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WRITTEN QUESTIONS WITH ANSWER

(2000/C 170 E/001) **WRITTEN QUESTION E-0646/99**

by Ian White (PSE) to the Commission

(16 March 1999)

Subject: Tax on the employment of foreign nationals

Is the Commission aware that in the world of German theatre, a tax on the employment of foreign nationals appears to be paid at a rate of 20 %. Can the Commission confirm that this is the case and does it accept that such practice is therefore discriminatory against other EU citizens within the Federal Republic of Germany?

Supplementary answer
given by Mr Bolkestein on behalf of the Commission

(4 October 1999)

Non-resident artists are subject to German income tax on their professional income earned in Germany irrespective of whether or not they are also subject to income tax in their Member States of residence (the latter must of course take into account the tax paid in Germany). In order to ensure the payment of tax at all and to facilitate its collection, organisers are bound, by virtue of the (German) Income Tax Act 1997, lastly modified by the Tax Relief Act 1999/2000/2002 of 24 March 1999, to withhold from the fees agreed with non-resident artists, as well as from the related performance and ancillary costs, income tax at a rate of 25 % (15 % before 1996), topped up by the solidarity complement tax as well as by VAT.

Such tax deduction corresponds to a taxable profit, at the marginal top rate of at present 53 %, of less than 50 % of the gross fees. In other words, the system assumes deductible expenses of more than 50 %, which appears not to be unrealistically low. Moreover, a reduction of the tax to be withheld can be granted on request to the fiscal authorities, if it is shown that the tax finally to be paid would be lower (paragraph 50a Income Tax Act). This will in particular apply, if expenses are incurred which would normally not be part of the tax base. In any event, an individual tax assessment under the progressive tax rate can be obtained by introducing a tax return. Overpaid taxes will then be reimbursed. However, the 25 % tax withheld is considered to be final, if no action is taken by the non-resident artist.

German artists are subject to the same tax, but they always pay it at their individual tax rate according to their income situation as declared in their tax return.

The different methods of tax collection are not considered to be discriminatory, because they reflect the different situation of non-resident and resident artists and do not appear to be disproportionate.

(2000/C 170 E/002)

WRITTEN QUESTION P-1386/99

by Johannes Blokland (EDD) to the Commission

(1 September 1999)

Subject: Heerlen-Aachen cross-border industrial estate and the Habitats Directive

1. Is the Commission aware that the cross-border industrial estate between Aachen (Germany) and Heerlen (the Netherlands) is in receipt of subsidies from a number of European Union funds including Rechar, the ERDF and Interreg?

2. Is the Commission aware that the activities carried out at the industrial estate, which started in November 1998, are a threat to the hamster (Cricetus cricetus) which is protected by the Habitats Directive (L 1758)?

3. Can the Commission say why, when it provided aid under these regional funds, it took no account of the provisions of the Habitats Directive? Is this true of all the other projects financed by the funds in question?

4. In future is the Commission prepared to do everything in its power to avoid promoting activities which are in contravention of European legislation? If so, what action will it take?

Answer given by Mr Barnier on behalf of the Commission

(5 October 1999)

1. The Aachen/Heerlen cross-border industrial estate receives Community aid from the European Regional Development Fund under Objective 2 for Dutch Limburg and the Rechar and Interreg II A Community Initiatives for Nordrhein-Westfalen and the Meuse-Rhein Euregio (Germany/Netherlands/Belgium) respectively.

2. The Commission has been informed of the start of the work. It has repeatedly asked the national authorities to react to the complaints received concerning possible infringements of Council Directive 79/0409/EEC of 2 April 1979 on the conservation of wild birds [1]. After examining the latest official reactions received, the Commission has started work on preparing the infringement proceedings.

In letters of 6 and 8 July 1999 to the Dutch and German authorities respectively, the Commission asked them to suspend all Community aid under Objective 2 for Dutch Limburg and under Rechar for Nordrhein-Westfalen. The aid under Interreg II A was not suspended, as it concerns only studies and management.

3. Under Council Regulation (EC) 3193/94 of 19 December 1994 amending Regulation (EEC) 2052/88 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments, and Regulation (EEC) 4253/88 implementing Regulation (EEC) 2052/88 [2], all Commission decisions approving programmes under the Structural Funds must mention the need to comply with the Treaties and with Community policies, including environment policy.

The management of Community programmes is largely decentralised: the national authorities are responsible for choosing projects.

4. For the 2000-2006 programming period, Article 12 of Council Regulation (EC) 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [3] also makes it obligatory to comply with Community policies. Moreover, under Article 8 of that Regulation, Community measures must be adopted in the framework of the 'partnership' between the Commission and the Member State and the authorities and bodies designated by the Member State as being the most representative at national,

regional and local or other level, in order to promote inter alia sustainable development, through the integration of environmental protection and improvement requirements.

The new Regulation also provides for a whole series of measures to prevent infringements, including strategic environmental assessments of regional development plans and programmes (detailed ex ante evaluation covering strict compliance with environmental obligations and impact requirements), the use of environmental indicators, the introduction of stricter monitoring and a mid-term environmental evaluation.

5. Lastly, if prevention is not enough, Article 39 of the new Regulation lays down that where a Member State has not dealt with an irregularity detected in the implementation of a project the Commission may suspend the interim payments in question and, after having received the Member State's comments, make any appropriate financial corrections.

(1) OJ L 103, 25.4.1979.
(2) OJ L 337, 24.12.1994.
(3) OJ L 161, 26.6.1999.

(2000/C 170 E/003) **WRITTEN QUESTION E-1391/99**

by Jannis Sakellariou (PSE) to the Commission

(1 September 1999)

Subject: Use of ERDF/EAGGF funds

ERDF/EAGGF funds have been provided by the European Commission for the purpose of extending and improving irrigated areas in the Guaro region. However, in sectors 6, 7, 8 and 9 of the right section the water pipes have not been laid.

1. Could the Commission state why the funds for this section have not been used appropriately and where the money has gone?

2. Is the Commission aware of complaints concerning the failure to lay water pipes in this section and, if so, what measures have been taken by the Commission?

Answer given by Mr Barnier on behalf of the Commission

(12 October 1999)

According to the information received from Spain, apart from the part-financing of the construction of the body of the Viñuela dam, the projects part-financed under measure 6.1.1 of the operational programme for the region of Andalusia for 1994-1999 are all located on the left bank of the river Vélez. The work in question has now been practically completed.

