provisions adopted pursuant to the Treaties.

(98/C 174/74)

WRITTEN QUESTION E-3299/97

by Angela Sierra González (GUE/NGL) to the Commission

(20 October 1997)

Subject: Transport of plutonium between France and Japan

Recent reports in the European media indicate that since December, a large number of vessels carrying plutonium derived from highly dangerous reprocessed radioactive waste have been using a number of transport routes between France and Japan.

The route, which has been opposed on previous occasions by numerous Community and non-Community countries, takes these vessels through waters belonging to various Community countries and, in the case of Spain, bring them close to Galician and Canary waters.

Various experts claim that an accident to the vessel and the consequent release of plutonium could have disastrous consequences for the marine environment.

Is the Commission aware of these facts?

Does the Commission think, taking the safety of the marine environment and above all of the coastal populations into account, that this dangerous transportation of plutonium is permissible?

Does the Commission know whether Directive 92/3/Euratom ([1]) of 3 February 1992 concerning 'supervision and control of shipments of radioactive waste between Member States in and out of the Community', is being complied with, particularly as regards authorizations for transit through the various Community countries and security?

Does the Commission know if the shipment in question respects the spirit of the European Parliament's resolution of 6 July 1988, concerning the results of the Committee of Inquiry into the handling and transport of nuclear material?

What measures does the Commission intend to take to ascertain the conditions under which waste is being shipped by sea? Does the Commission believe that shipments of this type should be done away with?

([1]) OJ L 35, 12.2.1992, p. 24.

Answer given by Mr Papoutsis on behalf of the Commission

(21 January 1998)

Taking into account the present level of protection realised in transporting packages used for the transport of plutonium shipped in conformity with the International maritime dangerous goods (IMDG)-code ([1]) and the Irradiated nuclear fuels (INF)-code ([2]) of the International maritime organisation (IMO) there are generally no special routing restrictions for safety reasons.

On the contrary, it is important to remember that Member States have the exclusive control over the level of physical protection, including routing, based on international conventions, as far as the transportation of nuclear material within the Community is concerned and the right to conclude any specific agreement that may be proposed for shipments out of the Community.

According to Directive 93/75/EEC ([3]), the operator of a vessel carrying dangerous or polluting goods, including nuclear materials, leaving a port of a Member State, or leaving a port outside the Community and bound for a port of a Member State, has to notify to the competent authority a number of items of information, notably the intended route of the vessel. The purpose of this procedure is to improve information of national authorities in case of a maritime accident involving dangerous substances carried on board a vessel. In addition, the Commission has proposed, through the so-called Eurorep Directive ([4]), adopted by the Commission in December 1993, to complement the system set up by Directive 93/75/EEC with a fuller reporting system applicable to ships navigating off the coasts of Member States. Nevertheless, it is not foreseen that the Commission is involved in the notification process.

Furthermore, nuclear spent fuel, which may be reprocessed, and the plutonium recovered, as a result of the reprocessing, are not to be considered as waste and by consequence not the subject of Council Directive 92/3/EUR of 3 February 1992 mentioned by the Honourable Member. That Directive is, however, applicable to the waste material resulting from the reprocessing operation.

(1) IMDG: code reflecting under class 7 (radioactive material) the requirements of the IAEA-Advisory 'Regulations for the Safe Transport of Radioactive Material', Safety Series No 6, 1985 Edition (as amended 1990).
(2) IMO-Resolution A.748(18) 'Code for the safe carriage of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Flasks on board Ships'.
(3) OJ L 247, 5.10.1993. This Directive is being amended in order to incorporate the radioactive materials covered by the Irradiated Nuclear Fuels (INF) Code of the IMO.
(4) OJ C 22, 26.1.1994.

(98/C 174/75)

WRITTEN QUESTION E-3302/97

by Angela Sierra González (GUE/NGL) to the Commission

(20 October 1997)

Subject: Accidents and refineries

On 14 September 1997 a tragic oil refinery fire in the port of Visakhapatam (Gulf of Bengal — India) caused dozens of deaths and serious injuries, and led to the destruction of the petrochemical complex and the evacuation of over 150 000 residents of the surrounding area.

This event calls into question the safety of such installations and their proximity to centres of population.

Santa Cruz de Teneriffe (Canaries — Spain) is a city with installations such as an oil refinery within its precincts.

Does the Commission know the cause of the accident which took place in the Indian refinery?

In how many European cities are petrochemical installations and, more specifically, refineries, located within the city precincts?

What safety standards does the Commission believe are necessary to guarantee the safety and well-being of the population? How compatible are installations such as oil refineries with the presence of large resident populations?

Has the Commission drawn up any rules on safety in these installations, and if so, to what extent are these rules complied with? If not, does the Commission believe that specific regulations for these installations should be drawn up?

Answer given by Mrs Bjerregaard on behalf of the Commission

(26 November 1997)

Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities (1) (the so-called Seveso Directive) aims at the prevention of major accidents and the limitation of the consequences of such accidents. The Directive obliges the operators of hazardous installations, including petrochemical installations such as oil refineries, to take all appropriate safety measures and to inform the enforcement authorities.

Following a fundamental review of over 10 years experience with the Directive, including the analysis of accidents which occurred worldwide during this time, a new Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (2) (the so-called Seveso II Directive) was adopted by the Council in December 1996. Member States have up to two years to implement the Directive. From February 1999, this Directive will replace the 1982 Directive.

The Seveso II Directive builds upon the existing Directive but contains important new elements such as an obligation for operators of hazardous installations to put into effect safety management systems and for the Member States to take into account the aim of the Directive in their land-use planning policies. The inclusion of this provision, following the Bhopal accident, can be regarded as a major step forward in the process of major accident mitigation. In the long term, land-use planning policies will ensure that appropriate distances between hazardous installations and residential areas are maintained. Where such installations already exist in the vicinity of residential areas, the Directive calls for consideration of additional technical measures so as not to increase the risks to people.

Furthermore, in order to fulfil its information obligations towards the Member States and to learn from past accidents, the Commission has established the major-accident reporting system (MARS) and the Community documentation centre on industrial risks (CDCIR) at its joint research centre (JRC) in Ispra, Italy. MARS is a computer-based register and information system containing accident information supplied by the Member States. The CDCIR is a library containing documentation concerning analyses of causes of accidents, lessons learned from accidents and information about preventive measures. This information can be assessed by public authorities as well as the industries concerned (http://mtrls1.jrc.it:80/mahb/).

The Commission has requested information on the cause and the circumstances of the oil refinery fire in the port of Visakhapatam in India to ensure that any information available and lessons learned can be disseminated.

(1) OJ L 230, 5. 8. 1982. Directive as amended by Directive 87/216/EEC (OJ L 85, 28. 3. 1987), Directive 88/610/EEC (OJ L 336, 7. 12. 1988) and Directive 91/692/EEC (OJ L 377, 31. 12. 1991).
(2) OJ L 10, 14. 1. 1997.

(98/C 174/76)

WRITTEN QUESTION E-3324/97

by Maartje van Putten (PSE) to the Council

(21 October 1997)

Subject: Implementation of the European Parliament's resolution on the violation of the rights of the indigenous peoples and the logging of tropical forests on Yamdena Island in Indonesia

Further to Parliament's resolutions B4-0065/97 and 0130/97 (1), does the Council know whether the Indonesian Government taken serious action to engage in a dialogue with the indigenous peoples of Yamdena Island with a view to finding a socially acceptable solution for the sustainable development of Yamdena and the Moluccan Archipelago?

How does the Council intend to convey the European Parliament's concern about the rights of the indigenous peoples of the Moluccan Archipelago and the logging of tropical forests on Yamdena Island in its contacts with the Indonesian Government?

(1) OJ C 85, 17.3.1997, p. 147.

Answer

(26 February 1998)

The Council is not aware of any specific action by the Indonesian Government which aims to address the issue raised in the question.

In contacts between Member States and other countries in Asia, including Indonesia, the question of the rights of indigenous people is normally tackled within the context of the ongoing discussion on human rights. It is customary that the European Union's concern for minorities is raised.

Sustainable development for regions such as those referred to in the question has for some length of time been another major issue in discussions between the Union and developing countries. Indonesia is no exception to this principle.

(98/C 174/77)

WRITTEN QUESTION E-3328/97

by Christoph Konrad (PPE) to the Commission

(22 October 1997)

Subject: Total permissible weight of coaches in the EU

1. Is the Commission aware of the fact that there are different regulations in Germany and the United Kingdom concerning the total permissible weight of coaches (in Germany the permissible weight is 18 tonnes, in the UK only 17 tonnes)?

2. Do these British transport regulations, which have only been applicable since the beginning of the year, conflict with existing Community law?

3. Can the British authorities stop coaches from Germany weighing more than 17 tonnes from continuing their journeys on British territory and charge excessive rental costs for the provision of a replacement British coach?

4. If Community law is not affected by the transport regulations in the United Kingdom, does the Commission see any reason to require EU Member States to recognize one another's national transport regulations?

Answer given by Mr Kinnock on behalf of the Commission

(15 December 1997)

1. The Commission is aware that the maximum permitted weight for two-axle vehicles (including touring coaches) circulating in the United Kingdom is seventeen tonnes, compared with eighteen tonnes in most Member States.

2. This situation is not in conflict with European legislation. Indeed, this matter has been recognised in European legislation since 1989, firstly in Council Directive 89/338/EEC of 27 April 1989 amending Directive 85/3/EEC on the weights, dimensions and certain other technical characteristics of certain road vehicles ([1]), and subsequently in Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic ([2]).

3. British authorities are, therefore, entitled to prevent touring coaches with a gross laden weight in excess of seventeen tonnes from circulating on their territory since such coaches are deemed to be overloaded under British law.

4. The current lower weight limit in the United Kingdom is permitted by means of a derogation laid down in Article 8 of Council Directive 96/53/EC. This derogation will expire on 31 December 1998, after which the United Kingdom will be obliged to allow coaches of up to eighteen tonnes gross laden weight. Given this timescale the Commission does not propose any actions in the meantime.

([1]) OJ L 142, 25.5.1989.
([2]) OJ L 235, 17.9.1996.

(98/C 174/78)

WRITTEN QUESTION E-3334/97

by Yiannis Roubatis (PSE) to the Commission

(22 October 1997)

Subject: Conviction of Esber Yamukdereli and the continued violation of human rights in Turkey

In an article in the Turkish newspaper Sabah of 29 September 1997, the Turkish Foreign Minister, Ismail Cem, described Article 8 of the so-called anti-terrorism law as a 'disgrace'. In an interview with the German newspaper 'Bild' on 22 September 1997, the Turkish Prime Minister himself, Mesut Yilmaz, acknowledged that the laws on the protection of human rights needed radical change. On 1 October 1997, the Turkish President, Suleyman Demirel, said that it was a matter of priority 'to put an end to the disgrace of human rights violations'. Despite all these statements being made during the first week of October, a blind 52-year old Turkish lawyer, Esber Yamukdereli, known for his defence of numerous dissidents in the Turkish courts, was sentenced to 23 years imprisonment by the Ankara Court of Appeal under Article 8 of the anti-terrorism law.

1. What practical measures will the Commission take to secure the immediate release of Esber Yamukdereli and to compel the Turkish Government to repeal all the legal provisions which even its own officials call a 'disgrace'?
2. How long will the Commission tolerate the mockery, inconsistency and untrustworthiness of successive Turkish governments, which have been promising for two years to repeal all legal provisions used to violate human rights and restrict freedom of thought and which serve as a pretext for depriving Turkish citizens even of life itself?
3. Does the Commission not believe that it is unthinkable to strengthen relations any further between the Union and Turkey while this situation persists?

Answer given by Mr Van den Broek On behalf of the Commission

(24 November 1997)

The Commission is extremely concerned to see an improvement in the human rights situation and continuing democratisation in Turkey. Whenever it can the Commission presses the Turkish authorities to make headway in these two areas. The Commission has also set out its ideas on this matter in Agenda 2000 ([1]). During his last visit to Ankara on 30 and 31 October the Member of the Commission responsible for relations with Turkey took the opportunity to point out the European Union's efforts in these areas and to raise the imprisonment of the blind lawyer Esber Yamukdereli.

In Agenda 2000 the Commission states that the European Union must continue to support Turkey in its efforts to resolve its problems, whether economic or political, and to forge closer links with the Community. The Commission communication of 15 July on the further development of relations with Turkey ([2]) proposes closer cooperation between the Community and Turkey on human rights to develop civil society and the rule of law in Turkey.

([1]) COM(97) 2000 final.
([2]) COM(97) 394 final.

(98/C 174/79)

WRITTEN QUESTION E-3336/97

by Patricia McKenna (V) to the Commission

(22 October 1997)

Subject: Luas light rail system for Dublin

In September the EU's Regional Commissioner Monika Wulf-Mathies stated that if by spring next year it appeared unlikely that Dublin's Luas light rail system was going to be introduced on schedule, 'all or part of the funds [allocated to the project by the EU] will be decommitted or reallocated to other projects'.

Recently the Irish Minister for Public Enterprise Mary O'Rourke decided to commission an underground study on the possibility of running the Luas underground. As a result a public enquiry on the project has been postponed for at least six months.

The Minister has now told Dáil Éireann that a decision to proceed with the underground option would defer completion of the project beyond 2001. She added: 'However, it is important to point out that even in these circumstances EU funding allocated to the light rail project under the Operational Programme for Transport would not be lost to Ireland since the unused funds could be reallocated to other eligible projects.'

From that statement, it would appear that the Minister is conceding that EU funds for the light rail system would be in jeopardy.

Has the Commission made any representations to the Irish authorities about the slow rate of progress in implementing Luas? What view does the Commission take of those delays?

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

(4 December 1997)

The Commission remains concerned that the Irish government decision to commission an independent study to assess the option of putting underground the Dublin light rail system in the city centre and postponement of the public enquiry will exacerbate the already difficult timing problems in relation to this project.

At the transport operational programme monitoring committee meeting held in Dublin on 23 October 1997, the Commission requested an update on the Dublin light rail project. It was informed that if the project were to be approved on the basis proposed by Coras Iompair Eireann (CIE) in its application for a light railway order, a completion date at the end of 2001 was feasible. However, a decision to proceed with an underground section in the city centre would necessitate a substantial redesign of CIE's current proposals and would defer completion of the project beyond 2001.

The Irish authorities anticipate that the underground study will be completed by the end of April 1998. However, regardless of the availability or outcome of this study, and indeed the deliberations of the public enquiry, a definite decision on this project will have to be made by the monitoring committee for the community support framework for Ireland in the spring of 1998. At this stage the Commission would not wish to pre-empt these agreed arrangements for review of the project.

Furthermore, it should be noted that work on the Dublin light rail project has not been completely halted. Planning and design of the proposed Ballymun line, as well as the proposed extension of the Dundrum line to Sandyford is continuing. In addition, terms of reference are currently being drawn up for a study into the selling of an operating concession, including aspects of park and ride.

(98/C 174/80)

WRITTEN QUESTION E-3338/97

by David Hallam (PSE) to the Commission

(22 October 1997)

Subject: European Commission's opinion on Estonia and Slovakia on the application for membership of the European Union

Could the Commission prepare a comparative analysis of Estonia and Slovakia on the basis of the criteria set up by the Copenhagen European Council, particularly in the field of:

1. protection of, and respect for, national minorities,
2. economic performance including the capacity to cope with the market forces within the European Union, and
3. current state of approximation of national legislation with that of the European Union.

Answer given by Mr Van den Broek on behalf of the Commission

(2 December 1997)

The Commission refers the Honourable Member to its report, Agenda 2000 for a stronger and wider Union, and the opinions on the individual applications for membership submitted by ten countries of central and eastern Europe, which were published on 15 July 1997. The opinions are based on a thorough and objective analysis of the conditions in each applicant country on the basis of the criteria agreed by the Copenhagen European Council in 1993. These documents, in particular the opinions on Estonia ([1]) and Slovakia ([2]), cover the issues raised by the Honourable Member.

([1]) COM(97) 2006 final.
([2]) COM(97) 2004 final.

(98/C 174/81)

WRITTEN QUESTION E-3339/97

by Francesco Baldarelli (PSE) to the Commission

(22 October 1997)

Subject: Road accidents in Italy

1. How many people were killed and injured in road accidents in Italy in the latest year for which figures are available, and how do these figures translate into fatalities per million cars registered (a) in Italy and (b) by comparison with the overall figure for the EU?

2. What is the estimated economic cost of road deaths in Italy?

3. What changes are recommended by the Commission in order to reduce the number of deaths and injuries in road accidents?

Answer given by Mr Kinnock on behalf of the Commission

(18 December 1997)

In 1994, 7 036 people were killed in traffic accidents in Italy and 238 932 were injured. Based on the number killed by million inhabitants over the period 1991-1994, the position of Italy is worse than the European average, and proportionately worse than that of six other Member States. Clearly, it is difficult to make precise comparisons between Member States as there are a number of factors, such as the quality of infrastructure, which are not comparable. The figures given above are, however, a clear indication of the relative rate of deaths and injuries.

The Commission has calculated that the direct cost of road accidents (including the cost of police and emergency services, vehicle repairs, and lost economic output), is 45 000 MECU per year for the Community as a whole. When divided by the total of 45 000 road fatalities per year, this gives a simple average of 1 MECU per death and associated injuries. In Italy, the '1 MECU test' would produce a cost for road deaths of about 7 000 MECU per year.

The Commission has adopted a communication 'Promoting road safety in the EU — The programme for 1997-2001' ([1]) which sets out in detail the Commission's plans to build on the successes of the first action programme which ran from 1993-1996. The Commission's actions will focus on three areas: information gathering and dissemination in order to identify and to monitor the situation and thereby promote focused improvements, initiating and supporting measures to avoid accidents, with an emphasis on the human factor and its interface with environmental features like road and junction design, and traffic signals; and initiating and supporting measures to reduce the consequences of accidents when they occur — by means of achieving further improvements in vehicle design and crash resilience, for example.

In addition, the Commission actively advocates cost-free changes in behaviour which would save a large number of lives and reduce the seriousness of injuries. If in Italy, for instance, front and rear seat belt wearing was at the level of the countries in which it is most usual, reliable estimates put the number of lives that would be saved at 1 384 every year — a reduction in deaths of about 20%.

(1) COM(97) 131 final.

(98/C 174/82)

WRITTEN QUESTION E-3340/97

by Bernie Malone (PSE) to the Commission

(22 October 1997)

Subject: Road accidents in Ireland

1. Can the Commission indicate how many people were injured and killed in road accidents in Ireland in the latest year for which statistics are available, and how these statistics translate into fatalities per million cars registered (a) in Ireland and (b) by comparison with the rest of the EU?

2. What is the estimated economic cost of road deaths in Ireland?

3. What changes are recommended by the Commission in order to reduce the number of deaths and injuries in road accidents?

Answer given by Mr Kinnock on behalf of the Commission

(17 December 1997)

In 1994, 404 people were killed in traffic accidents in Ireland and 10 231 were injured. Based on the number killed by million inhabitants over the period 1991-1994, the position of Ireland is worse than the European average, and proportionately worse than that of five other Member States. Clearly, it is difficult to make precise comparisons between Member States as there are a number of factors, such as the quality of infrastructure, which are not comparable. The figures given above are, however, a clear indication of the relative rate of deaths and injuries.

The Commission has calculated that the direct cost of road accidents (including the cost of police and emergency services, vehicle repairs, and lost economic output), is 45 000 MECU per year for the Community as a whole. When divided by the total of 45 000 road fatalities per year, this gives a simple average of 1 MECU per death and associated injuries. In Ireland, the '1 MECU test' would produce a cost for road deaths of about 400 MECU per year.

The Commission has adopted a communication 'Promoting road safety in the EU — The programme for 1997-2001' (1) which sets out in detail the Commission's plans to build on the successes of the first action programme which ran from 1993-1996. The Commission's actions will focus on three areas: information gathering and dissemination in order to identify and to monitor the situation and thereby promote focused improvements; initiating and supporting measures to avoid accidents, with an emphasis on the human factor and its interface with environmental features like road and junction design, and traffic signals; and initiating and supporting measures to reduce the consequences of accidents when they occur — by means of achieving further improvements in vehicle design and crash resilience, for example. In addition, the Commission actively advocates cost-free changes in behaviour which would save a large number of lives and reduce the seriousness of injuries. If in Ireland, for instance, front and rear seat belt wearing was at the level of the countries in which it is most usual, reliable estimates put the number of lives that would be saved at 61 every year.

(1) COM(97) 131 final.

(98/C 174/83)

WRITTEN QUESTION E-3343/97

by Carles-Alfred Gasòliba i Böhm (ELDR) to the Commission

(22 October 1997)

Subject: Participation of social and academic bodies in Community programmes

In view of the growing tendency to set up permanent pan-European structures (undertakings, associations or universities) fostered by the European Community, can the Commission say:

1. what measures it has taken or intends to take to solve the problem of the participation of these organizations in Community programmes;

2. whether it does not consider that its policy of promoting transnational programmes and then selecting the eligible projects according to a purely territorial criterion of balance between the Member States to be contradictory;

3. whether it does not consider that the fact that the eligible projects are identified with a Member State penalizes permanent European networks;

4. how the European or transnational dimension of these networks is taken into account when deciding on the possible Community co-financing of their projects, in order to ensure that they do not depend solely on the quota assigned to the State in which they have their headquarters or are represented (usually Brussels);

5. when a statute for European associations is to be drawn up and what impact it will have on solving these problems?

Answer given by Mr Papoutsis on behalf of the Commission

(11 December 1997)

Under regional and cohesion policies, pan-European structures may receive direct grants from the Structural Funds if they are responsible for managing a project in the context of a transnational programme or action. However, it is not the Commission which decides which body will manage a project, but the national, regional or local authorities which submit the programme.

The Commission finances transnational and trans-European projects on the basis of operational programmes, in particular under the Community Initiative Interreg, as well as transnational pilot or innovative projects. The Commission grants a Community subsidy to the programme or project and pays it to the body responsible for managing the project. This could be a pan-European organisation or a body represented in several Member States. However, most of the programmes under the Interreg Initiative have been managed jointly by various bodies representing each of the Member States involved. The Commission has therefore divided the amount of Community support among the Member States. Where pilot projects have tended to be managed by a body representing all the organisations from the various participating countries, the total amount of Community support has been paid to this body.

For the next Structural Funds programming period (2000-2006), the Commission has proposed setting up a Community Initiative for cross-border, transnational and inter-regional cooperation in the area of town and country planning. This will heavily involve pan-European organisations in drawing up and implementing programmes. The Commission will encourage the appointment of managing bodies represented in all the Member States or regions taking part in a programme. These bodies may, in certain cases, be the current pan-European associations.

Moreover, under the Community Employment and Adapt Initiatives, the Commission has established selection procedures for projects which promote and support transnational partnerships, although ultimately it is the responsibility of the Member States to select and finance projects (in other words, there is Community co-financing as such). The numerous support structures set up both at national and Community level actively assist in establishing transnational partnerships and then creating a transnational network to link these established partnerships. It is accepted that social economy organisations are targeted by these initiatives, the Employment Initiative in particular.

As far as these initiatives are concerned, the legal statute of the transnational partnerships is only important in so far as it might affect their financial soundness and ability to achieve the objectives of the projects being funded. Nonetheless, the incentive to cooperate at European level provided by a new statute will certainly do much to promote the fundamental European objectives which underpin these initiatives.

The Commission recently approved a support mechanism for the creation of transnational joint ventures for small and medium-sized enterprises (SMEs) in the Community (JEV programme).

On a wider scale, on 9 September 1997 the Commission adopted a Communication aimed at fostering the participation of European Economic Interest Groupings in public contracts and programmes financed by public funds ([1]). The EEIG is at present the only vehicle for cross-border cooperation that is directly connected with the Community legal system and allows a large number of economic operators, and associations in particular, to be involved in carrying out European projects or programmes.

Regarding the social economy more especially, in 1992 the Commission presented a proposal for a Regulation on the statute for a European association ([2]), which was amended in 1993 ([3]) to take account of the Parliament's Opinion ([4]). The Commission is hopeful that this draft regulation will be adopted during a future presidency. Once it has been adopted by the Council, the statute for a European association will constitute a further legal instrument promoting the creation of such pan-European structures.

([1]) OJ C 285, 20.9.1997.
([2]) OJ C 99, 21.4.1992.
([3]) OJ C 236, 31.8.1993.
([4]) OJ C 42, 15.2.1993.

(98/C 174/84)

WRITTEN QUESTION E-3345/97

by W.G. van Velzen (PPE) to the Commission

(22 October 1997)

Subject: Problems encountered by users of mobile telecommunications services in using the European emergency number 112

In early October 1997 reports appeared in the Dutch press concerning the poor operation of the European emergency number 112 for users of mobile phones. Such problems do not arise for emergency calls made using fixed links. Decision No 91/396/EEC ([1]) introduced the single emergency call number 112 and laid down that Member States must take the necessary measures to ensure that the number operates satisfactorily.

1. Is the Commission aware of the problems experienced by users of mobile telephones in the Netherlands with emergency number 112? If so, what contacts have taken place on this matter with the Netherlands government?

2. What powers does the Commission have to ensure that the Netherlands fulfils its obligations as laid down in Article 4 of the abovementioned decision?

3. Is the Commission aware of any instances of similar problems in other Member States?

4. Is the Commission prepared to undertake a speedy investigation at European level and hold consultations with technological institutes, operators and suppliers of telecommunications equipment with a view to finding a rapid (technical) solution to this problem, which could have very serious, life-threatening consequences?

([1]) OJ L 217, 6.8.1991, p. 31.

Answer given by Mr Bangemann on behalf of the Commission

(8 December 1997)

1. In 1992 the Netherlands requested, pursuant to Article 3 (2) of Council Decision 91/396/EEC, an additional period for implementation of the single European emergency number until 31 December 1996 at the latest, owing to financial and organisational difficulties. In February 1997 the Commission was informed by the Netherlands authorities that the '112' emergency number has been available throughout the country since 31 December 1996. Since then, the Commission has not received any information or complaint concerning implementation of '112' in the Netherlands, and is not aware of any particular problem concerning mobile phones.

2. The Commission has followed closely the transposition and implementation process of Council Decision 91/396/EEC in all Member States, and has reported on this issue to the commission on petitions on numerous occasions (2 February 1995, 22 November 1995, 9-13 June 1997). Infringement proceedings were launched early this year against three Member States which have not yet notified national implementation measures. It is also useful to recall that, besides these formal powers laid down in the EC Treaty, the Commission has developed regular contacts with national authorities of all Member States, as part of the exercise to ensure the transposition of the telecommunications package. Use of these informal channels is proving very effective for the purpose of assisting Member States and obtaining updated information on progress in implementation. The Commission will certainly have recourse to these informal channels to check implementation of the Decision with the Netherlands authorities.

3. With the exception of the three Member States which have not yet implemented the Council Decision, the Commission is not aware of any problem concerning implementation of '112' in Europe, in particular concerning mobile communications.

4. The Commission does not consider it necessary to put in place surveillance measures in addition to those referred to above.

(98/C 174/85) **WRITTEN QUESTION E-3360/97**

by Brian Crowley (UPE) to the Commission

(22 October 1997)

Subject: Work permits for flight crew

Could the Commission report on what steps, if any, it intends to take to halt the practice whereby temporary work permits for non-European Union flight crew are issued on a repetitive basis to the same operator by the Irish authorities, thus circumventing European Union training and employment policy?

Answer given by Mr Kinnock on behalf of the Commission

(15 December 1997)

This issuing of work permits to third country nationals is currently regulated by national legislation of the Member States. Naturally the issuing of a work permit to nationals of a third country by one Member State does not oblige another Member State to recognise its validity for mobility within the European single market.

However, under existing Community legislation, Community air carriers employing or using such third country nationals under a 'wet-lease' arrangement can avail themselves of the freedom to operate air services under the Community's third package of air transport liberalisation measures, and other Member States cannot restrict that freedom on grounds of the nationality of the flight crews.

Nevertheless, Council Regulation (EEC) No 2407/92 [1] makes it very clear that air carriers that employ such staff must ensure that, at all times, they are technically qualified and that all safety rules must be observed.

Given these provisions to ensure that high safety standards are maintained, and in the absence of any indication of an adverse impact upon safety, the Commission has no plans to propose legislation on this matter.

(1) OJ L 240, 24.8.1992.

(98/C 174/86)

WRITTEN QUESTION E-3372/97

by Lis Jensen (I-EDN) to the Commission

(22 October 1997)

Subject: Energy sector priorities

What is the Commission's position as regards requirements imposed by Member States' energy policies on power producers and distributors to take environmental aspects into account when planning power production, and on the indirect impact this may have on the functioning of the internal market in energy?

Take, for example, the specific case of power production in Denmark, where the law on the supply of electricity has been amended so as to require power producers to take energy from decentralized CHP units and renewable sources and the state also grants aid to such forms of production.

Answer given by Mr Papoutsis on behalf of the Commission

(5 December 1997)

The internal market for electricity is regulated through Directive 96/92/EC of 19 December 1996 (1) which establishes common rules for the generation, transmission and distribution of electricity. It entered into force on 19 February 1997 and Member States have in general two years to implement the Directive.

The Directive allows Member States to take environmental considerations fully into account when implementing it. Pursuant to Article 8 (3) of the Directive, Member States may require the system operator to give priority to electricity based on renewables and from combined heat and power when dispatching generating installations.

Member States may also, according to Article 3 (2), impose public service obligations on undertakings operating in the electricity sector. These obligations may, inter alia, relate to environmental protection.

Furthermore, when a Member State sets up the criteria for granting an authorization for constructing new generating capacity or lists the tender specifications a possible generator has to follow, it can also apply criteria (Article 5 (1) of the Directive), which relate to the protection of the environment.

It should, however, be underlined that when a Member State applies the provisions of the Directive it must be done in an objective, transparent and non-discriminatory way. The provisions cannot be used to favour producers in the Member State itself.

The specific case of Denmark will be examined according to the provisions of the Directive, including the abovementioned provisions allowing Member States to take environmental aspects into account.

(1) OJ L 27, 30.1.1997.

(98/C 174/87)

WRITTEN QUESTION E-3379/97

by Carlos Robles Piquer (PPE) to the Commission

(23 October 1997)

Subject: ALURE, Synergy, and Latin America

ALURE, the programme launched by the Commission to help rationalize and modernize Latin American energy systems, has just completed its first year of operations. The aims of the programme are also covered in an area of the Synergy programme.

Could the Commission supply the essential details of experiences to date, with particular reference to the development of renewable energy sources, specifying what amounts have been invested, who have been the recipients, what experts have been recruited, and what has been the outcome of the initial stage?

Answer given by Mr Marín on behalf of the Commission

(13 November 1997)

Alure (optimum use of energy resources in Latin America) is an economic cooperation programme under Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to and cooperation with Latin American developing countries ([1]). It establishes relations between Community and Latin American power and gas companies and between investors from the two regions but does not get involved in institutional matters unless an obstacle to business ties is detected. The standard size of projects is around ECU 1 million, of which half comes from Alure.

Alure's consultative committee recommends a preselection of projects to the Commission which then makes the final selection. Thirteen projects were selected for Phase I (1995-97) for a total of ECU 7 million in Community contributions, with an equivalent amount coming from consortia. Whilst eligible projects are aimed at sustainable development Alure does not focus on the promotion of renewable energy. The Synergy programme is situated upstream of Alure and deals with energy policy, also in Latin America. The customary Community contribution ranges from ECU 150 000 to ECU 200 000 for studies, seminars or consultancy activities.

Renewable energy forms part of Synergy's priorities in the context of European security of supply and protection of the environment: Synergy has cofinanced, to the tune of ECU 220 000, together with the Economic Commission for Latin America and the Caribbean, a study on the region's geothermal potential and the obstacles to its development. The outcome was the regional development plan to be discussed at Santiago de Chile from 10 to 12 November. Two Italian and French experts contributed to this work.

Relatively few cooperation schemes on energy policy cover the field of renewable energy where the demand mainly concerns feasibility studies for projects.

([1]) OJ L 52, 27.2.1997.

(98/C 174/88)

WRITTEN QUESTION E-3380/97

by Carlos Robles Piquer (PPE) to the Commission

(23 October 1997)

Subject: Aftermath of the euro and enlargement

Influential media voices once hardly in favour of the single European currency now acknowledge that it will inevitably come into being. They also recognize that new Member States will join the Union. This development is to be welcomed.

However, these commentators are brutally asking a question that is also worrying many Europeans, namely whether Europe will be able to cope with the reality to come (see the article by Robert Cohen in the New York Times, reproduced in the International Herald Tribune of 20-21 September 1997).

The 'reality to come' includes, for instance, the serious risk that the countries using the euro will respond in radically different ways to the challenge of reforming the Welfare State, to quote the alleged words of Mr Hans Tietmeyer, President of the German Bundesbank. To give another example, there is a danger that the EU might become even more fragmented once the Central and Eastern European countries have been absorbed.

To carry on the good work it has done by producing Agenda 2000, will the Commission draw up a further study on the best ways of preserving the stability and unity of the Union, and the euro countries in particular, in the immediate future?

Answer given by Mr de Silguy on behalf of the Commission

(15 December 1997)

Neither the euro nor enlargement will change the fact that reforming the welfare state is indeed one of the major challenges facing most Member States in the medium term. As this is an area which is entirely within the responsibility of national governments, Member States must ensure the proper balance and working of their social security systems according to their own choices and capacities. Furthermore, the provisions of Articles 104 to 104-C of the EC Treaty make sure that such an obligation is respected without affecting the stability of the euro.

The underutilisation of Europe's employment potential is a major source of current financial imbalances in social transfer schemes, as unemployment adds to claims for benefits while eroding the tax and contribution base. Also, high levels of indebtedness or deficit are a threat for social systems, since debt service crowds out other public expenditures and productive investment. Since the macroeconomic policy regime of EMU gives priority to price stability and budgetary consolidation, the resulting more balanced policy mix will favour policies designed to foster investment-led growth, thereby bringing more people into gainful employment. Thus the euro can help fulfil an essential prerequisite for restoring sound finances for social protection. As regards the impact of enlargement, positive growth and security effects are generally expected, helping to free resources for social purposes, if such a choice is made by Member States.

On both employment and welfare state reform issues, the Commission has provided assistance through analytical background studies, research work, white or green papers, and communications, details of which are forwarded direct to the Honourable Member and to the Secretariat General of the Parliament.

(98/C 174/89) **WRITTEN QUESTION E-3381/97**

by Carlos Robles Piquer (PPE) to the Commission

(23 October 1997)

Subject: Sun and climate change

Some researchers, mostly from the United States, have apparently concluded that magnetic solar cycles, the average length of which is 11 years (varying from a maximum of 15 to a minimum of 8 years), are the principal factor involved in climate change and, in particular, the 'greenhouse effect', the implication being that less 'blame' should attach to damage caused by human agency, first and foremost carbon dioxide and other gaseous emissions.

The above finding is certain to be discussed at the forthcoming Kyoto Conference, to be attended by the European institutions. Will the institutions go to the Conference with a standpoint worked out by their experts regarding the research in question?

Answer given by Mrs Bjerregaard on behalf of the Commission

(4 December 1997)

It is correct that recent research results have shown a strong correlation between the observed 3-4% change in cloud cover during the recent solar cycle and the cosmic flux and solar activity. This observed systematic variation in cloud cover has an effect on the incoming solar radiation, and on the global temperature. Taking these recent results into account in future climate models will improve the baseline from which to assess the anthropogenic influence on climate change, and will enable us to improve regional models of climate change impacts.

However, these cyclic changes do not explain the increase in global mean surface temperature of between 0.3 and 0.6°C since the end of the last century. In fact the background 'noise' of natural climate variability, caused by internal fluctuation and external sources such as solar variability or volcanic eruption have been taken into consideration in the assessment of the Intergovernmental panel on climate change (IPCC). Considerable progress has been made since the publication of the first IPCC assessment report in 1990 in attempts to distinguish natural variability and anthropogenic influence on the climate. This led the IPCC to conclude in its 1995 assessment that 'the balance of evidence suggests that there is a discernible human influence on global climate'.

(98/C 174/90)

WRITTEN QUESTION E-3388/97

by John Iversen (PSE) to the Commission

(23 October 1997)

Subject: Growth promotors

Can the Commission confirm the suspicion that the use of the growth promotor Tylosin in pigfeed can cause pathogenic bacteria in humans to become resistant to the drug Erythromycin?

If so, will it take steps to impose a ban on Tylosin?

Answer given by Mr Fischler on behalf of the Commission

(2 December 1997)

Tylosin is an antibiotic growth promoter authorised by Directive 78/974/EEC ([1]) for use in feed for piglets and pigs in accordance with Directive 70/524/EEC ([2]). One of the preconditions for authorisation under this Directive is the absence of unfavourable effects on human health. Moreover, an additive may be authorised only in as far as, for serious reasons concerning human health, the use of such a substance is not restricted to medical purposes. In order to determine whether these authorisation criteria are satisfied, the file provided by the firm must, in particular, contain studies on cross-resistance to therapeutic antibiotics and studies to determine whether the additive can select resistance factors and whether such factors are transferable.

It should be noted that tylosin is also administered as a medicine to animals.

To date, the Commission has no information proving a causal relationship between the use of tylosin in pig feed and the appearance of resistance to erythromycin in pathogenic bacteria in humans. However, if the Honourable Member is in possession of new scientific data, the Commission would study it with great care and take any legislative measures required.

However, the Honourable Member should know that the Commission is currently examining scientific justification recently submitted by Finland under the Treaty of Accession. Finland is requesting an amendment of Community legislation to ban the use of tylosin and spiramycin as additives, in order to preserve their effectiveness as substances authorised as veterinary medicinal products.

(1) OJ L 330, 25.11.1978.
(2) OJ L 270, 14.12.1970.

(98/C 174/91)

WRITTEN QUESTION E-3394/97

by Mark Watts (PSE) to the Commission

(23 October 1997)

Subject: Wind farms

Can the Commission confirm whether there is any truth in the rumour that there will be no new wind farms created within the EU?

If this is the case, can the Commission comment on why such a decision has been taken?

Answer given by Mr Papoutsis on behalf of the Commission

(5 December 1997)

The Commission is unaware of any decision in the Member States to block the construction of wind farms or the development of that form of renewable energy.

Indeed, it has information from specialist circles pointing to a generally optimistic assessment of the prospects for the medium and long-term growth of wind energy within the Community.

The Commission is of the opinion that renewable energy sources, including wind energy, are insufficiently exploited in the Community. The Community provides support for promotion of renewable sources of energy, for instance in the framework of the Altener and Joule-Thermie programmes, but the Commission is convinced that renewable energy represents a significantly under-exploited energy potential. It therefore intends to step up its efforts in this area, in order to meet the indicative objective of doubling the contribution from renewable sources of energy between now and 2010, as outlined in its recent white paper 'Energy for the future: renewable sources of energy — a strategy and action plan'.