The national authorities have officially notified the Commission that the projects to which the Honourable Member refers will probably be implemented during a later phase. At present, no request for part-financing in respect of these projects has been made. Moreover, the Commission would point out that any subsequent application for assistance could be taken into consideration only if it followed the procedure laid down and was submitted officially by the Member State.

No official complaint has been made. The information received from the Spanish Government does not allow the Commission to conclude that Community funds have been fraudulently diverted.

(2000/C 170 E/004) **WRITTEN QUESTION E-1393/99**

by Bernd Lange (PSE) to the Commission

(1 September 1999)

Subject: Subsidies for Vion VVaG

The Hanover insurance company HDI Haftpflichtverband der deutschen Industrie and the Bavarian insurance company HUK-Coburg propose to merge in July 1999. The registered office of the new firm resulting from the merger, Vion VVaG, is to be in Coburg. The decision on the location of the office was taken as a result of substantial financial incentives from the Land of Bavaria, the level of which is not publicly known.

1. Is the European Commission aware of the financial assistance for Vion VVaG from the government of the Land of Bavaria? If so, what level of assistance is being provided by the Land of Bavaria in this case?

2. Have the subsidies and incentives from the Land of Bavaria been notified as aid to the Commission?

3. Are such subsidies compatible with European law on competition and aid, and in particular Article 87 of the EC Treaty?

Supplementary answer
given by Mr Monti on behalf of the Commission

(5 November 1999)

The Commission has been informed that the merger of HDI Haftplichtverband der Deutschen Industrie and HUK-Coburg to Vion Vvag will not take place and that no state aid measures have taken place.

On the basis of this information the Commission will thus not further investigate the matter.

(2000/C 170 E/005) **WRITTEN QUESTION E-1396/99**

by Hedwig Keppelhoff-Wiechert (PPE-DE) to the Commission

(1 September 1999)

Subject: Contradictions arising from assistance under structural objectives

There is a sharp difference between the economies of the economically strongest areas of the European Union and structurally weak areas. The aim of European structural policy is to bridge this gap. To that end, the European Commission has determined six main tasks of structural policy and defined them as 'objectives'.

1. Is the Commission aware of contradictions arising from assistance granted under structural objectives, where, for example, a business relocates, in order to receive EU funds, from an area which is not structurally weak to an area qualifying for assistance, but as a consequence of the relocation hundreds of jobs are lost at the old location and the economic strength of the town or city is diminished?

2. What does the Commission intend to do in order to remove this paradox, which involves jobs being created on the one hand and destroyed on the other?

Answer given by Mr Barnier on behalf of the Commission

(11 October 1999)

1. The right of firms within the Community to choose a geographical location appropriate to their particular needs is assured by the right of establishment enshrined in the EC Treaty. Any decision to relocate an existing establishment is a complex matter affected by many factors such as companies' wider strategies to restructure, specialise or concentrate their operations in the interest of improving efficiency.

The Community has, however, a particular interest where a firm undertaking a relocation has been supported by public funds either in its present or future location. In examining individual cases, the Commission will have to take into account all the circumstances, bearing in mind that among the options open to the firm are those of relocating outside the Community, or complete closure.

2. The success of the single market depends to an important degree on Community competition rules, in particular, the rules on state aid which seek to prevent distortions and to underpin fair competition. The Commission has included specific provisions in the recently adopted rules in the fields of both state aid and of the structural funds, to address possible problems linked to relocation. In particular, the Commission's state aid guidelines reduce permitted intensities for investments in officially notified assisted regions. The new levels seek to allow less favoured regions the possibilities to attract mobile new investment through inducements, while at the same time the reductions can be expected to reduce the risk of regions engaging in competitive bidding. Furthermore, both the guidelines and the structural funds regulation (Council Regulation (EC) 1260/1999 of 21 June 1999 laying down general provisions on the structural funds [1]) introduce the condition that the supported investment should remain in place for a minimum of five years.

Finally, the Commission pays particular attention to major projects as it has to confirm or modify the support by the structural funds for such projects (investment level of more than € 50 million) on an individual basis. Part of its analysis consists in analyzing the employment effects of such projects on a Community level.

[1] OJ L 161, 26.6.1999.

(2000/C 170 E/006) **WRITTEN QUESTION E-1403/99**

by Graham Watson (ELDR) to the Commission

(1 September 1999)

Subject: Labelling of food

1. Can the Commission clarify the logic which allows food produced in country A but packed in country B to be labelled as being of origin from country B?

2. Can the Commission indicate the schemes for the funding of agricultural products in which the UK does not participate?

Answer given by Mr Liikanen on behalf of the Commission

(14 October 1999)

The provisions relating to the labelling of foodstuffs, as enacted by Directive 79/0112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [1] as last amended by Directive 97/0004/EC [2], do not allow for the possibility suggested by the first question of the Honourable Member.

The Commission would be grateful if the Honourable Member would provide more specific information on the case to which he refers.

With regard to the second question posed by the Honourable Member concerning the Guarantee Section (Markets) of the European Agricultural Guidance and Guarantee Fund (EAGGF), these measures generally give beneficiaries the right, in certain conditions, to receive the sums indicated in the regulations governing the common agricultural policy (CAP). These regulations are applicable in each Member State and each Member State is obliged to apply them. On the other hand, for certain specific schemes financed by the EAGGF-Guarantee, application is optional. For example, the United Kingdom does not grant aid for the consumption of butter to persons receiving social assistance (Council Regulation (EEC) 2990/82 of 9 November 1982 on the sale of butter at reduced prices to persons receiving social assistance [3]), a scheme only applied in Ireland. Furthermore, since 1999, the United Kingdom does not distribute agricultural products to underprivileged persons in the Community (Council Regulation (EEC) 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community [4]).

A list of agricultural mechanisms for which the United Kingdom did not declare expenses in the course of the 1998 financial year is being sent directly to the Honourable Member and to the General Secretariat of the Parliament.

[1] OJ L 33, 8.2.1979.
[2] OJ L 43, 14.2.1997.
[3] OJ L 314, 10.11.1982.
[4] OJ L 352, 15.12.1987.