(98/C 174/92)

WRITTEN QUESTION E-3398/97

by Amedeo Amadeo (NI) to the Council

(28 October 1997)

Subject: Human rights in Algeria

The bloodshed is continuing in Algeria. More than 60 people were murdered by armed gangs on the night of Sunday, 28 and in the early hours of Monday, 29 September 1997 in the Blide region in the west of the country, 50 km from Algiers, and in two districts on the western outskirts of Algiers. The press accounts are terrifying: the newspaper Libertà, for example, reported among other things that a baby's head had been found on the roof of a house.

The understanding that human rights know no frontiers is one of the greatest achievements of the international community. Moreover, when civil rights are being brutally violated and the situation has deteriorated to the point that it has reached in Algeria, there can be no talk of 'internal affairs'.

Given, therefore, that the international community has a clear responsibility to act, does the Council not believe that it should and must open a dialogue with the Algerian Government aimed at halting the massacres of civilians in Algeria?

Answer

(9 March 1998)

At its meeting on 26 January 1998, the Council welcomed the Ministerial troika's visit to Algiers from 19 to 20 January 1998. That visit was an effective expression of the deep concern of the European Union at the situation in Algeria, of the strong sympathy of the peoples of the European Union with their Algerian neighbours, and of the hope that the suffering of the Algerian people should come quickly to an end. The Council strongly reiterated its condemnation of all acts of terrorism and indiscriminate violence.

The Council reaffirmed the strong commitment of the Union to remaining engaged on this issue. The visit of the troika should be regarded as a key step towards an extensive dialogue with the Algerian Government, begun with the visit of Foreign Minister Attaf to Luxembourg in November. This dialogue has taken on a new quality and urgency. Taking forward talks on the EU-Algeria Association Agreement would be instrumental in pursuing the dialogue.

Through this intensified expression of international concern and support, the Council hoped that the Algerian Government would be in a better position to engage in finding the solution to the terrorist problem.

The Council regretted that offers of humanitarian assistance have not been taken up, but agreed they remain on the table should the Algerian authorities see scope for a meaningful role for neighbourly assistance.

The Council called for greater transparency on the part of the government of Algeria about the situation, in which terrorist groups continue to perpetrate cowardly and brutal attacks on innocent civilians. The Council regretted that the Algerian authorities have felt unable to provide unhindered access for international organizations, NGOs and the media. The Council hoped that the Algerian authorities would feel able to accept a visit by Representatives of the United Nations in the near future. The Council continues to urge the Algerian authorities to reconsider these points in the light not only of the EU's approach but also of the support which this approach has received internationally.

The strengthening of inclusive democratic institutions and of the role of the judiciary will help to isolate and undermine those who seek political change through violence. In this context the Council encouraged more frequent contact between Algerian and European parliamentarians. The forthcoming visit of the representatives of the European Parliament will be an important step in this regard.

The Council looked forward to a further meeting between the Algerian Foreign Minister and the Presidency to continue a broad dialogue. Within the scope of this dialogue, the Council reaffirmed the willingness of the Union and its Member States to discuss any concerns and proposals that the Algerian authorities might seek to bring to its attention, including the struggle against terrorism.

(98/C 174/93)

WRITTEN QUESTION E-3404/97

by Ole Krarup (I-EDN) to the Commission

(28 October 1997)

Subject: Right of residence directives

With reference to the Amsterdam Treaty's new provisions on increased freedom of movement for persons etc., could the Commission say to what extent the three directives on the right of residence adopted in 1990 now apply to a more extensive group of persons?

Answer given by Mr Monti on behalf of the Commission

(29 January 1998)

The Directives to which the Honourable Member refers are Directives 90/365/EEC on the right of residence for employees and self-employed persons who have ceased their occupational activity ([1]), 90/364/EEC on the right of residence and 96/93/EEC on the right of residence for students ([2]).

Among other things, these Directives extended the scope of the right of residence, which had initially been restricted to persons exercising an economic activity. In this connection, Directive 90/364/EEC states in Article 1 that it does not apply to 'nationals of Member States who do not enjoy this right under other provisions of Community law'.

This extension of the right of residence has been sanctioned by the Treaty on European Union. By virtue of Article 8a, inserted into the EC Treaty, freedom of movement is now a fundamental right conferred on every citizen of the Union, and there is Longer any reference to the exercise of economic activity ([3]). Article 8a does though stipulate that this right is to be exercised subject to the limitations and conditions laid down in the EC Treaty and secondary legislation.

The Amsterdam Treaty, which has incorporated Article 8a, does not alter the legal situation as regards the right of residence.

The Commission would add that, in the report which it is drawing up on the application of the above three Directives, it will pay special attention to the difficulties that individuals might encounter in securing recognition of their right of residence under one of those Directives.

([1]) OJ L 180, 13.7.1990.
([2]) OJ L 317, 18.12.1993.
([3]) Second Commission report on Union citizenship (COM(97) 230 final).

(98/C 174/94)

WRITTEN QUESTION E-3409/97

by Roberta Angelilli (NI) to the Commission

(28 October 1997)

Subject: Construction of the Castel Sant'Angelo underpass in Rome

The 'Castel Sant'Angelo Underpass' project has now undergone substantial modifications. The original project has been radically changed (it was recognized as being impossible to carry out, whilst work was under way), the estimated cost has risen from 100 to 169 billion lire, and the completion dates have obviously been put back. Whilst the Commission was still awaiting answers from the Italian authorities to its requests concerning the environmental impact assessment of the old project, a similar problem arose in connection with the new project.

In view of this, can the Commission say:

1. whether the new project complies with Directive 85/337/EEC ([1]) on environmental impact assessment, in particular as regards the involvement of the general public in the procedures and respecting and safeguarding the architectural heritage and historic monuments;
2. whether, in view of the increased estimated cost (of this and other projects covered by the Rome 2000 Framework Agreement), the EIB will increase its funding proportionately;
3. whether the delayed completion will jeopardize EIB financing for the project;
4. under what circumstances the EIB might withdraw its funding?

([1]) OJ L 175, 5.7.1985, p. 40.

Answer given by Mr de Silguy on behalf of the Commission

(8 December 1997)

The project in question is not one of the investment projects selected by the European Investment Bank (EIB) under its Rome 2000 financing programme. Accordingly, the EIB has not undertaken a preliminary study.

The Commission does not possess any additional information about the project as Member States are not obliged to communicate to it any information regarding environmental impact assessments for every project they plan to carry out.

(98/C 174/95)

WRITTEN QUESTION E-3416/97

by Hiltrud Breyer (V) to the Commission

(28 October 1997)

Subject: World trade and protection of animals

According to current interpretation, a restriction on trade is permitted only in so far as it is absolutely essential to satisfy specific protection purposes (necessity, least trade restrictive).

1. How are these guidelines to be implemented? Who decides the extent to which measures are necessary?

2. In particular to what extent can a distinction be made between practicality, necessity and discrimination? According to EU Regulation 3254/91 ([1]), for example, all pelts from a specific country are subject to a ban on imports and not just those pelts which are actually caught in leghold traps. While the grounds in terms of practicality may be immediately clear, does this measure constitute the minimum trade restriction necessary?

([1]) OJ L 307, 8.11.1991, p. 1.

Answer given by Sir Leon Brittan on behalf of the Commission

(13 January 1998)

States that are Members of the World Trade Organisation (WTO) are allowed, under specific conditions, to take trade measures in order to pursue certain policy objectives.

Under Article XX(b) and (g) of the General agreement on tariffs and trade (GATT), trade measures that would otherwise be inconsistent with GATT basic principles, may be permitted if they are 'necessary' for the protection of ' ... animal ... life or health' or 'relate to the conservation of exhaustible nature resources', provided that such measures are not applied'in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail or a disguised on international trade'. The meaning and scope for the use of the exceptions contained in Article XX is being progressively defined through GATT/WTO dispute settlement practice.

It is the task of the Community and its Member States to ensure that animal protection legislation is consistent with the various trade agreements to which they are party, including, if need be, with the requirements laid down in GATT Article XX. As regards the specific concepts and criteria mentioned by the Honourable Member, it is worth noting that:

— the notion of 'practicality' is not found, as such, either in GATT Article XX or in relevant GATT/WTO case law;

— some trade-restrictive measures aimed at protecting animals can be justified in specific cases by reference to GATT Article XX(g). Unlike Article XX(b), XX(g) does not include the notion of 'necessity', though GATT jurisprudence suggests that any such measures must be primarily aimed at the conservation of an exhaustible natural resource to be considered as relating to conservation under this sub-paragraph;

— as noted above, the headnote to GATT Article XX does not prohibit all forms of discrimination, but only measures applied 'in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail.'

Concerning in particular Regulation (EEC) No 3254/91 of 4 November 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animals species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards, it would be also worth noticing that, at the end of 1995, the Commission adopted a proposal for amendment ([1]) of that Regulation, aimed at introducing in it modifications to facilitate its implementation and to make it more proportionate to the objectives pursued. This proposal has not yet been adopted by the Council.

([1]) OJ C 58, 28.2.1996.

(98/C 174/96)

WRITTEN QUESTION E-3422/97

by Mihail Papayannakis (GUE/NGL) to the Commission

(31 October 1997)

Subject: Community-funded roadworks on Lesbos

Work began on Lesbos a few months ago on asphalting the road linking Dipi, Papados and Plomari (from Skamina to Tarti, Tsafi and Ligounari) with a budget of Drs 547 610 190 — funding SAE 071/2 (Ministry of the Environment, Regional Planning and Public Works).

However, asphalting the road from Skopelos to Tarti in the way it has been planned and is being carried out will be counterproductive in terms of developing tourism in Tarti and the surrounding region because no account has been taken of the inevitable effects of a project which will greatly increase the flow of tourists to a sensitive area with limited capacity such as Tarti.

Given that:

— various projects in coastal areas which received support under Community action plans provided for measures to help preserve and protect the quality of the natural environment,

— the 'development' of Tarti is producing significant changes which clearly depart from all EU environment protection guidelines, and

— the projet is receiving Community funding, will the Commission say:

1. whether an EIA has been carried out pursuant to Directive 85/337/EEC ([1]) and what the environmental implications of the project were,

2. whether it intends to ask for information and explanations from the Greek authorities as to how the 'development' of Tarti is consistent with the Commission's communication on the integrated management of coastal areas, and

3. whether it can provide assurances, in view of the fact that it is jointly funding the project, that it will intercede with the relevant authorities to ensure that an integrated approach is adopted to planning in the region and that additional measures are taken to promote the qualitative development of this extremely sensitive area?

([1]) OJ L 175, 5.7.1985, p. 40.

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

(5 January 1998)

According to the information available to the Commission, the project in question primarily involves the improvement of an existing minor regional road over a distance of 9.8 kilometres on the island of Lesbos. The project is indeed being part-financed as part of the operational programme for the northern Aegean under the Community Support Framework for Greece 1994-99.

This type of project (improving and asphalting dirt roads belonging to local road networks) is generally highly appreciated by the inhabitants of the Greek islands because the result is an improvement in the quality of life and a beneficial effect on the local economy.

An environmental impact assessment was carried out for this project according to the Greek legislation transposing Directive 85/337/EEC. This study, which constitutes the first study in the evaluation procedure, was also part-financed under the programme mentioned above (budget of DRA 5 million, approximately ECU 17 000).

According to Directive 85/337/EEC and the related Greek legislation, it is the job of the national authorities to analyse the impact of the project in the context of the environmental assessment procedure and to put forward any measures required to avoid, reduce or compensate for major negative effects.

The ministerial decision issued by the Minister for the Environment and Public Works in Greece authorising the project and finalising the assessment procedure usually contains such measures.

The Commission, having fixed the objectives and priorities of the operational programme in question in 1994, in partnership with the Greek authorities, is not making a systematic analysis of the impact of all the projects submitted within this framework, especially if an assessment has already been carried out in accordance with Community legislation; this would normally take into consideration all the environmental factors, including the impact on the coastal areas.

(98/C 174/97)

WRITTEN QUESTION E-3440/97

by Nel van Dijk (V) to the Commission

(31 October 1997)

Subject: Free movement of captains

Under Netherlands law, a ship sailing under the Netherlands flag must have a Netherlands captain. Can the Commission indicate in which other Member States such a provision exists?

Is this exception to the ban on discrimination in Article 6 justified by Article 48(4), Article 55 or any other article of the EC Treaty?

Is the Commission willing to take steps to bring about 'free movement of captains' in the European Union?

Answer given by Mr Kinnock on behalf of the Commission

(16 December 1997)

The Commission has always recognised that on board ships flying the flag of a Member State, the functions of master and chief officer as deputy master require the exercise of public authority in the sense of Article 48(4) of the EC Treaty.

The responsibility of the master for the exercise of public authority on board ships is particularly related to the safety of the crew or passengers and their life, as well as protection of the marine environment. Member States can require that the posts of the ship's master and first officers are reserved to their own nationals and Article 48(3) of the EC Treaty specifies that freedom of movement for workers could be subject to limitation on grounds of public policy, public security or public health.

According to the Commission's information, Belgium, Danmark, Germany, Greece, Spain, France, Italy, Netherlands, Portugal, Finland and the United Kingdom (for certain vessels), have legislation requiring the master to be a national and Greece, Spain, France, Italy and Portugal also require the deputy master to be a national.

Given that current arrangements comply with Community law, the Commission will not be proposing change.

(98/C 174/98)

WRITTEN QUESTION E-3441/97

by Nel van Dijk (V) to the Commission

(31 October 1997)

Subject: The 'Aznar protocol'

Does the Commission have an explanation for the discrepancy between the figures provided by it [1] on the number of requests for asylum by subjects of EU Member States in other Member States and the figures available to the UNHCR [2]?

Can the Commission, after consultation with the UNHCR, provide the correct statistics?

Which Member States, in addition to Belgium [3], the Netherlands [4] and Sweden [5], have now stated that, despite the 'Aznar protocol to the Treaty of Amsterdam, they will give consideration to any request for asylum from a subject of another Member State?

Is the Commission prepared to urge the other Member States to do the same so as to limit the damage caused by the 'Aznar protocol' to compliance with the Refugees Convention?

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(1) Answer by Commissioner Gradin to my Written Question E-1356/97 — OJ C 373, 9.12.1997, p. 110.
(2) UNHCR, 'EU nationals seeking asylum in EU Member States: some statistical evidence, 1985-1995'.
(3) Declaration by Belgium to the protocol to the Treaty of Amsterdam on asylum for nationals of Member States of the European Union.
(4) Answer by the Ministers of Foreign Affairs and Justice to Written Questions by the Member of Parliament Rosenmöller (GroenLinks), Second Chamber, Questions, 26 September 1997.
(5) Migration News Sheet, No. 173, August 1997, p. 13.

Answer given by Mrs Gradin on behalf of the Commission

(8 December 1997)

The figures given in the Commission's reply to the Honourable Member's written question E-1356/97 [1] were provided drawing on statistics from Member States themselves on the basis of asylum requests lodged and registered there. Statistics are collected by the Office of the United Nations high commissioner for refugees (UNHCR) local offices on a case by case basis whereas Eurostat depends on contributions by the Member State in question. The Commission is aware that figures from UNHCR are often higher than those provided by Member States, presumably reflecting a different collection basis and methodology. The Commission is therefore examining how collection methods might be improved to avoid the statistical discrepancies in the future.

The Commission is not aware of any Member State other than Belgium having made a formal declaration of its intention to examine each request for asylum by nationals of Member States. The Commission does not, however, interpret the absence of such declarations to mean that Member States do not intend to honour their obligations in relation to the 1951 Geneva Convention. On the contrary, the Commission made clear in its answer to the oral question H-600/97 by Mr Sjöstedt during question time at Parliament's September 1997 part-session [2] that, although it considered it unfortunate that this protocol had been included in the Amsterdam Treaty, it was pleased to note that the preamble of the protocol clearly stated that it respected the finality and objectives of the 1951 Geneva Convention relating to the status of refugees [3].

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(1) OJ C 373, 9.12.1997, p. 110.
(2) Debates of the Parliament (September 1997).
(3) European Parliament, Verbatim report of proceedings, 16.9.1997, page 69.

(98/C 174/99)

WRITTEN QUESTION E-3448/97

by Antonios Trakatellis (PPE), Konstantinos Hatzidakis (PPE) and Giorgos Dimitrakopoulos (PPE) to the Commission

(31 October 1997)

Subject: Revision of the Greek Community Support Framework

The Greek Government recently called for the revision of the Greek Community Support Framework 1994-1999 (CSF) and in particular the transfer of appropriations from sectors in which implementation has been very slow to

other sectors with a better take-up rate. The request follows the continuing inability of the Greek Government consistently and promptly to implement the various programmes of the CSF which it agreed on with the Commission after revising it itself and which after over three and a half years shows an overall take-up rate of only 31% (July 1997). In view of the above, can the Commission say:

1. What is the take-up and implementation rate of Greek CSF appropriations so far, both as a whole and by axis and sector?

2. Which programmes and projects are targeted by the proposals for the transfer of appropriations which the Greek Government has submitted in its request for the revision of the CSF, and into which sectors and programmes does it wish these appropriations to be channelled?

3. How does the Commission view the request for the transfer of appropriations from major infrastructure networks of European importance, such as the Egnatia Road project or the completion of the natural gas project, to other projects?

4. Is the Greek Government's request for a revision of the CSF linked to the transfer of projects which will not be completed before the expiry of the second CSF to the third CSF, and if so, what are these projects?

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

(19 December 1997)

1. According to the information given to the Monitoring Committee on 30 and 31 October 1997, the actual rate of implementation (commitment appropriations) of the priorities of the Community Support Framework (CSF) at the end of 1997, in relation to the total for 1994-99, is as follows:

Priority 1	Reduction of the degree of peripherality and promotion of internal integration by the development of large infrastructures	34%
Priority 2	Improvement of living conditions	39%
Priority 3	Development and competitiveness of the economy	44%
Priority 4	Development of human resources and promotion of employment	41%
Priority 5	Reduction of regional disparities and opening-up of island areas	47%
Average rate of implementation of the CSF at the end of 1997 in relation to 1994-99		42%.

With regard to payment appropriations, the period for implementation of actual payments for operations part-financed under the CSF closes on 31 December 2001.

2. The Greek proposals aim to transfer appropriations between and inside operational programmes. In theory, the majority of the programmes are concerned. Since the guidelines agreed upon between the Greek authorities and the Commission at the above-mentioned Monitoring Committee meeting have not yet been formalised, no exact data is available at present.

3. The Commission considers that every effort must be made to achieve the main aims of this CSF, particularly, to achieve the ambitious objectives for the major projects, namely Egnatia, natural gas and cadastral registers.

4. Some of the proposals do indeed concern projects which are unlikely to be completed during the current period. However, the Commission is insisting that every effort should be made to make the greatest possible progress on these projects before the end of this CSF.

(98/C 174/100)

WRITTEN QUESTION E-3449/97

by Gijs de Vries (ELDR) to the Commission

(31 October 1997)

Subject: Television without frontiers

From 1-23 July 1997, the transmissions of the satellite channel MED TV were jammed. MED TV, which broadcasts in Kurdish, operates from London under licence from the United Kingdom's Independent Television Commission. The jamming also affected another EUTELSAT-based company, the Romanian channel Antena I.

This interference effectively deprived citizens of several EU Member States of their right — as set out in both the Television Without Frontiers Directive and Article 10 of the European Convention on Human Rights — to receive broadcasts from another Member State.

What steps does the Commission intend to take to ensure that the right of EU citizens to receive information from EU-based television channels — in accordance with the relevant EU Directive — is not curtailed by the jamming of such channels, from either inside or outside the European Union?

Answer given by Mr Oreja on behalf of the Commission

(27 November 1997)

The television without frontiers Directive (Council Directive 89/552/EEC as amended by Directive 97/36/EC of the Parliament and of the Council of 30 June 1997 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])) provides that Member States shall ensure freedom of reception on their territory of television broadcasts from other Member States (Article 2a (1)).

This obligation is based on one of the four fundamental freedoms laid down in the EC Treaty (the freedom to provide services — Article 59).

The implementation and application of Community law is of great importance to the Commission. The Commission has opened a number of infringement proceedings in this area to ensure the correct and complete implementation of the Directive, as well as to ensure its application in practice.

In respect of the issue raised, the Commission is not aware of the events referred to by the Honourable Member. Further information would be required to enable the Commission to carry out the necessary evaluation, and to decide whether such actions are an infringement of the television without frontiers Directive.

([1]) OJ L 202, 30.7.1997.

(98/C 174/101)

WRITTEN QUESTION E-3451/97

by Allan Macartney (ARE) to the Commission

(31 October 1997)

Subject: Bean sprouts from genetically modified soya beans

What information is available to the Commission regarding the results which would occur when genetically modified beans are used to produce bean sprouts which are then eaten raw?

What tests were done with soya bean sprouting and what were the results of these tests?

Answer given by Mrs Bjerregaard on behalf of the Commission

(10 December 1997)

According to the Commission Decision of 3 April 1996 and the subsequent consent issued by the British authorities, the Monsanto genetically modified soya beans have been granted consent to be placed on the market for the specific uses of 'handling in the environment during import, before and during storage, and before and during its processing to non-viable products'. The consumption as food of soya beans in a viable form was not authorized under this consent.

In order for genetically modified soya beans to be grown in the Community, a new notification under Directive 90/220/EEC on the deliberate release into the environment of genetically modified organisms ([1]) would be required. For soya bean sprouts from genetically modified soya to be used as food or a food ingredient, a notification under Regulation (EEC) No 258/97 on novel foods and novel food ingredients ([2]) will be required. No such notifications have been received by the Commission.

([1]) OJ L 117, 8.5.1990.
([2]) OJ L 43, 14.2.1997.

(98/C 174/102)

WRITTEN QUESTION E-3454/97

by Reino Paasilinna (PSE) to the Commission

(31 October 1997)

Subject: Support for the building industry in the cold weather zone

Building in Finland is exceptionally expensive because of the difficult conditions which exist in the northern region. During the long cold weather period the ground freezes to a considerable depth, which means that the foundations both of buildings and of roads and railways have to be protected by expensive special structures. The heating, water, sewerage and electricity supply systems also have to be protected.

Since the difference between the indoor and outside temperatures in Finnish buildings may be as much as 50°, the outer shell or casing of buildings must be made to withstand heating and moisture problems caused by temperature differences. The building methods called for are so complex that not all builders have been able to cope under the heavy pressure of costs. As a result, Finland has to foot a bill of FIM 60 bn for repairs arising from defective work, damp and mould problems.

To enable an acceptable standard to be achieved in the building industry in future, what does the Commission intend to do with a view to establishing a construction support fund for the cold weather zone?

Answer given by Mr Bangemann on behalf of the Commission

(7 January 1998)

The Commission is aware of the high cost of construction due to quite severe weather conditions in the cold zone, particularly in Finland.

However, a specific aid programme for the building industry in the cold weather zone is not planned.

It should be noted that, from a regulatory point of view, essential requirements, in terms of weather constraints, have been taken into consideration in Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ([1]), in order to ensure that work on new constructions is of a high standard in terms of reliability and durability.

([1]) OJ L 40, 11.2.1989.

(98/C 174/103)

WRITTEN QUESTION E-3462/97

by Amedeo Amadeo (NI) to the Commission

(31 October 1997)

Subject: JRC in Ispra

There have been reports that a firm has been set up in England, with a branch office in the small town of Ranco, not far from the JRC in Ispra. The alleged purpose of this firm is to recruit staff who are then employed in various capacities at the JRC.

Are these worrying reports true?

Answer given by Mrs Cresson on behalf of the Commission

(20 January 1998)

In the Lombardy region, and in particular the province of Varese, there has always been a close network of small and medium-sized enterprises (SMEs). If they meet the requirements, these companies may respond to invitations to tender launched by the Commission. Should these SMEs win the contract, they must carry out the work under their own responsibility and with their own staff.

It is true that a company having the geographical characteristics mentioned (set up in the United Kingdom with a branch in Ranco) exists. It must be noted that companies set up in other Member States and operating in the North of Italy are on the increase.

However, Contractual agreement exists with this or any other company for recruiting staff to take up posts with the JRC.

(98/C 174/104)

WRITTEN QUESTION E-3463/97

by Rijk van Dam (I-EDN) to the Commission

(31 October 1997)

Subject: Access to French inland waterways

1. According to a report in the Scheepvaartkrant of 30 September 1997, foreign skippers in France are being excluded on journeys within France. In the South of France in particular cabotage itself is almost impossible. In addition on the freight markets in France there is apparently a categoric refusal to ship goods in France on non-French vessels. Can the Commission confirm these reports?

2. If so, what measures does the Commission intend to take against this violation of the free market principle and in particular against the cabotage directive?

Answer given by Mr Kinnock on behalf of the Commission

(8 December 1997)

The Commission is aware of an alleged discrimination against non-French barge-owners in the operation of the French 'tour de rôle' in inland waterway transport. It is clear that this alleged discrimination would be contrary to Community law and, in particular, to the provisions of Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State ([1]).

The Commission has contacted the French authorities with a view to verifying the existence or otherwise of the alleged discrimination.

([1]) OJ L 373, 31.12.1991.

(98/C 174/105)

WRITTEN QUESTION P-3479/97

by Raúl Rosado Fernandes (UPE) to the Commission

(29 October 1997)

Subject: Programme to support modernization of agriculture and forestry (PAMAF)

The agriculture subprogramme forming part of the Community support framework for 1994 to 1999, known as PAMAF (programme to support modernization of agriculture and forestry) is a vitally important measure, since its central aim is to bring Portuguese agriculture up to the standard of its European counterparts, first and foremost by enabling Portuguese farmers to double their income.

Bearing in mind that the Commission is jointly responsible with the Portuguese State for managing and implementing PAMAF — in accordance with the basic Regulation governing the Structural Funds (Regulation (EEC) No 2081/93) ([1]) and the relevant coordinating Regulation (Regulation (EEC) No 2082/93) ([2]) — and that there is mounting disquiet among Portuguese farmers on this subject, caused not least by the incomprehensible failure of the national officials in charge to supply reliable information, will the Commission answer the following questions:

1. Has the Portuguese State made any request to the Commission in the last two years to alter the substance of the agriculture subprogramme?

2. What findings and proposals have emerged from the assessment already carried out, and what practical action has been taken on them?

3. What reprogramming has been undertaken within the agriculture subprogramme and the CSF as a whole? Has it worked to the disadvantage or benefit of the agricultural sector?

4. Has the Commission blocked any proposal submitted by the Portuguese authorities during the life of the subprogramme?

5. Does the Commission know how many projects have been submitted by farmers and either rejected or approved and agreed upon? What sums of money were involved? Can the Commission give brief details of each measure concerned?

6. What was the out-turn of expenditure under PAMAF in the period from 1994 to 1996? What figure was laid down in the programme?

7. Will the Commission take the step of penalizing the agricultural sector by making a further cut in the total appropriations for the agriculture subprogramme on account of maladministration by the national authorities?

([1]) OJ L 193, 31.7.1993, p. 5.
([2]) OJ L 193, 31.7.1993, p. 20.

Answer given by Mr Fischler on behalf of the Commission

(15 December 1997)

1. A request by the Portuguese authorities in November 1995 for modification of the agriculture subprogramme was approved by Commission Decision in March 1996. A second request made in October 1997 is under examination.

2. The Commission and Portugal are now discussing, using the results of the mid-term assessment, changes in funding from the European Agricultural Guidance and Guarantee Fund (EAGGF) Guidance Section under the Portuguese Community Support Framework (CSF).

3. The agriculture subprogramme was approved by the Commission on 4 March 1994 with an EAGGF contribution for the period 1994-99 of ECU 1 637 million. A Commission Decision of 19 March 1996 raised this amount to ECU 1 685 million. This increase came from the 1995 CSF deflator amounts and has mostly served to tackle damage caused by drought. There has so far been no other reprogramming.

4. The Honourable Member is referred to points 1 and 3.

5. The Commission has no information on numbers of projects submitted and rejected, since under the principle of subsidiarity approval of individual projects falls to the Portuguese authorities. It does know the number of projects approved by measure and the corresponding public expenditure. For 1995 and 1996 the figures are:

Measure	Number of projects approved	Total public expenditure (EAGGF + State budget)	
		ESC (× 1000)	ECU m
Agricultural infrastructure	4 365	37 058 484	185
Farm support	219 313	127 897 927	639
Forestry	1 933	12 857 632	64
R&D, training and organisation	817	18 230 231	91
Processing and marketing	365	29 997 721	150
Total	226 793	226 041 995	1.129

ECU 1 = ESC 200.21 escudos (October 1997).

6. Cumulated financial outturn (payments) for 1994-96 was 75% of the programmed amount (1994: 59.51%; 1995: 75.4%; 1996: 88%). The commitment rate for the same period was 95%.

7. As far as financial modifications are concerned, the present negotiations with the Portuguese authorities have already seen, in September 1997, agreement on assignment of the 1996 and 1997 CSF deflators and on the financial adjustments to all programmes. The programme in support of modernisation of agriculture and forestry (PAMAF) will be increased by ECU 13 million taken from the EAGGF funding assigned to the operational programme in promotion of regional development potential. Delayed implementation of the 'rural centres' measure of that OP has made this sum available.

(98/C 174/106) **WRITTEN QUESTION E-3480/97**

by Panayotis Lambrias (PPE) to the Commission

(31 October 1997)

Subject: Application of Community law

The report on monitoring the application of Community law (1996) shows that the Commission's 'package meetings' with the Member States produced a solution in 42% of the cases examined. In view of the fact that this purely preventive measure saves considerable amounts of money and effort for the Commission, the Court of Justice and the Member States, will the Commission say:

1. whether it plans to hold such meetings more systematically and regularly,

2 what 'package meetings' are scheduled for 1998, so as to allow more scope for preparation, and,

3. whether it has the required number of lawyers on its staff, particularly in the fields of the environment and civil liberties?

Answer given by Mr Santer on behalf of the Commission

(10 December 1997)

1. The Commission regularly holds package meetings with the authorities of the Member States to consider the whole range of infringement proceedings in motion in a given area. It has developed this practice wherever possible.

The Commission is also planning to pursue its bilateral meetings with the national authorities concerning the implementation of directives in general terms. These meetings (known as 'directive missions') provide an opportunity to make authorities aware of their duty to transpose directives and to help them in their job of doing so. The purpose is to speed up the transposal process and thereby avert infringement situations.

2. The schedule of meetings for 1998 is under discussion with the national authorities.

3. Yes.

(98/C 174/107)

WRITTEN QUESTION E-3488/97

by Richard Howitt (PSE) to the Commission

(3 November 1997)

Subject: Essex Returners Unit — Failure of Bid to DG V

Can the Commission confirm that it has received a formal complaint from the Essex Returners Unit regarding the alleged mishandling by the Commission of its project bid 97/D4/UK/171-2, including the allocation of an incorrect project reference and a number of other errors?

Can the Commission confirm that it will provide a full and detailed report on why the bid failed and confirm the date when this will be provided?

Given the apparent extenuating circumstances, can the Commission identify alternative budget lines which may be available to contribute towards the project's costs?

Answer given by Mr Flynn on behalf of the Commission

(15 December 1997)

The Commission did receive a complaint from the Essex Returners Unit about the rejection of its application for a grant within the framework of the European year against racism. A detailed explanation of the reasons for the Commission's decision was sent to the Essex Returners Unit on 31 July 1997.

The Commission rejects the suggestion that this application was in any way mishandled. It was rejected for lack of compliance with a number of formal and qualitative criteria, which were clearly stipulated in all documents relating to applications for funding within the framework of the European year. The applicant has been added to the Commission's mailing list and will be informed of any other funding opportunities for actions to combat racism.

(98/C 174/108)

WRITTEN QUESTION E-3491/97

by Jaak Vandemeulebroucke (ARE) to the Commission

(3 November 1997)

Subject: Relocation of Flemish companies to Hainault and Northern France

Both the Northern French regions of Lens and Lille and the Belgian province of Hainault benefit from Cohesion Fund subsidies, unlike the adjacent Flemish province of West Flanders. The environmental standards in Northern France and Hainault are also not as strict as in Flanders. The clear result has been that various companies from the southern part of West Flanders have relocated to the much more lucrative neighbouring regions, where, in addition they do not have to pay so much attention to ecological measures. Ironically, it is Flanders which actually has to take responsibility for a large proportion of the pollution from these companies as a result of the pollution of the River Leie.

Is the Commission aware that its support is misfiring in this way? A large proportion of the new jobs in the regions receiving support are in fact at the expense of jobs in Flanders. How does it intend to deal with this situation without harming the support given to Northern France and Hainault?

Does the Commission have practical plans to bring about equality between environmental standards throughout the Union.? The present situation means that regions which have stricter environmental standards are in fact penalized as a result.

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

(23 December 1997)

Where a programme is part-financed by the Structural Funds, the projects are selected, in accordance with the subsidiarity principle, by the authorities responsible for implementing the programme under the partnership. However, it is clear that the choices made must be consistent with competition and environmental policy in particular. This is in fact a requirement of the programme implementing rules relating to compliance with Community policies.

Furthermore, the Commission is currently examining the question of relocation and the Structural Funds in its deliberations on improving existing mechanisms for State aid for the regions. These discussions, focusing on a revision of the aid ceilings, varying the rates of aid, and the introduction of an investment durability clause, are aimed at preventing the misappropriation of public aid by the recipient companies and concentrating budgetary resources on the areas in greatest difficulty.

Furthermore, the Commission would point out that Article 130t of the EC Treaty entitles Member States to introduce more stringent protective measures for the environment. Therefore, complete harmonisation of environmental standards cannot be guaranteed. However, the Commission would draw attention to its proposal for a Council directive establishing a framework for Community action in the field of water policy [1]. The overall aim of this proposal is to extend the scope of water protection to all bodies of water, establish good ecological and chemical status for all bodies of water across Europe and require Member States to develop a programme of measures in order to achieve this goal within the time limits set in the directive. This proposal will be a considerable step forward in the harmonisation of environmental objectives in Europe.

[1] OJ C 184, 17.6.1997.

(98/C 174/109) **WRITTEN QUESTION E-3496/97**

by Alexandros Alavanos (GUE/NGL) to the Commission

(10 November 1997)

Subject: Health and safety of workers at the sugar factory in Larissa

According to complaints from the Works' Council and a report published by the doctor responsible for health at work, health and safety conditions at the sugar factory in Larissa are unacceptable, in particular workers are exposed to chemical agents (hydrochloric acid, sulphur, formalin), sugar dust that crystallizes in the lungs and noise.

In the light of Directive 89/391/EEC [1] on encouraging the improvement of the health and safety of workers at the workplace, will the Commission say whether it is aware of the complaints about working conditions at the factory concerned and what measures it will take to enforce health and safety rules there?

[1] OJ L 183, 29.6.1989, p. 1.

Answer given by Mr Flynn on behalf of the Commission

(20 January 1998)

The Commission is unaware of the complaints about the working conditions in the specific sugar factory mentioned by the Honourable Member and intends to contact the Greek authorities for further information. Employers have a legal obligation to implement the measures included in national laws, regulations and administrative provisions which transpose the Community's legislation on health and safety of workers at work.

Specifically in addition to Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work ([1]), the corpus of legislation includes a series of specific measures of particular relevance, for example, Council Directive 80/1107/EEC on the protection of workers from the risks related to exposure to chemical physical and biological agents at work ([2]) as amended by Council Directive 88/642/EEC ([3]), as well as Council Directive 86/188/EEC on the protection of workers from the risks related to exposure to noise at work ([4]).

([1]) OJ L 183, 29.6.1989.
([2]) OJ L 327, 3.12.1980.
([3]) OJ L 356, 24.12.1988.
([4]) OJ L 137, 24.5.1986.

(98/C 174/110) **WRITTEN QUESTION E-3498/97**

by Nikitas Kaklamanis (UPE) to the Commission

(10 November 1997)

Subject: Paedophilia in nursery belonging to the EU

Nightmarish information has come to light of cases of paedophilia and sexual abuse of infants aged 2 ½ and 3 years by staff of a private firm responsible for looking after the children in the Clovis nursery belonging to the Community Institutions.

The Institutions' staff unions have called for the immediate intervention of Commissioner Liikanen.

How does the Commission intend to respond to this situation to ensure that the children are properly protected and that those responsible for these unspeakable acts are punished?

Answer given by Mr Liikanen on behalf of the Commission

(13 January 1998)

In recent weeks certain newspapers have made much of alleged acts of paedophilia committed at a crèche attended by the children of European officials.

The investigation of such incidents is a matter for the Belgian authorities rather than for the Commission itself, and the case has in fact been in the hands of the Brussels Public Prosecutor's Office since June 1997.

From the outset the Commission has endeavoured to act in the best interests of the children and parents directly concerned. The Commission has made every effort to assist the judicial authorities with their enquiries, granting them access to the crèche premises as soon as this was requested. At a press conference held on 14 November 1997 the Public Prosecutor's Office confirmed this fact and drew attention to the need for confidentiality, to ensure that the investigations in progress were not jeopardised and to meet the parents' legitimate concern for the protection of their children.

The Commission's role has therefore been to comply with requests for assistance, to do what it can to protect the children, and to support the parents and keep them informed. With this in view, it has circulated a number of notices to parents and staff, organised information meetings for parents, and joined with the parents' associations in organising awareness-raising sessions given by SOS Enfants. The Member of the Commission with responsibility for personnel has had two meetings with representatives of the staff and the parents' associations, and security has been stepped up at the building housing the crèche.

The Commission has also tightened the checks which it makes on the quality of the staff employed by the company running the Clovis crèche, acting in accordance with the contract signed with this company in June 1995. It has asked the management of the crèche to take what precautions it can for the good of the children, pending the outcome of the investigations.

It goes without saying that there can be no question of sanctions until the judicial authorities have confirmed that an offence has been committed.

(98/C 174/111) **WRITTEN QUESTION E-3501/97**

by Arthur Newens (PSE) to the Commission

(10 November 1997)

Subject: Experts group on family planning and HIV/AIDS

How many times did the Commission Experts Group on family planning and HIV/AIDS meet last year, and how many times so far this year? What is the timetable for meetings in 1998?

What issues were on the agenda in 1997, and what was the outcome of these meetings?

Apart from the Experts Group meetings what other concrete steps are being taken to improve coordination between the European Commission and Member States in the field of family planning and HIV/AIDS?

Answer given by Mr Pinheiro on behalf of the Commission

(12 December 1997)

The expert group on the human immunodefenciency virus and the acquired immune deficiency syndrome (HIV/AIDS) met once in 1996 (31 May 1996) and twice in 1997 (21 March 1997 and 25 November 1997).