(2000/C 170 E/007)

WRITTEN QUESTION E-1413/99

by Heidi Hautala (Verts/ALE) to the Commission

(1 September 1999)

Subject: Veterinary treatment of horses

There is increasing concern amongst veterinarians and horse owners at the loss of a number of important medicines used for the treatment of horses, thereby compromising both the health and welfare of these animals. The reason is the obligation on pharmaceutical companies to establish, at great cost, maximum residue limits (MRLs) for all drugs used to treat food-producing animals.

The cost is not justified for products used for 'minor' species for which there is little commercial return. The EU classifies the horse as a food-producing animal, even though less than 15 % enter the human food chain. One possible solution is to reclassify the horse as a companion animal. Will the Commission confirm that such a move is being considered and, also, that other solutions are being discussed?

Answer given by Mr Byrne on behalf of the Commission

(15 November 1999)

The availability of medicinal products for food producing animals is a complex problem. The problem has an animal welfare aspect since necessary treatments cannot be applied due to a prohibition on the use of certain drugs, and also a consumer health protection aspect. It reflects a conflict between the agricultural needs, the required investments of the pharmaceutical industry and the public perception of the problem as a whole. The problem also has an important international aspect, as a significant proportion of the horsemeat consumed in the Community is of foreign origin.

In accordance with the EC Treaty, equidae (donkeys, horses and their crossbreeds) are agricultural animals. Council Directive 64/0433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat [1] applies to horsemeat. Reclassification of equidae as companion animals would deprive a substantial number of citizens of their traditional food.

While in the Community horses are bred primarily for uses other than food production, slaughter of horses is common at a certain stage of their lives and is not excluded by Community law. No Member State forbids the slaughter of horses and trade in horses for slaughter for food. Taking account of the age a horse may reach, the frequent change of owner and nationality and the different purposes for which a horse may be used during its career, the enforcement of a general distinction between horses as companion animals and food producing animals would be difficult.

The protection of the health of European consumers is ensured by Council Regulation (EEC) 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits maximum residue limits (MRLs) of veterinary medicinal products in foodstuffs of animal origin [2]. Substances for which MRLs cannot be established (because these products or their metabolites are toxic in any concentration) have already lost their marketing authorisation for food producing animals. Those for which provisional MRLs have been established will disappear from the market by 1 January 2000, if the industry fails to establish the definitive MRL.

However, the loss of certain substances does not mean that there are no therapeutic alternatives. Some of the substances without MRL may be replaced by other substances for which MRLs are established, and which are effective for the identical clinical indication. However, some of these alternatives may be substantially higher in price or more difficult in their application.

The current state of play is that the European agency for the evaluation of medicinal products (EMEA) established a list of those medicinal products that are indispensable and would be irreplaceably lost for the treatment of food-producing animals as from 1 January 2000. The Commission has informed the Parliament [3] that fewer than 15 substances fall into this category.

However, the off-label use of medicaments, for example of those developed for human medicine, is of equal importance and is common in today's sophisticated horse medication. Such treatment, however, requires the removal of the animal from the food chain.

Council Directive 81/0851/EEC of 28 September 1981 on the approximation of the laws of the Member States relating to veterinary medicinal products [4] has made provisions to avoid shortfalls in supply of medicaments. In Article 4 of that Directive the exceptional conditions are laid down for the use of medicinal products which integrate substances in a composition not authorized for food producing animals in given Member State. This so-called 'cascade' eventually requires that the included substances have an authorisation in another veterinary medicinal product for food producting animals in the Member State concerned. A waiting period of 7 to 28 days must be observed, depending on the product derived from this animal.

However, today's horse medicine is highly sophisticated, well comparable with small animal practive and in parts with human medicine. It is not uncommon that horse practitioners use medicaments developed for treatment of human or pet animals. For substances included in such medicaments MRLs may never be established, and there are each day new medicaments on the market. This 'off-label', i.e. outside the intended indication, use of medicaments in horses requires the removal of the animal from the food chain.

With regard to the complex nature of the problems related to availability of medicinal products for food producing animals, easy and quick solutions cannot be found. A concerted action of the Commission together with the authorities in the Member States and the pharmaceutical industry agriculture and fisheries is needed to ensure effective medicinal treatment of 'minor species'.

However, taking account of the aforementioned particularities of equidae, the Commission informed the Agricultural Council of 14 June 1999 about its intention to present as soon as possible appropriate proposals. These proposals, based on Article 152 (ex-Article 129) of the EC Treaty will address the possibility to administer non-MRL substances to equidae under certain controlled conditions ensuring the observation of the required withdrawal periods.

(1) OJ 121, 29.7.1964.
(2) OJ L 224, 18.8.1990.
(3) Committee on the environment, public health and consumer protection, 1-2 September 1999.
(4) OJ L 317, 6.11.1981.

(2000/C 170 E/008)

WRITTEN QUESTION E-1415/99

by Olivier Duhamel (PSE) to the Commission

(1 September 1999)

Subject: Caulerpa taxifolia

For several years a species of tropical mutant algae, Caulerpa taxifolia, has been spreading in the Mediterranean. This environmental disaster is affecting France, Italy, Spain, Greece and Croatia in particular. Between 1992 and 1995 the Commission used the LIFE financial instrument to fund an international project to study the problem of this killer algae's spread and to predict future developments. A second tranche of funding was granted in 1995 for a follow-up programme, to be coordinated by a French scientific interest grouping based in Marseilles. In 1997 an international colloquy on controlling the spread of Caulerpa was organised.

Does the Commission have any actual results from the projects it has supported?

Does the Commission acknowledge that this is a problem that should be dealt with at European level by stepping up research and increasing the funds available for the destruction of these algae?

Given that the structural measures remain the responsibility of the Member States concerned, can the Commission not encourage the Member States more strongly to take action against this environmental threat and promote any initiative by the public authorities seeking to explore existing methods of eradication?

Answer given by Mrs Wallström on behalf of the Commission

(8 October 1999)

The aims of the LIFE project funded between 1992 and 1995 were determine, in detail, the true distribution of caulerpa taxifolia, to monitor its evolution, and to predict its future evolution. In addition the project should help to establish the scientific and technical bases needed for its eradication. This transnational project was complemented with Spanish and Italian partners (universities, local authorities, scientific centres).

It enabled it to be established that the spread of caulerpa taxifolia was proceeding at a rapid rate. A precise balance sheet was drawn up of the locations and areas occupied. That expansion is a threat to marine biodiversity, species diversity (and in particular certain species of algae) and biotype diversity (and in particular Posidonia beds). The toxic metabolites produced by the caulerpa taxifolia play a major direct or indirect role in the competition with the indigenous species. It is not possible to eradicate caulerpa taxifolia when the areas occupied are very large (several tens or hundreds of hectares).