The points on the agenda of the first 1997 meeting included innovative approaches concerning reproductive health; a study on 'Social marketing'; first phase of a study about free mobility of people living with HIV/AIDS; main conclusions of the external evaluation on AIDS programme with specific focus on the strategy of the regional programme; Council Regulation (EC) No 550/97 of 24 March 1997 ([1]) on HIV/AIDS related operations in developing countries; policy related research results on HIV/AIDS as a collaborative effort between United Nations programme on AIDS, the World bank and the AIDS programme; sharing valuable experiences related to integration of reproductive health issues in particular HIV/AIDS and family planning in the context of health and education system; operational coordination; and the legal basis for the HIV/AIDS budget line discussed in Council and Parliament. The meeting decided to create a sub-group on HIV and care and this sub-group met once in Brussels and once in Geneva. Its work continues.

The second 1997 meeting was organised in a special format because the Commission and the Parliament invited the experts of the Member States to attend a meeting on 'The challenge of HIV/AIDS in developing countries'.

Apart from the expert group meetings, coordination efforts are undertaken regularly in a formal and informal way in the country (in the field) as well as internationally. For example the Community has observer status at the UNAIDS management meetings. In the framework of regular meetings with the Southern African development community the Commission participated in the organisation of a regional meeting on HIV where an action programme was identified, and at country level regular meetings with Member States take place on health sector subjects and when necessary concerning HIV, family planning or reproductive health.

([1]) OJ L 85, 27.3.1997.

(98/C 174/112)

WRITTEN QUESTION E-3503/97

by Eryl McNally (PSE) to the Commission

(10 November 1997)

Subject: UEFA Executive Committee decision not to allow future winners of major cup competition entry into European club competitions

Following a letter which I received in my constituency, I would like to draw the Commission's attention to the UEFA Executive Committee 's decision to disallow the Coca-Cola Cup as a means of qualification for the UEFA. This decision will have far-reaching and damaging consequences for all those involved in UK League football, affecting participation in the Coca-Cola Cup and revenue from sponsorship and television.

What can the Commission do to support the Football League's claim for a European place to be restored to this season's Coca-Cola Cup?

Answer given by Mr Van Miert on behalf of the Commission

(1 December 1997)

The Commission is aware of the problems resulting from the changes introduced by the Union of European football associations (UEFA) to the rules on access to the UEFA cup. The investigation of the case is in progress.

For further details, the Commission would like to draw the attention of the Honourable Member to the answer given to written question E-3191/97 by Mr Ford ([1]).

([1]) OJ C 117, 16.4.1998, p. 163.

(98/C 174/113)

WRITTEN QUESTION E-3506/97

by Ernesto Caccavale (UPE) and Giacomo Santini (UPE) to the Commission

(10 November 1997)

Subject: Violation of human rights in Greece

Following a road accident while on holiday in Crete a young Italian, Valeria Zagato, was arrested and unlawfully subjected to a period of preventive imprisonment. She was then sentenced during a trial conducted exclusively in Greek that did not guarantee minimum defence or civil rights solely because she was a foreigner.

Did Greece not have to respect human rights as early as 1981 when it acceded to the European Community?

Will the Commission investigate whether there was any abuse of power or cover-up by the Greek authorities in the Zagato case simply because she was not a Greek citizen?

If it is established that human rights were violated will the Commission summon Greece to appear before the competent authorities?

What will the Commission do to prevent such episodes which are outrageous and denigrating for the whole European Union?

Answer given by Mrs Gradin on behalf of the Commission

(16 January 1998)

The Commission attaches great importance to the respect for human rights. It has competence in this area insofar as Community law is concerned.

In relation to the facts reported by the Honourable Member, it remains a matter of national competence for each Member State to ensure respect for human rights and fundamental freedoms through their internal systems and through the mechanisms provided by the European Convention on human rights and fundamental freedoms.

Insofar as co-operation between the judicial systems of Member States is concerned, judicial co-operation in criminal matters is of course a matter of common interest under Article K.1(7) of Title VI of the Treaty on European Union. Article K.2 specifically requires that such co-operation must be dealt with in compliance with the European Convention on human rights and fundamental freedoms. The Commission is fully associated with this work but in accordance with Article K.3 does not have a right of initiative. Neither, of course, does it have a power to police compliance with respect for human rights.

(98/C 174/114)

WRITTEN QUESTION E-3507/97

by Rijk van Dam (I-EDN) to the Commission

(12 November 1997)

Subject: German canal levies

In its communication on Intermodality and intermodal freight transport in the European Union, the Commission refers to the expected increase in freight transport and says that 'in order to achieve socio-economic and environmental sustainability, the efficient and balanced use of existing capacities throughout the European transport system has become a key challenge'. In view of congestion on the roads and the external effects of road transport, this means promoting freight transport by waterway and rail.

1. In this context, is the Commission aware that so-called 'Abgaben' are levied on German canals, increasing inland waterway freight transport costs by between 10 and 30% and significantly worsening the competitive position of inland waterway as opposed to road transport?

2. Are these levies compatible with European transport policy which promotes waterway transport?

3. If not, what action does the Commission intend to take?

Answer given by Mr Kinnock on behalf of the Commission

(12 December 1997)

The Commission's Green Paper 'Towards fair and efficient pricing in transport' ([1]), which was published in 1995, contained a section on infrastructure charging. In the debate which followed the publication of the Green Paper, it became clear that there is a lack of information regarding charging for waterway infrastructure in the Community. For this reason, the Commission recently sent a questionnaire to each Member State on this topic, in order to obtain a clearer picture of current practices, the principles upon which waterway charges are based and plans at Member State or regional level regarding such charges in the future.

The Commission has just begun work on a White Paper on infrastructure charging from a multimodal perspective which should appear in 1998. Inland navigation will be considered in that document as well other modes.

([1]) COM(95) 691 final.

(98/C 174/115)

WRITTEN QUESTION E-3511/97

by Leonie van Bladel (UPE) to the Council

(14 November 1997)

Subject: Damage to small and medium-sized businesses as a result of the Netherlands and European postal authorities' abuse of their monopoly position

1. Small and medium-sized businesses face constant problems because of the postal authorities' abuse of their monopoly position. In several places in the Netherlands activities other than postal services covered by the monopoly, including foreign exchange operations and the issue of registration certificates, are carried out at the post office counters used for postal services. This is a serious problem for small and medium-sized businesses. Waiting times for a standard parcel may be more than 20 minutes during the peak period from 4 to 6 p.m. The manager of postal services in the Hague, W. van den Berg, does not consider this disturbing. However it means a considerable loss to small and medium-sized businesses. Is the Council prepared to ask to Commission to draw up guidelines to prohibit European postal authorities from abusing their monopoly position.

2. How can the monopoly of the European postal authorities be broken in the interests of small and medium-sized businesses and employment?

3. Is the Council prepared to ask to Commission to draw up guidelines to prohibit European postal authorities from combing commercial interests, including foreign exchange operations, which compete with commercial banks, and monopoly postal services, such as acceptance and dispatch of mail, at the same counters?

Answer

(9 March 1998)

1. In response to the question of the Honourable Member of the European Parliament, the Council would recall that in conformity with the provisions of the Treaty, the issue of abuse of a dominant position falls within the competence of the Commission.

2. The Council would also remind the Honourable Member that the European Parliament and the Council recently adopted, on 15 December 1997, Directive 97/67/EC, which sets out common rules for the development of the internal market of Community postal services and the improvement of quality of service [1].

[1] OJ L 15, 21.1.1998, p. 14.

(98/C 174/116)

WRITTEN QUESTION E-3523/97

by Carlos Robles Piquer (PPE) to the Commission

(12 November 1997)

Subject: Reforms pending in university research

Nature magazine (Vol. 388, 31 July 1997) has reported that the British Government is drawing up new responses to higher education, where both improved facilities and changes in the attitude of academics are required in order to restore the trust between scientific communities and governments.

The main themes set out in the Dearing report, which can be expected to resurface in a forthcoming White Paper, are not exclusive to the United Kingdom. Guaranteeing the quality and appropriateness of fundamental research, ensuring that similar value is attached in universities to achievements in teaching as well as in research, allowing for sufficient administrative costs in research, modernizing equipment and securing the participation of industry are tasks facing all the governments of the European Union and of other advanced economies.

Can the Commission provide information on reforms and studies similar — to those described above for the United Kingdom — now in progress in Europe, the United States and Japan?

Answer given by Mrs Cresson on behalf of the Commission

(13 January 1998)

The Commission is active in the Organisation for economic co-operation and development (OECD) group on the science system, which has been investigating precisely this issue for the past two years. Countries which have actively analysed their own university research and development (R&D) system and made their conclusions available to the OECD group include: Australia, Austria, Belgium, Canada, Germany, Switzerland, United States, Finland, France, Hungary, Japan, Netherlands, Norway, Poland, Portugal, Spain, Sweden.

The issues covered by the report include declining government revenue, the changing nature of public finance, increasing use of industrial R&D funds, economic relevance, systemic linkages, internationalization and personnel issues.

Final contributions to the report are now in the process of being gathered. It is hoped to increase coverage and also to update important issues of changes that were noted by Japan, Germany, Hungary and Finland in the past and current year.

The final version of the report will be available by the end of May 1998, at which time it is expected to have been de-restricted by OECD for circulation.

In addition to the OECD work, a number of activities are about to be launched under the targeted socio-economic research programme of the 4th framework programme for R&D [1]. A list of main projects is sent directly to the Honourable Member and to Parliament's Secretariat.

[1] COM(92) 459 final.

(98/C 174/117) **WRITTEN QUESTION E-3524/97**

by Carlos Robles Piquer (PPE) to the Commission

(12 November 1997)

Subject: Community programme to eliminate the risks associated with ruined buildings

In the light of the constant accidents, many of them fatal, caused by the collapse of delapidated buildings, of which there are many thousands across the whole of the European Union, consideration should be given to drawing up a joint action to eliminate the permanent risk of death in which whole families live and many people work, and which are even faced by casual passers-by.

Most of these buildings are situated in the historic centres of many of our cities, and restoration programmes have been unable to achieve a significant reduction in the number of unsafe houses.

Can the Commission say whether it would be possible to draw up a large-scale action throughout the territory of the Union in order to eliminate the risks associated with dilapidated buildings in Community towns and cities, preferably by replacing all those sections which cannot or need not be preserved? Would it be possible to fund a research programme on the best preservation and restoration techniques?

Answer given by Mr Bangemann on behalf of the Commission

(7 January 1998)

We of course share the Honourable Member's concern about the risks associated with collapsing buildings or parts of buildings due to lack of maintenance, inspection or checks.

On a Community level, rules relating to construction works take this aspect into account, as Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products [1] stipulates that only products for construction works that satisfy the stability and safety requirements can be used.

The same Directive also lays down a durability requirement. This however only applies to new or renovated buildings.

Regarding the existing building stock, there is no European renovation programme for large-scale restoration. Such operations must be implemented on a national level.

In terms of research, in the framework of the programme on industrial and material technologies (Brite Euram) in the Fourth Framework Programme for Research and Development, several projects which indirectly help to prevent the risk of accidents arising from dilapidated or unsafe buildings have been financed.

(1) OJ L 40, 11.2.1989.

(98/C 174/118)

WRITTEN QUESTION E-3525/97

by Carlos Robles Piquer (PPE) to the Commission

(12 November 1997)

Subject: Community participation in the Uralides project

The objective of the international Uralides project, which currently involves 39 scientific institutions from all over the world (24 from Europe, 1 from the United States and 14 from Russia), is to make a detailed study of the Urals, the mountain chain which separates Europe and Asia, which is considered one of the richest mountain systems in the world in terms of deposits of all kinds and a potential source of energy and other resources. The project was organized as a result of the Europrobe initiative for research into earth sciences launched by the European Science Foundation.

What is the Commission's position on the Uralides international project, the possibility that it might participate in the project and the scale of any possible financial contribution?

Answer given by Mrs Cresson on behalf of the Commission

(14 December 1997)

The Commission is fully aware of the international significance and importance, both from a scientific and economic point of view, of the Uralides project. Under the current 4th framework programme of research and technological development (Decision No 1110/94/EC) (1), Community support for this project is given through INTAS, the International association for the promotion of cooperation with scientists from the former Soviet Union.

The current plans for the next 5th framework programme (2) foresee a continuation of support for joint research projects and concerted actions with Russia and other countries of the former Soviet Union in a number of areas, including energy and environment.

(1) OJ L 126, 18.5.1994.
(2) COM(97) 439.

(98/C 174/119)

WRITTEN QUESTION E-3530/97

by Gunilla Carlsson (PPE) to the Commission

(12 November 1997)

Subject: Warning on Swedish snuff

Research shows unequivocally that Link whatever can be established between the use of Swedish snuff and cancer. Despite this fact, EU Directive 92/41/EEC (1) stipulates that snuff packets must be marked with the

words 'Causes cancer'. Obviously, confidence in both the Swedish Board of Health and Welfare and the EU is undermined by the fact that this erroneous claim is printed on every packet of snuff sold. Now that the claim has again been proved false by fresh research reports, the directive must clearly be amended. It is not a question of whether or not that should happen but of when.

Will the Commission, therefore, say when it will take the initiative to amend the current directive with regard to the warning on Swedish snuff?

(1) OJ L 158, 11.6.1992, p. 30.

Answer given by Mr Flynn on behalf of the Commission

(20 January 1998)

The health warnings on smokeless tobacco products were required by Community legislation taking account of the opinion of scientific experts that all tobacco products carry health risks, and that these products in particular are a major risk factor as regards cancer.

The Commission, in its communication to the Council and the Parliament on the present and proposed Community role in combating tobacco consumption (1) proposes to review the implementation of the existing labelling directive with a view to the evaluation of its efficacity in informing consumers on the dangers of smoking and whether improvements in the content and form of warnings should be introduced. The possibility of requiring bigger and more visible health warnings already exists in the labelling directive and the Commission could examine this possibility with the Member States.

The Commission will examine the reactions to the above-mentioned communication and in the light of this examination may bring forward appropriate proposals for actions and measures. In the light of current investigations and the future research in this particular field, the Commission will carefully look at any elements that can help to determine the link between snuff and cancer.

(1) COM(96) 609 final.

(98/C 174/120)

WRITTEN QUESTION E-3538/97

by Wilfried Telkämper (V) to the Commission

(12 November 1997)

Subject: Forest fires in South-East Asia and their effect on indigenous peoples

The recent fire catastrophe in Indonesia and Malaysia resulted in considerable environmental damage and significant health and other problems for the local population.

Does the Commission have any information on how many people have been affected by the haze as well as by the actual fires, which indigenous areas were affected, if indigenous settlements burnt down, if people were actually dying in the fires and if survivors possibly need humanitarian aid?

Does the Commission furthermore have information on the amount of primary forest and plantation forest which burnt down, on the plans for reforestation and on implications for the land rights of indigenous peoples?

Is the Commission of the opinion that the recent events involving large scale forest fires and their impacts on local communities are in compliance with the provisions of the Convention on Biological Diversity and the principles of Agenda 21?

Answer given by Mr Marin on behalf of the Commission

(19 December 1997)

The Commission has no independent source of information for assessing the number of people affected by the haze or by fires. Estimates of the numbers involved are being produced by the national authorities and by the United Nations disaster assessment committee (UNDAC) which is now working in Indonesia. There is no indication, at this stage, that these estimates are other than the most general guesses. The available information is being analysed by the European fire response group (EUFREG) and will be presented in the final report of the group on phase II of its assignment, which should become available by the end of this year. The Commission will send this information to the Honourable Member.

As regards the indigenous areas that might have been affected by the fires, the preliminary results of the remote sensing analysis indicates that the majority of fires are near areas of human settlement and are associated with land clearance operations either by companies or by individual farmers. Very little undisturbed forest has been burnt. It is likely, therefore, that very few indigenous settlements have been affected by the emergency. Certainly there have been no reports of fatalities in indigenous communities caused by the fires. On the other hand, there are starting to be reports of deaths due to drought-related causes, particularly in Irian Jaya which has been relatively unaffected by land and forest fires.

On 7 November the Commission decided to allocate ECU 200 000 as aid for those affected by drought and fires in Indonesia. The aim is to supply drinking water to 228 000 people in Java; the decision will be implemented by Médecins sans Frontières (Belgium).

The Commission has at present no reliable estimates of the areas of different land classifications which have been burnt during the present fire episode. The EUFREG remote sensing analysis has looked at burn scars for a very limited area of south Sumatra, and Kalimantan. As a result of this survey, it will be possible to make more reliable estimates of the areas of different land types that have been destroyed. The Parliament will be informed.

The Convention on Biological Diversity, and Articles 1, 6, 10 and 14 in particular, requires the parties to take, as the case may require, general measures for the sustainable use of biological diversity and the reduction of harmful effects on biodiversity. The conference of parties has, furthermore, decided on a work programme relating to biodiversity and forests. While it is clear that forest fires and the inadequacy of sustainable development methods may be linked, it is not possible for obligations under the Convention — in view of their general nature — to be invoked except to increase the extent of implementation and foster practical action in the future.

From 1992 the Commission has contributed with ECU 107 million to improve the situation of forests and biodiversity in Indonesia. The Commission is sending direct to the Honourable Member and to Parliament's Secretariat the requested overview of Community-funded projects in Indonesia.

(98/C 174/121) **WRITTEN QUESTION E-3540/97**

by Allan Macartney (ARE) to the Commission

(12 November 1997)

Subject: ECHO — aid to money to Western Sahara refugees

Can ECHO say exactly how much and what percentage of the aid money to the Western Sahara refugees is used for publications, advertisements and stickers?

Answer given by Mrs Bonino on behalf of the Commission

(17 December 1997)

Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid ([1]) foresees that funds may be used to finance the costs of highlighting the Community nature of aid as well as public awareness and information campaigns aimed at increasing understanding of humanitarian issues, in Europe and in third countries where the Community is funding major humanitarian operations.

Bearing these principles in mind and in accordance with the relevant provisions of the framework partnership contract in the field of humanitarian aid, implementing partners are requested to contribute to the visibility of the humanitarian operations financed by the Community, provided that this does not harm its mandate, its basic principles or the safety of its staff.

As far as aid to the Western Sahara refugees is concerned, the table below expressed in ECU shows the amount and the percentage used for visibility purposes for the years 1996 and 1997.

Humanitarian aid for the refugee sahraouis for Tindouf (Algeria).

Global plan	Total	Visibility	Percentage
1996	7 000 000	40 508	0.6
1997	7 000 000	23 430	0.3

(1) OJ L 163, 2.7.1996.

(98/C 174/122)

WRITTEN QUESTION P-3555/97

by Mirja Ryynänen (ELDR) to the Commission

(4 November 1997)

Subject: EU measures to counter Russian border tolls

Russia has once again announced new barriers to trade and traffic with Finland. Russian customs officials are set to impose a 44-ton weight limit on cross-border traffic. The restriction will bring cross-border movements of Finnish commercial vehicles, for example timber shipments, virtually to a standstill.

As on the previous occasions, news of the new rules reached the authorities and haulage contractors at the last minute and came as a complete surprise. The situation on the border between the EU and Russia thus remains confused and subject to arbitrary decisions.

1. How does the Commission intend to ensure that Russia does not discriminate against the Union and its Member States by means of its own rules and requirements?

2. What steps does the Commission intend to take to bring pressure to bear on the Russian customs authorities and force them to carry out their work in accordance with proper international trading practice?

Answer given by Mr Kinnock on behalf of the Commission

(9 December 1997)

The Commission is aware of the difficult situation at the Finnish Russian border.

Unpredictable changes, at short notice, of Russian legislation and procedures covering cross-border transport, customs operation and border controls clearly have a negative influence on transport flows between Russia and the neighbouring countries, particularly Finland.

For this reason, there have been frequent contacts and meetings at all levels between the Commission and various Russian ministries, as well as the Russian transport minister, and other authorities on such issues. In June 1997, the responsible member of the Commission visited together with the Finnish and Russian transport ministers the new road border-crossing at Vaalimaa.

As regards the issue of the weight limits, the Commission is aware of the difficulties caused by the latest change in the regulations operating in Russia. Regrettably however this particular issue cannot be appropriately addressed under the Community's partnership and cooperation agreement with Russia, which leaves issues affecting road transport operations between the Community and Russia to future negotiations.

Although the Commission tabled a recommendation in 1992 for such transport negotiations with a number of countries, including Russia, the Council has so far not authorised negotiations. The matter of the weight limit applying in Russia to Finnish commercial vehicles remains therefore one which must be addressed by the Finnish authorities.

It should be noted that the weight limit for third country vehicles entering the Community is forty tonnes, although individual Member States may, on a non-discriminatory basis, authorise vehicles with a higher limit to circulate on their own territory.

The Commission will naturally continue to press the Russian authorities, on every possible occasion, to ensure that any changes to regulations are introduced with sufficient notice and on an acceptable and non-discriminatory basis.

(98/C 174/123)

WRITTEN QUESTION P-3558/97

by Riccardo Nencini (PSE) to the Commission

(4 November 1997)

Subject: Equivalence of diplomas in Europe

Ms Cristina Ruiz Martì, a Spanish national, applied to take part in a selection competition for a post as library assistant at the University of Florence; in her application, she requested recognition of the equivalence of her secondary education diploma. Decree Law No 29 of 3 February 1993 refers to the procedure for establishing the equivalence of diplomas awarded on completion of secondary education. However, the procedure specified in that legislation has never been implemented, with the result that, according to the Spanish Consulate General, no Spanish citizen who has submitted a declaration concerning the equivalence of secondary education diplomas issued by the Italian Consulate has ever been allowed to take part in a public competitive examination.

So Ms Ruiz Martì's application was rejected because, although she had provided all the documentation requested, it was impossible in practice to establish the equivalence of her diploma as there was no organization in Italy capable of doing so.

What action does the Commission intend to take to resolve this question, which involves a serious and recurrent infringement of fundamental rights?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

Decree-Law No 29 of 3 February 1993, to which the Honourable Member refers, lays down in Article 37(1) the right of Community citizens to sit examinations for public-sector jobs in Italy that do not entail the exercice of public authority. Article 37(3) provides for the adoption by the Government of a procedure for recognising the equivalence of study qualifications, thereby making it easier for Community nationals to sit such examinations. According to the Honourable Member, the implementing provisions for the Decree-Law have not yet been adopted.

Under Article 48 of the EC Treaty, which concerns freedom of movement for workers, as interpreted in case law ([1]), the Italian authorities are required, even if there are no national rules on equivalence procedures, to take account of qualifications obtained in another Member State and to compare the education or training acquired by the migrant with that required in the host Member State. That Article may also be relied upon directly by individuals before the national courts.

The Commission has already contacted the Italian authorities with a view to finding a solution to this problem.

([1]) See in particular the judgments in Heylens (Case 222/86) and Vlassopoulou (Case C-340/89).

(98/C 174/124)

WRITTEN QUESTION E-3571/97

by Cristiana Muscardini (NI), Gastone Parigi (NI) and Amedeo Amadeo (NI) to the Commission

(13 November 1997)

Subject: High-speed trains (HST) and environmental impact

The reaction of local administrations, residents associations, environmental associations and environmental protection consortia to the planned Italian HST network on the Frejus-Turin-Milan-Venice, Milan-Genoa and Milan-Bologna-Florence-Rome-Naples stretches is that environmental damage would be caused if the project were implemented as it now stands and would have a negative impact on health, the countryside and the equilibrium of the eco-system. A petition bearing 35 000 signatures has been sent to the EP.

1. Is the Commission aware of the Italian plan?

2. Does the project take account of the environmental impact assessment?

3. Does the assessment come within the parameters laid down in Community directives on protection of the environment and public health?

4. Following an initial pioneering experiment, can the Commission state whether preference should be given in the future to the variable trim technology (Pendolino) rather than to the technologies used for HST in other European countries?

Answer given by Mrs Bjerregaard on behalf of the Commission

(16 January 1998)

As far as the Commission knows, the project to which the Honourable Members make reference, has been submitted to environmental impact assessment (EIA).

Consequently, the Commission invites the Honourable Members to provide more precise and detailed information about the reported lack of care in respect of any environmental issues concerning the above mentioned project. Only on the basis of specific complaints, and with reference to the aspects falling within the scope of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [1], is the Commission entitled to undertake the appropriate interventions such as requesting information from the Member State or starting an infringement procedure.

The tilting train (Pendolino) technique enables a reduction of travel times and could contribute to a more efficient use of (existing) infrastructure. However, one should take into account that speed differences between trains on one line can cause significant capacity problems. Therefore, the tilting train cannot form a substitute for the modernisation and construction of infrastructure for high speed trains.

[1] OJ L 175, 5.7.1985.

(98/C 174/125)

WRITTEN QUESTION P-3574/97

by Joan Colom i Naval (PSE) to the Commission

(4 November 1997)

Subject: Taxation of pension and retirement funds

Does the Commission consider it to be compatible with Community law for the tax legislation of a Member State to provide for discriminatory tax treatment of contributions to pension and retirement funds and gains accruing therefrom according to where the fund is based or where the contract was signed, even though the countries concerned are other Member States? In this light, does the Spanish law on private insurance of 1995 comply with Community law?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

In general, the Commission does not consider it to be compatible with Community law for the tax legislation of a Member State to provide for discriminatory tax treatment of contributions to pension and retirement funds and gains accruing therefrom according to where the fund is based or where the contract was signed. However, there may be an objective justification for such discriminatory treatment, as the Court of justice stated in its Bachmann ruling of 28 January 1992 (Case 204/90). In later rulings the Court has further developed the Bachmann doctrine (Wiclockx, 11 August 1995, Case 080/94 and Svensson, 14 November 1995, Case 484/93). Another case is still pending (Jessica Safir, Case 118/96). The compatibility with Community law of each individual Member State's tax rules on pension and retirement funds will have to be judged in the light of these rulings.

As far as the Spanish system regarding the taxation of life insurance is concerned, the Commission has examined whether the law leads to a discriminatory tax treatment on the basis of the place where the assurance company is located. The Spanish authorities have indicated that Article 78(1) of Law 30/95 of 8 November 1995 on the regulation and supervision of private insurance provides that insurance companies established in Member States of the European Economic Area other than Spain which have obtained authorisation to operate in their Member State of origin can carry on their activities in Spain under the right of establishment or under the freedom to provide services. They have also indicated that life assurance premiums paid by Spanish residents to insurance companies which are not established in Spain but are allowed by law to do business there by way of the freedom to provide services can be deducted from personal income tax under the same conditions as premiums paid to insurance companies established in Spain. The Commission has therefore concluded that no discriminatory tax treatment exists in this particular case.

(98/C 174/126) **WRITTEN QUESTION E-3582/97**

by José Apolinário (PSE) to the Commission

(13 November 1997)

Subject: European pass for persons over 60 years of age

Following the Commission's reply to my Question E-1019/97 ([1]) in which it refers to a feasibility study for a Europass for persons of over 60 years of age, will the Commission say whether such a study has already been undertaken and what developments have occurred in respect of this project since April 1997?

([1]) OJ C 367, 4.12.1997, p. 69.

Answer given by Mr Flynn on behalf of the Commission

(13 January 1998)

The results of a feasibility study on an over 60s card, carried out by non-governmental organisations working in the field of older people in five Member States, were received by the Commission just very recently. These results now fall to be carrefully ewamined by the Commission.

(98/C 174/127) **WRITTEN QUESTION E-3586/97**

by Karin Riis-Jørgensen (ELDR) to the Commission

(13 November 1997)

Subject: Directive on the freedom of access to information on the environment

In some situations where people wish for information in connection with Directive 90/313/EEC ([1]), uncertainty may arise about how far private organizations or firms which carry out public environmental protection tasks are covered by the directive.

In this connection, can the Commission say which organizations carrying out public nature protection tasks — e.g. the protection of threatened or sick animals — are covered by the Directive on the freedom of access to information on the environment (90/313/EEC)? Where the Commission does regard an organization as covered by the directive, does this apply irrespective of the organization's legal status?

(1) OJ L 158, 23.6.1990, p. 56.

Answer given by Mrs Bjerregaard on behalf of the Commission

(6 January 1998)

Article 6 of Council Directive 90/313/EEC on the freedom of access to information on the environment (1) stipulates that Member States must take the necessary measures to ensure that information relating to the environment held by bodies with public responsibilities for the environment and under the control of public authorities is made available on the same conditions as those set out in the Directive on information on the environment held by public authorities, either by an intermediary of the competent public authority or directly by the bodies themselves.

The Directive sets out two conditions which the above-mentioned bodies must abide by in order to be covered by the provisions of this Directive. They must have public responsibilities for the environment and be under the control of public authorities. Therefore, if the Directive is to be applicable to it, a body, such as that mentioned by the Honourable Member, need only meet those two conditions. Without further information, the Commission cannot say whether or not the body mentioned in the present question is within the scope of Article 6 of Directive 90/313/EEC.

(1) OJ L 158, 23.6.1990.

(98/C 174/128)

WRITTEN QUESTION E-3587/97

by Nikitas Kaklamanis (UPE) to the Commission

(13 November 1997)

Subject: Free issue of public road transport licences to non-Greek hauliers

The Greek authorities assert that the Commission is putting pressure on Greece to issue lorry licences to non-Greek road hauliers without restriction. They also point out that the issue of licences to road hauliers is completely unrestricted in all the other Member States of the Union.

Will the Commission say to what extent this is true and whether this measure is required by Community legislation and specify the regulations and directives which oblige the Greek authorities to issue these licences without restriction?

Answer given by Mr Kinnock on behalf of the Commission

(20 January 1998)

The Commission has not put any pressure on the Greek authorities in the matter to which the Honourable Member refers, namely, the issuing by Greece of licences to non-Greek road hauliers.

The Greek national market, where access has hitherto been rather strictly controlled, is being gradually opened up to non-Greek hauliers through the cabotage regime which the Council adopted in 1993 under Regulation (EEC) No 3118/93 (1).

The statistical evidence so far indicates that very few hauliers from other Member States carry out cabotage operations in Greece, the authorizations for which are issued by the Member State of establishment of the transport operator, not by Greece.

(1) OJ L 279, 12.11.1993.

(98/C 174/129)

WRITTEN QUESTION E-3590/97

by Marjo Matikainen-Kallström (PPE) to the Commission

(13 November 1997)

Subject: Improving data communications in the interests of citizens' safety

The free movement of dangerous prisoners may have very serious consequences. Most recently this was confirmed a few days ago when an escaped Danish prisoner killed two policemen.

What does the Commission propose to do to improve data communications between different countries' police forces, so as to prevent events like these from occurring? How will the Commission ensure that information on prisoners who have escaped or are on temporary release from Member States' prisons is transmitted to other Member States as efficiently as possible so that action can be taken, for example, to prepare for and react to escapes?

Does the Commission intend to invest in a Europol which will be able to coordinate police cooperation between different Member States?

How does the Commission propose to take account of the almost boundless possibilities of data transfer and data technology and of the increased cooperation between the Member States when the Schengen Convention enters into force?

(98/C 174/130)

WRITTEN QUESTION E-3647/97

by Kirsi Piha (PPE) to the Commission

(19 November 1997)

Subject: Cooperation between authorities in the EU

In the last few days Finland has lived through a tragedy caused by the violent death of two police officers on duty. The chain of events was this: a Danish criminal on temporary release from prison held up a hotel in Helsinki and violently killed two policemen. The tragedy raised a number of questions in Finland and no doubt in Denmark too.

What is being done to ensure that these events cannot be repeated? How can the exchange of information between authorities in the EU be simplified and made more efficient? How can border checks and cooperation be made more effective, particularly in providing intelligence on the movement of criminals and the granting of temporary release?

This event is not a very good 'advertisement' for the usefulness of the Schengen Convention to EU nationals. Extending the freedom of movement obviously has its drawbacks too, and everything possible must be done to eradicate these undesirable features.

Joint answer
to Written Questions E-3590/97 and E-3647/97
given by Mrs Gradin on behalf of the Commission

(16 January 1998)

As far as the Honourable Members' questions refer to cooperation in the European Union, it has to be noted that police co-operation in general, and via the Europol drugs unit and future Europol in particular, is restricted to combating serious forms of international crime. This has to be distinguished from the problem of escaped prisoners or people who are on temporary release which is usually dealt with at a bilateral level or through Interpol. As the Amsterdam Treaty will extend police cooperation to the prevention, detection and investigation of criminal offences in general, it has to be examined after the entry into force of the Amsterdam Treaty whether this would include the issue which is raised by the Honourable Members. In the field of judicial cooperation, extradition, arrangements exist between Member States to deal with the surrender of escaped prisoners and others against whom proceedings have been initiated in relation to serious crimes. These include the possibility of provisional arrest pending the submission of a formal request. These arrangements are provided for in a number of international treaties, principally the 1957 European Convention relating to extradition, and they have been supplemented and their application facilitated by the European Union Convention relating to extradition of 1996 which is currently being ratified.

Under the present European Union Treaty, the Commission has no right of initiative regarding police cooperation and judicial cooperation in criminal matters. The Amsterdam Treaty will give it this right of initiative.

A Protocol to the Amsterdam Treaty covers the integration of the Schengen acquis into the European Union framework. Integration will take place when the Amsterdam Treaty comes into force, but it will not automatically extend the Schengen arrangements to the Member States not already applying them at the time of the entry into force of the Amsterdam Treaty. In the case of Member States which subsequently acceded to the Schengen Convention but where it was not implemented before that date, the Council will decide in due course when it is to be implemented. In the case of Member States which never acceded to the Schengen agreement, namely the United Kingdom and Ireland, the Protocol integrating the Schengen acquis into the framework of the European Union provides that they may request to participate in some or all of its provisions. The Council will decide on the request by unanimous decision of the Schengen States and the requesting Member State.

(98/C 174/131)

WRITTEN QUESTION E-3593/97

by Yves Verwaerde (PPE) to the Commission

(13 November 1997)

Subject: High-level group of experts on the social and societal aspects of the information society

Would the Commission supply me with an initial summary of the findings of the high-level group of experts on the social and societal aspects of the information society.

Answer given by Mr Flynn on behalf of the Commission

(9 January 1998)

The high-level group of experts on the social and societal aspects of the information society has completed its work. It recently produced a final report, a copy of which is being sent directly to the Honourable Member and to the General Secretariat of the Parliament.

A summary of the additional analyses which are mentioned in the annex to the final report and were carried out in parallel with the group's work is being prepared and will become available at the beginning of this year.

(98/C 174/132)

WRITTEN QUESTION E-3600/97

by José Barros Moura (PSE) to the Commission

(13 November 1997)

Subject: Socrates programme

The Portuguese universities, like their counterparts elsewhere in the EU, have been raising major questions as to the institutional contracts proposed by the Commission for the academic year 1997-1998, in the context of the Socrates programme. In view of this, can the Commission state:

1. what factors explain the criticisms;
2. what aspects of its proposal it has agreed to review;
3. which universities have signed the institutional contract, and which universities have refused to sign?

Does the Commission intend to cut the red tape which seems to characterize the Socrates programme by comparison with the Erasmus programme?

Does the Commission not consider the average Community funding level of 15% to be insufficient for the objectives of the programme?

Answer given by Mrs Cresson on behalf of the Commission

(19 December 1997)

The criticism expressed by the universities regarding the Socrates/Erasmus institutional contract stemmed from the level of detail of the contractual provisions in relation notably to the grant available for the large number of cooperation activities proposed by the universities.

The Commission has responded by modifying a series of articles in the institutional contract, thus giving more flexibility to the universities for their implementation of the cooperation activities. Only five out of 1475 universities have refused to sign the revised institutional contract. The modifications to the contract provisions have alleviated part of the administrative burden and the Commission will certainly consider ways of simplifying the programme in the future.

The Commission is acutely aware of the inadequacy of funding for the Socrates programme as a whole, for which it had proposed a budget far in excess of the figure finally adopted in 1994. In accordance with the procedures agreed at that time, the Commission has proposed an increase to the financial framework for the programme in 1998 and 1999 in order to reinforce the programme's capacity to meet its stated objectives. The Commission's proposal to increase the budget is currently under discussion in the Parliament and Council.

(98/C 174/133) **WRITTEN QUESTION P-3601/97**

by Daniel Varela Suanzes-Carpegna (PPE) to the Commission

(6 November 1997)

Subject: Timetable for submission of the new Commission proposal outlawing driftnets

At the Council of Fisheries Ministers of 30 April 1997 the Spanish delegation submitted a request for the outlawing of driftnets, which was supported by the Italian and German delegations, provided that the new proposal was consistent with the positions adopted in the report of Parliament.

Commissioner Bonino endorsed this position when she addressed the plenary of Parliament on 10 June 1997, undertaking to submit a new proposal before the end of 1997.

The ratification of this position by the delegations mentioned above, at the informal Council held in La Toja in September 1997 — also taking into account the statement made by the British fisheries minister to the Spanish delegation to the effect that his government would support a ban along the lines adopted in the report of Parliament — will require a sufficient majority in Council to ensure adoption of the new Commission proposal in its amended form.

Can the Commission supply the timetable for the submission of this proposal by the end of 1997?

Have any fresh facts led to the alteration of the position expressed by the Commission to the plenary of Parliament?

In particular, has any government of any Member State communicated to the Commission a position contrary to or different from that set out at the Council meeting in April 1997 and at the informal Council held in La Toja which might jeopardize a fresh majority or necessitate a change of strategy with a view to the definitive resolution of the problem of driftnet use?

Answer given by Ms Bonino on behalf of the Commission

(9 December 1997)

The first point the Commission would make is that there has never been an informal ministerial meeting in La Toja. The Commission reaffirms its determination to help find a solution as soon as possible on the issue of driftnets, but the outcome does not depend on whether the current Commission proposal serves as a basis for a draft Presidency compromise or whether a new proposal is put forward. It will be determined by whether a qualified majority can be obtained to settle the matter.

It was with this in mind that the Commission undertook in April 1997 to approach the Member States most directly concerned to try to find the best way of breaking the deadlock. However, these contacts failed to secure a qualified majority by the end of 1997 on a compromise drafted by the Presidency.

Given that the UK Presidency has clearly stated its intention to take swift action, it now seems that the prerequisites are met for seeking the vital qualified majority in the Council.

(98/C 174/134) **WRITTEN QUESTION P-3603/97**

by Pedro Marset Campos (GUE/NGL) to the Commission

(6 November 1997)

Subject: The future of the European aerospace industry

After the crisis of the last few years the aerospace sector is clearly expanding. The turnover worldwide in the last twenty years was around US$ 400 billion. In Europe alone, turnover is expected to be US$ 18 billion by the year 2003.

In most countries this sector represents the most substantial concentration of advanced technology, as well as one of the main sources of high-quality employment.

However, these promising prospects could be destroyed by the recent merger between Boeing and McDonnell Douglas, which is seriously jeopardizing this sector in Europe.

Has the Commission evaluated the consequent loss of competitiveness of the European aerospace industry and the impact the merger may have on employment and technological development?

Can the Commission also say to what extent the Airbus projects A3-XX and FLA, which have reached the decision-making stage, may be jeopardized by the creation of this aerospace giant?

Finally, can the Commission offer a timetable for the decisions to be taken on the completion of the Airbus projects?

Answer given by Mr Bangemann on behalf of the Commission

(9 December 1997)

The importance of the aerospace industry for Europe is outlined in the Commission communication 'The European aerospace industry facing the global challenge' adopted on 24 September 1997 ([1]).

During the course of the 4th framework programme ([2]) an aeronautics task force was set up by the Commission. This initiative was designed, in part, to increase industrial competitiveness through ensuring the optimal exploitation of the framework programme in this area. The Commission's proposal for the 5th framework programme ([3]) again recognised the importance of aeronautics in that the proposal includes a key action entitled new perspectives in aeronautics within the thematic programme promoting competitive and sustainable growth.

The expected impact on competition of the merger between Boeing and McDonnell Douglas is analysed in detail in the Commission decision on the merger of 30 July 1997 which will be published in the Official journal in the coming weeks.

As far as the possible development by Airbus of the A3XX and the FLA is concerned, the Commission will closely follow progress. Nonetheless it is not the Commission's role to propose, much less decide on, the development of new aircraft programmes. These should be based purely on commercial and economic grounds and decided by those with a direct stake in the success or failure of the venture. Notwithstanding this, the Commission recognises that the restructuring of Airbus Industrie is a matter of priority and that in view of the growing importance of dual-use technologies, civil and defence production in sectors such as aircraft development should not be considered as separate issues.

In its communication adopted on 24 September 1997, the Commission stressed that the European aerospace industry is in urgent need of consolidation and restructuring if it is not to be left behind in international competition. Europe will need to provide the context in which European aerospace firms can restructure and flourish. This is why the Commission called on Member States to support the thrust of the communication, recognise the necessary urgency, and give their backing to the Community accompanying measures listed in the communication in order to facilitate and encourage the restructuring process.

(1) COM(97) 466 final.
(2) COM(93) 459.
(3) COM(97) 142, COM(97) 553.

(98/C 174/135)

WRITTEN QUESTION E-3605/97

by Nikitas Kaklamanis (UPE) to the Commission

(13 November 1997)

Subject: Social dialogue and measures taken against workers

There has been much talk recently at European level about the usefulness of the social dialogue, especially since the incorporation of the Social Protocol in the new EU Treaty.

Despite all this, workers continue to face insurmountable problems which are getting worse, without any hope of a solution in the foreseeable future.

Will the Commission give its views on the results so far of the social dialogue in the Member States and say whether it expects this to bring about any improvement in the employment situation of workers, given that antipopular measures are building up against them, their incomes which are already low are being depressed still further and well over 20 million persons are out of work in the EU?

Answer given by Mr Flynn on behalf of the Commission

(19 January 1998)

The dialogue between the social partners greatly contributes to shaping the economic and social environment and has become one of the cornerstones of our model of society. The crucial importance of informing and consulting the social partners and involving them in dialogue and negotiations is generally recognised in all Member States.

The social dialogue has made good progress at European level. The Agreement on Social Policy annexed to the Treaty on European Union has been the source of interesting contractual developments. The social partners have concluded two agreements, one on parental leave in 1996 and one on part-time work in June 1997.

Combating unemployment has been a top priority at Community level in recent years. For the first time, an extraordinary meeting of the European Council – held on 21 November 1997 in Luxembourg – was devoted exclusively to employment.

The European Council invited the social partners to play their part in implementing an integrated and coordinated employment strategy, bearing in mind their specific responsibilities and powers. Besides, the Luxembourg guidelines recommend close involvement of the social partners at all stages of the process.

Recent developments in the employment field have nurtured the social dialogue at national level. Thus, tripartite consultations between the public authorities and the social partners have led to national employment pacts in several Member States. In addition, trade unions and employers' organisations at different levels are pursuing their collective negotiations on ways of promoting employment and on the adaptation of the rules governing the labour market in all the Member States.

(98/C 174/136)

WRITTEN QUESTION E-3609/97

by Esko Seppänen (GUE/NGL) to the Commission

(13 November 1997)

Subject: Improving the position of general linguistic research in EU research funding

In the future, a growing proportion of the funds spent on European linguistic research will come direct from the EU. In the EU's research programmes, linguistic research is divided into four main categories:

— information-gathering systems and programmes which develop and exploit computerized language analysis,

— general cultural research programmes,

— programmes focusing on research and technological development in the former Soviet Union, former socialist countries and developing countries,

— programmes to promote cooperation between researchers and training.

At present, however, the EU's language research programmes comprise very few sectors concerned with fundamental or theoretical research.

The problems associated with the funding of fundamental linguistic research arise primarily from the fact that it is generally a long time before the findings can be exploited. Nonetheless, in two individual Member States for example — the Netherlands and Germany — funding of theoretical linguistic research has been regarded as an economic investment. In both countries, theoretical research into language is being pursued at a very advanced level.

What possible measures has the Commission considered with a view to improving the position of general linguistic research? Would it be possible, for instance, to link linguistic research to the work of the JRC (Joint Research Centre) or to institute a special fundamental linguistic research programme?

Answer given by Mrs Cresson on behalf of the Commission

(23 January 1998)

The Commission's proposed 5th Framework Programme for research ([1]) does not include a specific programme concerning basic linguistic research. However, within the specific programme entitled 'Developing a user-friendly information society' there is a plan to conduct activities on new language technologies in order to make information and communication systems more user friendly, more particularly as part of key-activity III 'Content and multimedia tools'. These activities will, inter alia, be aimed at certain aspects of basic research.

The activities of the Joint Research Centre (JRC) do not at the moment include any linguistic research.

Moreover, at least in the short term, the JRC would be in no position to begin work in this area.

([1]) COM(97) 142 final.

(98/C 174/137)

WRITTEN QUESTION E-3610/97

by Pervenche Berès (PSE) to the Commission

(13 November 1997)

Subject: Invalidity card

On 1 September 1997 I asked the Commission about the possibility of adopting a harmonized invalidity card throughout the Member States (Written Question E-2815/97) ([1]).

In its reply of 3 October the Commission surprisingly stated that 'on the basis of the powers and responsibilities conferred on it by the Treaties, the Commission currently has no plans to harmonise the invalidity cards issued in the various Member States'.

At the very same time, however, the Council was discussing a plan for a uniform Community model of a parking card for disabled persons.

Would this parking card for disabled persons not constitute a first step towards the eventual adoption of a Community model for invalidity cards?

(1) OJ C 82, 17.3.1998, p. 144.

Answer given by Mr Flynn on behalf of the Commission

(20 January 1998)

The granting of fiscal or tariff advantages to disabled persons is a matter that falls within the competence of the Member States. The measures introduced differ appreciably from one Member State to another, in terms both of content and beneficiaries. The mutual recognition of cards establishing such advantages is a matter for each Member State.

It is true, however, that the Commission has proposed the adoption of a Council Recommendation on a parking card for disabled persons. But it should be noted that this proposal, which is based on the Community's competence in the field of transport, does not seek to harmonise the conditions for the granting and use of parking cards. It merely seeks to provide for the mutual recognition of these cards and the adoption of a standard model in order to facilitate the implementation of this process. The proposal is facilitated by the fact that most Member States do in fact issue such cards and that the cards have the same objective.

(98/C 174/138) **WRITTEN QUESTION E-3611/97**

by Elly Plooij-van Gorsel (ELDR) to the Commission

(13 November 1997)

Subject: Textile trade with China

China accounts for 16% of world trade in textiles. As a trading partner, China has a poor record of compliance with agreements, and it has proved difficult to enforce them.

In view of China's strong position on textile markets, to what extent does the Commission consider it fair towards European industry to grant China the status of a developing country, with the associated preferential trading conditions?

In conjunction with this, what is the Commission's view of the way in which China should be admitted to the WTO, either at once or with a transition period? Could phased admission provide a significant means of bringing pressure to bear with the aim of securing compliance with agreements on reform?

To what extent are the negotiations with China likely to bring about an effective reduction in existing non-tariff barriers? How will the Commission ensure that tariff barriers which are prohibited under the WTO are not replaced with non-tariff barriers?

Answer given by Sir Leon Brittan on behalf of the Commission

(16 December 1997)

The negotiations on China's accession to the World trade organisation (WTO) are still in an important phase. They cover a broad field, varying from commitments on tariff levels to the abolition of a very large number of non-tariff barriers as well as the implementation of legal rules for intellectual property and the opening of the services sector. The implementation of its obligations as a result of its WTO membership will bring a new wave of liberalisation in China and push towards further reforms.

According to WTO provisions, valid for all countries, China will implement its liberalisation obligations step by step, with various transition periods.

The Commission — supported by the Member States — is of the opinion that WTO membership is a way to encourage China towards further reforms, the establishment of a market economy and the fulfilment of its international commitments. It can be noted that, since 1995, the WTO has an effective dispute settlement mechanism, which enables it to exert pressure for the implementation of agreements.

Regarding the preferential tariffs for textile import into the Community, they were indeed granted to China, but by the Member States autonomously, without any link with China's accession to the WTO. For the rest, Chinese textiles import receive the same treatment as from the other countries, which means that quantitative restrictions are still in force for import into the Community. These will be liberalised step by step in the framework of the WTO commitments.

The Commission feels that the Chinese government carried out significant economic reforms these past years. Nevertheless, it appears that further measures are necessary to ensure a stable integration of China into the world economy and to open up this market to the goods and services of other countries, according to the terms of the world trade system. In the Commission's opinion, these goals will effectively be supported by the WTO membership.

(98/C 174/139)

WRITTEN QUESTION P-3619/97

by Riccardo Garosci (UPE) to the Commission

(10 November 1997)

Subject: Situation of fuel retailers

At European level the poor protection of fuel retailers as a group has already seriously undermined their bargaining power vis-à-vis the petroleum industries. This situation is leading to unemployment and substantial social hardship. What are the Commission's operating guidelines in this connection?

Is the Commission aware, moreover, that the Italian Government is enacting a Decree Law 'on the rationalization of the fuel distribution sector' which would in fact prevent petrol stations (Article 7) from displaying the trade name of the supplier oil company? This prohibition would clearly conflict with the interests of the managers of petrol stations and of the oil companies themselves and would be in breach of the consumer's right to information, which has always been safeguarded by the EU (Article 129 of the Treaty of Maastricht, amended and confirmed by point 27 of the Treaty of Amsterdam).

Answer given by Mr Van Miert on behalf of the Commission

(11 December 1997)

From the information available to the Commission it would appear that there is a process of structural adjustment in progress in most Member States, as the number of service stations has been falling for several years, while service stations have been diversifying their activities.

The legislation implementing the competition rules in the EC Treaty includes a block exemption regulation which covers petroleum distribution agreements that contain an exclusive purchasing clause (Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements) ([1]). Agreements of this kind might otherwise be caught by the ban on restrictive practices laid down in Article 85(1) of the EC Treaty, but the Regulation exempts them provided they satisfy certain conditions.

The Regulation enables the Member States' own competition authorities and lawcourts to apply all the European competition rules governing these agreements. One of the objectives of such legislation is to ensure that compliance with Community competition law can be enforced by the national authorities; those authorities will generally be closer to the markets for the distribution of fuel, which are for the most part organised on a national rather than international scale.

The Commission has published a Green Paper dealing with the application of the competition rules to vertical restraints, and in particular distribution agreements ([2]). The Green Paper looks at a range of options as part of an extensive review of the approach that competition policy ought to be taking towards agreements of this kind. It has provided the basis for a wide-ranging debate with interested parties. The conclusions will serve as guidance to the Commission when it comes to draft the measures that will be needed, not least in order to replace the block exemption mentioned above, which is to expire at the end of 1999 ([3]).

The Commission does not believe that consumers would necessarily be deprived of proper information or that the interests of the supplying company would be damaged if service stations were to distribute goods under their own trade name.

([1]) OJ L 173, 30.6.1983; corrigendum: OJ L 281, 13.10.1983.
([2]) Green Paper on Vertical Restraints in EC Competition Policy: COM(96) 721 final.
([3]) Its validity was extended by Commission Regulation (EC) No 1582/97 of 30 July 1997 amending Regulations (EEC) No 1983/83 and No 1984/83 on the application of Article 85(3) of the Treaty to categories of exclusive distribution agreements and exclusive purchasing agreements respectively: OJ L 214, 6.8.1997.

(98/C 174/140)

WRITTEN QUESTION E-3645/97

by Clive Needle (PSE) to the Commission

(13 November 1997)

Subject: The rise in the incidence of tuberculosis

The World Health Organization has just published a worrying and unprecedented report on the rise in the incidence of tuberculosis. This specifies a number of developing countries plus Latvia, Estonia and the Russian Federation as 'hot spots' where tuberculosis is resistant to antibiotics and treatment is described as 'therapeutic anarchy'.

Clearly this has implications for several aspects of EU policy and practice in the context of its public health competence as established in Article 129 of the Treaty on European Union.

Will the Commission therefore set out urgently its approach to tackling tuberculosis with particular reference to research and development of new anti-tuberculosis drugs and treatment?

Answer given by Mrs Cresson on behalf of the Commission

(13 January 1998)

Research into tuberculosis is one of the priorities of the research programme in the field of biomedicine and health.

During the 4th Framework Programme for RTD ([1]), six European research networks were set up, mainly to carry out research into resistance to medication, the development of new vaccines, and also molecular epidemiology, which particularly involves partners in developing countries and in Eastern Europe.

The fight against re-emerging infectious diseases, including tuberculosis, is explicitly outlined in the objectives of the 5th Framework Programme for RTD ([2]) proposed by the Commission, particularly in the objective entitled 'Unlocking the resources of the living world and the ecosystem', key action 'control of viral and other infectious diseases'.

([1]) OJ L 117, 8.5.1990.
([2]) COM(97) 142 final.

(98/C 174/141) **WRITTEN QUESTION E-3649/97**

by Honório Novo (GUE/NGL) to the Commission

(19 November 1997)

Subject: Support for small and very small businesses in the civil construction sector in Portugal

The civil construction sector is of major social and economic importance in Portugal. In addition to a small number of big companies, there are numerous very small, small or medium-sized firms which exist in an increasingly dependent situation vis-à-vis the former and are therefore in ever direr economic and financial straits, with all that may entail for higher unemployment.

As is well-known, there is a growing desire throughout the Union to promote substantial and sustained support for very small firms and SMUs; also relevant here is the specific programme for the restructuring and development of Portuguese industry (PEDIP).

In this connection, can the Commission state:

1. in the context of the PEDIP, what concrete measures or programmes exist to support SMUs in the civil construction sector in Portugal;
2. in the more general context of the Community programmes in support of very small firms and SMUs, whether there are any measures specifically targeted on enterprises of this type in the civil construction sector?

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

(22 December 1997)

Although there are no measures in the PEDIP programme specifically aimed at supporting small and medium-sized enterprises in the sector of civil construction in Portugal, many of the projects supported by the programme provide very significant amounts of work for such enterprises, as indeed is the case with other programmes in the Community support framework for Portugal.

Small and medium-sized enterprises (SMEs) in the sector of civil construction are directly supported by the Community initiative for SMEs. This category of SMEs is specifically eligible under the following measures of the programme:

Measure 1: Support for micro and small enterprises.

Measure 2: Strengthening of competitivity of enterprises in the area of tourism and civil construction and public works.

Measure 3: Development of technological competence in SMEs.

Measure 4: Training.

Measure 5: Financial engineering.

(98/C 174/142) **WRITTEN QUESTION E-3654/97**

by Alexandros Alavanos (GUE/NGL) to the Commission

(19 November 1997)

Subject: Continuation of Cohesion Fund actions

Under present rules Cohesion Fund resources are intended for those Member States whose per capita GNP is less than 90% of the Community average, providing there exists a national programme which satisfies the economic conditions for convergence.

In the action programme 2000 the Commission has proposed that the Cohesion Fund be maintained in its present form so as to allow Community support to continue for the less prosperous Member States which have embarked on the third phase of EMU.

On the basis of the above provisions, will those countries which do not embark on the third phase of EMU continue to be eligible for Cohesion Fund resources even after 1999, providing their per capita GNP is less than 90% the Community average and they have a national convergence programme?

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

(5 January 1998)

The Commission in its Agenda 2000 document ([1]) proposed to maintain the Cohesion fund in its present form. This means that Member States not taking part in the third phase of economic and monetary union (EMU) with a per capita gross national product of less than 90% continue to be eligible if a national programme leading to the fulfilment of the requirements of economic convergence in Article 104c of the EC Treaty has been drawn up.

A review of eligibility under the criterion of per capita GNP being less than 90% of the Community average will be carried out half-way in the period 2000-2006.

([1]) COM(97) 2000 final.

(98/C 174/143) **WRITTEN QUESTION E-3655/97**

by Alexandros Alavanos (GUE/NGL) to the Commission

(19 November 1997)

Subject: Suspension of operation of Kozloduy nuclear reactors

Agenda 2000 states that, owing to delays, two of the four reactors of the Kozloduy plant will go off stream in 2001, while the other two will follow suit in 2001/2002, despite the fact that the agreement between Bulgaria and the European Bank for Reconstruction and Development provided for Kozludoy to suspend operations in 1998. Reports have revealed that the Bulgarian Government intends to maintain the reactors until 2005 and 2010, respectively.

In its reply to my Question No. 1545/96 ([1]) the Commission stated that a number of investment projects had been selected, such as a feasibility study in respect of a link-up of the Greek and Bulgarian electricity networks which was scheduled to begin in the second half of 1996 with the aim of gradually replacing Kozloduy.

Will the Commission say:

1. What time schedule will it propose for the reactors finally to go off stream?

2. What stage have the various investment plans and the feasibility study for the link-up between the Greek and Bulgarian electricity networks reached?

3. What is the reason for the delay in the extension of the UCPTE to the Balkans?

([1]) OJ C 305, 15.10.1996, p. 107.

Answer given by Mr Van den Broek on behalf of the Commission

(30 January 1998)

1. The agreement signed between the European bank for reconstruction and development (EBRD) and Bulgaria does not foresee exact dates for shutting down units 1 to 4 of the Kozloduy plant. The agreement fixes certain conditions for shutting down the units, as follows: units 1 and 2 will be closed as soon as sufficient replacement energy is available by putting the Chaira pumping station on line and either the Varna thermal power plant or one of the Kozloduy 5 and 6 units are modernized and units 3 and 4 will be closed as soon as the energy situation allows it, but in any case as soon as Kozloduy 5 and 6 are modernised and conversion of Sofia, Kostov and Republika district heating plants to combined cycle co-generation of heat and power is completed.

None of these conditions have been fulfilled yet. It is expected that if the modernisation programme of units 5 and 6 goes as scheduled, the earliest date that the first condition is fulfilled could be the year 2001.

The Commission has expressed its opinion under Agenda 2000 ([1]), and requested the Bulgarian authorities to honour their agreement with EBRD and close the oldest units as soon as possible.

2. The feasibility study on the joint operation and interconnection of the Greek and Bulgarian electricity networks is in the process of being finalised. The implementation of this study has been delayed due to financing problems caused by the economic and banking sector crisis in Bulgaria that started mid-1996 and which has only been brought under control by mid-1997.

3. Since a few months the networks of Greece, Serbia, former Yugoslav Republic of Macedonia (FYROM), Rumania, Bulgaria and Albania have successfully been put in parallel operation.

Various studies (including works by Phare) have shown that connecting the Balkan grid to the Union for the coordination of the production and transport of electric power (UCPTE) can be done without major technical difficulties and the investments needed are now rather well identified.

However, there are still difficulties in effectively ensuring the interconnection. These include the building or rehabilitation of enough high voltage power lines between the UCPTE/CENTREL block ([2]) and the networks of the Balkan region.

([1]) COM(97) 2000 final.
([2]) UCPTE (grid of Western Europe) CENTREL (grid of Poland, Hungary, the Czech Republic and Slovakia working on a permanent basis since last year).

(98/C 174/144)

WRITTEN QUESTION E-3660/97

by Cristiana Muscardini (NI) to the Commission

(19 November 1997)

Subject: 'Adriatic corridor' study

When the EP approved the 14 priority projects for the trans-European transport network system the Commission, while not acknowledging its priority, did not reject the idea of the 'Adriatic corridor' as an intermodal system until 1995 was indicated as the date for initiating the project study.

Now, two years later, can the Commission answer the following questions:

1. When was the tender for the feasibility study concluded?
2. When will the study be concluded?
3. When, following conclusion of the feasibility study, will it deliver its opinion on the suitability?
4. What funding has it earmarked for the study?
5. When, as part of the transport policy, does it intend to propose the list of seaports of 'Community value'?

Answer given by Mr Kinnock on behalf of the Commission

(16 December 1997)

Council Regulation (EC) No 2236/95 ([1]) constitutes the legal basis for the granting of Community financial assistance in the Trans-European Networks (TEN), including the Trans-European transport Network, during the current period 1995-1999. Under this Regulation, applications for financial assistance are submitted to the Commission by the Member State concerned, or by the body directly concerned with the agreement of the Member State.

In 1995 the Community co-financed a feasibility study for the Adriatic corridor with 1 MECU under the TEN-transport budget line (B5-700).

According to information in the Commission's possession the call for tender for the feasibility study was closed in June 1997 and the study will be completed in 1998.

As a general rule the national authorities and the Commission perform a technical and financial appraisal of feasibility studies after completion of the study when a claim for the payment of the last tranche of Community support is introduced.

The Commission expects to adopt a report on the integration of seaports, inland ports and intermodal terminals in the trans-European transport network this year.

(1) OJ L 228, 23.9.1995.

(98/C 174/145)

WRITTEN QUESTION E-3663/97

by Carlo Ripa di Meana (V) to the Commission

(19 November 1997)

Subject: Contract for planned new eastern by-pass

A question by Councillor Adriana Spera to the Mayor of Rome, Francesco Rutelli, indicates that when awarding the contract (amounting to more than LIT 6 billion) for the planned new eastern by-pass to Ferrovie dello Stato Rome town council infringed the provisions of Directive 92/50/EEC (1) which was transposed into Italian law by decree law No 157/95. Rome town council awarded the contract by private negotiated procedure without using the European tendering procedure, wrongly assuming that the contract in question was one of those 'excluded'. Since both Councillor Spera and Usicons (consumers' association) brought the matter to the Commission's attention has the Commission done anything and, if so, with what result?

Does the Commission consider that the Mayor of Rome overturned the decision to award the contract to Ferrovie dello Stato by assigning it, again by private negotiated procedure, to S.T.A., a company entirely controlled by Rome town council, which deals with the removal of illegally parked cars but not with planning and cannot therefore enter into private negotiations as a body with exclusive rights in the area covered by the contract?

(1) OJ L 209, 24.7.1992, p. 1.

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

On 17 March 1997 the Commission sent the Italian authorities a request for information in which it expressed its concern regarding the compatibility with Community legislation of the contract for the design of the bypass awarded to Ferrovie dello Stato S.p.A. The Italian authorities gave their observations on 2 October, indicating that they were now looking into alternative solutions.

The Commission had meanwhile been informed that the Rome town council had taken a new decision on 1 August repealing the earlier decision. On 24 October it sent the Italian authorities a further request for information concerning the new decision in which it pointed out that it also entertained misgivings as to the compatibility of the new contract, which had been awarded to STA S.p.A., with Community public procurement legislation, and in particular Directive 92/50/EEC coordinating award procedures for public service contracts.

(98/C 174/146)

WRITTEN QUESTION E-3668/97

by Freddy Blak (PSE) to the Commission

(19 November 1997)

Subject: Equal pay

The difference between men's and women's pay has increased in Denmark in recent years. The contrast is now so sharp that the average monthly wage of a male and female worker differs by 147.3%. A new study shows that wage differences primarily arise where the system of pay is not transparent and the criteria determining the amount of pay are not clear and objective.

Systems of pay that lead to growing wage differentials between men and women must clearly be contrary to Directive 75/117/EEC ([1]) on equal pay. What stringent sanctions will the Commission use to ensure that Denmark complies with the equal pay directive?

([1]) OJ L 45, 19.2.1975, p. 19.

Answer given by Mr Flynn on behalf of the Commission

(14 January 1998)

The principle that men and women should receive equal pay for equal work has been enshrined in Community law since its origins (Article 119 of the EC Treaty). It was amplified by the equal pay Directive 75/117/EEC, which introduced the concept of equal pay for work of equal value. All Member States, including Denmark, have fully transposed into their national law this Community legislation. However, the attainment of equal pay for women and men is not yet a reality due to various factors (horizontal and vertical segregation in the structure of female employment, undervaluing of female occupations, variations in employment structures and reward systems). In order to help lessen the pay gap between women and men, the Commission adopted in July 1996 a code of practice in this field. This aims to provide concrete advice for employers and collective bargaining partners at all levels, on how to set up and implement job evaluation and job classification systems, which are considered to be essential in order to eliminate sexual discrimination from pay structures.

(98/C 174/147)

WRITTEN QUESTION E-3669/97

by Nikitas Kaklamanis (UPE) to the Commission

(19 November 1997)

Subject: Transit of drugs through the Balkans

According to the Geopolitical Drugs Monitoring Unit based in Paris, large quantities of drugs produced in the Caucasus and Turkey are passing through the Bulgarian ports of Varna and Burgas en route to Western Europe.

A representative of the Bulgarian Ministry of the Interior, Szandar Krumov, stated that hundreds of Turkish, Bulgarian and FYROM undertakings are engaged in drugs trafficking in Bulgaria and many of them are under police surveillance. As far as the quantity of drugs seized by the authorities is concerned, the Bulgarian official stated that in 1997 it amounts to 57.4 kilos of heroin and 530.9 kilos of hashish, quantities which the Geopolitical Drugs Monitoring Unit considers utterly inadequate, given the volume of drugs passing through the country and the amount of hashish and opium produced especially by ethnic Turks in the south of Bulgaria.

Will the Commission give its official view on this matter and say what measures it intends to take to put an end to the unchecked passage of drugs from Turkey and the surrounding region via Bulgaria to the EU, given that Bulgaria is receiving EU aid owing to its participation in the PHARE programme and that Turkey has signed the Customs Union agreement with the EU?

Answer given by Mrs Gradin on behalf of the Commission

(13 January 1998)

The Commission is concerned about the smuggling of drugs through the Balkans route. At a ministerial meeting between the Community and Central and Eastern European countries in November 1996, South-eastern Europe was identified as a priority region for strengthening co-operation in drug law enforcement between the Member States and countries of Central and Eastern Europe.

The Commission under the Phare multi-country drugs programme — which is the principal financial instrument of the Community for co-operation with Central and Eastern Europe in the field of drugs — assists the Phare partner countries in their efforts to combat drug abuse and illicit trafficking of drugs. A joint United Nations international drug central programme (UNDCP)/Community/PHARE drug law enforcement programme in South-eastern Europe covering in a first phase Bulgaria, Romania and former Yugoslav republic of Macedonia (FYROM) is in preparation in order to:

— strengthen controls against drug smuggling at the selected Black Sea ports of Varna, Burgas and Constanta;

— strengthen controls against drug smuggling at selected road border crossings in Romania;

— organise co-operation of control measures and strengthen detection capacities at road border crossings in Bulgaria and FYROM;

— strengthen controls against drug smuggling at selected airports (Sofia, Varna, Constanta, Bucharest, Timisoara, Skopje);

— develop systems for intelligence analysis gathering;

— create mechanisms and expertise for controlled deliveries.

The Community will also participate in a strategic operation planned by the World customs organisation (WCO) to combat drug smuggling in South-eastern Europe. This participation will be financed by the OISIN programme for the training and co-operation among law enforcement authorities ([1]) which is managed by the Commission.

([1]) OJ L 7, 10.1.1997.

(98/C 174/148) **WRITTEN QUESTION E-3670/97**

by Gary Titley (PSE) to the Commission

(19 November 1997)

Subject: Satellite Jamming and the EC Trade Barrier Regulation

From 1 to 23 July 1997, the transmissions of MED-TV on the Eutelsat satellite provider were continuously jammed. The station broadcasts in Kurdish from London under licence from the UK Independent Television Commission.

Can the Commission confirm that the jamming of MED-TV violated the European Community's Trade Barrier Regulation?

Answer given by Mr Oreja on behalf of the Commission

(6 January 1998)

The Commission would refer the Honourable Member to its answer to Written Question E-3449/97 by Mr De Vries ([1]).

([1]) See page 60.

(98/C 174/149)

WRITTEN QUESTION E-3671/97

by Patricia McKenna (V) to the Commission

(19 November 1997)

Subject: Social welfare rights for people with disabilities moving to another state within the EU

At the moment people with disabilities who are in receipt of a disability allowance in their native country are not entitled to receive the same payments if they move to another EU state.

This would appear to breach the EU's commitment to non-discrimination.

Has the Commission any proposals to end this discrimination?

Answer given by Mr Flynn on behalf of the Commission

(8 January 1998)

Disability allowance is a special non-contributory benefit within the meaning of Article 4.2.a) of Council Regulation (EEC) No 1408/71 amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ([1]). These special non-contributory benefits, which have the characteristics of both social security and social assistance, are listed in Annex IIa. Article 10a of Regulation (EEC) No 1408/71 stipulates that such benefits shall be granted exclusively in the territory of the Member State in which the claimant resides. In other words, special non-contributory benefits cannot be 'exported' to another Member State.

It has to be noted, however, that a person who moves to another Member State and resides there is entitled to the special non-contributory benefits provided under the legislation of that Member State under the same conditions as the nationals of that Member State. There is, therefore, no discrimination on the grounds of nationality, and this situation is not contrary to the principle of equality of treatment (Article 3 of Regulation (EEC) No 1408/71).

The question of the interpretation and of the validity of these specific rules of coordination for special non-contributory benefits, introduced in 1992, was raised before the Court of justice in the case of Snares ((C-20/96), concerning the award of disability living allowance provided for under British legislation. Having examined the provisions in dispute in the case, the Court decided in its judgment of 4 November 1997 that they are compatible with Article 51 of the EC Treaty.

([1]) OJ L 28, 30.1.1997.

(98/C 174/150)

WRITTEN QUESTION P-3676/97

by Gianni Tamino (V) to the Commission

(10 November 1997)

Subject: Extension of the concession held by the company Autostrade spa

On 27 October 1997 the Italian Court of Auditors rejected an interministerial decree designed to extend by 20 years, until the year 2038, the concession held by Autostrade spa. In August its office responsible for the monitoring of government acts had already expressed severe doubts about the proposed extension. The reasons for rejecting the decree include its failure to comply with Community law. The Court considered the extension to be defective because of the inclusion of a concession for a new project, an alternative route for the mountain pass between Florence and Bologna, for which a European-wide call to tender would be required. This expedient has also been used in the past to obtain extensions.

Can the Commission confirm the doubts expressed by the Italian Court of Auditors?

Does the Commission intend to ensure respect for all the European regulations applicable to this sector, including in the case in point?

Can the Commission, within the scope of its competence, give its views on the management of concessions granted to Italian motorway companies?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

The Commission is not in possession of either the interministerial decree referred to by the Honourable Member or any information that would enable it to assess that instrument in the light of Community public procurement legislation.

By virtue of the prerogatives assigned to it by Article 155 of the EC Treaty, the Commission will be contacting the Italian authorities with a view to obtaining the factual and legal particulars necessary to verify the decree's compatibility with the relevant Community legislation.

Until such time as that verification has been carried out, the Commission is unable to give its views on the concessions granted to Italian motorway companies.

(98/C 174/151)

WRITTEN QUESTION E-3678/97

by Rosemarie Wemheuer (PSE) to the Commission

(19 November 1997)

Subject: Construction of a power station in Crete

1. Can the Commission say whether a photovoltaic power station is to be built in Crete — and if so when —, what capacity a power station of this kind has, how much EU aid is to be provided and which undertakings are being awarded the contract?

2. It has been repeatedly reported in the press that Greenpeace has had some influence over the construction of plants of this nature. Can the Commission say what this influence amounted to?

3. Can the Commission state what progress has been made in respect of a project promoted under the Thermie Programme for the construction of a solar power station in Crete with a nominal generating capacity of 50 MW and say where this project is due to be built?

4. Is there any connection between the construction of a photovoltaic power station in Crete and the project already being promoted on this island under the Thermie Programme for the construction of a solar power station? Can it confirm reports that the solar power station is to be replaced by the photovoltaic power station?

5. Is the Commission aware of any applications for Regional Fund resources for the construction of fossil fuel power stations in Crete submitted by the Greek Government, the Cretan regional government or any local bodies or state or private undertakings?

Answer given by Mr Papoutsis on behalf of the Commission

(9 January 1998)

1. Under the Energy operational programme, which is part of the 1994-99 Community support framework for Greece, the company Iweco Solar SA has submitted two proposals for the construction of photovoltaic units for the generation of electricity, the first with a capacity of 5 megawatts (MWe) in the Mires area of Heraklion and the second with a capacity of 4.9 MWe in Rethymon. Only the first proposal has been adopted, subject to certain conditions. The Greek authorities are currently examining whether the proposer has fulfilled these conditions.

2. The Commission is not familiar with the reports to which the Honourable Member refers. It therefore cannot provide the details requested.

3. The solar thermal plant of 52 electrical megawatt (MWe), called Theseus, is co-financed by the Thermie programme. The Theseus project concerns the installation of an electricity production power station with a capacity of 52 MWe, which combines a field of solar energy receivers (high temperature technology) with a conventional gas generator (hybrid system). The site envisaged is Fragokastello in the Chania prefecture (Crete). The design phase is supported by Thermie (contract number TE/235/96) due to the innovative character of the proposed hybrid system. Specific details of dimension, design and best suitable consortium will be given at the end of this first phase and in accordance with the regional energy planning in Crete. The project contract was signed in December 1996 and the project started in January 1997.

4. Due the fact that the photovoltaic power plant and the solar thermal plant are being developed through different Commission instruments, different energy technologies (photovoltaic versus hybrid solar thermal), different sizes (5 megawatt peak (MWp) versus 52 MWe), and different objectives (regional development versus technological innovation), there is no reason for exclusion of one project because of the other.

5. The Commission has not received any applications for co-funding under the European Regional Development Fund for this type of project.

(98/C 174/152) **WRITTEN QUESTION E-3684/97**

by Mark Watts (PSE) to the Commission

(19 November 1997)

Subject: Proposed multilateral agreement on investment

What are the Commission's views on the proposed Multilateral Agreement on Investment which is currently being considered by the OECD?

Does the Commission agree that such an agreement could pose a threat to the environment and human welfare worldwide and represent a threat to sovereignty over economic and social affairs?

Does the Commission further agree that the proposals could eliminate all flexibility for flexible investment and could result in investment in inappropriate areas?

Answer given by Sir Leon Brittan on behalf of the Commission

(7 January 1998)

The Community, by decision of the Council of 22 May 1995, participates in the negotiations on a Multilateral agreement on investment (MAI) which are held in the framework of the Organisation for economic co-operation and development (OECD). Negotiating guidelines for the Community and Member States participation in the negotiations were adopted by the Council on 27 November 1995. In May 1997, the OECD ministerial meeting decided that negotiations on the MAI should be finalized by the time of its next meeting in early May 1998

The objective of the Community and its Member States in the negotiations is to achieve a legally binding agreement applying to all levels of government, creating a transparent non-discriminatory and liberal investment environment, covering the pre- and post investment phase restricted by only limited narrowly defined, either horizontal, sectoral or country specific exceptions and supported by effective investor to state and state to state dispute settlement procedures. The result of the negotiations should be in conformity with the EC Treaty and ensure that the Community's integration process can be continued in the future.

It is the Commission's view that, if this objective is achieved, the MAI will fill a gap in international rules for a globalizing economy and will be to the benefit of European investors, jobs and competitiveness. Concerning the possible threat of the agreement to environmental and human welfare and the ability of governments to develop and implement affective environmental policies domestically, the Commission would refer the Honourable Member to its answer to written questions No E-3289/97 ([1]) and No E-3291/97 ([2]) by Mr Kreissl-Dörfler. It is also worth noting that the MAI negotiating group decided in October 1997 to undertake an environmental review of the agreement which should be finalized in January 1998.

([1]) OJ C 134, 30.4.1998, p. 131.
([2]) OJ C 134, 30.4.1998, p. 132.

(98/C 174/153) **WRITTEN QUESTION E-3686/97**

by Jesús Cabezón Alonso (PSE) to the Commission

(19 November 1997)

Subject: The Helms-Burton law and agreements with the United States

With regard to the application of the Helms-Burton law and its consequences and in the view of the details of the agreement between the Commission and the US Administration, does the Commission not consider that the agreement is unbalanced, since Concessions are made by the United States, whilst commitments are made by the European Union?

(98/C 174/154) **WRITTEN QUESTION E-3687/97**

by Jesús Cabezón Alonso (PSE) to the Commission

(19 November 1997)

Subject: The autonomy of foreign policy and the extraterritorial effect of certain laws

The extraterritorial application of certain laws, such as the Helms-Burton law, may restrict the freedom of action of other countries and their foreign and commercial policies, since this freedom is subject to what individuals or businesses may do or intend to do at any given moment.

What steps does the Commission intend to take to avoid these restrictions on the commercial and foreign policies of the European Union?

(98/C 174/155) **WRITTEN QUESTION E-3688/97**

by Jesús Cabezón Alonso (PSE) to the Commission

(19 November 1997)

Subject: The Helms-Burton law

Is the Commission fully aware that after its negotiations with the US Administration on the application of the Helms-Burton law, the US legislative has hardened its position still further against the European Union's interests?

In view of this attitude, what measures has the Commission adopted or does it intend to adopt?

(98/C 174/156) **WRITTEN QUESTION E-3689/97**

by Jesús Cabezón Alonso (PSE) to the Commission

(19 November 1997)

Subject: The extraterritorial effect of certain US laws

What practical steps is the Commission taking to prevent the inclusion in the OECD multilateral investment agreement of the the provisions of the Helms-Burton and D'Amato Kennedy laws, which would thereby acquire extraterritorial effect?

(98/C 174/157) **WRITTEN QUESTION E-3690/97**

by Jesús Cabezón Alonso (PSE) to the Commission

(19 November 1997)

Subject: Legal security of investments in Cuba

Do the negotiations and agreements between the Commission and the US Administration offer businesses which have invested in Cuba the certainty that they will be exempted from any liability resulting from this now and in the future?

Do the negotiations and agreements on the Helms-Burton law offer guarantees of legal security for these investments in Cuba?

Joint answer
to Written Questions E-3686/97, E-3687/97, E-3688/97, E-3689/97 and E-3690/97
given by Sir Leon Brittan on behalf of the Commission

(19 December 1997)

The understanding with the United States is not unbalanced. The Commission has brought a World trade organisation(WTO) panel procedure against the Helms-Burton Act. The Commission considers that this legislation is in violation of international law since it intends to influence (or has the effect of influencing) the behaviour of Community companies because of their involvement in Cuba. The understanding of 11 April 1997 reached between the Community and the US on the Helms-Burton Act and the D'Amato Act, by which the Community agreed to suspend its WTO case regarding the former, calls for the development of disciplines which 'should inhibit and deter the future acquisition of investments from any State which has expropriated or nationalised such investments'. In addition, and in parallel, the understanding also calls for the Community and the US to work together to address and resolve through agreed principles the issue of conflicting jurisdictions and secondary boycotts. It is important to note that the discussions between the Community and the US on this point are in symmetry with the discussions on investment disciplines. These talks are currently taking place with a view to finding an acceptable deal which will trigger a waiver under title IV of the Helms-Burton Act, thereby neutralising the extraterritorial effects of this Act.