The project funded between 1996 and 1999 was intended to demonstrate a strategy for controlling the spread by quickly detecting new sites and fostering public awareness, for experimenting with new eradication techniques, improving the knowledge of the possible consequences of the algae's expansion and heightening the awareness of the countries to the south of the Mediterranean that were likely to be affected in the long term by the expansion of caulerpa taxifolia.

The results of this second project are being evaluated by the Commission. This has already resulted in two symposia — in 1997 and 1999 — together with several initiatives by the local and national authorities concerned. In addition a proposal intended to apply the recommendations made by experts in Heraklion in March 1998 resulting from, among others, the LIFE project was recently put to the contracting parties to the Barcelona Convention on the protection of the marine environment and of the Mediterranean coastal region. The Commission supports that proposal.

One may thus conclude that it has been possible to use the LIFE projects to increase the awareness of all of the operators involved (scientists, public authorities, users of coastal areas, the public in general). Subject to new factors arising from the evaluation in progress it is now the responsibility of the Member States to provide suitable follow-up to this work by taking account of the Mediterranean scope of the matter.

(2000/C 170 E/009)

WRITTEN QUESTION P-1423/99

by Antonios Trakatellis (PPE-DE) to the Commission

(1 September 1999)

Subject: Relations between EU and Turkey and nuclear safety

The Turkish Government's decision to have a nuclear plant built in the earthquake-prone region of Akkuyu by an international consortium using CANDU reactors — which recent reports claim have safety problems and do not meet international safety standards — is a lethal threat to the inhabitants of the Mediterranean, the Balkans, the Black Sea region and the Middle East.

1. What information does the Commission have about the plant and what stage has been reached with the plans to build it?

2. Will the Commission raise the matter of the construction of the plant with the relevant Community bodies and in the context of EU-Turkey relations with a view to the cancellation of the project?

3. In the light of the position adopted by the European Council in Luxembourg concerning the eligibility of Turkey for accession to the EU and of the requirement to comply with the Copenhagen Council's criteria, which include the adoption of Community legislation on nuclear safety and environmental protection by countries seeking membership of the Union, can the Union accept the installation of such a nuclear plant which may endanger public health in Greece and the wider region?

4. Is it possible to adopt the Commission's proposal for a regulation on the intensification of the customs Union between the EU and Turkey — which provides for the approximation of legislation with a view to the adoption of the acquis communautaire and the development of plans to promote environmental protection with a budget of over € 135 million — when the Turkish Government's decision to build such a nuclear plant is contrary to the objectives pursued by that proposal for a regulation?

Answer given by Mr Verheugen on behalf of the Commission

(18 October 1999)

The information available to the Commission indicates that the Turkish authorities have not yet awarded the construction contract for the nuclear power station at Akkuyu, nor does it give a date when they are likely to take such a decision. In the circumstances, it is too soon to say whether a particular type of reactor will be chosen. Only one of the three tenders submitted to the Turkish authorities specifies the CANDU reactor referred to by the Honourable Member. The authorities feel that the successful candidates should have an proven reputation for designing and building at least two fully operational nuclear power stations, at least one of which must be a relevant reference point for the Akkuyu project. Although the Commission is following this dossier closely, it does not have any authority in the decision-making process regarding the construction work or the site. The Turkish authorities, especially the Turkish Atomic Energy Authority (TAEA) are solely responsible.

As far as security and respect for the environment are concerned, the authorities have already stated that the Akkuyu site was chosen after detailed seismic, geological and environmental studies. The International Atomic Energy Agency (IAEA) has said that the assumptions underlying the proposed plans allow for a stronger earthquake than any ever recorded in the region, with the epicentre at the power station itself, rather than on the nearest fault line 20 kilometres away. According to the IAEA, the terrible earthquake in August in the north-west (though far away from Akkuyu) would not have changed the results.

Until now co-operation on energy issues between the Community and Turkey has remained fairly limited due mainly to the lack of appropriate financial aid for Turkey. Nevertheless, the European Strategy for Turkey, which the Commission adopted in March 1998 [1] at the request of the Luxembourg European Council with the aim of preparing Turkey for membership of the EU provides for intensification of such co-operation. Nuclear energy issues including those involving security and the environment could be discussed within this framework.

The Commission made two proposals in October 1998 [2] for financial support for the European Strategy. Their adoption by the budgetary authority should finally give some substance to co-operation on energy issues.

[1] COM(98) 124 final.
[2] OJ C 408, 29.12.1998.

(2000/C 170 E/010) **WRITTEN QUESTION E-1427/99**

by Gerhard Hager (NI) to the Commission

(1 September 1999)

Subject: Interreg assistance for Carinthia and Slovenia

The whole of the Austrian Land of Carinthia constitutes an area eligible for Interreg assistance. As a state directly adjacent to the EU, Slovenia qualifies in the same way for such assistance. Slovenia has received funds from the aid programme in question for the expansion of Llubljana airport. According to my information, this has meant that assistance has not been given for a number of projects in Carinthia.

Can the Commission answer the following:

1. What amount of Interreg funds has been provided to Slovenia?

2. For what planned, current or completed projects in Slovenia have Interreg funds to date been granted?

3. What amount of Interreg funds has been provided to Carinthia (during the period corresponding to that for which funds have been provided to Slovenia)?

4. What projects in Carinthia in connection with which an application has been made for Interreg funds have been rejected, and on what grounds?

5. Is the Commission aware of a direct or indirect link between the projects in Carinthia which have not been supported and the simultaneous assistance for projects in Slovenia?

Answer given by M. Barnier on behalf of the Commission

(11 October 1999)

The Interreg IIA programme Austria-Slovenia applies to the regions of Unterkärnten and Klagenfurt-Villach in Kärnten and Südweststeiermark and Oststeiermark in Steiermark. The programme focuses on the border regions Wolfsberg, Völkermarkt, Villach-Stadt, Villach-Land, Klagenfurt-Stadt and Klagenfurt-Land in Kärnten and Deutschlandsberg, Leibnitz and Radkersburg in Steiermark.

Slovenia is not part of the eligible region for the Interreg IIA programme Austria-Slovenia and does therefore not receive financial support from this programme. Interreg IIA can only support projects that are located within the Community. These projects need to have a clear cross border character and should be aimed at co-operation with the neighbouring regions.