In addition, the Community made clear that no settlement of the differences over the Helms-Burton Act will be implemented unless the United States has also granted Community companies a waiver under the D'Amato Act.

The Community has reserved all rights to resume the WTO panel procedure, or begin new procedures, if measures are taken against Community companies under Helms Burton or D'Amato as a result of waivers not being granted or continued.

(98/C 174/158)

WRITTEN QUESTION E-3691/97

by Kirsi Piha (PPE) to the Commission

(19 November 1997)

Subject: Mad cow disease

Mad cow disease — BSE — has, as the Commission knows, been a sensitive issue which has raised strong feelings in the Member States. The European Parliament asked the Commission for a report on BSE and its progression and Mr Böge MEP has drafted a report for the Temporary Committee on BSE which will shortly be debated in Parliament. Now that most of the fuss has died down, a new case of BSE has been found in Belgium. The spread of the disease, the transport and sale of meat originating in another country has made people doubt the principle of freedom of competition. What does the Commission intend to do to ensure that the spread of BSE is halted?

Answer given by Mrs Bonino on behalf of the Commission

(9 January 1998)

The new case of bovine spongiform encephalopathy (BSE) ascertained in Belgium confirms the need for sustained and, if necessary, increased vigilance in regard to the epizootic on the part of all concerned, starting with the Commission.

Hence the measures to combat BSE already introduced by the Commission will be maintained or adapted and, if necessary, strengthened. These measures mainly concern meat and bone meal for animal feed and veterinary inspection and control. The Commission is also working on a proposal concerning surveillance of TSE.

Other measures have been approved or are about to be adopted. They mainly concern research into transmissible spongiform encephalopathies (TSEs), whereby the coordination work between the Member States, as well as funding, will be continued or intensified, and specified risk materials and meal intended for animal consumption, in respect of which the Commission will shortly be tabling new proposals on the control and inspection of the entire production chain. To this end, staff was already increased in 1997 and more will be recruited in 1998. Finally, measures to ensure the traceability of bovines will take effect on 1 January 1998.

Hence, as the Honourable Member can ascertain, the Commission in no way intends to relax its efforts in this area but, on the contrary, intends to reinforce them, not only in order to combat the spread of BSE but also to eradicate the epizootic as rapidly as possible.

(98/C 174/159)

WRITTEN QUESTION E-3694/97

by Kirsi Piha (PPE) to the Commission

(19 November 1997)

Subject: Utilization of PHARE appropriations for Slovenia

The European Union aids the countries of Central and Eastern Europe through its PHARE programme. A great deal of aid has presumably been provided from this programme for the development of the countries which have applied for membership of the EU. Can the Commission provide details of the utilization of appropriations granted under PHARE in 1997 for Slovenia?

Answer given by Mr Van den Broek on behalf of the Commission

(19 December 1997)

The Commission informs the Honourable Member concerning the Phare programme in Slovenia in 1997 as follows:

Under the Phare national programmes the proposed country operational programme 1997 (17.75 MECU) was adopted by the Slovene government on 17 July 1997 and presented to the Phare management committee on 2 October 1997. The table reflects the proposed overall division of funds for the COP 1997:

Priority axis	Programme	Components	Allocation in MECU
INSTITUTIONAL BUILDING 10.30 MECU 58%	Pre-accession Preparation 4.55 MECU	European integration programme Public awareness II Justice and Home Affairs Support to the parliament	3.35 0.50 0.30 0.40
	Adoption of sectoral european norms & standards 5.75 MECU	Agriculture Transport Energy Public finance, financial sector, customs Health and safety at work Standards Professional qualification & certification	1.25 0.45 0.80 1.00 0.75 0.50 1.00
ECONOMIC COMPETITIVENESS 2.45 MECU 13%	Economic competitiveness 1.45 MECU	Trade & investment promotion Local business advisory centres Implementation of technical regulation Family support & social services	0.50 0.20 0.50 0.25
	Vocational, education & training		1.00
INVESTMENTS 5 MECU 29%	Regional micro & small enterprises financial scheme		1.00
	Environment fund		4.00
GRAND TOTAL			17.75

Another additional budget allocation of 1.25 MECU is foreseen for the Tempus programme.

Under the cross border cooperation programmes (CBC) 6 MECU have been allocated for cooperation with Italy and Austria in 1997. The allocation of funds is as follows:

CBC programme 1997	Sectors	Budget allocation in ECU
CBC Slovenia/Italy 3 MECU	Transport border/infrastructure Environment Economic development & cooperation Human resources development Cultural cooperation Programme management	600 000 803 000 970 000 137 000 290 000 200 000
CBC Slovenia/Austria 3 MECU	Technical assistance Economic development Transport border/infrastructure Human resources development Environment	180 000 1 103 000 701 000 206 000 810 000

The overall Phare budget for Slovenia committed in 1997 is 25 MECU.

(98/C 174/160)

WRITTEN QUESTION E-3697/97

by Kirsi Piha (PPE) to the Commission

(19 November 1997)

Subject: Utilization of PHARE appropriations for Latvia

The European Union aids the countries of Central and Eastern Europe through its PHARE programme. A great deal of aid has presumably been provided from this programme for the development of the countries which have applied for membership of the EU. Can the Commission provide details of the utilization of appropriations granted under PHARE in 1997 for Latvia?

Answer given by Mr Van den Broek on behalf of the Commission

(16 December 1997)

The 1997 Phare-funded country operational programme (COP) for Latvia of a total amount of 37.6 MECU focuses on infrastructure, European integration, private sector development and institutional and human resources development. The priority areas in 1997 are:

— European integration (5.5 MECU)

— Public sector development (4.85 MECU)

— Private sector development (6.1 MECU)

— Financial sector development (2.2 MECU)

— Education (1.65 MECU)

— Energy (3.9 MECU)

— Environment (6.1 MECU)

— Transport (5.1 MECU)

— Management (1.3 MECU)

In addition to the 1997 national programme 1.8 MECU has been committed for Tempus and 3.2 MECU for cross-border cooperation projects.

The financing memorandum for the 1997 programme was signed in November 1997 and the programme will be implemented during 1998 and 1999. It is therefore to early to assess the impact of the 1997 programme.

(98/C 174/161)

WRITTEN QUESTION E-3698/97

by Kirsi Piha (PPE) to the Commission

(19 November 1997)

Subject: Utilization of PHARE appropriations for Lithuania

The European Union aids the countries of Central and Eastern Europe through its PHARE programme. A great deal of aid has presumably been provided from this programme for the development of the countries which have applied for membership of the EU. Can the Commission provide details of the utilization of appropriations granted under PHARE in 1997 for Lithuania?

Answer given by Mr Van den Broek on behalf of the Commission

(22 December 1997)

The 1997 Phare-funded country operational programme (COP) of a total amount of 43.2 MECU includes the following components:

— European integration (11 MECU) support for institutional, legislative and regulatory development for Lithuania's integration into the Community. Assistance in this area will include activities, linked to institution-building and structural identification, by the inter-ministerial working groups;

— infrastructure (14 MECU) direct investment into some transport, telecommunication, energy and environment projects;

— economic development (12.85 MECU) agriculture, enterprise development and export promotion, privatization, and financial sector reform;

— health and human resources development (4.5 MECU) in particular health management reform as well as education and training;

— management (0.85 MECU).

In addition to the 1997 national programme, 2.8 MECU has been committed for Tempus and 4.3 MECU for cross-border cooperation.

The financing memorandum for the 1997 programme was signed in November 1997 and the programme will be implemented during 1998 and 1999. It is therefore to early to assess the impact of the 1997 programme.

(98/C 174/162) **WRITTEN QUESTION E-3703/97**

by Marjo Matikainen-Kallström (PPE) to the Commission

(19 November 1997)

Subject: Banning the use of asbestos

International studies show that asbestos is a really dangerous substance. In the 2000s as many as 10 000 a year people will die of diseases caused by asbestos, mainly lung cancer. Asbestos can be completely replaced by other materials, which have the same properties and are considerably safer.

The new use of asbestos is already prohibited in the Nordic countries, Germany, the Netherlands and France. The Commission has, however, for some reason or other delayed taking the decision to ban the use of asbestos. If the Commission allows the new use of asbestos to continue, it will Longer be possible to use national legislation to prevent the import of equipment and machinery containing asbestos.

What stage of preparation has the directive banning the new use of asbestos reached? These decisions are starting to become urgent, particularly in view of the dangers presented by asbestos. Moreover, some manufacturers use asbestos as a cheap competition tool in place of less dangerous but more expensive replacement substances. Do not the Commission's own bad experiences of the dangers of asbestos argue for a speedy decision?

Supplementary answer
given by Mr Bangemann on behalf of the Commission

(16 January 1998)

The Commission shares the concerns expressed by the Honourable Member about the health effects of asbestos.

All types of asbestos are classified in the Community as category 1 carcinogens (ie. known to be carcinogenic to humans) and since the mid-1980s the Community has operated a policy of controlled marketing and use of asbestos. All but one of the different types of asbestos fibres are now banned completely and there are considerable restrictions on the remaining fibre, chrysotile. Fourteen categories of products containing chrysotile are also banned.

In addition to these restrictions on the marketing and use of asbestos-containing products, there are strict Community controls on exposure of workers to asbestos and on release of asbestos fibres to the environment.

Notwithstanding the progress made so far, the Commission shares the Honourable Member's feeling that the time is right to review the current legislative position across the Community. Including Finland, there are eight Member States which now have national restrictions on chrysotile asbestos which go beyond the current Community position. During the past 18 months the Commission has commissioned a series of studies and has held several meetings with the experts of Member States and other interested parties.

The most recent study assesses current scientific knowledge about the hazards and risks of chrysotile. It suggests that there are now safer alternatives available for almost all products for which chrysotile is currently used.

On the basis of what is known about the health risks, therefore, the Commission plans to propose a Community wide ban on chrysotile asbestos, with exceptions. This preliminary policy position was presented to Member States and industry at a working group meeting held on 9 December 1997. It is clear that there is a qualified majority in favour of the principle, although more discussion is needed to agree an acceptable list of exceptions. The details of the Commission proposal will depend in part on the outcome of a further study into the technical and economic consequences of substitution. This study should be completed by the end of March 1998, and a formal proposal for a directive will be made shortly afterwards.

(98/C 174/163)

WRITTEN QUESTION E-3704/97

by Jyrki Otila (PPE) to the Commission

(19 November 1997)

Subject: A pharmacists' monopoly in Finland?

The 'University Pharmacy' opened in Helsinki in 1828. In 1953 an amendment to the Pharmacies Act gave it the right to open branch pharmacies too.

Finnish law also grants the University Pharmacy a number of privileges, whereby it is not required to pay the 'pharmacy levy' to the state and also enjoys other tax benefits.

Originally the University Pharmacy was founded as a pharmacy linked to Helsinki University and working specifically in the city of Helsinki. Its raison d'être was the training it provided to persons studying pharmaceutics at Helsinki University.

Now the University Pharmacy has expanded its activities to other cities which do not even have a university. Moreover only 27% of pharmaceutics students (in 1997) carry out their compulsory practical training as part of their studies at the University Pharmacy, the other 73% going to private pharmacies.

In my view this practice is in conflict with the legislation on competition and the EU's principles of trade policy. From the point of view of competition the University Pharmacy occupies a distinct monopoly position. Is the Commission aware of this situation in Finland, and if not, what it will do to rectify it?

Answer given by Mr Van Miert on behalf of the Commission

(13 January 1998)

The Commission is aware of the alleged privileged position of the Pharmacy of the University of Helsinki. The Honourable Member claims the existence of state benefits (exemption from pharmacy levies and other tax benefits) and a monopoly situation. However, a monopoly does not seem to exist. As evidenced by the information provided private pharmacies do also exist and thus compete with the University Pharmacy.

The alleged state benefits have to be examined under the state aid rules of the EC Treaty. According to these rules, the Commission can only act when trade between Member States is distorted by state measures which favour certain enterprises.

On the basis of the available information, the Commission concludes that the benefits in question will only have local effects, limited to places with retail outlets of the University Pharmacy. Thus, trade between Member States will not be distorted.

The Commission does not therefore intend to investigate further into this matter.

(98/C 174/164)

WRITTEN QUESTION E-3710/97

by Phillip Whitehead (PSE) to the Commission

(19 November 1997)

Subject: Animals and cosmetic testing

Would the Commission consider giving the Eco-label a cruelty free dimension?

Answer given by Mrs Bjerregaard on behalf of the Commission

(15 January 1998)

The Community eco-label award scheme, established by Council Regulation (EEC) No 880/92 on a Community eco-label award scheme [1] does not provide for the establishment of criteria specifically aimed at animal welfare. However, an eco-label may not be awarded to products which do not comply with Community legislation applicable to animal testing such as Directive 86/609/EEC on the protection of animals used for experimental and other scientific purposes [2].

So far the problem has been purely hypothetical, given that eco-labelling criteria have not been established for product groups, such as cosmetics.

In the Commission proposal [3] to revise Regulation (EEC) No 880/92 there are no specific animal testing protection requirements.

(1) OJ L 99, 11.4.1992.
(2) OJ L 358, 18.12.1986.
(3) COM(96) 603 final.

(98/C 174/165)

WRITTEN QUESTION P-3714/97

by Luciano Vecchi (PSE) to the Commission

(12 November 1997)

Subject: Obstacles to the free movement of doctors in the United Kingdom

Various Community citizens whose medical or surgical degrees are in order, are certified qualified to practise medicine or have a medical specialization have been the victims of blatant discrimination by the UK authorities as regards access to the medical profession.

In particular, in many cases doctors trained in other Community countries are required to have the MRCP certificate, which can be obtained only in the UK following two years' general practice, in order to have access to professional or training activities, when it is not necessary in other European countries.

This situation clearly conflicts with the principles of freedom of movement for workers and the horizontal and vertical directives on access to the regulated professions.

1. Is the Commission aware of this discrimination?
2. Has the Commission taken or will it take action against the UK authorities to resolve these problems?
3. What recourse is open to Community citizens who are discriminated against by these rules?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

1. and 2. Since the Commission does not have the information necessary to investigate the problem raised, it regrets that it is at present unable to give an answer. It therefore requests the Honourable Member to provide further particulars.

3. Community citizens who consider themselves to have been discriminated against through a decision of the authorities of a Member State concerning access to training or to the taking-up or pursuit of a profession may apply to the courts of the country in question. If there is doubt whether a provision of national law is compatible with Community law, the national court may, where necessary, submit a reference to the Court of Justice for a preliminary ruling on one or more questions. The individuals in question may also make a complaint to the Commission.

(98/C 174/166)

WRITTEN QUESTION E-3719/97

by Stelios Argyros (PPE) to the Commission

(19 November 1997)

Subject: Information brochure published by the Common Research Centre

The European Research Centre (Commission, DG XII) recently issued a multifold information brochure in A4 x 8 format concerning the Joint Research Centres. This publication is printed on both sides and appears on 'illustration' paper with plastic surfacing.

Owing to its format, this publication is of questionable practical utility; moreover, owing to its composition, the paper is non-recyclable and is thus non-environmentally friendly.

However, it was undoubtedly very expensive to produce, despite attempts to cut the cost of the JRCs as part of the general austerity measures applied to Community research policy.

Will the Commission say:

— How much did this publication cost to produce?

— Which service approved the expenditure?

— What is believed to be purpose and expected benefit of this publication?

Answer given by Mrs Cresson on behalf of the Commission

(7 January 1998)

The Commission's Joint Research Centre (JRC) plays a vital role in providing scientific assistance for Community policies.

Moreover, it has great potential for promoting innovation in European industry through its competitive activities, but this potential is not sufficiently well known as yet.

Consequently, an active approach to promoting the transfer of technology, collaborative research and training has been adopted, with a view to increasing the value added by the JRC for the individual and for European industry.

This approach also means that the JRC's activities have to be more clearly explained. The poster to which the Honourable Member refers was produced with this aim in mind. It cost ECU 6 114 for 10 000 copies.

(98/C 174/167)

WRITTEN QUESTION E-3720/97

by Mark Watts (PSE) to the Commission

(21 November 1997)

Subject: Benefit levels for carers in EU Member States

Can the Commission please provide a breakdown by Member State of the level of benefit paid to individuals acting as a carer for a disabled person, an elderly person or children?

Answer given by Mr Flynn on behalf of the Commission

(8 January 1998)

The Commission has launched a study on care provision for older people in the Member States which will be published in the first half of 1998. This study will be provided to the Honourable Member and to Parliament's Secretariat as soon as it is available.

The mutual information system on social protection (MISSOC) documentation in the Member States is sent directly to the Honourable Member and to Parliament's Secretariat. His attention is particularly drawn to chapter X that contains information on family benefits in general and on benefits for disabled children in particular.

(98/C 174/168)

WRITTEN QUESTION E-3721/97

by Bryan Cassidy (PPE) to the Commission

(21 November 1997)

Subject: Progress of the single market in building materials

I have previously (question No E-3170/96 [1]) asked the European Commission about progress in the development of test methods for building materials in the single market, and I understand that a decision about the selection of a test method is imminent.

Based on recent knowledge about several large European fires, I would like the Commission to reassure me that the method to be selected will cover all important parameters, including development of smoke, which is a major cause of deaths in fires.

I understand that an international standard, ISO 9705, already exists and is applied in several Member States. As the establishment of free trade, also beyond the borders of the single market, is of the utmost importance for European enterprises, I would like to urge the Commission to ensure that this standard, or a European standard directly comparable to ISO 9706, is selected.

Subsidiarity is a principle that should be adhered to as much as possible, but in cases where European citizens' lives are at risk it is also of extreme importance that it is ensured that the basic requirements for differentiation of material are implemented in all member countries, and that the requirements cover all risk elements in the products concerned. I would ask the Commission to confirm that this will be the case when deciding on test methods and standards in the area of building materials.

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[1] OJ C 105, 3.4.1997, p. 62.

Answer given by Mr Bangemann on behalf of the Commission

(8 January 1998)

In its Decision 94/611/EC of 9 September 1994 [1] implementing Article 20 of Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products [2], the Commission defined five of the six test methods to be used for the classification of construction products with respect to their reaction to fire. The sixth test, the 'single burning item' test for products other than floorings, has required further development.

Following the completion of an experimental programme involving fifteen European laboratories each testing thirty construction products three times, the Commission sought the opinion of Member States on the 'single burning item' test method at the meeting of the standing committee on construction on 2 and 3 December 1997. The national fire regulators from all Member States had already been fully involved in the development of the test method. The standing committee expressed a positive opinion on the adoption of the test method, by qualified majority (thirteen Member States in favour, one against and one abstention). The standing committee also agreed to mandate the development of the European standard for the test method to the European committee for standardisation (CEN).

The Commission would like to stress that all the fire parameters foreseen in Decision 94/611/EC, including smoke production, have been retained, the latter being one of the five parameters to be measured in the 'single burning item' test. In addition, the international standard ISO 9705 has been maintained as the reference scenario for the whole classification system.

The Commission considers that the European classification system, based on the European standards describing the six test methods, will cover all necessary fire risk elements and provide sufficient discrimination between construction products. The system will also respect the right of Member States to regulate building safety according to their different traditions, and to set appropriate levels of safety for their citizens.

(1) OJ L 241, 16.9.1994.
(2) OJ L 40, 11.2.1989.

(98/C 174/169)

WRITTEN QUESTION E-3732/97

by Yves Verwaerde (PPE) to the Commission

(21 November 1997)

Subject: General Agreement on Trade and Services (GATS)

Would the Commission inform me of the state of progress in implementing these agreements in the audiovisual sector?

Answer given by Sir Leon Brittan on behalf of the Commission

(23 December 1997)

As a result of the Uruguay round the Community and its Member States did not undertake any specific commitments on market access (MA) and national treatment (NT) on audio-visual services. In addition, exemptions to the General agreement on trade in services (GATS) most-favoured nation (MFN) obligation (1) were undertaken in order to preserve works of European origin; the possibility to maintain bilateral or plurilateral agreements on coproduction of audiovisual works in relation to distribution and access to funding; and, European support programmes such as the action plan for advanced television services, MEDIA or Eurimages. Therefore, the Community and its Member States have no specific MA and NT obligations to apply GATS principles or commitments in the field of audio-visual services.

Furthermore, only a very limited number of World trade organisation (WTO) countries have commitments on audio-visual services and many have in addition taken MFN exemptions. The only problems on the implementation of those commitments raised so far are:

(i) United States: on 15 February 1997, the United States undertook an MFN exemption on satellite transmission of direct to home, digital broadcast services and digital audio services in the framework of the GATS agreement on basic telecommunications. The Community indicated at the time that this MFN exemption was in conflict with the American obligations on audio-visual services under the GATS. It is not possible to predict yet whether the United States will take any measures in this sense, since the Agreement on basic telecoms only enters into force on 1 January 1998. In any case, the Community reserved its rights as to possibly challenging that MFN exemption in the future.

(ii) Canada: although Canada undertook no specific MA and NT commitments on audio-visual services and protected some audio-visual activities through MFN exemption, this exemption does not protect film distribution activities. Therefore Canada is bound to the MFN obligation for film distribution services. The Commission is currently analysing the case of an European film distributor (Polygram) which claims to be suffering a discrimination in Canada vis-à-vis American distributors of film. The Commission and the Member States have had informal consultations with the Canadian government in order to clarify this situation and analysis continues.

The Commission is not aware of any further problems of application of the GATS agreement in relation to audio-visual services.

(1) This obligation applies unless it is specifically excluded, even if there are no specific commitments for a given sector.

(98/C 174/170)

WRITTEN QUESTION E-3734/97

by Yves Verwaerde (PPE) to the Commission

(21 November 1997)

Subject: EU support for film festivals and prizes

Would the Commission supply me with figures for European Union support for film festivals and prizes?

Answer given by Mr Oreja on behalf of the Commission

(2 February 1998)

The declining number of European films shown in commercial cinemas has prompted the Commission to provide support for film festivals in order to promote European films and encourage their circulation between Member States.

The readiness of the festivals to apply European programming criteria has meant that the overall impact of this Community measure has been very positive: from 1992 to 1997, the European content of Community festivals went up by nearly 45% while the programmes of supported events were over 80% European. The 'European film festival coordination system', which has been set up under the Commission's aegis for the purpose of carrying out joint activities to the exclusive advantage of European films and currently takes in some 125 festivals, also bears witness to the success of this measure.

The steadily rising attendances at film festivals (20% a year, resulting in a total audience in the Member States of some 12 million in 1997) and the increasing number of such festivals (more than 600) make these events crucially important vehicles for the promotion of European films. Activities organised by these festivals to promote European films have mushroomed in recent years (competitions, contracts, distribution of prize-winning films).

The festivals are also the main discovery grounds for new talent and virtually the only place where young people can learn an approach to the moving image other than that offered by television. Both locally and regionally, their economic and social impact is considerable as are their implications for employment (50 000 jobs every year).

Since 1993, the Community has provided active support for these events under Budget Item B3-2011 as well as in the shape of calls for proposals. The following amounts have been granted (in ECU):

Support for festivals
(Total amounts)

1993	1994	1995	1996	1997
655 000	800 000	845 000	1 210 829	1 629 495

Support for festivals
(Events supported)

Year	Festivals	Coordination	Prizes	Meetings
1993	33	1	4	5
1994	59	1	3	5
1995	66	3	2	8
1996	68	7	–	5
1997	53	5	–	1

(98/C 174/171)

WRITTEN QUESTION E-3735/97

by Yves Verwaerde (PPE) to the Commission

(21 November 1997)

Subject: JEM Programme

Would the Commission supply me with an initial report on this programme specifying:

1. The number of candidates having taking part in exchanges between the European Union and the Asian countries since this programme has been in existence,
2. The number of business receiving the participants and the sectors to which they belong.

Answer given on behalf of Mr Marín on behalf of the Commission

(12 December 1997)

The Junior EU-ASEAN Managers Exchange Programme was set up during 1996 and became fully operative in November 1996. It provides businesses in both regions with an opportunity to take in young managers from the partner region, allowing exchange of experience and culture.

Since November 1996, three groups of young Asian managers (with 14, 17 and 10 members) have been found places in 19 businesses in six Member States, in the commerce and distribution, transport and electronic systems, energy and environment sectors respectively. Some 15 young European managers are to be sent to Asia and 15 young Asian managers are to come to Europe in January and February 1998, entering the distribution and micro-electronic sectors in Asia and distribution, the media and banks in Europe.

The Programme's first year in operation produced excellent results; the firms and young managers taking part expressed genuine satisfaction based on this experience. The Commission has also instructed an independent consultant to draw up an initial evaluation on this basis.

(98/C 174/172)

WRITTEN QUESTION P-3740/97

by Roberta Angelilli (NI) to the Commission

(17 November 1997)

Subject: Assessment of the environmental impact of construction of the Castel Sant'Angelo subway in Rome

I have already submitted a number of questions on the construction of the Castel Sant'Angelo subway.

Press articles published recently state that, when asked about the requirement that the subway project be subjected to an environmental impact assessment pursuant to Annex II of Directive 85/337/EEC ([1]), the Rome councillor responsible for public works maintained that such an assessment was unnecessary under Italian law (in particular circular GAB/96/15208 issued by the Environment Ministry on 7 October 1996).

The Commission has, however, indicated in other cases that the presidential decree of 12 April 1996 should be referred to in connection with projects covered by Annex II of the above Directive, since it appears to constitute an accurate transposition of Community law.

The above presidential decree stipulates that, for projects such as the subway, it is the job of the regional authorities to establish whether an environmental impact assessment is required and to lay down the relevant procedures. Despite this, Latium Regional Council has never looked into the issue of the subway and, furthermore, has yet to pass a regional law governing such matters.

The Rome councillor's reference to the ministerial circular would therefore appear to be unfounded. Furthermore, Rome Council's unilateral decision not to subject the project to an environmental impact assessment, despite the fact that it affects an area of great archaeological and architectural interest, would appear illegal.

Given the above and in view of the fact that Rome City Council has already submitted the final project, which should be adopted on 4 November 1997, would the Commission not agree that:

1. Rome City Council's behaviour constitutes a flagrant breach of Community law, which inter alia could jeopardize EIB funding for the project?
2. it should take further action vis-à-vis Rome City Council, not least in view of the lack of any response from the Italian authorities?

(1) OJ L 175, 5.7.1985, p. 40.

Answer given by Mrs Bjerregaard on behalf of the Commission

(8 December 1997)

With regard to compliance with Community law on whether a project covered by Annex II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (1) is or is not required to undergo an environmental impact assessment, which probably covers the Castel Sant'Angelo subway, referred to in this question, the Honourable Member is asked to refer to the answer given to his Written Question E-3410/97 (2).

As regards the financing of the project by the European Investment Bank (EIB), the Honourable Member is asked to refer to the answer given to his Written Question E-3409/97 (3).

(1) OJ L 175, 5.7.1985.
(2) OJ C 158, 25.5.1998, p. 104.
(3) See page 54.

(98/C 174/173)

WRITTEN QUESTION E-3741/97

by Anita Pollack (PSE) to the Commission

(21 November 1997)

Subject: EU biodiversity strategy

Does the Commission have any plans to identify gaps in existing EU measures and policies to ensure biodiversity conservation?

Answer given by Mrs Bjerregaard on behalf of the Commission

(19 december 1997)

As a party to the Convention on biological diversity, the Community has, pursuant to Article 6, the obligation to prepare a biodiversity strategy.

Furthermore, the Council in its conclusions on 18 December 1995, took the view that with regard to matters within the field of its competence and in close cooperation with its Member States, the Community should prepare a Community strategy to identify gaps in the Community conservation policy, and to promote the integration of conservation and sustainable use of biological diversity into the policies of the Community, complementary to the strategies, programmes and plans of the Member States, in order to ensure the full implementation of this convention.

Consequently, the Commission is finalizing a communication to the Council and to the Parliament on the Community biodiversity strategy. This strategy will identify gaps in existing Community measures and policies to ensure biodiversity conservation. The communication is foreseen to be transmitted to the Council and to the Parliament in early 1998.

(98/C 174/174)

WRITTEN QUESTION E-3742/97

by Anita Pollack (PSE) to the Commission

(21 November 1997)

Subject: Conflict between structural funds and environment

Given the over-abstraction from aquifers caused by intensive irrigation around the River Guadiana in Spain and Portugal, is the Commission aware that the structural funding for the construction of Alqueva dam in Portugal will threaten important wetlands including those of the Daviniel National Park, thus acting in contradiction of the biodiversity strategy?

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

(15 December 1997)

Following Portugal's application for the granting of Structural Fund assistance to the Alqueva project, several assessments were made of the latter's environmental impact, assessments which helped to produce guidelines for the drawing-up of an environmental management plan for the area concerned.

The plan subsequently drawn up by the Portuguese authorities and presented to the Commission includes some minimizing and compensatory measures aimed in particular at lessening the effects of the project on the biodiversity of the region.

On 27 July 1997, in the process of endorsing the programme, and aware as it was of the importance of the environment in the context of the implementation of the project, the Commission provided for the setting up of a number of technical monitoring groups, including one dealing with water issues and one dealing with nature conservancy. The Commission, the authorities with special responsibility for the environment and non-governmental environmental organizations will be represented on those groups. The Commission's presence will, in particular, make it possible to verify that the environmental management plan for the Alqueva area is being implemented properly.

(98/C 174/175)

WRITTEN QUESTION E-3743/97

by Anita Pollack (PSE) to the Commission

(21 November 1997)

Subject: Chemicals which disrupt reproduction

What is the view of the Commission about alkyl phenol ethoxylates (APEs) [oestrogenic chemicals known to disrupt fish reproduction] which are used in cleaners, dehumidifiers, corrosion inhibitors and de-oilers; is the use of these products regulated in any way?

Answer given by Mr Bangemann on behalf of the Commission

(7 January 1998)

Alkyl phenol ethoxylates, including their degradation product nonyl phenol, belong to a group of chemicals which has given cause for concern due to its effects in the aquatic environment. Lately, the alkyl phenyl ethoxylates have also been discussed in relation to endocrine disruption.

The Commission is currently forming its view on the risks posed by the alkyl phenyl ethoxylates. Nonyl phenol has been given priority for risk assessment under Regulation (EEC) No 93/793 of 23 March 1993 on the evaluation and control of the risk of existing substance ([1]). The outcome of the risk assessment, carried out by the competent authority in the United Kingdom, will include, if appropriate, a strategy for limiting the risks. The result of the risk evaluation and a recommended strategy will be adopted at Community level and published by the Commission. The Commission may then decide to propose Community measures within the framework of relevant legislation.

The Commission is examining the use of alkyl phenyl ethoxylates in detergent formulations as part of its review of the Community legislation on detergents.

(1) OJ L 84, 5.4.1993.

(98/C 174/176)

WRITTEN QUESTION E-3744/97

by Anita Pollack (PSE) to the Commission

(21 November 1997)

Subject: Fire safety in hotels

Further to Question E-1423/97 (1), can the Commission indicate what action is being taken on the recommendations set out in the CETEN/APAVE Study, particularly those relating to the Fire Safety Training of Hotel Staff, the Inspection and the Maintenance of Fire Safety Equipment, the Unification of National Hotel Fire Safety Regulations and the Creation of a Hotel Fire Safety Register? These matters were put forward in Section V.I (synthese des propositions) of the study (pages 716 and 717).

(1) OJ C 45, 10.2.1998, p. 29.

Answer given by Mrs Bonino on behalf of the Commission

(9 January 1998)

As the Honourable Member will know from the Commission's reply to her written question E-1423/97 earlier this year, the study carried out by CETEN/APAVE has as its objective a verification of the degree to which Member States had implemented in their national legislation the recommendations included in the Council Recommendation 86/666/EEC of 22 December 1986 on fire safety in existing hotels (1).

The result of the study was that national legislations almost always have incorporated the elements of the Recommendation so that these may be considered as minimum standards always respected and in some cases even exceeded.

The recommendations made by the authors of the study were made on their own initiative. While definitely interesting and potentially inspiring for any new measures at national or Community level, they are not binding on the Commission. As the study demonstrated the success of the measures already agreed, the Commission does not, for the moment, envisage any particular follow-up of these recommendations.

(1) OJ L 384, 31.12.1986.

(98/C 174/177)

WRITTEN QUESTION E-3745/97

by Anita Pollack (PSE) to the Commission

(21 November 1997)

Subject: Implementation of recommendation on Childcare

In its response to Question No E-0524/97 (1) in April, the Commission said it was still awaiting responses from two Member States but that it would be publishing its report 'in the coming months'. When will the report be published and will the Commission do so without waiting any longer for outstanding responses, since the review was due to have been done in 1995?

(1) OJ C 319, 18.10.1997, p. 101.

Answer given by Mr Flynn on behalf of the Commission

(9 January 1998)

The report on the implementation of the Recommendation on childcare has been drafted on the basis of replies from thirteen Member States. This report will be adopted and published in the very near future.

(98/C 174/178) **WRITTEN QUESTION E-3748/97**

by Roberta Angelilli (NI) to the Commission

(21 November 1997)

Subject: Purchase of uniforms for the staff of ATAC (the local bus and tram company)/ CO.TRA.L. (the Lazio public transport consortium)

A statement was recently submitted to the Public Prosecutor's Office in Rome concerning alleged irregularities in the supply of uniforms for the staff of ATAC/CO.TRA.L. According to this statement, submitted by the regional secretariat of the National Confederation of Transport Workers, not only did the uniforms supplied under a contract awarded by ATAC as a result of a private bidding procedure to a Rome firm not correspond to the samples as regards the quality of the material, but the attitude shown by ATAC/CO.TRA.L. was contrary to that indicated in the letter awarding the contract, which stated that if the goods supplied did not match the specifications the whole transaction would be called into question. Instead, the company solved the problem on 13 June 1997 by merely obtaining a very small discount on the goods supplied, without refusing the consignment as laid down. This situation raises doubts about the correctness of the prices indicated in the letter awarding the contact, in view of the large number of items of clothing needed by the company and the special characteristics of the materials required for the uniforms.

In view of the above, can the Commission say:

1. whether the call to tender concerned complied fully with European legislation on public supply contracts, in particular Directive 93/38/EEC [1] coordinating the procurement procedures of entities operating in the transport sector;

2. what its opinion of the above-mentioned affair is?

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[1] OJ L 199, 9.8.1993, p. 84.

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

1. The particulars given by the Honourable Member, namely that, when supplied, the uniforms did not correspond to the samples on the basis of which the contract had been awarded and that the awarding authority did not refuse the entire consignment but simply asked for a discount, contrary to what was stipulated in the letter awarding the contract, do not constitute breaches of Community public procurement legislation.

They relate to the implementation phase of the contract, viz. the obligations to be met by the parties under the contractual relastionship. They must therefore be assessed in the light of national legislation and not in the light of the Community public procurement directives that coordinate contract award procedures but leave implementation to the national legislature.

Nor is the correctness of prices covered by the directives. Consequently, it can at most be assessed by national courts in the light of the relevant provisions of national law.

2. For the reasons given above, the Commission is unable to comment on the particulars of this case.

(98/C 174/179)

WRITTEN QUESTION E-3750/97

by Roberta Angelilli (NI) to the Commission

(21 November 1997)

Subject: Execution of services connected with the activities of Alitalia Spa

With regard to the joint answer to questions E-1858/97 and E-1859/97 [1] it should be specified that the transport services referred to are expressly provided for staff and crews of Alitalia Spa. Consequently, whichever company concluded the contracts in question, whether the Società Aeroporti di Rome Spa or Alitalia Team Spa, it is necessary, for the purposes of the transparency of these agreements, to clarify the relationship between Alitalia Spa and the above-mentioned companies. Furthermore, despite the provisions of Article 1(b) of Directive 92/50/EEC [2] and recital 18 of Directive 93/38/EEC [3], Alitalia is a company 90% of whose capital is held by IRI, a public holding company. Nevertheless, the company can conclude contracts for tens of billions of Lire without being subject to any rules governing transparency, unlike other public companies, such as Ferrovio delle Stato Spa (the State Railways). This is an obvious anomaly, for which it is hard to find any justification.

In view of the above, can the Commission say:

1. whether both the contracts referred to in the above-mentioned written questions are to be considered as having been concluded by Alitalia Spa;

2. the reason for the anomalous situation whereby Alitalia Spa, 90% of whose capital is held by the public holding company IRI, should be excluded from the application of any European law on public contracts, thereby jeopardizing the correctness and transparency of the contracts concluded by it?

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[1] OJ C 60, 25.2.1998, p. 59.
[2] OJ L 209, 24.7.1992, p. 1.
[3] OJ L 199, 9.8.1993, p. 84.

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

1. In her previous written questions (E-1858/97 and E-1859/97), the Honourable Member stated that the contracts for the transport of passengers and crew had been awarded by Alitalia S.p.A. through its administrative office at Fiumicino airport and through Alitalia Team S.p.A. respectively.

2. The Honourable Member is asked to refer to the answer given to those written questions as regards the scope of Directives 92/50/EEC coordinating award procedures for public service contracts and 93/38/EEC coordinating contract award procedures in the water, energy, transport and telecommunications sectors.

(98/C 174/180)

WRITTEN QUESTION E-3751/97

by Florus Wijsenbeek (ELDR) to the Commission

(21 November 1997)

Subject: The Austrian ecopoint system

Is the Commission aware that there are problems with the introduction of the electronic ecopoint system in Austria, as a result of which Dutch hauliers will face difficulties next year because of a shortage of the old eco-vouchers?

Can the Commission say how it is kept abreast of developments in Austria's electronic ecopoint system?

If so, will the Commission take measures to reduce to a minimum the adverse impact of the Austrian system on Dutch hauliers, bearing in mind, inter alia, that the Dutch licensing authority (NIWO) is having to invest in a new computer system and it is anticipated that the Austrian ecopoint system will cease to exist on 1 January 2001?

Is the Commission aware whether and how the Member States of the European Union are kept informed of developments with regard to Austria's electronic ecopoint system?

If so, does the Commission know what reactions there have been in other EU Member States to the problems associated with the introduction of this electronic ecopoint system?

Answer given by Mr Kinnock on behalf of the Commission

(21 January 1998)

The Commission has been regularly kept informed by the responsible Austrian ministry — the Bundesministerium für Wissenschaft und Verkehr — about progress with the installation of the electronic ecopoint system. The latest information was given to the Commission on 10 November 1997 when the Austrian authorities confirmed that the new system would be fully operational, as scheduled, on 1 January 1998.

As far as the impact that the system will have on Dutch hauliers is concerned, the Honourable Member is reminded that the ecopoint system will only cease to exist on 1 January 2001 if the aim of the system — a 60 percent reduction in nitrogen oxides (NOx) emissions by trucks transiting Austria — has already been achieved on a sustainable basis by that date. If this target is not achieved the system will continue until 31 December 2003.

The Commission would like to point out that no investments in new computer systems are required as a result of the electronic ecopoint system. The system has been designed in such a way that each Member State needs no more than a standard office personal computer and an Internet connection.

Member States have been kept informed of developments through the meetings of the Ecopoint Management Committee which has met on average 3-4 times per year.

Certain Member States have expressed concerns about switching from the bureaucratic and inadequate paper-based ecopoint system to a telematics-based electronic system. However, the Honourable Member is reminded that Member States voted unanimously in favour of this system when the issue was discussed in detail during the Austrian accession negotiations.

(98/C 174/181) **WRITTEN QUESTION E-3753/97**

by Maartje van Putten (PSE) to the Commission

(21 November 1997)

Subject: Assistance to customs services in implementing the Convention on International Trade in Endangered Species and Council Regulation (EC) No 338/97

With reference to Council Regulation (EC) No 338/97 ([1]) on the protection of wild fauna and flora by regulating trade therein:

1. Does the Commission know whether all Member States have designated management authorities to implement the Regulation and whether all Member States have designated customs offices to monitor the introduction of wild fauna and flora?

2. Does the Commission know whether the management authorities are carrying out their responsibilities properly (and more particularly whether they are able to do so) and whether the customs offices have sufficient staff with the necessary expertise and adequate facilities to transport and accommodate live animals and plants?

3. If not, what has the Commission done to assist them, thereby enabling the required facilities to be provided?

4. Has the Committee chaired by a Commission representative which is responsible for implementing the Regulation been set up yet and if so, what has it done to date?

5. Is the exchange of information between the Member States and the Commission as provided for by Article 15(1) of Regulation No 338/97 adequate to enable the Regulation to be implemented? If so, on what subjects is information exchanged? If not, why not, and what further information is needed?

6. Does the Commission know whether information is exchanged between customs offices? If so, between which, and to what does it relate? If not, will the Commission assist such an exchange of information, as Parliament has requested?

(1) OJ L 61, 3.3.1997, p. 1.

Answer given by Mrs Bjerregaard on behalf of the Commission

(19 December 1997)

1. All Member States have designated management and scientific authorities under Article 13 of Regulation (EC) No 338/97 on the protection of wild fauna and flora by regulating trade therein. The designation of places of introduction and export under Article 12 of the regulation has not yet been completed in all Member States but is expected to have taken place before the end of 1997.

2. The administrative authorities — most of which have been implementing legislation in this area for almost fifteen years now — should be in position to fulfil their tasks under Regulation (EC) No 338/97. A proper assessment thereof, however, can only be made when this legislation has been in place for a longer period of time and e.g. together with the biennial reports in Article 15(4)(c) and (d) of Regulation (EC) No 338/97. The second part of the question can only be answered after the designation process referred to in point 1 is finalised.

3. In view of the above, it has not been necessary for the Commission to assist these authorities.

4. The enforcement group was established by Article 14(3) of Regulation (EC) No 338/97 and has met once since the entry into force of the regulation on 1 June 1997. At least two meetings are envisaged for 1998. Its activities have so far been limited to the identification of issues for future discussion. Its main activity will be to co-ordinate enforcement aspects of Community legislation on trade in wild fauna and flora and the exchange of information on enforcement issues between customs, police and other enforcement authorities.

5. Yes. Information is being exchanged on any issue of relevance to implementation and enforcement. In the first half year following the new legislation this mainly concerned the interpretation of provisions. Another important issue -which continues- is the taking of decisions under Article 4 of Regulation (EC) No 338/97, on whether imports of the many species in the Annexes to the Regulation (± 30 000) can be authorised or not.

6. Yes. The exchange of information between customs authorities of the Member States and the Commission takes place in the framework of a series of arrangements and procedures created for that purpose. The streamlining of specific information related to the implementation of Regulation (EC) No 338/97 is one of the issues to be addressed by the enforcement group.

(98/C 174/182) **WRITTEN QUESTION P-3754/97**

by Robert Evans (PSE) to the Commission

(17 November 1997)

Subject: Greek regulations concerning non-national owners of cars in Greece

Would the Commission comment on the obligations the Greek Government places on non-nationals who own cars in Greece, and whether these represent discrimination?

Constituents have contacted me with details of obligations they are expected to fulfill in order to run a car in Greece and to avoid paying income tax. This process involves transfers of significant sums of money to a Greek bank account, a submission of a certificate of residence from the UK tax authority, and the submission of an annual tax return with a 'unique certificate of exchange of foreign currency', which must be obtained from the Greek bank.

Would the Commission agree that this places undue burdens on non-nationals?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

The Commission is aware that that, under Greek tax legislation, ownership of a car sometimes constitutes a criterion for assessing an individual's taxable income. In this connection, the Greek tax authorities can require foreign taxpayers with a car registered in Greece to provide proof of their income.

The Commission believes that these measures are intended to combat tax fraud, and similar measures are also applied by other Member States. According to the information available, the measures apply, in principle, to Greek and foreign nationals alike and do not, therefore, appear to be of a discriminatory nature at first sight.

However, if the Honourable Member would provide the Commission with more detailed information concerning the cases referred to him, it will carry out a more thorough examination of the circumstances involved.

(98/C 174/183) **WRITTEN QUESTION P-3756/97**

by Amedeo Amadeo (NI) to the Commission

(17 November 1997)

Subject: The Kurds and political asylum

The Kurds are neither bandits nor infiltrators and the refugees who have been arriving in Italy (those of Kurdish origin, at least) have created problems at international level as regards political asylum. We cannot ignore the fact that the men in question, who are being assailed and pursued in a secret war which (unfortunately for them) has little impact on civilian society, are oppressed (often violently) and cannot live peaceably on either Iraqi, Iranian, Syrian or Turkish territory.

If the Kurds do not deserve refugee status, who does deserve it?

No international organization is willing to take the initial step, even on purely humanitarian grounds — a shameful situation which Europe should be the first to remedy.

Given that Europe needs to give some consideration to the meaning, in a civilized society, of political asylum and to the need to accommodate new arrivals and find work for them within the EU Member States, and since, following the conclusion of the Schengen agreements, Puglia must now be regarded as a European, rather than an Italian border, could the Council and the Commission ensure that the serious problem of the Kurds vis-à-vis Europe is dealt with as a matter of urgency, with the immediate involvement of the UN Security Council?

It should be borne in mind that ignoring the 'Kurdish question' is likely to make matters worse, by causing the Kurds to flee to other European countries or by provoking a dangerous armed conflict on a distrastrous scale which will be impossible to control.

Answer given by Mr Van den Broek on behalf of the Commission

(10 December 1997)

The question of granting refugee status to asylum seekers in the Member States is the competence of Member States. Nevertheless, a joint position on the harmonised application of the definition of the term 'refugee' in Article 1 of the 1951 Geneva Convention ([1]), to which the Honourable Member could usefully refer, has been adopted within in the framework of the cooperation in the fields of justice and home affairs under Title VI of the Treaty on European union.

The very question of people coming from Iraq was raised at the General affairs Council on 6 October 1997, as well as at a meeting of Justice and home affairs ministers in Mondorf on 9-10 October 1997. It is now under examination in the relevant groups of the Council.

([1]) Joint position of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonised application of the definition of the term 'refugee' in Article 1 of the Geneva convention of 28 July 1951 relating to the status of refugee (OJ L 63, 13.3.1996).

(98/C 174/184) **WRITTEN QUESTION P-3757/97**

by John Iversen (PSE) to the Commission

(17 November 1997)

Subject: Early marketing premium

In fixing a maximum weight for obtaining the early marketing premium, a slaughter weight of more than 160 kg for calves is used for the Netherlands and Belgium. The definition of a calf is an animal with a slaughter weight of less than 160 kg. It is mathematically impossible to obtain an average which is above the ceiling for the group.

1. How can the Commission justify using a weight from Eurostat which is based on an erroneous use of the definition of a calf?

2. In view of the fact that this error produces distortion of competition, resulting in some 60 000 baby calves being transported every year from Denmark to the Netherlands — in poor conditions for the animals' welfare as the newborn calves are unsteady on their legs — does the Commission not consider it necessary to rectify the mistake?

Answer given by Mr Fischler on behalf of the Commission

(9 December 1997)

The definition of a 'calf' for statistical purposes is laid down in Commission Decision 94/433/EC of 30 May 1994 laying down detailed rules for the application of Council Directive 93/24/EEC as regards the statistical surveys on cattle population and production, and amending the said Directive ([1]). That definition refers to a maximum live weight of 300 kilograms. Slaughter calves with good to excellent conformation will generally yield a carcase weight above 160 kilograms. Consequently, the Commission fails to identify the error referred to in the Honourable Member's question.

With regard to transport of calves Council Directive 91/628/EEC, as amended, provides the necessary protective measures for animals during transport. According to information available to the Commission, Denmark through its national laws complies fully with that Directive.

([1]) OJ L 179, 13.7.1994.

(98/C 174/185)

WRITTEN QUESTION E-3758/97

by Jens-Peter Bonde (I-EDN) to the Commission

(21 November 1997)

Subject: Size of plaice and sustainable development

Will the Commission explain how reducing the size of plaice from 27 to 22 cm is consistent with sustainable development?

Answer given by Mrs Bonino on behalf of the Commission

(7 January 1998)

In its proposal for a Council regulation laying down certain technical measures for the conservation of fishery resources [1], the Commission proposed to decrease the minimum size for plaice from 27 cm to 17 cm.

The Commission's new proposals for minimum sizes of marine organisms were based on a number of considerations. These include establishment of the correct match between mesh size used and minimum size, marketing issues related to landings of small-sized fish and prevention of targeted fisheries for small-sized fish with nets of too small mesh sizes. In the case of plaice, the Commission's main consideration in formulating the proposal was to establish a high degree of consistency between mesh size predominantly used and minimum size.

The Council, for various reasons, was not able to adopt this proposal and instead adopted a decrease of the minimum size from 27 cm to 22 cm.

As this minimum size maintains a fair consistency with mesh sizes used for catching plaice, this compromise was acceptable to the Commission.

[1] OJ C 292, 4.10.1996.

(98/C 174/186)

WRITTEN QUESTION E-3766/97

by Cristiana Muscardini (NI), Gastone Parigi (NI) and Amedeo Amadeo (NI) to the Commission

(21 November 1997)

Subject: Safety standards in European legislation

A number of Member States, including Italy, do not observe current Community provisions on safety standards, not just with regard to workplaces, but above all where treatment and rehabilitation centres are concerned. The provisions governing safety standards are contradictory in some Member States, Italy being one example. Will the Commission therefore open an investigation in all the Member States, in order to ascertain that European safety legislation is being implemented, and formal notice on countries which are failing wholly or in part to fulfil their obligations?

Answer given by Mr Flynn on behalf of the Commission

(9 January 1998)

Monitoring the implementation of Community law is an ongoing activity of the Commission which, in the case of the directives on health and safety at work, is still developing since it was only fairly recently that the time limit for transposing the directives expired.

For more information on the Commission's monitoring activities, the Honourable Member is referred to the 14th annual Commission report to the Parliament on monitoring the application of Community law [1] and, in particular, to its annex entitled 'Report on the application of directives'.

In addition, the Member States are required to report to the Commission at regular intervals on the practical implementation of the directives' provisions. As soon as these reports become available, copies will be sent to the Parliament, the Council and the Economic and Social Committee, together with the Commission report based on the information contained in them.

(1) OJ C 332, 3.11.1997.

(98/C 174/187)

WRITTEN QUESTION E-3767/97

by Cristiana Muscardini (NI), Amedeo Amadeo (NI) and Marco Cellai (NI) to the Commission

(21 November 1997)

Subject: Disciplinary measures

Referring to the fact that some Commission officials were found to have been implicated in the BSE scandal, the Commission President, Mr Santer, told Parliament that the exact extent of the blame could not be established, because the Staff Regulations of officials, in their present form, made it impossible to bring guilt to light or impose penalties even in cases of serious professional misconduct.

It is already permitted under the Staff Regulations to issue written warnings or reprimands, defer an official's advancement to a higher step or downgrade him, or remove him from his post and, if deemed appropriate, withdraw his entitlement to retirement pension.

1. Will the Commission therefore enforce the above disciplinary measures already provided for in the Staff Regulations in order to punish those found to have been gravely at fault once the actual shortcomings have been brought to light?
2. Will it seek to maintain its right of initiative in matters connected with the Staff Regulations, without detracting from the necessary requirements of transparency and equity intended to preserve and defend the European Civil Service?

Answer given by Mr Liikanen on behalf of the Commission

(18 December 1998)

1. The disciplinary penalties that may be imposed on officials and temporary staff are governed by Articles 86 et seq. of the Staff Regulations of Officials of the European Communities and Annex IX thereto, applicable by analogy to other servants, and may be ordered only after a procedure specified in meticulous detail has been followed; the sine qua non is that the official or member of temporary staff must have committed a serious breach of his or her obligations under the Staff Regulations.

President Santer has never stated that it was not possible for him to bring the guilt of certain Commission officials to light in the BSE scandal. He did inform Parliament's Committee of Inquiry that the Commission had caused a thorough investigation to be undertaken and had found no valid evidence to support the opening of disciplinary proceedings against Commission officials.

2. The Commission wishes to assure the Honourable Member that it will defend its right of initiative in all areas where it enjoys such a right under the Treaties, including, of course, the provisions of the Staff Regulations.

(98/C 174/188)

WRITTEN QUESTION E-3770/97

by Cristiana Muscardini (NI) to the Commission

(21 November 1997)

Subject: Admission to the legal profession

Liberalization of the legal profession in Europe poses a serious risk of systematic abuses to the extent that new law graduates might seek to obtain their qualification to practise in a country where the conditions of admission were easier and later move on to practise in another country which imposed more stringent entrance requirements.

To offset this risk, the Member States are employing exaggeratedly protective legislation and, for example, placing difficulties or complications in the way of the examinations expressly intended to convert a lawyer's qualification recognized in the Member State of origin into one valid for the host country.

Does the Commission not believe that it should draw up a Directive laying down common rules to standardize the examinations to be taken by 'migrant' lawyers and establish equal criteria, applying to all the Member States, to govern the procedures to confirm the validity of qualifications to practise in the legal profession?

Answer given by Mr Monti on behalf of the Commission

(6 January 1998)

The Commission takes the view that 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 ([1]) and the forthcoming Parliament and Council Directive to facilitate practice of the profession of lawyer on a permanent basis in Member State other than that in which the qualification was obtained contain sufficient rules to make it easier for lawyers to set up in practice within the single market. It has no plans to propose a directive for standardising the aptitude test which can, in principle, be imposed by Member States under Directive 89/48/EEC. However, it will continue to ensure that the aptitude test is not used by Member States to create an excessively large obstacle to the right of establishment of lawyers.

It should be noted that, under the new Parliament and Council Directive, the aptitude test may not be imposed as a precondition of establishment by lawyers authorised to practise in another Member State. The Directive will guarantee the right of establishment under the home-country professional title on the basis of the authorisation to practise granted by the home Member State and without any verification of qualifications. It also sets out rules governing use of the host-country professional title on the basis of professional experience acquired in the Member State concerned.

([1]) OJ L 19, 24.1.1989.

(98/C 174/189) **WRITTEN QUESTION E-3773/97**

by Nikitas Kaklamanis (UPE) to the Council

(24 November 1997)

Subject: Illegal immigration to the EU and unemployment

Repeated public opinion polls in most EU countries clearly show that one of the most serious problems for European citizens today is illegal immigration.

It has become particularly acute during the present decade: whereas in 1990 some 30 000 persons were prevented from entering Europe, three years later the equivalent figure is 200 000. It is calculated that between 1991 and 1995 some three million persons entered the EU, and this has had an obvious impact as regards the rise in unemployment for the average European.

Will the Council say what measures it intends to take to ensure that the solidarity which the Union shows towards immigrants from third countries is matched by an expression of interest in the fate of the average European citizen who has to shoulder the cost burden of meeting the Maastricht criteria and incurs the additional disadvantage of being unable to find work and remaining unemployed for long periods of time?

Answer

(26 February 1998)

1. The Honourable Member well knows the importance which the Member States attach to fundamental social rights and economic and social progress for their peoples. The Treaty of Amsterdam, as signed, places at the top of the list of the Union's objectives that of promoting economic and social progress and a high level of employment, in particular through the strengthening of economic and social cohesion and through the establishment of economic and monetary union. The EC Treaty as amended in Amsterdam will contain a new Title on employment.

Combating unemployment has therefore become a priority for the European Union. The Extraordinary European Council on Employment (Luxembourg, 20 and 21 November 1997) was a reflection of that concern and determination. It concluded that, pending ratification of the employment provisions of the Amsterdam Treaty, and in order to mobilize all means available for combating unemployment, the method provided for in the future Article 128 of the Treaty would be applied straight away in practice and by consensus. The European Council therefore agreed on 'employment guidelines' based directly on the experience acquired in multilateral surveillance of employment policies.

2. The European Union has also adopted measures to combat clandestine immigration, residence and work under Title VI of the Treaty. Cooperation among the Member States in this area has led to the following instruments being adopted:

— Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals
(OJ C 274, 19.9.1996)

— Council Recommendation (96/C 5/01) of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control
(OJ C 5, 10.1.1996)

— Council Recommendation (96/C 5/02) of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures
(OJ C 5, 10.1.1996)

— Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals
(OJ C 304, 14.10.1996)

— Council Decision of 16 December 1996 on monitoring the implementation of instruments adopted by the Council concerning illegal immigration, readmission, the unlawful employment of third-country nationals and cooperation in the implementation of expulsion orders
OJ L 342, 31.12.1996)

— Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience
(OJ C 382, 16.12.1997).

(98/C 174/190)

WRITTEN QUESTION E-3775/97

by Nikitas Kaklamanis (UPE) to the Commission

(21 November 1997)

Subject: The mentally ill

The Association of Neuropsychiatric Clinics of Athens and Attica has issued an official announcement condemning the desperate state of health care for the mentally ill in Greece.

The complete indifference of the Greek state towards the problems facing private psychiatric clinics has obliged the latter to postpone the admission of new patients for two weeks.

Since 1992 the daily contribution towards medical expenses provided by the state for private clinics has been fixed at Drs. 7 000, while the equivalent sum for public psychiatric clinics is Drs. 30 000.

However, 50% of the mentally ill in Greece are being cared for in private clinics, either out of choice or because the public sector is unable to treat all these patients who number some 9 000 people.

Given that the EU has been funding psychiatric health care in Greece for a number of years, will the Commission say:

1. What level of funding has been allocated so far for this purpose and how much has been earmarked for the years ahead?

2. On the basis of the principle of fair competition between the public and private sectors and the right of patients to choose the doctor or hospital they wish, under what conditions could the private sector benefit from EU aid to improve its infrastructures and enhance care of the mentally ill?

3. Have the funds so far allocated to Greece been properly used? Has any investigation been carried out into this? If so, what were the findings?

4. Does it believe that this tactic by the Greek Government constitutes a violation of EU rules and principles and, if so, what actions does it intend to take to address this situation?

Answer given by Mr Flynn on behalf of the Commission

(26 January 1998)

1. The Commission would like to inform the Honourable Member that its financial contribution with respect to the psychiatric care system in Greece has been limited to an exceptional financial support under programme B of Regulation (EEC) No 815/84 of 26 March 1984 on exceptional financial support in favour of Greece in the social field [1] concerning the reform of the psychiatric care system in Greece. The aim of this specific programme was to reduce the number of new admissions in the large state mental hospitals, to prevent mental patients from becoming chronic and institutionalised and to promote the return of long-stay patients into the community. Action under this Regulation was completed at the end of 1995. The Community contribution during the 12-year implementation period totalled approximately 50 MECU.

2. It falls within the competence of the national authority to address the specific problems of private psychiatric clinics in Greece.

3. A final report on the implementation of achievements of Regulation (EEC) No 815/84 was submitted by the Commission to the Council and to the Parliament in December 1995 [2]. It concluded that the objectives of this Regulation had been achieved and its impact had been very significant. Some of the action initiated under this Regulation, aiming at the socio-economic rehabilitation of long-stay patients is actually being continued under the operational programme 'Combating exclusion from the labour market' of the 1994-1999 Community support framework for Greece.

4. The Commission can not share the opinion of the Honourable Member. In an effort to continue and consolidate the psychiatric reform effort initiated under the Regulation above, the Greek authorities are currently elaborating a 10-year action plan (1997-2006). The Commission will examine which actions under this plan could receive financial support in the context of the afore mentioned operational programme in the remaining years of the 1994-1999 programming period.

(1) OJ L 88, 31.3.1984.
(2) COM(95) 668 final.

(98/C 174/191) **WRITTEN QUESTION E-3779/97**

by Gianni Tamino (V) to the Commission

(21 November 1997)

Subject: Regional derogation from national hunting law and its incompatibility with Community rules

On 5 November 1997 the Lazio Regional Executive in Italy adopted a decree derogating from the national law on hunting, thereby making it permissible to hunt protected species such as the Italian sparrow and starlings.

Does this regional legislation conform to the European Directives on conservation of wild and hunted species, in particular Directive 92/43/EEC [1]?

If the answer is no, does not the Commission believe that it should institute infringement proceedings?

(1) OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Bjerregaard on behalf of the Commission

(7 January 1998)

An infringement procedure is already under way against Italy concerning in particular the transposition of the derogation provided by Article 9 of the Directive 79/409/EEC on the conservation of wild birds [1].

Since the Commission aims to ensure an effective compliance with Community law of the internal laws of Member States at every level, this infringement procedure involves also the aspect of the competence of regions in implementing Community law in Italy and their obligation to comply with it. The Commission would be grateful if the Honourable Member would transmit the text approved by the Giunta Regionale del Lazio to which the question makes reference. In any case the Commission will request information on the subject matter from the Italian authorities.

[1] OJ L 103, 25.4.1979.

(98/C 174/192) **WRITTEN QUESTION E-3780/97**

by Honório Novo (GUE/NGL) to the Commission

(21 November 1997)

Subject: Access roads to the Freixo Bridge: measures to minimize the environmental impact of the building work

In its answer dated 30 September 1996 to my Question E-2127/96 on measures to minimize the environmental impact resulting from the work of building access roads to the Freixo Bridge linking the town of Vila Nova de Gaia and the city of Oporto [1], the Commission stated that 'The Portuguese authorities have provided the Commission with information concerning the carrying out of the measures recommended in the report by the Environmental Impact Assessment Committee for the work on the 'Ponte do Freixo (Freixo Bridge) -Carvalhos' section of the 'Itinerário Principal No 1 (IP1)''. One of the measures in question was the 'acquisition of land between the 'Parque Biológico' and the IP1', and the Commission referred in this connection to 'negotiations in progress between the Junta Autónoma das Estradas (JAE) and the municipality of Vila Nova de Gaia'.

Since the mid-1980s the municipality of Vila Nova de Gaia has been seeking to expand the nature reserve (Parque Biológico) and has spent several billion escudos (at current prices) on the purchase of land. The reserve now covers 35 hectares, and the aim is to increase its size to 54 hectares by incorporating all the remaining land extending as far as the above-mentioned section of the IP1.

The measures specified in the report of the Environmental Impact Assessment Committee on the work on that section of the IP1 included an obligation incumbent on the contracting authority (the Portuguese Government) to acquire a strip of land adjacent to the IP1 and the access roads and incorporate it immediately into the nature reserve.

In October 1996, however, the JAE, the Portuguese government board responsible for roads, indicated that the expropriation of land with a view to expansion of the nature reserve would be impossible to complete in the manner called for. It seems obvious in the circumstances that the Portuguese Government does not intend to fulfil the obligation laid down in the report aimed at minimizing the environmental impact of the building work on the section of the IP1 between the Freixo Bridge and Carvalhos.

Can the Commission therefore say whether the Portuguese Government is complying fully with all of the measures listed in the Commission's answer of 30 September 1996 and in particular whether it will undertake to acquire the strip of land adjacent to the IP1 and the access routes to be incorporated into the nature reserve?

[1] OJ C 72, 7.3.1997, p. 15.

Answer given by Mrs Bjerregaard on behalf of the Commission

(15 January 1998)

In their letter of 27 February 1997, the Portuguese authorities sent the Commission information on the implementation of the activities provided for in the report by the committee for assessing the environmental impact assessment of the work on the 'Ponte do Freixo-Carvalhos' section of trunk route No 1 (IP1).

All of the work has been completed, apart from the acquisition of the land between the 'Parque Biológico' and IP1. The Portuguese authorities have informed the Commission that the Junta Autónoma das Estradas (JAE), which is responsible for implementing the project, is not authorised to expropriate land in accordance with Act No 184/78 of 18 July 1978, and that the problem should be solved via an agreement between the Parque Biológico and the Vila Nova de Gaia town hall. The Portuguese authorities have also informed the Commission that the situation is being analysed. The expropriation procedures are solely subject to the provisions of national law. These are inevitably drawn-out and delicate procedures, since they must take full account of the rights of citizens who would be deprived of their properties for the common good.

It will only be possible to monitor these procedures under national law before the relevant court. The Commission has no powers of intervention in this area.

The Commission shares the Honourable Member's concern and will ensure that this action is carried out.

(98/C 174/193) **WRITTEN QUESTION E-3782/97**

by Reimer Böge (PPE), Lutz Goepel (PPE), Agnes Schierhuber (PPE), Honor Funk (PPE), Christa Klaß (PPE), Hedwig Keppelhoff-Wiechert (PPE) and Xaver Mayer (PPE) to the Commission

(21 November 1997)

Subject: Export refunds for breeding cattle

The export refunds for live cattle are also granted in respect of breeding cattle, on the basis of their weight. The award procedures and the period of validity of the export licences are similar to those for exports of slaughter cattle. The cuts in export refunds already carried out and the price reductions in the beef and veal sector announced in Agenda 2000, which will lead to further cuts in export refunds, are also hampering the export of breeding animals, even though, as a matter of principle, the export situation for breeding cattle must be looked at differently to that for slaughter cattle. Can the Commission state:

1. whether, in connection with the adjustment of the common organization of the market for beef and veal, there are plans to introduce different arrangements governing export refunds and the award and period of validity of the licences for breeding cattle, on the one hand, and slaughter cattle, on the other?

2. if there are no plans to introduce different arrangements, what are the arguments against:

   — retaining, in the case of breeding cattle, the original level of export refunds, based on the animals' live weight, since these exports serve to ease the situation on the internal market in beef and veal and the main reason for cutting export refunds — the increased demand for export licences in respect of slaughter cattle — does not apply in the case of breeding cattle?

   — improving the award procedures and extending the period of validity of the export licences to at least four months, since transactions, covering the period from the acceptance to delivery, generally take longer in the case of breeding cattle?

— stipulating that the proof that the animal is being exported for breeding purposes should be provided in the form of a breeding certificate issued by the Member State breeders' association, a certificate which can be sent to that association for checking after export and prior to the payment of the export refund? In that way, such proof would Longer have to be provided by the local breeding association, given that in certain third countries either there is no breeding organization which could confirm the entry in the breeding register, or no such registers are kept.

3. whether the current WTO agricultural trade rules provide for different treatment of breeding and slaughter animals in connection with the promotion of exports and whether the Commission intends to argue in favour of differing treatments at the next trade round?

Answer given by Mr Fischler on behalf of the Commission

(7 January 1998)

1. Up until the end of 1994 the refund level for pure-bred animals and for male animals for slaughter was the same. However, since 1995, in order to further maintain the exports of pure-bred breeding animals, there has been a smaller reduction of the refund level in respect of these animals.

Present refund level:

pure-bred breeding animals: 58.50 ECU per kilograms
male others: 52.00 ECU per kilograms
female others: 28.00 ECU per kilograms

The Commission has met serious problems concerning the respect of the export ceiling imposed by the Uruguay round agreement. This matter was discussed at length with representatives and members of European meat trade organisations in the beginning of 1997. Following these discussions the Commission came to the conclusion that the necessary period of validity of export licences would be 75 days for live bovine animals and processed products and 30 days for beef. Moreover, in the case of an open tender in third countries, the period of validity of the export licence is 4 months from the date that the licence is issued (from the day the application for the licence was lodged).

2. The Commission is of the opinion that exports of pure-bred breeding animals are more dependent on programmes to improve the quality of the herd or to restock the herd in the importing country than on the level of the export refund.

It should be noted that, as stated above, there is a difference in the refund level between pure-bred breeding animals and animals for slaughter. Due to the high number of licence applications the refund level has been reduced as from 27 September 1997 and from 25 October 1997. In the first reduction of 10% there was Change in the refund level for pure-bred breeding animals. In the second reduction there was a lower reduction for pure-bred breeding animals and male cattle (– 5% instead of – 15%).

In 1995 and 1996 the exports of pure-bred breeding animals reached 135 000 and 139 000 animals. With the exception of 1991, these quantities represent new records.

According to the obligations under the World trade organization (WTO) agreement the Community can only export a limited quantity of cattle and beef with export refunds. It is in the Community's interest to use up the GATT quota, but it is not free to exceed it. A balance has to be struck.

According to Article 3(a) and (b) of Commission Regulation (EEC) No 2342/92 on imports of pure-bred breeding animals of bovine species from the third countries and the granting of export refunds thereon and repealing Regulation (EEC) No 1544/79 [1] the granting of the refund is subject to the presentation of the pedigree certificate issued by the association, organisation or official body of the Member State holding the herd book and the health certificate for pure-bred breeding animals required by the third country of destination. There is no provision in the Regulation that the exported animals should be registered in the herd book in the third country of destination.

Because of the higher refund level for pure-bred breeding animals for heifers and cows compared with the lower refund level for other female live animals, it is necessary to ensure through certain control measures that the exported animals will not be slaughtered directly at arrival in the third country of destination.

3. The WTO agreement gives the possibility to differentiate the refund level. There is a higher refund level for pure-bred breeding animals than for cattle for slaughter. There is therefore no reason to ask for changes in the rules at the next trade round.

(1) OJ L 227, 11.8.1992.

(98/C 174/194) **WRITTEN QUESTION E-3784/97**

by Carlos Pimenta (PPE) to the Commission

(26 November 1997)

Subject: Implementation of Council Proposal 97/C 207/11 for an Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation

If, as the Commission prefers, the Council decides to reject the opinion of the European Parliament and votes instead to conclude the proposed Agreement with Canada and the Russian Federation, how does the Commission propose to ensure that the terms of the Agreement will be implemented within the European Union?

In particular, does the Commission plan to bring forward a proposal for either a Directive or a Regulation and if so, what will be the proposed legal basis?

Answer given by Sir Leon Brittan on behalf of the Commission

(21 January 1998)

The Commission would point out to the Honourable Member that the Agreement on international humane trappings standards between the European Community, Canada and the Russian Federation has not yet been ratified.

Even if the matter is already under consideration the Commission cannot make a formal statement on these issues until the Agreement has been formally concluded by the Council. Parliament will be informed through the usual channels if any proposal for incorporating this Agreement into Community law is adopted by the Commission.

(98/C 174/195) **WRITTEN QUESTION E-3785/97**

by Christof Tannert (PSE) to the Commission

(26 November 1997)

Subject: Community aid to the Land of Berlin in 1996

What amounts of Community aid were approved and drawn for the Land of Berlin in 1996, for what measures and under what programmes

1. in the European Regional Development Fund (ERDF)?
2. in the European Social Fund (ESF)?
3. in Community research programmes?
4. in Community programmes in the energy sector?
5. in Community programmes in the environmental sector?
6. in other of the Community's programmes?

Answer given by Mr Santer on behalf of the Commission

(14 January 1998)

In view of the length of its answer, the Commission is sending it direct to the Honourable Member and to Parliament's Secretariat.

(98/C 174/196) **WRITTEN QUESTION E-3786/97**

by John Iversen (PSE) to the Commission

(26 November 1997)

Subject: Sports broadcasting rights

Can the Commission confirm or deny that a Danish bill, which would grant two nationwide state TV stations sole rights to broadcast major national sporting events, conflicts with the EU directive? A private commercial channel had earlier bought the rights to broadcast sporting events and now claims that the Danish bill is contrary to Article 90 of the EC Treaty. The private channel can be received throughout the country, but only by cable or satellite dish.

Answer given by Mr Van Miert on behalf of the Commission

(8 January 1998)

According to Article 3A of Directive 89/552/EEC, as amended by 97/36/EC 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]) each Member State may take measures in accordance with Community law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such event via live or deferred coverage on free television. Such measures shall be immediately notified to the Commission. The Commission shall within three months from the notification verify that the measures are compatible with Community law. It shall seek the opinion of the contact committee set up by Article 23 A of the Directive.

The Commission has not yet received a notification from the Danish authorities pursuant to the Directive. It is consequently not possible for the Commission to express any opinion on the compatibility under Community law and in particular, with Article 90 of the EC Treaty or with the Directive itself, of the measures to be taken by the Danish government.

([1]) OJ L 202, 30.7.1997.

(98/C 174/197) **WRITTEN QUESTION E-3788/97**

by Panayotis Lambrias (PPE) to the Commission

(26 November 1997)

Subject: Treaty of Amsterdam and persons with special needs

The Commission has already drawn attention to the timid nature of the clause on combating discrimination against the disabled (Article 6a) incorporated in the Treaty of Amsterdam (absence of immediate result, requirement of unanimity in the Council). Moreover, at the last minute a special reference to persons with special needs was withdrawn from Article 118 (social policy) of the new Treaty. Furthermore, Declaration No 22 of the Treaty — which states that, in drawing up measures under Article 100a of the Treaty establishing the European Community (approximation of legislations), the institutions of the Community shall take account of the needs of persons with a disability — does not have any binding force, owing to its legal nature.

In view of the above, will the Commission say:

1. How it intends to make the most of this weak guarantee provided by the Treaties for persons with special needs?
2. What specific initiatives is it planning to promote in this sector?

Answer given by Mr Flynn on behalf of the Commission

(19 January 1998)

Pursuant to Article 13 of the Treaty establishing the European Community as amended by the Treaty of Amsterdam, the Commission — once the latter Treaty enters into force — may take appropriate action to combat discrimination based on disability. This new provision confirms the approach outlined by the Commission in its Communication of 30 July 1996 'Equality of opportunity for people with disabilities — a new European Community disability strategy' ([1]). Basically this strategy is designed to promote a policy for disabled people based on equal rights. It embraces a raft of measures, including creation of an interdepartmental group on disability to take greater account of people with disabilities in preparing the relevant Community policies and actions; the creation of a high-level group of representatives of the Member States on disability to strengthen cooperation in this area with and between the Member States; promotion of the activities of the Non-Governmental Organisations and the European Forum of Disabled People; reinforcement of activities under the structural funds and in particular the Community Initiative 'Employment-Horizon'.

Timely implementation of the Amsterdam Treaty's provisions on employment is also important for people with disabilities. In this connection the Luxembourg European Council of 20 and 21 November 1997 agreed that the Member States should devote particular attention to the difficulties people with disabilities face in being integrated into active life.

On the basis of the other opportunities offered by the Treaty of Amsterdam and the final evaluation of the third Community action programme for disabled people – Helios II – (1993-1996) as well as the pilot and preparatory actions conducted in 1997, the Commission is currently exploring the advisability of supplementing the above-mentioned measures and how best to do so.

([1]) OJ C 12, 13.1.1997.

(98/C 174/198)

WRITTEN QUESTION E-3789/97

by David Hallam (PSE) to the Commission

(26 November 1997)

Subject: Barrier to trade in Denmark: Veterinary pharmaceutical product, Super-Ov

Is the Commission aware of the obstruction provided by the Danish authorities preventing Global Genetics of Unit One Moreton Farm, Eye, Leominster HR6 ODP from marketing the veterinary pharmaceutical product Super-Ov, for which the marketing authorization was applied for on 4 May 1994.

What steps is the Commission taking to ensure that the Danish authorities comply with Directive 81/851/EEC ([1]) and other single market compliance legislation?

When does the Commission envisage this issue being resolved to the satisfaction of Global Genetics and the British authorities who have submitted a formal complaint on behalf of Global Genetics? (Complaint number 96/4399).

([1]) OJ L 317, 6.11.1981, p. 1.

Answer given by Mr Bangemann on behalf of the Commission

(15 December 1997)

The Honourable Member refers to a complaint lodged with the Commission concerning an alleged infringement of Community pharmaceutical legislation by Denmark. The complainant claimed that he had filed a complete application with the Danish authorities concerning the placing on the market of the veterinary medicinal product 'Super-OV' in May 1994 and that he had been waiting for a decision from the Danish authorities ever since.

Following a request for information on this issue, the Danish authorities confirmed that they still needed additional information, in line with Community legislation, in order to be able to grant a marketing authorisation for the product in Denmark. On request of the Commission, the Danish authorities, on 25 October 1996, sent a letter to the complainant in which they listed the information and documentation which he still had to provide. The Commission advised the complainant several times to act accordingly and to provide the Danish authorities with the information and documentation legitimately required.

As the complainant did not follow this advice, the Commission decided, on 15 October 1997, to close this complaint case.

(98/C 174/199) **WRITTEN QUESTION E-3791/97**

by Angela Sierra González (GUE/NGL), Laura González Álvarez (GUE/NGL), Pedro Marset Campos (GUE/NGL) and María Sornosa Martínez (GUE/NGL) to the Commission

(26 November 1997)

Subject: The implications of climate change for the Canary Islands

The effects of climate change induced by human activity, which will be the subject of the Third Conference of the UN Framework Convention on Climate Change signatory states this December in Kyoto, are indisputable. They include the forecast rise in sea level, caused, inter alia, by the melting of the polar icecaps and the general rise in temperatures due to 'global warming'.

This rise in sea level could have catastrophic consequences for population groups and economic activities in coastal areas, particularly on islands such as the Canaries.

This is attested to by the existence of the 'AOSIS' Association, which brings together the world's small island states, who see their very existence threatened by climate change.

Does the Commission know what effects a rise in sea level as a result of planetary global warming will have on the coasts of island and mainland regions?

Has the Commission carried out any study of the socio-economic and environmental consequences, taking into account the fact that many of the areas which are likely to be affected depend on tourism heavily based on the coast?

Does the Commission think that the consequences for some of these regions might involve changes to coastlines and beaches?