Matching projects on the Slovenian side of the border can be financed from the PHARE CBC (cross border co-operation) programme. For the period 1995-1999, Slovenia has an indicative budget of € 14 million from PHARE CBC for cross-border co-operation with Austria.

The total available budget from the Community for the Interreg IIA programme Austria-Slovenia for the period 1995-1999 is € 8 911 657. Kärnten is entitled to € 4 078 318 of this budget and Steiermark to € 4 833 339 The Commission paid until now € 4 879 800 to Austria. A total amount of Austrian Schilling 25 217 184 (€ 1 832 600) was forwarded by the federal government to the Land Kärnten.

150 projects are supported by the Interreg IIA programme, of which 54 have been finished. Since the selection of projects is decentralised to the Member States and regions, the Commission does not have in its possession the list of projects which have been submitted, but rejected.

All projects have to meet general selection and priority criteria at programme level and specific selection and priority criteria at measure level mentioned in the programme. The selection and priority criteria are agreed between the Member State and the Commission.

The Commission has no information suggesting that there is a connection between the approval of projects in Slovenia and the rejection of projects in Kärnten. It should be noted that Interreg and PHARE CBC are in budgetary terms two separat and distinct financial instruments. Slovenian border projects can only be supported by the PHARE CBC programme, whereas border projects in Kärnten are supported by the Interreg programme.

(2000/C 170 E/011) **WRITTEN QUESTION E-1431/99**

by Gary Titley (PSE) to the Commission

(1 September 1999)

Subject: Contracts awarded by the Commission to external consultants

Would the Commission indicate the nature and effectiveness of the internal control procedures it uses to verify that tenders for studies are awarded in an entirely objective manner, particularly when a restricted tender procedure is used?

Would the Commission comment on the appropriateness of using a restricted tender process for awarding studies whose conclusions are likely to influence significantly new legislative proposals?

Answer given by Ms Schreyer on behalf of the Commission

(28 October 1999)

When awarding public contracts for studies in particular, the Commission applies the general principles of equal treatment and transparency set out in the EC Treaty, irrespective of the award procedure or contract size. It must also abide by the Community Directives on public procurement (Council Directive 93/0036/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts [1], Council Directive 93/0037/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts [2] and Council Directive 92/0050/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts [3]), by the agreements on public procurement concluded in the context of the World Trade Organisation and the European Economic Area and by the rules applying in individual sectors, as laid down in various legislative instruments. These various principles and rules are also incorporated in detail in the Financial Regulation [4].

One important aspect of compliance with the principles of equal treatment and transparency concerns the publicity given to contracts. The public procurement Directives provide for contracts over a certain threshold to be publicised via a single medium (the Official Journal of the European Communities), but the Commission is also encouraged to publish contract notices elsewhere, in particular on the Internet.

These different legal rules set a number of thresholds which must be observed. Contracts with an estimated value of less than € 13 200 may be concluded by private treaty. If the value is between € 13 200 and

€ 49 999, at least three tenders must be considered before a contractor is chosen. If the value is between € 50 000 and € 133 914, the contractor is chosen after an invitation to tender following a selection procedure which is generally based on an initial call for expressions of interest. The public procurement Directives must be applied in the case of contracts worth over € 133 914, since all study contracts are covered by Annex IA to the service contracts Directive (except certain contracts in category 8 (research and development)).

Prime responsibility for conducting award procedures objectively and in accordance with the rules rests with the authorising officers in the various Directorates-General. As part of the SEM 2000 (Sound and efficient management) exercise, the financial units in each Directorate-General were given a more substantial role with a view, among other things, to improving the Commission's contractual practices.

All contracts worth over € 46 000 and not related to external aid are referred to the Commission's Advisory Committee on Purchases and Contracts, which checks that the relevant principles and rules have been followed.

Financial Control carries out selective ex ante checks on budgetary commitments relating to contracts, which cover, among other things, compliance with the rules on the award of contracts. Award procedures are also subjected to scrutiny by way of internal audits carried out by Financial Control.

The Secretariat-General is responsible for general coordination of all studies proposed by Commission departments, the aim being to avoid duplication and improve transparency between Directorates-General. When a contractual commitment is made, the study is entered in the ADAM database, which includes all studies undertaken by the Commission and is accessible to the public.

Finally, once a study has been completed, a factsheet must be drawn up containing the following information: subject, title, brief summary, evaluation and publication references (if any). The study, together with the factsheet and final payment order, is then placed in the historical archives of the Secretariat-General, which endorses the payment order and submits it to the Financial Controller for his approval before payment.

As regards the choice of the restricted procedure, the public procurement Directives impose no limits on cases where it may be applied, thereby putting it on a par with the open procedure. A restricted procedure can be a judicious choice from the point of view of both the need to attract tenders of a high standard and administrative efficiency. Nevertheless, it is crucial that candidates are chosen on the basis of objective criteria. The Honourable Member is asked to notify the Commission, whenever he sees fit, of any case where use of a so-called restricted procedure has led to unfair competition.

(1) OJ L 199, 9.8.1993.
(2) OJ L 199, 9.8.1993.
(3) OJ L 209, 24.7.1992.
(4) OJ L 356, 31.12.1977.

(2000/C 170 E/012) **WRITTEN QUESTION E-1434/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: European defence industry — Companies in the Spanish military naval sector — The case of Bazán (Ferrol)

In the Commission Communication of December 1997 on the situation of the defence-related industries (COM(97) 0583 final) the establishment of an integrated European market for defence products is regarded as essential and a global approach (in the form of an action plan for a European armaments policy) is proposed for the purpose of implementing such a strategy.

The common position proposed at that time by the Commission was to be revised eighteen months later and that time limit has just recently expired.

Furthermore, the statement issued on 20 April 1998 by the Defence Ministers of France, Germany, Italy and Spain, in which they reaffirmed their commitment to speeding up the consolidation of the European defence industry, was followed by a Letter of Intent signed in July 1998 by the Defence Ministers of the above countries, together with Sweden and the United Kingdom.

In the statement made at the Cologne European Council in June of this year (on which occasion a genuine European pillar seemed to have been established) the political will to promote the restructuring of the defence industry was expressed.

In view of the above, can the Commission say how all of this may affect Spanish companies in the miliary sector (with particular reference to the potential for setting up transnational defence companies) and specifically the Bazán company and its factory at Ferrol (Galicia)?