Answer given by Mrs Cresson on behalf of the Commission

(21 January 1998)

Understanding the mechanisms of climate change and its implications on sea level rise is one of the main objectives of research carried out in the frame of the environment and climate programme 1994-1998 ([1]). Currently the Commission is supporting several research projects investigating the causes and impacts of sea level rise. Latest developments of sea level research in Europe have been discussed in a recent workshop 'European sea-level and coastal-zone research', held in Barcelona, 9-12 April 1997. Main results presented indicate a present annual average sea level rise of 1-1.5 millimeters around the European coasts. Due to regional vertical land movements, the relative sea level change is different across Europe, e.g. the Finnish coast lines of the Baltic Sea and parts of the Mediterranean coasts are rising and consequently the local sea level in these areas is falling.

Some studies predict an average rise of sea surface level of the order of 0.4 metre within the next 100 years. In particular, low level coast lines and islands are vulnerable but depend on the local or regional geophysical facts (vertical movements of land) which could oppose or amplify the effects induced by climate change.

For this reason it is not possible to give a definite answer to this question. However, the Community has supported a number of research projects investigating the local or regional impacts of sea level rise in north-western Mediterranean deltas and the eastern Po plane. The specific consequences of sea level rise for the Canary islands have not been studied, since for these regions no proposals were submitted to the environment and climate programme.

Socio-economic issues of sea level rise have been studied in some of the projects. The final reports of these projects are available on request.

Research is being carried out to study the effects of sea level rise on coastlines and beaches in Europe, but not in particular for the Canary islands for reasons stated above.

(1) OJ L 361, 31.12.1994.

(98/C 174/200) **WRITTEN QUESTION P-3810/97**

by Luciana Castellina (GUE/NGL) to the Commission

(19 November 1997)

Subject: Obligations of the Baltic States regarding the acquis communautaire in the audiovisual sector

The Baltic States are currently negotiating their entry into the WTO (World Trade Organization) and must in that connection specify any obligations they may have with regard to the audiovisual sector.

In view of the fact that the Baltic States are also bound by association agreements with the European Union and also aspire to join the EU, can the Commission tell us anything about these states' policy in this sensitive sector? Does not the Commission think that they should align themselves, within the WTO, with the Community position on audiovisual matters, which is defined by a lack of sectorial commitments and a derogation from the most — favoured — nation clause?

Answer given by Sir Leon Brittan on behalf of the Commission

(16 December 1997)

The negotiations for the accession of Latvia, Estonia and Lithuania to the World trade organisation (WTO) are continuing. The requests made by the Community to these countries in the context of the General agreement for trade in services (GATS) have focused on the need to balance a high degree of liberalisation with compatibility between the specific commitments that these countries will make and those made by the Community for each services sector as a result of the Uruguay Round and the following WTO negotiations. This policy line responds to the existence of association agreements between the Community and each of those three countries and also to their possible accession in the future to the Community.

This line of ensuring compatibility has also been followed by the Community on audio-visual services. Accordingly, the three Baltic countries have sought to treat audio-visual services in their accession offers in the same way as the Community does in its own WTO schedule of commitments: i.e. no specific market access and national treatment commitments on any audio-visual services and, some exemptions to the GATS most favoured nation (MFN) in order to protect European works and some European programmes such as MEDIA. So far, Estonia, Lithuania and Latvia have all indicated that they will follow this approach in their offers for accession which are currently being negotiated within the WTO.

Some trading partners have requested the Baltic countries to undertake commitments on audio-visual services and depart from the MFN exemption approach. However the Commission understands that Latvia, Estonia and Lithuania are resisting these requests.

(98/C 174/201)

WRITTEN QUESTION E-3814/97

by Peter Crampton (PSE) to the Commission

(28 November 1997)

Subject: Food labelling — peanut derivatives

People suffering from an allergy to peanuts can unknowingly eat foods containing peanut derivatives. This is due to unclear labelling of these foods, which in some cases can lead to a life-threatening situation.

Are there European level rules for the labelling of foods containing peanut derivatives?

If not, does the Commission have any plans for proposals to introduce clear labelling of these foods?

Answer given by Mr Bangemann on behalf of the Commission

(15 January 1998)

The Commission is actively considering the need for amendments to the Community rules on food labelling in order to ensure that consumers are properly informed of the presence of potential allergens in foods, including peanuts and peanut oil.

At the request of the Commission, in September 1995, the scientific committee for food has produced a report on food allergy and food intolerance. The conclusions of this report are currently being discussed with the Member States. In addition, discussions on the labelling of allergens are taking place at international level within the framework of the Codex Alimentarius.

This work will be supplemented, within the framework of scientific cooperation between Member States and Commission, by a collection of the epidemiologic data available (geographical variations and frequency and gravity of over-sensitiveness). This is indeed necessary to determine criteria for the establishment of a list of ingredients recognised as a source of allergy or of intolerance which, if they are used in a foodstuff, should mandatorily be introduced in the list of ingredients which appear on labelling.

On the basis of the results of this epidemiologic examination which should be known in June 1998, the Commission could then be in a position to propose an amendment of Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ([1]).

([1]) OJ L 33, 8.2.1979.

(98/C 174/202)

WRITTEN QUESTION E-3815/97

by Caroline Jackson (PPE) to the Commission

(28 November 1997)

Subject: Net transfers to the EU budget

According to the Economist of 18 October 1997, the European Commission was unable, at a recent meeting of Ecofin, to give figures for net contributions to the EU budget for each Member State. Given the importance of this subject, and the high degree of public interest in it, will the Commission now take the opportunity to publish the list of net contributions to the EU budget for each Member State, using the latest available figures?

Answer given by Mr Liikanen on behalf of the Commission

(14 January 1998)

In a paper forwarded to the EcoFin Council (a copy is sent direct to the Honourable Member and to the Parliament's secretariat) the Commission explained the reasons why it does not produce estimates of budgetary positions for the Member States.

To recapitulate, the Commission contends that budgetary flows do not capture all the benefits from membership of the Community. Community membership, which gives rise to financial and non-financial advantages as well as obligations, has a non-budgetary dimension the importance of which dwarfs the budgetary dimension. For example, the benefits from the pursuit of common objectives, such as trade liberalisation and European economic integration, cannot be evaluated in terms of budgetary flows alone. Moreover, flows from the Community budget invariably benefit not only the recipients but other Member States in the form of return flows. Typical examples are structural funds and external expenditure, where the implementation of projects often gives rise to purchases of goods and services from other Member States.

Furthermore, there is no single definition of a budgetary balance. This inevitably makes possible the design of various methods of approximating the net budgetary benefits from membership of the Community, and the choice of particular method often reflects the desire to highlight a particular point of view or to defend a specific issue. In view of these difficulties, the Commission neither produces nor does it endorse any particular method of calculating the Member States' budgetary positions.

(98/C 174/203)

WRITTEN QUESTION E-3816/97

by Carmen Díez de Rivera Icaza (PSE) to the Commission

(28 November 1997)

Subject: Green accounting

Could the Commission inform me, as rapporteur for Parliament on the Communication COM 94/670 on green accounting and environmental indicators, of the questions and responses obtained by the Council on steps taken to implement the abovementioned Communication?

Answer given by Mr Santer on behalf of the Commission

(20 January 1998)

The communication to which the Honourable Member refers established a work programme which it has been possible, thus far, to carry out with existing operational credits, available to the Commission, as planned and without specific reference to the Council. The communication was officially transmitted to the Council in January 1995. Since this time the collaboration with Member States' representatives has been at working level, most frequently in the regular meetings of the committees on environmental statistics. An oral report on their achievements was made to the Environment Council meeting in Luxembourg on 16 October 1997, as a follow-up to which the Commission prepared a more substantial report ([1]) on the current situation, which has been sent both to the Parliament and the Council. This latter report was discussed on 16 December 1997 in the Council which, while marking its appreciation for the work being done, did not make any substantive gesture as regards the financing of the work.

([1]) SEC(97) 2314.

(98/C 174/204)

WRITTEN QUESTION E-3817/97

by María Izquierdo Rojo (PSE) to the Commission

(28 November 1997)

Subject: Institute for Research on Mediterranean and Euro-Arab Cooperation

Heading A-3059 of the 1998 General Budget refers to the Institute for Research on Mediterranean and Euro-Arab Cooperation, as well as adopted Amendment 789.

The exact location of this centre is not specified in the texts made available to Members nor in the justification incorporated into the amendment concerned. Therefore, could the European Commission tell us where this Research Institute for Mediterranean and Euro-Arab Cooperation is situated?

What activites did it carry out during the period 1996-1997?

Which programmes were carried out as an extension of the Barcelona Conference?

What interparliamentary meetings had it organized?

Answer given by Mr Marín on behalf of the Commission

(15 January 1998)

The European Institute for Research on Mediterranean and Euro-Arab Cooperation (MEDEA) is located in Brussels (21, rue de la Tourelle, Bruxelles 1040) and has been in operation since April 1996.

In 1996 and 1997, after the Barcelona Conference its main activities were setting up a social, economic and political database on the Mediterranean and Arab regions, which can be accessed on Internet and is also available on paper (there are already 280 files in English and French), establishing an Internet bulletin board (Medeatrade) to facilitate contact between European and Mediterranean businesses, organising meetings and parliamentary visits to improve relations between the Community and certain Arab countries, priority being given to the Mediterranean region, and providing organisational support for the Parliamentary Association for Euro-Arab Cooperation.

Two conferences were held between European and Arab members of parliament, one in Amman from 29 November to 1 December 1996 and one in Valetta on 8 and 9 November 1997. The Dubai Conference on cooperation for the peace process, held on 3 to 5 April 1997 at the initiative of the Community and the League of Arab States, was attended by about a hundred experts, businessmen, diplomats, members of parliament, European and Arab officials and the Union's Special Envoy for the peace process, Mr Moratinos.

From 10 to 14 October 1997 MEDEA and the Omani Diplomatic Institute organised a series of conferences for Omani diplomats on the following subjects: the role of Europe in resolving regional conflicts; the challenges of the twenty-first century for Europe; Europe and the problem of water in the Middle East; the Community and the peace process in the Middle East; Europe and the new world order. On 1 July 1996 MEDEA attended the seminar, held in Paris at the 'commissariat du plan', on the globalisation of the economy and regionalisation in the European-Mediterranean area. Together with Prince Hassan, on the latter's initiative, it organised and participated in the 'Conference on Islamophobia' in Amman on 7 and 8 June 1997, and contacts were established with a number of Egyptian, Israeli, Jordanian and Palestinian research centres, with a view to developing joint activities and publications.

(98/C 174/205) **WRITTEN QUESTION E-3819/97**

by Viviane Reding (PPE) to the Council

(28 November 1997)

Subject: Agricultural prices and monetary fluctuations after the introduction of the euro

After the introduction of the single currency in some of the Member States, what will happen to the meaures which compensate for losses caused by monetary fluctuations affecting intra-EU trade in agricultural products?

It is understood that such fluctuations will Longer exist de facto within the euro area. The problem concerns trade between those countries in the euro area and the 'pre-in' countries: will exports of agricultural products from the euro area to the 'pre-ins' still receive this compensation when there are monetary fluctuations outside the euro area?

What is the Council's opinion on this specific aspect of the consequences of the introduction of the euro on the common agricultural policy?

Answer

(26 February 1998)

Council Regulation (EEC) No 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy (CAP), which has no time limit on its application, is the basic Council act governing compensation for losses caused by monetary fluctuations affecting intra-Community trade in agricultural products. However, in the case of compensation for loss of income caused by monetary fluctuations, the Council adopted Regulation (EC) No 724/97, which represents an exception to the aforementioned Regulation, in order to comply with its obligations under the GATT and those of budgetary discipline. That Regulation will remain in force until 30 April 1998.

The Council has not, as yet, received any Commission proposals to adjust the current legislation and shape the future agri-monetary environment. Consequently, the Council does not at the moment have enough information at its disposal to enable it to pronounce on the effects that any future monetary fluctuations might have on trade flows of agricultural products between the 'in' and 'pre-in' Member States, or between Member States which are not in the euro area from the outset.

The time to assess the foreseeable impact of the introduction of the euro on the CAP will be when the Council comes to discuss the adoption of the new legislation to be proposed by the Commission, after consultation of the European Parliament.

In view of the importance of this subject, the Council will devote particular attention to examining these proposals.

(98/C 174/206) **WRITTEN QUESTION E-3820/97**

by Viviane Reding (PPE) to the Commission

(28 November 1997)

Subject: Agricultural prices and monetary fluctuations after the introduction of the euro

After the introduction of the single currency in some of the Member States, what will happen to the meaures which compensate for losses caused by monetary fluctuations affecting intra-EU trade in agricultural products?

It is understood that such fluctuations will Longer exist de facto within the euro area. The problem concerns trade between those countries in the euro area and the 'pre-in' countries: will exports of agricultural products from the euro area to the 'pre-ins' still receive this compensation when there are monetary fluctuations outside the euro area?

What is the Commission's opinion on this specific aspect of the consequences of the introduction of the euro on the common agricultural policy?

Answer given by Mr de Silguy on behalf of the Commission

(9 January 1998)

Preparations are well advanced for the start of the third stage of economic and monetary union (EMU) on 1 January 1999. In March 1998, in accordance with Article 109j of the EC Treaty, the Commission and the European monetary institute (EMI) will report (the convergence reports) to the Council on the progress made by Member States in the fulfilment of their obligations regarding the achievement of EMU. Having followed the procedure set out in Article 109j, the Council will decide and publish — in May 1998 — the list of Member States that will participate in the third stage of EMU from 1 January 1999. At the same time, the bilateral fixed exchange rates, which will serve as a basis for the determination of euro conversion rates on the starting date of the third stage, will be announced.

At that time, given the significant progress made by Member States in terms of economic convergence, it is envisaged that a large number of Member States will participate in the euro area right from the start. For the same reason, it is also expected that the transition to the third stage of EMU will be relatively smooth.

The Commission is aware of the preoccupations of Member States regarding the impact of the introduction of the euro on agricultural markets. As the Honourable Member acknowledges, the creation of the euro area zone, particularly given the expectation of participation of a large number of Member States, will considerably lessen the importance of the agrimonetary mechanisms in the third stage of EMU. Given that the decision has not yet been made on the list of participants in EMU, it would be premature to present any proposals now for any alterations to the compensation mechanism, which is currently in operation. The Commission will return to this topic once the configuration of Member States participating in EMU is known.

(98/C 174/207)

WRITTEN QUESTION E-3822/97

by Roberto Mezzaroma (UPE) to the Commission

(28 November 1997)

Subject: Sign language

There is a need for a common sign language to ensure that Europe's deaf and dumb citizens are able to communicate wherever they are in Europe. At present a different sign language is used in each country, which creates serious problems with regard to communication and to training people to work with the deaf and dumb.

What action does the Commission intend to take to solve this problem while taking into account both the Member States' respective cultural traditions and the need to facilitate communication with and between the deaf and dumb?

Answer given by Mr Flynn on behalf of the Commission

(16 January 1998)

In 1995, the Parliament allocated the amount of 500 000 ecus for measures related to sign languages in the Community.

The Commission then took steps to ask the non-governmental organisation, the European Union of the deaf, to set up sign language projects in 1996 and 1997 which had to take into account the 1988 Resolution of the Parliament to help promote the right of deaf people to use sign language. The results of the 1996/1997 projects were examined at a special conference on sign languages, held in Brussels in September 1997. This conference aimed inter alia, at harnessing public support for deaf people to use their chosen medium, sign language, to participate on an equal basis in society. That is an aim which the Commission shares.

However, given that there are as many, or perhaps even more, sign languages than spoken languages in the Community and that deaf people are educated in the sign language of their region, which reflects that region's particular history and culture, there are no plans to propose a common sign language for the Community.

(98/C 174/208)

WRITTEN QUESTION E-3825/97

by Roberto Mezzaroma (UPE) to the Commission

(28 November 1997)

Subject: Protection of artists in Europe

What does the Commission intend to do- or has it already done -to ensure a decent standard of living for those artists, writers, journalists, sculptors, painters and musicians who have promoted the arts in their own countries and in Europe by their efforts, thus contributing to its gradual integration;in particular, what is done to ensure that those artists who do not earn enough to make a living, and who do not receive welfare payments or have access to suitable premises in which to exercise their talents, receive financial support to provide them with an adequate standard of living?

Answer given by Mr Oreja on behalf of the Commission

(8 January 1998)

The Commission recalls that social, economic and legal protection of artists and professionals is primarily the responsibility of the Member States. Moreover, it stresses that, in several cases, the laws and rules applicable to the matter are not sectoral in character.

Under Article 128 of the EC Treaty, which relates to culture, the Community has the task of supporting and supplementing action by the Member States through accompanying measures without harmonising their laws and regulations. Here, existing Community cultural programmes — Kaleidoscope, Ariane and Raphael — all endeavour, in accordance with the principle of subsidiarity, to contribute to the development and advancement of the artistic professions.

A number of provisions adopted under other Community policies directly or indirectly encourage employment or call for a high level of protection (for example, with regard to intellectual property) for the categories referred to in the question, as can be seen from the first report on the consideration of cultural aspects in European Community action ([1]).

([1]) COM(96) 160 final.

(98/C 174/209) **WRITTEN QUESTION E-3827/97**

by Marco Cellai (NI) to the Commission

(28 November 1997)

Subject: Exemption for the funding of a confectionery cooperative

The Cooperativa Dolciaria Toscana,a limited-liability confectionery cooperative in Tuscany, which was set up in Empoli (Fi) on 26 July 1995 and employs 43 people, submitted on 28 February 1996 a request for the Compagnia Finanziaria Industriale to contribute to its registered capital pursuant to Law No 49 of 1985 (the Marcora Law), which request was approved by the Conferenza dei Servizi (services council) on 29 July 1996 in respect of a payment of Lire 1.069 billion.

The authorization in question has been suspended- thus freezing the entire sum -pending receipt of the necessary European Union exemption. However, as it obtained in March 1997 an instalment of Lire 189.986 million, i.e the 'de minimis' payment, the Ministry of Industry has repeatedly requested the European Union for the exemption available for cooperatives that have obtained the 'de minimis'.

The funds provided under the Marcora Law have been granted to only some of those who have applied for them, while other applicants -including the Cooperativa Dolciaria Toscana- are still waiting for payment.

Could the Commision state the criteria on the basis of which priority is awarded for the allocation of funds, and above all why the European Union has not yet authorized the exemption required to render the authorization operative and release the sum in question; have the conditions been met and does the will exist to release the funds; and, finally, whether the relevant Italian authorities have taken the necessary procedural steps to request the exemption?

Answer given by Mr Van Miert on behalf of the Commission

(15 January 1998)

The Commission decided to initiate the procedure provided for in Article 93(2) of the EC Treaty in respect of certain provisions of Law No 49/85 (Marcora Law), for which the Italian authorities had submitted the refinancing arrangements.

The decision was notified to the Italian authorities by letter dated 11 June 1997, to which they replied on 31 July.

As stipulated in the rules governing initiation of the procedure, the decision must be published in the Official Journal in the eleven Community languages. That having been done [1], Member States and interested third parties have one month in which to present their observations.

The Commission can subsequently terminate the procedure by taking a decision on the compatibility or otherwise of the notified scheme with the state aid rules.

In the meantime the Italian authorities, as they have done, may apply the scheme subject to the de minimis threshold.

[1] OJ C 309, 9.10.1997.

(98/C 174/210)

WRITTEN QUESTION E-3828/97

by Wilfried Telkämper (V) to the Commission

(28 November 1997)

Subject: Commission's presentation of eligibility criteria for budget headings

In connection with multiannual programmes and Community initiatives, the Commission organizes events to inform possible applicants about the eligibility criteria and about details needing to be taken into consideration.

For budget heading B3-4113 (Action to integrate refugees) the Commission, and in particular DG V, in conjunction with the ECRE (European Council on Refugees and Exiles) Task Force, invited representatives of associations working for refugees to an event with a view to informing them about the eligibility criteria and providing them with tips for making their applications.

1. How did this event come about?

2. Will the Commission in future carry out such information dissemination activities in connection with all comparable budget headings?

Answer given by Mr Flynn on behalf of the Commission

(16 January 1998)

In order to ensure the transparency and success of the implementation of a new pilot action, the Commission first invited the Member States to designate two representatives who met in Brussels on the subject. The Commission also invited representatives of the United Nations high commissioner for refugees (UNHCR) and the European council on refugees and exiles (ECRE) to a similar meeting. Subsequently, the Commission published a call for proposals of projects [1], and distributed guidelines and application forms.

In order to raise awareness about the new budget line, and at the request of ECRE, the Commission invited non-governmental organisations (NGOs) active in the field of integration of refugees in all Member States to an information meeting in Brussels in August 1997.

The Commission is prepared to proceed in the same manner in connection with similar new budget lines in the field of social policy.

[1] OJ C 211, 12.7.1997.

(98/C 174/211) **WRITTEN QUESTION E-3830/97**

by María Sornosa Martínez (GUE/NGL) to the Commission

(28 November 1997)

Subject: Urban development in the wetlands of Gandía — Xeresa — Xeraco

These Gandía — Xeresa — Xeraco Wetlands (Inventory of Wetlands in the Community of Valencia) are currently being threatened by the development project being promoted by Rusticas, S.A. under Article 20 of Law 4/92, of 5 June, on land deemed not for development. The project involves the construction of a hotel complex and a golf course.

The petition (EXPE.662/97) sent to COPUT (Department of Public Works, Urban Development and Transport) was considered by the Municipal Council in Gandía which, in a letter dated 12 September 1997, asked this Department to suspend temporarily the hearing to enable the claims to be put forward regarding the lack of necessary documentation in this case.

Despite the irregularities of the case, the project infringes Articles 6 and 9 of Law 4/92 mentioned above, which establish, respectively, the authority and duties of the owners of land deemed not for development subject to special protection, and the regulation of construction, development and exploitation carried out. It also infringes Law 11/94, of 27 December, on the Protected Natural Areas of the Valencian Generalitat and Directive 92/43/EEC ([1]) on the conservation of natural habitats, and, specifically, wetlands.

1. Can the Commission ask the COPUT for the case file and, subject to its findings, ask that the project be cancelled if it infringes Directive 92/43/EEC?

2. Can the Commission, within its powers, and taking into account the problems caused by declassifying a number of wetlands of major ecological importance, ask the Valencian Department of the Environment to complete a list of wetlands for special protection areas, as provided for in the Community of Valencia's own legislation, in Law 11/94?

([1]) OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Bjerregaard on behalf of the Commission

(16 December 1997)

1. Given that the Xeraco Wetlands is one of the areas included in the 'Conservation of wetlands and creation of a reserve network for Valencia hispanica' project, which receives Community funding within the framework of the Life Nature programme, the Commission has approached the Valencian Generalitat administration, beneficiaries of the contract, requesting more information on this subject.

The Department of the Environment informed the Commission that it only had official news on the subject. Final approval of this project must be preceeded by a positive assessment of its impact by that Department. This procedure has not yet begun.

2. The Commission does not have the authority to request the Valencian Department of the Environment to compile a list of wetlands.

The Department of the Environment has, however, informed the Commission that the procedure for approving this list, by the Valencian administration, is to begin shortly.

(98/C 174/212) **WRITTEN QUESTION E-3838/97**

by Nikitas Kaklamanis (UPE) to the Commission

(28 November 1997)

Subject: Seismic protection in Greece and the high cost of new projects

Greece is known to be the country most prone to earthquakes in the European Union. Accordingly the new Greek Seismic Protection Regulation (NEAK) drawn up by the Greek Ministry of Regional Planning, Housing

and the Environment introduces doubly stringent standards regarding iron reinforcement in the construction of new housing in Greece, resulting in a 15% increase in costs, which is excessively high for the average Greek.

Has a comprehensive seismologic study been carried out in connection with recent work on the Athens underground railway and the new airport in Spata? Does the Commission intend to create a special Structural Fund reserve earmarked for new public and private projects so that they can be fully guaranteed to withstand earthquakes, given that prevention of disasters is infinitely preferable to measures to remedy the damage they cause in both material and human terms?

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

(19 January 1998)

The antiseismic regulations in force in Greece are applied to the study and construction of the Athens underground, the Spata airport, and all other projects in Greece which are part-financed by the European Regional Development Fund or the Cohesion Fund.

The cost of studies and construction under these projects, including the additional cost of applying the antiseismic regulations, is eligible for a contribution from these Funds so there is no need for a special reserve for this purpose.

(98/C 174/213)

WRITTEN QUESTION E-3841/97

by Stephen Hughes (PSE) to the Commission

(5 December 1997)

Subject: Safety at Athens airport

Recently The Times in the United Kingdom carried an article which suggested that Athens airport was abysmally deficient in safety equipment and had been for some considerable time. The article went on to say that the airport authority had no plans to re-equip or replace deficient safety equipment.

Could the Commission indicate what steps have been taken to guarantee the safe passage of European Union citizens through one of the Union's busiest airports?

Answer given by Mr Kinnock on behalf of the Commission

(15 January 1998)

The Commission does not have information confirming the alleged situation at Athens airport which is described by the Honourable Member in his question. The Commission assumes that the reference is to security equipment for the detection of weapons and explosives at airports, rather than to safety equipment.

The Commission has Legal power to intervene in issues relating to aviation security in individual Member States. While Title VI of the Treaty on European Union provides for cooperation between Member States in the areas of Justice and home affairs, the initiative for action on such matters is retained wholly by Member States.

The Commission does participate, however, as an observer in the working group on security within the European Civil Aviation Conference (ECAC).

If the Honourable Member has more detailed and specific information relating to airport safety or security equipment he is invited to send it to the Commission or to the relevant national authorities.

(98/C 174/214) **WRITTEN QUESTION E-3848/97**

by Alexandros Alavanos (GUE/NGL) to the Commission

(5 December 1997)

Subject: Social security entitlement

The Greek General Accounts Office is refusing to award a survivor's pension to a Swedish national, Mrs Brit-Elizabeth, the widow of Mr Ioannis Papadopoulos, under Article 63(1)(b) of Presidential Decree 1041/79 (civil and military pensions code), on the grounds that she does not have Greek nationality.

Given that this constitutes an infringement of Community law regarding social security entitlement (Regulation (EEC) No 1408/71 ([1])) and the EU Treaty (Articles 48 and 51 and F, 6 and 8) what steps will the Commission take to bring Greek legislation into line with Community law and the EU Treaties and in order to ensure that Mrs Brit-Elizabeth Papadopoulos obtains her pension entitlement?

([1]) OJ L 149, 5.7.1971, p. 2.

Answer given by Mr Flynn on behalf of the Commission

(19 January 1998)

The Commission shares the Honourable Member's opinion that the refusal by the Greek authorities to grant a survivor's pension on the grounds that the applicant does not have Greek nationality infringes Articles 48 and 51 of the EC Treaty, as well as Regulation (EEC) 1612/68 of 15 October 1968 on freedom of movement for workers within the Community ([1]), Council Regulation (EC) No 118/97 of 2 December 1996 amending and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ([2]).

Accordingly, the Commission has contacted the Greek authorities to draw their attention to this situation.

([1]) OJ L 257, 19.10.1968.
([2]) OJ L 28, 30.1.1997.

(98/C 174/215) **WRITTEN QUESTION E-3849/97**

by Kenneth Coates (GUE/NGL) to the Commission

(5 December 1997)

Subject: Minewater pollution

What reply has the Commission received from the UK authorities concerning Directive 76/464/EEC ([1]) and the escape of polluted minewaters from abandoned mines?

Given the threat of further closures of deep mines in Britain, and the possible cessation of water treatment and pumping operations, what scope does Directive 80/68/EEC ([2]) afford in protecting groundwater from polluting emissions from abandoned mines?

([1]) OJ L 129, 18.5.1976, p. 23.
([2]) OJ L 20, 26.1.1980, p. 43.

Answer given by Mrs Bjerregaard on behalf of the Commission

(14 January 1998)

As regards information concerning Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community ([1]), the Commission is able to inform the Honourable Member that it is currently investigating this matter in the framework of Article 169 of the EC Treaty proceedings. Therefore, given the confidential nature of these proceedings, the Commission regrets that it is not able to disclose this information from the Member State.

As regards Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances ([2]), the purpose of this Directive is to prevent the pollution of groundwater by substances in list I and II. In particular, Article 4 and Article 5, inter alia, concern indirect discharges of substances in list I or II. Thus, it appears that there may be some scope for the application of this Directive to discharges from abandoned mines.

([1]) OJ L 129, 18.5.1976.
([2]) OJ L 20, 26.1.1980.

(98/C 174/216) **WRITTEN QUESTION E-3854/97**

by Carmen Díez de Rivera Icaza (PSE) to the Commission

(5 December 1997)

Subject: Publications of the European Environment Agency in the Community languages

The European Environment Agency was set up to facilitate the provision of information on the environment, develop and implement environment policy and ensure that this information is publicly available.

However, it should be pointed out that the abundant and high quality information provided by its reports and services is for the most part available only in English. This not only leads to discrimination but also reduces the efficiency and dissemination of the agency's work.

What measures is the Commission taking to overcome these limitations, which also contravene the regulation establishing the agency?

Answer given by Mrs Bjerregaard on behalf of the Commission

(14 January 1998)

The European environment agency (EEA) was established to provide objective, comparable and reliable information to the Community and Member States. According to Article 1.2 of Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European environment agency and the European Environment information and observation network ([1]), this information is principally for use by policy-makers in the framing and implementing of environmental policies. To achieve this goal, the agency was granted independent status with its work overseen by a management board. The agency's executive director is responsible to the board for the execution of the work programme and for the preparation and publication of agency reports. The agency is an independent body, financed by a subvention from the Community budget and it has its own procedures for financing and obtaining translations, by the translation centre in Luxembourg.

The Honourable Member can rest assured that the Commission is aware of the problem. The Commission's representatives on the management board have drawn attention to the need to publish more reports in other languages. The Commission also participates in the agency's task force on publications. This group was formed this year to consider how the agency could focus its efforts and develop a publications strategy which takes the question of translation fully into account. In doing so it must take into account that the translation of documents is largely a problem of resources. The Environment agency, in common with other European agencies, has the dilemma that committing further resources to translation will put pressure on the agency's operational activities and ability to carry out its work programme.

The Honourable Member's concerns are understood and the question has been passed on to the executive director of the agency with a request that he replies directly.

(1) OJ L 120, 11.5.1990.

(98/C 174/217)

WRITTEN QUESTION E-3858/97

by Carlos Robles Piquer (PPE) to the Commission

(5 December 1997)

Subject: Further Community efforts to regenerate science in Russia

Frequent reports have appeared on the shortcomings and disorganization affecting science in Russia (see Science in Russia: the diamonds in the rubble, The Economist, 8 November 1997). Nevertheless, there appears to be a willingness to increase not only the budget but also government spending, which is crucial for setting up a private sector where support can be given to measures similar to those used to encourage innovation in the United States, Japan or Europe.

Bearing in mind the closer ties between the EU and Russia provided for in the Commission's work programme for 1998, is the Commission planning to take measures to support Russian centres seeking international cooperation to pursue programmes which would otherwise not be viable? What amounts are envisaged for this aid?

In addition, an important role has been played by the International Science and Technology Centre (ISTC), which was set up to prevent the departure of Russian scientists working on technologies with military applications, the work of which was assessed in 1996 by the United States National Research Council (NRC). Has the Commission made its own assessment of this work or does it intend to undertake one?

Answer given by Mrs Cresson on behalf of the Commission

(22 January 1998)

Community co-operation and aid activities with Russia in science and technology increased gradually between 1993 and 1997 in different ways. The overall financial contribution from the Community was, over the four years, in the region of ECU 100 million, and will be around ECU 25 million in 1998. The activities involve more than 28 000 Russian researchers in the following programmes: INTAS, whose budget is 95% funded by the Community, Inco-Copernicus, which enables Russian researchers to participate in scientific co-operation activities and specific programmes in the Fourth Framework Programme in the field of research and development, and the International Science and Technology Centre (ISTC), jointly launched in 1994 by the Community, the United States, Japan and the Russian Federation, to which the Community contributes about ECU 17 million per annum from the TACIS aid programme, more than 80% of which goes to Russian researchers.

In order to promote Russian participation in these activities more, the Russian Science and Technology and Education Ministers have set up three regional information and consultation centres (in St Petersburg, Moscow and Novosibirsk), supported by the Commission which has trained managers, supplied documentation and given practical advice. This network and other projects relating to scientific and technical development will be broadened and strengthened in 1998 with the help of TACIS. A future science and technology (S&T) co-operation agreement, for which the Commission received a negotiating brief on 10 November 1997, should help to consolidate the co-operation activities better and also define other ones of mutual interest.

With regard to assessing the International Science and Technology Centre (ISTC), the Parties to the Agreement (the United States, Japan, the Russian Federation and the Community) are carrying out an assessment of the centre every two years. This assessment is in addition to those carried out by the parties on their own initiative (e.g. the contribution by the National Research Council), the centre's annual audit and the case-by-case assessment of projects. The projects are assessed either by European audit offices, within the framework of the general audit of the Centre at the instigation of the Governing Board, or specifically through the follow-up of TACIS programme projects.

(98/C 174/218)

WRITTEN QUESTION E-3861/97

by Kirsi Piha (PPE) to the Commission

(5 December 1997)

Subject: Air traffic in the EU's air space

Air traffic in the EU has grown from year to year and is still growing. The air space has become crowded and 'air misses' are becoming more common. What does the Commission propose to do to ensure that the growth in air traffic in the EU area does not lead to an environment more susceptible to accidents as a result of air space congestion, and how has it prepared for the growth in air traffic from the countries of Central and Eastern Europe in the near future?

Answer given by Mr Kinnock on behalf of the Commission

(22 January 1998)

The Commission is not aware of any sustained trend in the Community of an increased occurrence of air-misses which could indicate a deterioration in the level of safety in air traffic. However the Commission shares the concerns of the Honourable Member about the possible future consequences of the steady growth in air traffic and the related congestion of infrastructure and air space.

That is why the Commission considers that the Community should play a prominent role in air traffic management (ATM) as part of its air transport policy and has consequently taken several relevant policy initiatives including the following:

1. The fourth framework programme for research and technological development (FPRD) ([1]) has, as the aviation industries recognise, made a large contribution to supporting the development of new tools and concepts for ATM. The Commission will continue with these efforts during the fifth FPRD ([2]) so that further technical solutions can be found to cope with the increase in traffic.

2. Following the conclusions of the 1994 Essen European Council, the Commission has been giving a high priority to ATM projects in the allocation of the trans-European transport network budget in order to assist the investments required to increase air traffic control capacity.

3. The Commission has taken several initiatives to support a significant re-organisation of the present institutional framework in which air traffic is managed at European level. This was the aim of the 1996 ATM white paper ([3]) and of the recommendation made by the Commission for a Council decision authorizing the Commission to start negotiations with a view to establishing Community membership of Eurocontrol. These initiatives have been largely supported by the Parliament in various resolutions over recent years and have certainly helped Eurocontrol in gaining the necessary powers and efficiency which are now enshrined in the revised Eurocontrol Convention signed on 27 June 1997 when enables it to act as the single body in Europe responsible for the safe and efficient use of European airspace.

This is equally valid for central and eastern European countries which are now joining Eurocontrol but have for years been associated, through the European Civil Aviation Conference (ECAC), with the joint efforts developed in Europe to harmonise and integrate the various ATM systems.

It is also in this framework that these countries have received advice from Eurocontrol for upgrading their systems, with the financial support of the Community Phare programme.

([1]) COM(93) 459 final.
([2]) OJ C 173, 7.6.1997.
([3]) COM(96) 57 final.

(98/C 174/219)

WRITTEN QUESTION E-3863/97

by Luciano Vecchi (PSE) to the Commission

(5 December 1997)

Subject: Studies on Youth Policies in the European Union

In December 1994 the European Commission presented a study on youth policies in the European Union — structures and training, based on research carried out in 1992 and 1993.

This study proved extremely valuable for providing information on and sharing experience of local, national and Community youth policies.

Does the Commission intend, in the coming months, to update this study or prepare fresh studies comparing youth policies in the European Union?

Answer given by Mrs Cresson on behalf of the Commission

(12 January 1998)

The Commission plans to update the study 'Youth policies in the European Union – structures and training' during the course of 1998.

(98/C 174/220)

WRITTEN QUESTION E-3864/97

by Konstantinos Hatzidakis (PPE) to the Commission

(5 December 1997)

Subject: Progress in implementing the regional operational energy programme in Greece

Greece's dependence on imports of foreign oil combined with the dollar's rise in value and the resultant increase in the price of liquid fuels have created serious problems in terms of the balance of trade and employment in Greece. These developments in conjunction with the pollution caused by extensive use of hydrocarbons have once again brought the spotlight to bear on the critical issue of promoting domestic renewable energy sources in Greece.

In the light of the above, will the Commission say what stage has been reached to date in implementing the regional operational energy programme under the Community Support Framework for Greece, with particular regard to the promotion of renewable energy sources?

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

(19 January 1998)

The operational programme for energy in the Community Support Framework for Greece has to date absorbed 98% of the public expenditure programmed for the first four years, i.e. 59% of the total amount planned for 1994-99. ECU 100.4 million, or 21% of the total for the programme, is allocated to renewable energy. Of this amount, ECU 25.9 million is earmarked for the development of applied technology infrastructure, demonstration of applications and determining what potential is technically and financially exploitable. The remaining ECU 74.5 is earmarked for assisting the private sector to invest in geothermal energy, hydraulic mini-facilities on water courses with a minimum capacity of 300 kW up to 5 mW and existing hydraulic networks, wind power, passive and active solar systems in buildings (particularly for heating, refrigeration and hot water), biofuel production and the use of renewable energy in sea-water desalination plants.

The private sector will mobilise an additional ECU 90.5 million towards the cost of these investments. The body responsible for managing the appropriations is currently signing contracts worth ECU 76 million to implement 26 projects selected out of a total of 68 proposals submitted under the first call for tenders. At the closing date for the second call for tenders (31 October 1997), 120 proposals had been submitted, representing ECU 501 million. These proposals are currently being assessed.

(98/C 174/221)

WRITTEN QUESTION E-3874/97

by Amedeo Amadeo (NI) to the Commission

(5 December 1997)

Subject: Information society — rolling action plan

The Commission has submitted a communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on 'Europe at the Forefront of the Global Information Society: Rolling Action Plan' (COM(96) 607 final).

The liberalization of the telecommunications sector has been successfully launched and will be completed by 1 January 1998, hence triggering the development of new services and promoting their widespread uptake. The stakes in terms of job creation and competitiveness are particularly high, since the ICT market had an appreciable growth rate of 8% in 1995 and will grow even faster in the future.

In preparation for the 1 January 1998 deadline, will the Commission define a clear regulatory framework to govern the process of liberalization, while ensuring competition and pluralism?

Answer given by Mr Bangemann on behalf of the Commission

(29 January 1998)

The Honourable Member highlights the importance of liberalisation in both the achievement of an information society in Europe and in the creation of growth, competitiveness and employment within that society. With regard to the creation of a regulatory framework maximising the opportunities which liberalisation offers, the Honourable Member will be aware of the detailed package of measures adopted over the last two years, partly by the Commission under the competition rules, and partly by the Parliament and the Council. In particular the harmonisation measures agreed provide a detailed framework for licensing, universal service, numbering and interconnection. They also strengthen consumer rights in relation to the voice telephony service, data protection and privacy. Finally, they strengthen the regulatory independence of the telecoms authorities which now exist in every Member State. This represents a comprehensive framework to guarantee effective competition now that the 1998 deadline has arrived.