Answer given by Mr Liikanen on behalf of the Commission

(13 October 1999)

The Commission feels that the Community must have a defence-linked industry that is both competitive and dynamic. In two communications [1] [2], specifically devoted to that subject it insisted on the urgent need for restructuring this sector at European level and on the need in parallel to this, to lay the legal foundations, enabling a European defence market to emerge.

Although the responsibility for that restructuring lies primarily with the companies involved themselves, the defence industry will continue to be politically sensitive. Governmental involvement is crucial as regards that restructuring, and the Member States must take any action needed in order to encourage and support the creation of truly European companies. Even where a Member State has no direct shareholding that State's influence derives from its position as a major customer, from its financial support for research and development (R&D), from its launch aid for programmes, its authority in controlling exports and its powers of certification.

In view of the aims set out in the letter of intent signed in June 1998 and of the declarations made at the Cologne European Council in June 1999 the Member States would now seem to want to concentrate on producing an internal market and to give companies more latitude in forging their alliances. The Commission fully subscribes to that general approach, which it has called for in its communications.

Moreover, as regards the changes hoped for by the companies themselves in the form of more cross-border alliances, the Commission can, in principle, only welcome these. This being so, it is in the specific case of the Bazán company, up to that company itself to map out its own strategy as regards industrial alliances, where appropriate in conjunction with the Spanish Government.

The common position put forward by the Commission in its 1997 communication [1]. is still being discussed within the Council. Its adoption would bolster the action currently being taken by the Commission in line with its action plan in support of the defence industries [2].

[1] COM(97) 583 final.
[2] COM(96) 10 final.

(2000/C 170 E/013) **WRITTEN QUESTION E-1436/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Spanish Government plan to draw up and adopt a 'geographical mobility plan'

On 1 June 1999 the Spanish Government announced that it intended to draw up and adopt a 'geographical mobility plan' with the aim of transferring labour towards the Mediterranean on the pretext

that there were more job vacancies in this area. Were this plan to go ahead, it would entail massive investment in housing, transport, education, health and even as regards taxation and social security, since unemployed persons from other parts of Spain would have to be transferred to this region.

This Spanish Government policy would be tantamount to consolidating and even increasing existing regional imbalances with the help of public funds, instead of addressing the historical 'deficit' of the Atlantic regions of Spain in terms of infrastructure and development, which is reflected by a very high unemployment rate (17 % of the labour force in Galicia).

If the Spanish Government submitted an application of this kind to the Commission, could it authorise the former to use Structural and Cohesion Fund resources to pursue a policy which is clearly at odds with the objective of economic and social cohesion?

Answer given by Mr Barnier on behalf of the Commission

(11 October 1999)

The Commission is not aware of the 'geographical mobility Plan' to which the Honourable Member refers and which, based on the information provided, is only a Government statement of intent at this stage. Without the text of the plan or at least some detailed information on its purpose and implementation, the Commission cannot say whether it might attract assistance from the Structural Funds.

Under the terms of Council Regulation (EC) 1164/94 of 16 May 1994 establishing a Cohesion Fund [1], the Fund exclusively assists investment in transport infrastructure and environmental protection. The Cohesion Fund does not therefore assist the sectors mentioned by the Honourable Member.

[1] OJ L 130, 25.5.1994.

(2000/C 170 E/014) **WRITTEN QUESTION E-1437/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Telecommunications, audiovisual service and data-processing projects in Galicia

From a regional policy angle, it is vital that Galicia be fully integrated in the trans-European transport, telecommunications and energy networks. As a beneficiary of Structural Fund Objective 1 funding, Galicia has managed to secure substantive aid for this purpose.

Will the Commission say which projects and programmes have been funded in Galicia under the Structural Funds and the Cohesion Fund during 1994-1999 in the fields of telecommunications, audiovisual services and data-processing (including development and integration in band networks and service industries and social applications such as health and education)?

Answer given by Mr Barnier on behalf of the Commission

(11 October 1999)

The list of telecommunications, audio-visual and information technology projects part-funded by the European Regional Development Fund in Galicia up to the end of March 1999 is being sent direct to the Honourable Member and to Parliament's Secretariat.

It should be noted that some service industries are included in the main priority 'support for productive activity'. In addition, some projects now included under vocational training were transferred from the education sector in order to produce a better general overview.

Under the terms of Council Regulation (EC) 1164/94 of 16 May 1994 establishing a Cohesion Fund [1], the Fund exclusively assists investment in transport infrastructure and environmental protection. The Cohesion Fund does not therefore assist the sectors mentioned by the Honourable Member.

[1] OJ L 130, 25.5.1994.

(2000/C 170 E/015) **WRITTEN QUESTION E-1438/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Integration of Galicia into the trans-European high-speed rail network

It is obvious that Galicia, like any other European region — above all given its visible history of marginalisation in the construction of the transport network of the Spanish state — needs to be integrated into the trans-European high-speed rail network. However, there appears to be no provision for this in the technical forecasts and budgets under the plan for the trans-European rail network up to 2010. Should this be the case, Galician society would, once again, find itself lagging behind in historical terms, as it did with the building of the motorway links with the rest of the peninsula and Europe and, in the more distant past, with the construction of the original national rail network.

It is essential that action is taken to forestall any such marginalisation. In this connection, can the Commission state how matters stand as regards the integration of Galicia into the deadlines and budget forecasts in respect of the plan for the trans-European rail network up to 2010?

Can the Commission also state what proposals have been submitted to the EU by the Spanish state?

(2000/C 170 E/016) **WRITTEN QUESTION E-1440/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Linking of Galicia and Portugal by a high-speed train network

Can the Commission state what the current forecasts are, in terms of time-schedules and budgets, concerning the construction of a high-speed train network to link Galicia and Portugal along the route Lisbon-Porto-Vigo-Santiago-Corunna-Ferrol, given the major economic importance of this transfrontier region, which, with its 14 million inhabitants, occupies a substantial part of the European Atlantic seaboard?

Joint answer
to Written Questions E-1438/99 and E-1440/99
given by Mrs de Palacio on behalf of the Commission

(11 October 1999)

Decision No 1692/0096/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network [1] contains in its annexes maps showing, for information purposes only, the links and nodes of this network based on how it should look in 2010. As far as the high-speed section is concerned, a distinction is drawn between lines already in service in 1996 and lines that are still in the early or more advanced stages of design.

With specific reference to Galicia, it is true that at the time when these guidelines were being developed no actual high-speed project, either towards Portugal or towards central Spain, was under scrutiny. However, the 1996 maps do show details of a project in Portugal, from Lisbon to Oporto, followed by a conventional line to Galicia, as well as details in Spain of a redevelopment project envisaging speeds of the order of 200 kilometres per hour (km/h) from Valladolid almost as far as Orense, followed also by a conventional line to Orense and Santiago.

Since this decision, taken in 1996, a number of studies have been funded under the trans-European transport network budget with a view to improving rail connections in this region. Furthermore, the proposal by the Commission in 1997 to amend the European Parliament and Council Decision of 1996 amending Decision No 1692/0096/EC as regards seaports, inland ports and intermodal terminals as well as project No 8 in Annex III ([2]) also entailed amending the title of specific project No 8 'Motorway Lisbon-Valladolid' to 'Multimodal link Portugal — Spain with the rest of Europe'. The relevant explanatory memorandum focused explicitly on the need to reinforce this corridor, one of the three sections of which specifically links Galicia (La Coruña) to Portugal (Lisbon).

Under the amendments proposed by Parliament on 10 March 1999 after first reading, the Commission presented an amended proposal ([3]) and a communication on the common position of the Council, currently in the preparatory stage. In particular, the Commission intends to accept the amendment proposed by Parliament calling for a detailed definition of the aims of specific project No 8 so as to ensure that the integration of Galicia into the trans-European network is more transparent.

As far as funding is concerned, it should be pointed out that other funds (European Regional Development Fund, Cohesion Fund and the European Investment Bank) have been used, and remain available for use, for the funding of studies and infrastructures designed to improve rail connections in this region.

([1]) OJ L 228, 9.9.1996.
([2]) COM(97) 681 final.
([3]) COM(1999) 277 final.

(2000/C 170 E/017) **WRITTEN QUESTION E-1441/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Support for Galician dairy producers in the context of aid to family farms

Galician agriculture has, over the last few decades, been increasingly oriented towards specialisation in dairy farming. Its development has, however, been set back by the allocation of a milk quota of a Malthusian nature, which is in itself in flagrant contradiction of the right to agricultural modernisation along the lines existing in the Union's central Member States.

This obstacle is accentuated by the serious de facto discrimination affecting Galician agriculture as regards EC aids. In 1998, Galicia's agricultural sector, which accounts for 18,5 % of the active agricultural workforce in Spain, received only 1,2 % of the ESP 852 903 million allocated to Spanish agriculture in EAGGF (Guarantee) monies, under a system which is biased towards large farms and tends, in addition, to encourage abuse of the Union's Structural Funds.

Given these circumstances, can the Commission state whether it intends to propose a system of special aids for family livestock farms, and, in particular, dairy farms, as a means of compensating for the significant under-funding of countries such as Galicia by the application of a system of EAGGF (Guarantee) aids which is clearly inadequate and, indeed, unfair in relation to their agricultural economy.

Answer given by Mr Fischler on behalf of the Commission

(5 October 1999)

The Council introduced milk quotas in 1984 to deal with a costly imbalance in the milk sector. As part of the Agenda 2000 reform it recently decided to apply them until 2008. At the same time it provided for increases for the Member States with continuing problems. In the case of Spain there will be two successive increases, of 350 000 tonnes in 2000 and 200 000 tonnes in 2001 (a total of + 10 %), which should take account of particular situations, such as that of Galicia described by the Honourable Member. These increases are in addition to those for Spain in 1987 and 1993/94, totalling over 20 % altogether.

In addition, farmers, and family farms in particular, can take advantage of Community measures to improve their structural efficiency. This aid, which includes aid for investments, is at present granted under the agriculture part of the Objective 1 programme for Galicia. In 1998 the Guidance Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) spent ESP 4 153 million on such measures, which represents 19 % of the Fund's expenditure for Objective 1 regions in Spain.

In the future the new rural development policy, the second pillar of the common agricultural policy, will ensure that family farms continue to be supported. Furthermore, the new framework gives the regional authorities even more scope to adapt measures to the specific needs and conditions in their regions. So individual problems, like that raised by the Honourable Member, can be dealt with appropriately.

(2000/C 170 E/018) **WRITTEN QUESTION E-1452/99**

by Daniela Raschhofer (NI) to the Commission

(1 September 1999)

Subject: Harmonisation in the field of transport safety

The European Commission devotes considerable attention to transport, not least because transport involves not only covering the distance from A to B as fast and in as environmentally-friendly manner as possible, but also increasing the safety of European roads and railways.

Concerning road safety:

— does the Commission have any thoughts, or are there any legislative provisions, on the following questions?

— if so, please provide precise details of the stage reached in the discussions or of the legislative standard, and any transitional periods.

1. How many legislative standards has the EU adopted on the safety of drivers of vehicles?

2. As a result of national legislative provisions being adopted after a time-lag is it possible for European citizens to be able to drive a vehicle without a driving licence?

3. Are there standard rules in Europe on the size and appearance of vehicle registration plates?

4. Are there standard rules in Europe on turning right when traffic lights are on red?

5. Is it possible that different traffic lights mean different things in different Member States (e.g. a flashing amber light)?

6. Are there European rules on road signs and on the appearance (colours) of traffic signs?

7. Are there uniform exhaust gas standards in the Union for lorries and cars? If not, how great is the margin between the most stringent and the most generous limit value?

8. Is there a general obligation to wear a seat belt and is there a standard speed limit on European roads?

Answer given by Mme de Palacio on behalf of the Commission

(15 October 1999)

1. The Community has been very active in the field of legislative standards for vehicle construction, known as type approval. To date, over 50 directives have been adopted, many of which have been

subsequently amended by additional legislation to reflect technical developments in vehicle design. Most of these can be considered to have a direct or indirect effect on the safety of drivers. A list of the directives is forwarded to the Honourable Member as well as the Secretariat of the Parliament.

In addition to type approval legislation, other European legislation that affects the safety of drivers of vehicles includes Council Regulation (EEC) 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport [1] and Regulation (EEC) 3821/85 of 20 December 1985 on recording equipment in road transport [1] dealing with drivers' rest hours, Directive 91/0439/EEC of 29 July 1991 on driving licences [2], Directive 96/0096/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers [3], Directive 92/0006/EC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community [4], Directive 91/0671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes [5] and a large package of legislation in the field of transport of dangerous goods (Directive 94/0055/EC of 21 November 1994 [6]).