(98/C 174/222)

WRITTEN QUESTION E-3875/97

by Amedeo Amadeo (NI) to the Commission

(5 December 1997)

Subject: Information society — rolling action plan

The Commission has submitted a communication to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on 'Europe at the Forefront of the Global Information Society: Rolling Action Plan' (COM(96) 607 final).

Will the Commission take all the measures provided for in the rolling action plan to ensure proper management of universal service, licencing and protection of privacy?

Answer given by Mr Bangemann on behalf of the Commission

(21 January 1998)

The Commission has every intention to follow through the actions as set out in the information society action plan. With regard to the specific areas mentioned by the Honourable Member, developments have taken place since the action plan was submitted.

Directive 97/13/EC of the Parliament and of the Council on a common framework for general authorizations and individual licences in the field of telecommunications services ([1]) was adopted on 10 April 1997.

With respect to the correct implementation of provisions regarding universal service, the Commission intends to publish a communication at the beginning of 1998 following up its two communications on the subject in March 1994 ([2]) and November 1996 ([3]). In addition the amending voice telephony directive ([4]) which defines the scope of universal service is due for adoption early in 1998.

The Directive concerning the processing of personal data and the protection of privacy in the telecommunications sector has been adopted on 1 December 1997. Together with the already adopted general Directive 95/46/EC on the processing of personal data and the free movement of such data ([5]), it will provide the necessary safeguards for the privacy of Union citizens.

([1]) OJ L 117, 7.5.1997.
([2]) COM(96) 73 final.
([3]) COM(96) 608 final.
([4]) COM(97) 531 final.
([5]) OJ L 281, 23.11.1995.

(98/C 174/223) **WRITTEN QUESTION E-3877/97**

by Amedeo Amadeo (NI) to the Commission

(5 December 1997)

Subject: Vertical restraints in competition policy

The Commission's Green Paper on vertical restraints in EC competition policy (COM(96) 721 final) examines the current economic and legal situation with regard to vertical restraints and the findings of a survey on the subject. It also deals with the issue of market integration and questions more closely linked with competition.

Will the Commission provide clarification and ensure coordination with its communication on agreements of lesser importance (COM(96) 722 final) and the options set out in the Green Paper, particularly option IV, which provides for a rebuttable presumption of compatibility with Article 85 for a market share of less than 20%?

Answer given by Mr Van Miert on behalf of the Commission

(28 January 1998)

On 22 January 1997 the Commission adopted a green paper on vertical restraints in Community competition policy. The aim of the green paper is to undertake a fundamental review of policy towards vertical restraints. It also launched a wide ranging consultation exercise by requesting written comments from interested parties by 31 July 1997. This exercise involved the Commission in numerous presentations, speeches and meetings with interested bodies. On 18 July 1997 the Parliament adopted a Resolution on the green paper. Opinions were also adopted by the Economic and social committee and the Committee of the regions on 9 July 1997 and 12 June 1997 respectively. The consultation exercise culminated on 6 and 7 October 1997 with a hearing, at which representatives of industry, interested organisations, the Parliament, the Economic and social committee and Member States were present. The Commission is in the process of formulating its own position in reaction to the information, submissions and opinions received during the consultation exercise.

The green paper contains a number of possible options for the future thrust of policy towards vertical restraints. However these options are not exhaustive and a number of other possible options arose during the consultation process.

The Commission notes the similarities between the negative clearance presumption in option IV of the green paper and the concept of 'de minimis' as defined in the notice of the Commission relating to the revision of the notice of 3 September 1986 on agreements of minor importance which are not caught by the provisions of Article 85(1) of the EC Treaty ([1]).

It is as yet too early to comment on the outcome of the green paper, but the Commission notes the need for co-ordination between the Commission's notice on agreements of minor importance, and any future policy proposal in this area.

([1]) COM(96) 722 final.

(98/C 174/224)

WRITTEN QUESTION E-3878/97

by Amedeo Amadeo (NI) to the Commission

(5 December 1997)

Subject: Vertical restraints in competition policy

With reference to the Green Paper on vertical restraints in EC competition policy (COM(96) 721 final), the system of category exemptions based on forms of distribution is too rigid and fails to cover forms of distribution which are dynamic adjustments to changing market conditions.

Will the Commission review the existing category exemption regulations, which are undoubtedly too rigid and often difficult to interpret, with a view to making them more flexible?

Answer given by Mr Van Miert on behalf of the Commission

(14 January 1998)

The Commission refers the Honourable Member to its answer to his previous written question E-3877/97 ([1]).

The Commission can confirm to the Honourable Member that as part of its overall review of policy on vertical restraints it is also reviewing the existing category exemption regulations other than Commission Regulation (EC) No 1475/95 of 28 June 1995 on the application of Article 85(3) of the EC Treaty to certain categories of motor vehicle distribution and servicing agreements ([2]).

The concept of making the existing category exemption regulations more flexible is one of the possible policy options discussed in paragraphs 282 to 285 of the green paper on vertical restraints in EC competition policy. It is as yet too early to comment on the outcome of the green paper, as the Commission is currently in the process of formulating its own position in reaction to all the information, submissions and opinions received during the consultation exercise. Therefore, the Commission is not in a position at this stage to say whether or not it will propose that these category exemptions be made more flexible. The Commission hopes to be in a position to clarify its policy position during 1998.

([1]) See page 149.
([2]) OJ L 145, 29.6.1995.

(98/C 174/225)

WRITTEN QUESTION P-3888/97

by Martin Schulz (PSE) to the Commission

(27 November 1997)

Subject: Sexual abuse of children at the Clovis crèche

1. Is the Commission aware that the Belgian public prosecution service is investigating the suspected sexual abuse of children at the Clovis interinstitutional crèche?

2. Is it true that the Clovis crèche is operated by the private Belgian firm Esedra on Commission premises and on the basis of a contract between the firm and the Commission?

3. Is it true that some of the firm's staff employed at the crèche are being held on remand on suspicion of sexual abuse?

4. Since when has the Commission been aware of this suspicion?

5. Did the Commission learn of these circumstances from the Belgian public prosecution service or was there previous information? If so, from whom?

6. Who is responsible within the Commission for events at the crèche?

(a) Which Commissioner?

(b) Which directorate-general? Which official within that directorate-general?

7. When were the persons referred to in paragraph 6 informed of these developments?

8. What steps have the above-mentioned persons and services taken in this matter, and when were those steps taken?

Answer given by Mr Liikanen on behalf of the Commission

(7 January 1998)

Since June 1995, the Clovis crèche has been managed by Esedra, a subsidiary of the Italian firms Artistea and CIR established under Belgian law, with which the Commission concluded a contract in June 1995 following an invitation to tender published in the Official Journal in December 1994.

The person who was remanded in custody on 29 October 1997 is a member of Reggio, an Italian firm which acts as educational consultant for Esedra. This person was released provisionally by the Court of First Instance on 1 December 1997.

On 2 June 1997, the Commission was informed unofficially by the Director of the crèche that on 29 and 30 May 1997 a parent had expressed his fears that his child had been sexually abused. Although the parent did not approach the Commission, the Commission contacted the parent, who requested it not to intervene. Nevertheless, the Commission's Security Office was notified and it helped parents in the steps they took outside the Commission. It also cooperated actively with the Belgian judicial authorities, who are exclusively responsible for investigating events of this nature, and in particular for taking the precautionary measures required for the efficient conduct of the inquiry.

From the outset, the Commission sought to act in the interests of the children and parents concerned while following the instructions on confidentiality imposed by the Brussels public prosecutor's office. Initially, it operated informally with staff representatives, the management of the crèche and the parents' association. Subsequently, it set up a crisis unit as the best means of meeting the information needs of parents and staff. Several communications and information meetings have been organised for the parents since then, and they will continue to be organised as long as necessary, although it must be stressed that the Commission received little information throughout the inquiry.

The first official communication the Commission received relating to suspected acts of paedophilia in the Clovis crèche dates from 21 October 1997, when the Belgian judicial authorities requested permission to enter the building. In a second communication from the public prosecutor's office dated 14 November, the Commission was informed of certain details relating to the judicial inquiry of which it previously had no knowledge, the most important of which are: 'that a file was submitted for examination to the Brussels' public prosecutor's office on

28 June 1997 ..., an examining magistrate wishes investigators to visit the building ... and a photo file to be established ..., the Commission had agreed to the performance of all relevant judicial tasks ..., the inquiry is based on statements by the parents ..., the case is being investigated ..., some parents have expressly requested the examining judge to exercise discretion in this inquiry for their children's sake'.

The Security Office reports to the President of the Commission. The unit responsible for monitoring management by the sub-contractor is the Welfare Policy Unit in DG IX, which comes under the Member of the Commission responsible for personnel and administration.

(98/C 174/226) **WRITTEN QUESTION E-3895/97**

by Gerardo Fernández-Albor (PPE) to the Commission

(11 December 1997)

Subject: Payrolls in Euros

Many institutions, bodies and undertakings have already adopted the practice of printing their employees' payrolls both in Euros and their national currency, with a view to gradually accustoming them to a currency which will change the habits of Europeans.

Measures of this type, alongside others such as paying local government taxes in Euros, will help all European citizens to get to grips with the Euro.

Is the Commission encouraging the extension of such practices with a view to helping citizens to come to terms with mentally converting into Euros in preparation for the arrival of a new monetary system which will greatly reinforce the European Union citizens' sense of unity?

Answer given by Mr de Silguy on behalf of the Commission

(15 January 1998)

The Commission fully shares the views expressed by the Honourable Member. It welcomes the commitment on the part of its partners in both the public and the private sector to ensuring that the euro is introduced as smoothly as possible.

The manner in which the communication challenges posed by the euro are addressed by the Commission is set out in a recent communication entitled 'Practical aspects of introducing the euro ([1]).'

The Commission has set up various expert consultative working groups to examine specific aspects of the communication challenges in greater detail. They are due to present their reports soon, and the Commission will then rapidly draw appropriate policy conclusions. A first group is examining the technical and cost implications of dual display, i.e. the display of prices and values in both national currency and the euro. A second group is examining how to help citizens understand prices and values denominated in euros.

The Commission acknowledges that public administrations have a central role to play in the changeover to the euro, and it has requested national authorities to present changeover plans by the end of 1997. Virtually all the Member States have already presented their plans, which in most cases provide for the submission of tax returns in euros during the transitional period. In many cases, the right to submit a tax return in euros during the transitional period also covers personal income tax returns. The details of the changeover of public administrations are a matter for the national authorities. The Commission will report on the changeover plans of all Member States in the near future.

([1]) COM(97) 491 final.

(98/C 174/227)

WRITTEN QUESTION E-3897/97

by Amedeo Amadeo (NI) to the Council

(10 December 1997)

Subject: Acts of brutality committed in Somalia by soldiers from EU Member States

With reference to Written Question E-2488/97 by the Honorable Member Nikitas Kaklamanis (UPE), in which he asks 'Will the Council say how it intends to react to the reports of unprecedented acts of brutality by soldiers from Member States (and notably, founding members) of the Union, acts which have dealt a devastating blow to its prestige as a whole and which give its declarations about ''protection of human rights' a hollow ring?', will the Council give an immediate response in the light of the findings of an inquiry by the Italian Ministry of Defence and the admission by the editor of 'Panorama' that he was mistaken, in order to prevent any offence to the peace forces sent to Somalia, particularly the illustrious soldiers of Folgore?

Answer

(26 February 1998)

The Honourable Member's Question does not fall within the Council's purview.

(98/C 174/228)

WRITTEN QUESTION E-3898/97

by Amedeo Amadeo (NI) to the Commission

(11 December 1997)

Subject: Acts of brutality committed in Somalia by soldiers from EU Member States

With reference to Written Question E-2488/97 by the Honorable Member Nikitas Kaklamanis (UPE), in which he asks 'Will the Council say how it intends to react to the reports of unprecedented acts of brutality by soldiers from Member States (and notably, founding members) of the Union, acts which have dealt a devastating blow to its prestige as a whole and which give its declarations about 'protection of human rights' a hollow ring?', will the Council give an immediate response in the light of the findings of an inquiry by the Italian Ministry of Defence and the admission by the editor of 'Panorama' that he was mistaken, in order to prevent any offence to the peace forces sent to Somalia, particularly the illustrious soldiers of Folgore?

Answer given by Mr Pinheiro on behalf of the Commission

(14 January 1998)

The Commission is following developments in the investigation of the accusations of bad treatment inflicted on Somalians by members of the United Nations Restore Hope mission.

The investigation falls within the competence of the countries whose troops participated in the UN mission.

The Commission would emphasise the essential role played by the Union and the countries concerned in sending peace-keeping troops as part of the Restore Hope operation, which saved thousands of human lives.

(98/C 174/229)

WRITTEN QUESTION P-3901/97

by Carlo Secchi (PPE) to the Commission

(27 November 1997)

Subject: Ban on advertizing laxatives in Italy

Is the Commission aware that the Italian Health Ministry's Drugs Board has decided to reclassify laxatives, which are at present classed as OTC [over the counter] drugs, as so-called SOP (senza obbligo di prescrizione) or restricted non-prescription drugs which, unlike OTC drugs, cannot be advertized to the public?

Does the Commission take the view that this measure could constitute a barrier to the free movement of goods, in view of the fact that current European legislation, as well as the Member States' domestic legislation, allows drugs for self medication to be advertized to the public?

Answer given by Mr Bangemann on behalf of the Commission

(22 December 1997)

The planned Italian measures which may have the consequence of prohibiting the advertising for all laxative products were brought to the attention of the Commission by an Italian pharmaceutical industry association on 20 November 1997.

Considering the clear wording of Article 3 of Directive 92/28/EEC of 31 March 1992 on the advertising of medicinal products for human use ([1]) it seems that Member States are not allowed to have more restrictive rules on the advertising to the general public. Therefore, a national ban on the advertising of a certain category of medicinal products 'which by virtue of their composition and purpose, are intended and designed for use without the intervention of a medical practitioner for diagnostic purposes or for the prescription or monitoring of treatment, with the advice of the pharmacist, if necessary' and which is not covered by the explicit derogations laid down in Article 3 paragraphs 1 and 3, appears to be an infringement of Community law.

The Commission is closely monitoring the further development of this issue in Italy and will, if necessary, initiate the appropriate steps to ensure full compliance with Community law.

Directive 92/26/EC of 31 March 1992 concerning the classification for the supply of medicinal products for human use ([2]) gives to the Member States the possibility to re-classify the legal status of medicinal products so that advertisement requirements could be different, including the possibility of prohibiting such advertisement.

([1]) OJ L 113, 30.4.1992.
([2]) OJ L 113, 30.4.1992.

(98/C 174/230) **WRITTEN QUESTION E-3921/97**

by Paul Lannoye (V) to the Commission

(11 December 1997)

Subject: Contamination by Mancozeb

In October 1995 a store of 475 tonnes of Mancozeb (fungicide) caught fire in the garden of the EDF compound in Kigali.

Eleven months later (in September 1996) a team of experts under the auspices of the FAO examined the problem on site and recommended a certain number of urgent measures and solutions to neutralize this store and the contaminated land.

According to our information there has been no movement in the situation over the past months despite the urgency (Mancozeb, stored in poor conditions rapidly converts into ETU (ethylenethiourea) which is known to be carcinogenic). Tests carried out in France showed that the 85% of the Mancozeb had converted into ETU. An unspecified amount of ground around this store has already been contaminated by ETU, and also, very probably, sources of drinking water.

We understand that a sum of ECU 500 000 has been set aside in the budget to rehabilitate the site.

Can the Commission indicate what action it has taken over the past two years to deal with the problem?

Answer given by Mr Pinheiro on behalf of the Commission

(14 January 1998)

The Commission shares the Honourable Member's concern about the risk to public health posed by the fire involving a consignment of Mancozeb for a food security project stored in an industrial area of Kigali, if the site is not quickly cleaned up.

When it learnt of the accident in September 1995 the Commission immediately ordered a report. Its conclusions were accepted by the Rwandan authorities and the Commission on 3 October 1995.

A further study was carried out with the Food and Agricultural Organisation (FAO) on the Commission's initiative following disagreement between the ministries concerned about how to clean up the site. The conclusions and recommendations were accepted by all sides and the clean-up operation began in July 1997 after the work had been put out to tender.

The Commission is closely monitoring the situation and will do its utmost with the Rwandan authorities' approval to use all available capacity on the ground to swiftly dispose of the waste.

(98/C 174/231)

WRITTEN QUESTION P-3944/97

by Guido Viceconte (UPE) to the Commission

(4 December 1997)

Subject: Imports of textile goods and failure to comply with Community labelling rules

For about a year, the Italian market has been invaded by non-Community textile products imported through a triangle of states (Bangladesh-UK-Italy) so as to evade Community rules and quotas.

More specifically, these textile imports are in breach Community labelling rules as they carry no indication of their composition or country of origin, and they are causing considerable economic damage to Community products and, in particular, are harming local economies, such as the textile centre of Barletta, which is made up of small and medium-sized enterprises which make a vital contribution to GDP and to employment in Southern Italy by manufacturing finished knitted and woven articles which comply fully with Community rules on consumer protection.

Will the Commission therefore say:

1. whether it is aware of this anomalous and most unsatisfactory situation which is harming more than 300 firms in Apulia?
2. What action it intends to take, and when, to put an end to these breaches of competition law, protect the interests of European consumers and guarantee them correct information?
3. What measures it intends to take to step up checks at the EU's external borders on imports of textile goods which breach Community rules?
4. Whether it plans measures to give the above-mentioned firms financial compensation for the economic losses they have suffered?

Answer given by Mr Bangemann on behalf of the Commission

(9 January 1998)

Quotas under the Multifibre Agreement have been established for the Community as a whole since 1 January 1992. With regard to Bangladesh, there is no restriction on quantity, merely administrative cooperation provisions providing for a double control based on the granting of export and import licences.

Directive 96/74/EC on textile names, as amended by Directive 97/37/EC [1], stipulates that textile products may not be placed on the market within the Community unless they satisfy the provisions of the abovementioned Directives. Where such products are offered to the ultimate consumer they must bear a label indicating their fibre content.

Labelling of the country of origin is not compulsory at Community level, though some Member States do require it.

If the textile products imported into the Community from Bangladesh fail to satisfy the Directive's labelling provisions, the parties concerned may lodge a complaint with the Commission.

(1) Commission Directive 97/37/EC of 19 June 1997 adapting to technical progress Annexes I and II to Directive 96/74/EC of the European Parliament and of the Council on textile names, OJ L 169, 27.6.1997.

(98/C 174/232)

WRITTEN QUESTION E-3949/97

by James Nicholson (I-EDN) to the Commission

(12 December 1997)

Subject: Conscientious Objectors in Greece

Although Greece has recently enacted a law to recognise conscientious objection, interest groups claim that there is still discrimination against the practice as persons currently imprisoned for their pacifist beliefs have not been released. It is also claimed that the new law (2510/97) does not take account of matters such as the development of conscientious objection during the period of military service.

What is the opinion of the Commission on the law governing military service with regard to conscientious objection in Greece?

Answer given by Mr Van den Broek on behalf of the Commission

(16 January 1998)

The Honourable Member is referred to the Commission's answer to written question E-868/96 by Mr Gianni Tamino and other MEPs (1).

(1) OJ C 280, 25.9.1996.

(98/C 174/233)

WRITTEN QUESTION E-3958/97

by Johanna Maij-Weggen (PPE) to the Commission

(12 December 1997)

Subject: Arms exports in Sweden

Is the Commission aware that in May 1997 the Swedish government forwarded a report to the Swedish Parliament entitled Swedish Arms Exports in 1996?

Can the Commission investigate which governments of EU Member States also provide their parliaments with such information on arms exports from their countries?

Is the Commission willing to request these annual reports, to combine them and to forward them with an inventory and comments to the European Parliament?

Answer given by Mr Van den Broek on behalf of the Commission

(29 January 1998)

The Commission is aware of and welcomes the Swedish government's report 'Swedish arms exports in 1996' which was submitted to the Swedish Parliament.

Through public information the Commission is also aware that, in different forms, some Member States' governments notify their national parliaments on licensed arms exports.

The Commission draws the attention of the Honourable Member to the communication 'Implementing European Union strategy on defence-related industry' it adopted recently [1]. In this communication the Commission explains that an integrated European market for defence products should be set up using a combination of all the instruments at the Union's disposal. The communication consists of an action plan for defence-related industries as well as a proposal for a common position on drawing up a European armaments policy.

As part of this action plan the Commission will draw up a white paper formulating possible options for progress toward a common arms export policy, which will then also contribute to the establishment of a code of conduct.

As part of this white paper the Commission could for example suggest information exchange between Member States and the Community institutions on arms exports.

However, it is not foreseen that the Commission requests at this stage copies of Member States' reports on arms exports.

[1] COM(97) 583 final.

(98/C 174/234)

WRITTEN QUESTION P-3963/97

by Maj Theorin (PSE) to the Commission

(5 December 1997)

Subject: Human rights in Turkey

The European Parliament has on several occasions called for human rights to be respected in Turkey. The EU-Turkey customs union was adopted in spite of evidence that Turkey was then, and is still, committing serious breaches of human rights and breaches of democracy. Reports are still coming out of Turkey which show that human rights continue to be infringed there. The human rights situation in Turkey is far from satisfactory.

How does the Commission propose to hasten the prospect of Turkey's respecting human rights and becoming a stable democracy?

Answer given by Mr Van den Broek on behalf of the Commission

(12 January 1998)

The Commission never fails to impress on the Turkish authorities the importance that the Community attaches to improvements in the human rights situation and the continuation of the democratisation process.

In Agenda 2000 the Commission noted that 'despite political recognition of the need for improvement and certain recent legislative changes, Turkey's record on upholding the rights of the individual and freedom of expression falls well short of standards in the EU' [1].

Since 1993 the Commission has supported many Turkish non-governmental organisations (NGOs) working to promote human rights and strengthen civil society in the country. It has granted ECU 6 million (ECU 3 million in 1997 alone) for over sixty projects. The Commission intends to continue and step up this cooperation.

The Commission communication of 15 July 1997 on the further development of relations with Turkey includes proposals to help European and Turkish NGOs, and argues that the Community should go on backing Turkey's efforts to resolve its problems and continue its integration into the Community [2].

The communication also proposes cooperation to help the Turkish government enforce international conventions on human rights and apply the relevant domestic legislation. The Turkish authorities have already officially notified the Commission of their readiness to cooperate in this field. Bilateral discussions for the identification of projects will begin shortly.

(1) COM(97) 2000 final.
(2) COM (97) 394 final.

(98/C 174/235) **WRITTEN QUESTION P-3964/97**

by Nikitas Kaklamanis (UPE) to the Commission

(5 December 1997)

Subject: Discovery of networks marketing suspect meat

According to information submitted by the Commission to the European Parliament concerning its actions relating to the trade in meat infected with 'mad cow disease', some German undertakings have been involved in the whole business without any direct and radical measures apparently being taken against them.

It should also be noted that the Belgian undertaking 'TRAGEX – GEL' was operating since November 1996 without any official authorization, despite repeated warnings from the Commission to the Belgian authorities. This alarming revelation means that this undertaking must have been supplying its customers with unscreened meat for over six months.

Will the Commission say which controlling authority (UCLAF or other) has a list of customers of the Belgian, British and other undertakings involved in the networks marketing the suspect meat (which I would ask it to forward to me) and whether it has undertaken any detailed research into the role played by German undertakings in connection with the marketing of suspect meat in Community or other countries and, if so, what are its conclusions?

Answer given by Mrs Gradin on behalf of the Commission

(13 January 1998)

All cases of illegal traffic of British meat are currently under investigation by the national authorities in Belgium, Germany, France, Ireland and the Netherlands and, of course, the United Kingdom. Judicial inquiries have been undertaken in Belgium, Germany, France and the Netherlands. According to the knowledge of the Commission, the meat involved in this illegal traffic was eligible to be placed on the market in the United Kingdom.

As far as the company TRAGEX – GEL is concerned, it has been operating without the necessary administrative approval, but under veterinary supervision.

The Commission is not in possession of a list of customers of the companies involved in connection with the traffic. The vast majority of the quantity concerned has been traced as being exported to third countries with refunds. The relevant third countries have been informed of this.

(98/C 174/236) **WRITTEN QUESTION P-3965/97**

by Alexandros Alavanos (GUE/NGL) to the Commission

(5 December 1997)

Subject: Establishment of an inventory of Greek property in Istanbul with a view to 'development'

The Turkish Ministry of Finance has begun an inventory of all the ancient historic houses in Istanbul whose owners are considered unknown or cannot be traced with the object of developing these properties.

Since this procedure is a scheme to violate the property rights of Istanbul Greeks and given that the Commission stated in its reply of 5 March 1996 to a petition on this matter by Mrs Elpida Frangopoulou (305/94, PE 211.841/rev.) that it intended to make every effort to put the matter on the agenda of the next EU-Turkey Association Council meeting, will the Commission say:

1. Has the EU-Turkey Association Council considered the subject of this property, as the Commission promised? If so, how did the Turkish side react?

2. What measures does it intend to take to prevent the implementation of this recent decision by the Turkish Ministry of Finance targeting property belonging to Istanbul Greeks?

Answer given by Mr Van den Broek on behalf of the Commission

(19 January 1998)

The meeting of the EU-Turkey Association Council which had been planned for 25/26 March 1996 had to be cancelled a few days before it was due since the necessary political conditions for the meeting were not in place.

The EU-Turkey Association Council did not meet again until 29 April 1997, on which occasion it was not able to address the question of the property of Greek residents in Turkey.

The Commission has not been able to obtain confirmation of the Honourable Member's statement that the Turkish Finance Ministry is now carrying out an inventory of houses in Istanbul whose owners are considered unknown or who cannot be traced.

(98/C 174/237)

WRITTEN QUESTION P-3995/97

by Karla Peijs (PPE) to the Commission

(11 December 1997)

Subject: Double taxation

Can the Commission indicate what takes precedence pursuant to European Directives: goods or services supplied exempt from turnover tax or goods or services supplied at VAT zero-rating because an intra-Community transaction is involved? Why?

Does the Commission acknowledge that tax accumulates if a firm in one Member State exports goods or services, exempt from turnover tax, to another Member State where such goods or services are not exempt from turnover tax? Can the Commission indicate whether this is based on a European decision — and, if so, which one — or whether these are simply powers exercised by national authorities?

Answer given by Mr Monti on behalf of the Commission

(14 January 1998)

The Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ([1]) rules out in principle any double taxation of transactions exempted within the country on the basis of Article 13 of that Directive. Uniform application of Article 13 prevents any such double taxation while Article 28c(B)(a) exempts 'the intra-Community acquisition of goods the supply of which by taxable persons would in all circumstances be exempt within the territory of the country'.

However, continued application by Member States of the transitional provisions based on Article 28(3) may lead to the accumulation of tax owing to the option given to Member States to continue to tax transactions which are normally exempt or to exempt transactions which are normally taxed. In exceptional cases, this lack of harmonisation may lead to a Member State taxing transactions on which the seller has been unable to deduct input tax in his own Member State.

The Commission has proposed [2] on a number of occasions that these temporary derogations be abolished. Except for the adoption of the Eighteenth Directive (89/465/EEC) of 18 July 1989 on the harmonisation of the laws of the Member States relating to turnover taxes — Abolition of certain derogations provided for in Article 28(3) of the Sixth Directive (77/388/EEC) [3], which abolished a number of those derogations, the Council has failed to reach unanimous agreement on their total abolition.

It was for that reason that the Commission clearly indicated in its work programme for the introduction of a common system of VAT [4] that it intended to re-examine all the options and derogations authorised under the current arrangements with a view to ensuring that the tax is applied uniformly.

(1) OJ L 145, 13.6.1977.
(2) OJ C 205, 13.8.1992.
(3) OJ L 226, 3.8.1989.
(4) COM(96) 328 final.

(98/C 174/238)

WRITTEN QUESTION P-4016/97

by Gerhard Hager (NI) to the Commission

(11 December 1997)

Subject: Award of subsidies for natural gas pipe laying

As a means of ensuring natural gas supplies, a number of local authorities in Austria are awarding unconditional subsidies not subject to any repayment conditions to Energie-Versorgung Niederösterreich AG (EVN). The subsidies are payable partly by the kilometrage of pipeline laid, partly as a lump-sum (e.g. ATS 9 535 000 paid by Haag municipal authority for 16.9km of gas pipe laying), and, under the contracts currently concluded, are conditional neither on supplies at reduced prices to the local authority itself or to householders. It is also left to EVN's discretion to determine whether, and in what local-authority districts, it will provide a natural gas supply facility in future.

The local authorities also undertake, again for no financial return, to issue authorizations for laying pipelines and constructing related facilities on all sites for which they are now or subsequently will be responsible, and to make the sites required for the necessary engineering works available at Charge. Lastly, the local authorities undertake for the duration of the agreement neither to produce or distribute gas themselves, nor to authorize others to construct a gas-pipeline network or other facilities necessary for gas production or distribution on sites located on their property.

1. What is the Commission's view of the legal status of agreements concluded on the above terms?

2. Does the Commission intend to take any action against the award of the above subsidies — in particular vis-à-vis other energy sources — on the basis of competition law?

Answer given by Mr Van Miert on behalf of the Commission

(13 January 1998)

On the basis of the available information, the Commission is not yet in a position to decide whether subsidies from some Austrian municipalities to the energy company Energie-Versorgung Niederösterreich (EVN) are compatible with the competition rules laid down in Article 92 and 93 of the EC Treaty.

The Commission will immediately ask the Austrian authorities for a detailed information and investigate the agreements entered into.

If the Commission has doubts on the compatibility of the agreements with the Community law, it will immediately initiate the procedure provided for in Article 93(2) of the EC Treaty.

(98/C 174/239)

WRITTEN QUESTION P-4067/97

by Gianfranco Dell'Alba (ARE) to the Commission

(15 December 1997)

Subject: Resumption of cooperation with the Democratic Republic of the Congo

Can the Commission explain why it has apparently decided, on the fringe of the 'Amis du Congo' meeting held in Brussels on 3 and 4 December at the initiative of the World Bank, to unblock an amount of aid totalling ECU 77 million to the Democratic Republic of the Congo? This appears to be the first step towards total resumption of European Union aid to Kinshasa, although the Union's Institutions, most recently Parliament on 23 October 1997 and before that the General Affairs Council of 15 September 1997, have repeatedly expressed their concern at the human rights situation in the country and demanded that unhindered progress of the United Nations mission of inquiry into allegations of massacres and other human rights violations since 1993 be considered an essential precondition for any resumption of cooperation with the DRC.

Does the Commission consider, for example, that the many obstacles recently placed in the way of this mission of inquiry, which has been held up for more than six months, constitute the sufficient progress referred to by the Council three months ago as a condition for the gradual resumption of EU cooperation with the DRC?

Answer given by Mr Pinheiro on behalf of the Commission

(19 January 1998)

The Commission announced, on the fringe of the recent 'Amis du Congo' meeting that it would resume its provisional health support programme (PATS II) for ECU 45 million and release a first instalment of ECU 34 million for the rehabilitation programme (PAR). PATS II is the second phase of a health programme under way since 1995 to assist the poorest sections of the population. The purpose of the first PAR instalment is to re-establish the road network around Kinshasa in order to ensure food security for the capital and allow peasants to sell their products there to earn a minimum income.

The two programmes bridge the gap between humanitarian aid and rehabilitation, and they are part of measures to combat poverty. They are being implemented either by non-governmental organisations or through direct contracts between the Commission and local businesses, making it possible to start up the programmes rapidly. At this stage, therefore, cooperation with Government institutions, which has been suspended since 1992, has not been resumed.

The Commission has begun a constructive dialogue with the Congo Government and the announcement of the two programmes is seen as a response to the positive steps taken by the Kinshasa authorities, in particular the 'green light' given to United Nations human rights mission's inquiry, the appointment of a constitutional committee and the constructive attitude of the Congo delegation at the 'Amis du Congo' meeting.

The Commission is aware that there are still many human rights problems in the Democratic Republic of Congo (DRC) and that setting up the constitutional committee is only a tentative step towards resuming the process of transition to democracy. Nevertheless, these problems must be viewed in the context of the critical situation in the country: the total dilapidation of infrastructures, the crushing weight of foreign debt, the extremely precarious economic and social situation, the fact that certain provinces are still unsettled and dangerous, regional rivalry and ideological splits within the leadership. In the light of the enormous challenges facing the new Government, the abovementioned political measures which it has taken deserve to be recognised as steps in the right direction and encouraged by partners outside the DRC. The announcement of the resumption of the two programmes by the Commission thus fits in with principle of gradual and conditional resumption of cooperation with Congo approved by the General Affairs Council of 15 September 1997.

(98/C 174/240)

WRITTEN QUESTION E-4113/97

by Yves Verwaerde (PPE) to the Commission

(16 January 1998)

Subject: Geopolitical situation in the Great Lakes region

What is the Commission's position on the geopolitical situation in the Great Lakes region?

Answer given by Mr Pinheiro on behalf of the Commission

(29 January 1998)

In recent years the Great Lakes region has been rocked by a series of unprecedented political, social and humanitarian crises. The Kigali and Kinshasa governments were ousted by a military alliance which linked the ethnic conflicts in the Great Lakes with the destiny of the Congo (former Zaire) and the strategic interests of Uganda and Angola. The genocide in Rwanda, the civil war in Burundi and ethnic persecutions before and during the recent conflict in the Congo claimed hundreds of thousands of victims, while millions of people were displaced. Violent clashes and the daily struggle for survival have left deep resentment between the various population groups.

But the political and military upheavals have also given rise to the hope that new forms of regional integration and co-operation can be achieved if the countries in the region succeed in re-establishing peace and relaunching the economy. The Great Lakes and Central Africa region have an exceptional abundance and variety of natural resources. Demographic pressure, which has become a serious problem in some countries in so far as population groups are confined to narrow national borders, also represents considerable potential if a regional area can be created in which people and goods can move freely and safely and economic opportunities are available. The Commission has long envisioned the regional development of the Great Lakes region and is ready to initiate dialogue with the countries of the region on regional integration.

The Commission is aware that for the process of peace and regional integration to be successful, the security of the states concerned must be ensured; this continues to be threatened — from the outside as well as from within — by various armed opposition groups. But peace cannot be attained solely by military action against rebellions. It is essential that the legitimate defence of national sovereignty be combined with a reconciliation policy that goes beyond national borders. The interests of all population groups must be given due consideration, both at the economic level and in terms of participation in political life. Respect for human rights and international humanitarian law must be re-established. Security is not the privilege of States; it is also a fundamental right for individuals. The safety of individuals has several aspects, all of which must be addressed: protection against persecution, safety of people and property, but also food security, the fight against poverty and protection of the environmental and economic basis essential for the survival of societies.

Re-establishing peace in the broad sense is a formidable challenge, but it seems the only possible way to secure lasting stability in this beleaguered region. The Community is ready to help the countries that embark on this process, but the political prerequisites must come from the region itself and its political leaders: dialogue and reconciliation at national and regional level, the creation of a constitutional and legal framework for open societies and economies, and the establishment of an administration that can manage public affairs efficiently. These conditions reflect the spirit and letter of the Lomé Convention, which is the principal standard for relations between the Community and the African, Caribbean and Pacific (ACP) countries.

(98/C 174/241)

WRITTEN QUESTION P-4152/97

by Francesco Baldarelli (PSE) to the Commission

(7 January 1998)

Subject: The application of Regulation (EEC) 2078/92 in the Italian regions

In response to written opinions from the Commission and a judgment by the Regional Administrative Court the Regional Council of the Marches issued an act regulating the application of Regulation (EEC) 2078/92 ([1]), in particular measure A2, 'organic farming'.

The Regional Council of the Marches has stipulated — on the basis of technical opinions and in accordance with the Community Regulation — measures concerning the conversion of land to organic farming, by providing the possibility of five-year rotation for the cultivation of lucerne.

The decision establishes that: (1) the area used for the cultivation of lucerne may be rotated on a five-yearly basis provided that it does not exceed 60% of the utilized agricultural area; (2) farms mainly engaged in livestock farming consisting of less than 5 hectares may, over 5 years, use as much as 100% of the useable agricultural area.

This decision was issued on the basis of similar decisions in the regions of Tuscany, Lombardy and Emilia Romagna, which have a similar five-year rotation system for herbaceous crops (lucerne or grassland).

After a number of meetings DG VI gave ample assurances regarding the lawfulness of the regional decision, but now, via communications from its officials to the Marches Region, it seems to be calling it into question.

In view of this, can the Commission say:

1. how it can envisage disparities in treatment between Italian regions in the application of measure A2 in Regulation (EEC) 2078/92;
2. whether it considers that the application of this Regulation by the Region is in full compliance with the principle of subsidiarity;
3. whether pressure has been put on the Commission or its officials to persuade it to treat the Region of the Marches differently from other regions and in a way which penalizes it;
4. whether it should forthwith allow the Marches the same concessions as other regions?

(1) OJ L 215, 30.7.1992, p. 85.

Answer given by Mr Fischler on behalf of the Commission

(26 January 1998)

In response to claims of discrimination against the region of Marche with regard to the rules for the application of measure A2 'Organic farming' under the regional agri-environmental programme, the Commission looked at similar measures in force forming part of all the programmes approved in Italy under Regulation (EEC) No 2078/92. The Commission found no evidence of disparities or preferential treatment. The Commission has, on several occasions, and most recently on 9 December 1997, expressed and explained to the regional authorities its reservations about the Marche regional decision referred to in the question. There was no justification for the decision to derogate from the rotation rules in force (two years of cereals + three years of forage crops), by allowing a five-year lucerne monoculture, for all current commitments, for holdings specialising in livestock-farming or with a UAA of less than 5 ha. The proposed lucerne monoculture is not justifiable as part of an organic farming measure either on agronomic grounds or on economic grounds, since it does not satisfy the conditions for the premium currently in force for this measure.

The Commission takes the view that by approving the above-mentioned decision it would be discriminating against the other Italian regions, where, contrary to what is stated in the Honourable Member's question, multiannual rotation under such a measure is obligatory, which rules out a forage crop monoculture in connection with an agri-environmental commitment.

Article 7 of Regulation (EEC) No 2078/92 lays down that the Commission is to examine proposals communicated by the Member States and decide whether they comply with the Regulation. This is entirely in accordance with the principle of subsidiarity.

As for the question of whether pressure has been exerted, there are absolutely no grounds for such allegations, and the Commission has no further comment on the matter.

The Commission is currently holding discussions with the regional authorities to define a joint position on all the amendments to the agri-environmental programme in question.