2. Directive 91/0439/EEC on driving licences does not apply to motor vehicles with a maximum design speed of 50 kilometres an hour (km/h) or less, or with an engine of 50 cubic centimetre (cm^3) or less. Agricultural or forestry vehicles are also exempt from the scope of the directive. This means that individual Member States may choose to allow people to drive such vehicles on public roads on their territory without any form of driving licence. In addition, there will exist citizens in Member States who have driving licences but who have never taken a driving test, since they acquired them prior to the introduction of driving tests in their Member States.

3. There are no standard rules for registration plates but there is a standard concerning where these plates must be fitted on the vehicle. Moreover, there is Council Regulation (EC) 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered [7].

4. and 5. There is no Community legislation on the rules applying to traffic lights. The 1968 Economic commission for Europe of the United Nations (UN-ECE) convention on road signs does lay down rules on traffic lights (in Articles 23 and 24). It states that a red light signifies that a vehicle may not pass, whilst an amber flashing light means that a vehicle may pass whilst exercising caution. However, it should be noted that not all Member States are signatories to the convention, or apply it fully. The Commission has no mandate to ensure the full application of this convention by all Member States. Thus individual Member States may choose to allow traffic to turn right on red lights or have flashing amber lights if they do not apply the convention.

6. There is no Community legislation on the rules applying to traffic signs. Each Member State decides the colour of traffic signs. The UN-ECE convention on road signs does set harmonised designs for those traffic signs giving warning information to motorists. However, it does not harmonise the colour of direction signs. Again, it should be noted that not all Member States are signatories to the convention.

7. There is a large package of legislation laid down on exhaust gas standards in the Community in the vehicle type approval system by Council Directive 70/0220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles [8] as last amended by Directive 98/0077/EC [9]. This series of directives lays down mandatory uniform emission standards.

Moreover, Council Directive 96/0096/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers [10] requires that vehicles must have regular inspections at which the emission standards will be checked.

8. Council Directive 91/0671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes [11] makes the wearing of seat belts compulsory on front and back seats of vehicles. There is no standard speed limit on European roads.

[1] OJ L 370, 31.12.1985.
[2] OJ L 237, 24.8.1991.
[3] OJ L 46, 17.2.1997.
[4] OJ L 57, 2.3.1992.
[5] OJ L 373, 31.12.1991.
[6] OJ L 319, 12.12.1994.
[7] OJ L 299, 10.11.1998.
[8] OJ L 76, 6.4.1970.
[9] OJ L 286, 23.10.1998.
[10] OJ L 46, 17.2.1997.
[11] OJ L 373, 31.12.1991.

(2000/C 170 E/019) **WRITTEN QUESTION E-1463/99**

by Daniel Varela Suanzes-Carpegna (PPE-DE) to the Commission

(1 September 1999)

Subject: Canadian Fisheries Act C-27

The Commission has acknowledged that the Canadian Fisheries Act C-27 is inconsistent with international law. It has not been amended during its passage through Parliament, as called for by the EU on many occasions, and the recent EU-Canada Summit in June 1999 failed to make any progress on this serious issue, with the result that the extraterritorial aspects of Canadian fisheries legislation, which were described by the Commission in its answer to my previous question, prior to the Summit (E-0942/99) [1] as being 'a matter of grave concern for the Community', remain.

Can the Commission say what fresh action it will take in response to Canada's lack of will to resolve this serious dispute which will hinder the smooth progress of EU-Canada relations until it is settled?

[1] OJ C 348, 3.12.1999, p. 145.

Answer given by Mr Fischler on behalf of the Commission

(26 October 1999)

Community concerns about the Canadian legislation enabling Canada to implement the 1995 United Nations (UN) agreement on straddling fish stocks and highly migratory fish stocks (Bill C-27) have made this one of the most important topics between the Community and Canada. This led to increased contacts with the Canadian side at both expert and political levels in the wake of the Community-Canada summit in June 1999. In the course of this process, substantial progress has been made. Canada submitted written statements which clarify the respective scopes of the extra-territorial legislation of 1994 and the newly enacted legislation and which confirm that the terms of the new legislation are intended to be fully consistent with the terms of the UN agreement and will be applied accordingly. As these statements meet Community concerns in a satisfactory manner, the most sensitive political issues can be brought to a close. The Commission, therefore, issued Canada with a note verbale on 30 September 1999 setting out the Community's understanding of these political issues and reserving the Community's position on certain other extra-territorial aspects of Canadian fisheries legislation. In the latter context, it may be necessary to address some outstanding legal matters of a more technical nature once the Commission's analysis of the subordinate Canadian implementing regulations has been completed. To this end, Commission and Canadian experts will meet soon.

(2000/C 170 E/020)

WRITTEN QUESTION E-1465/99

by Heidi Hautala (Verts/ALE) to the Commission

(1 September 1999)

Subject: Banning of azo dyes in the EU

Azo dyes are permitted in the EU, although they have been shown to cause rashes, nasal catarrh and other allergic reactions. Traditionally, the food industry in Finland and Sweden has refrained from using azo dyes.

The Commission has rejected the decision by the Swedish Government to derogate from the 1994 directive on colours and ban the sale in Swedish shops of sweets and drinks containing azo dyes.

Why will the Commission not accept Sweden's ban on azo dyes, given that the aim is not to distort competition but to protect the health of consumers, particularly children and young people? How will the Commission ensure that the food industry ceases to use azo dyes, whose sole function is to make foods look more tempting? Will the Commission seek a ban on azo dyes throughout the EU?

Answer given by Mr Liikanen on behalf of the Commission

(15 October 1999)

The reasons for the Commission decision on the Swedish request for the derogation from Council Directive 94/0036/EC of 30 June 1994 on colours for use in foodstuffs [1] concerning the use of azo dyes are spelled out in the Commission Decision 1999/0005/EC of 21 December 1998 on the national provisions notified by Sweden concerning the use of certain colours and sweeteners in foodstuffs [2].

Directive 94/0036/EC on colours for use in foodstuffs was adopted on the basis of the opinions on colours delivered by the scientific committee on food (SCF). The Council and the Parliament were aware of the opinions of the SCF stating that azo dyes cause allergies in certain individuals, at the time when the Directive was adopted. Therefore, the Directive defines the conditions for use of azo dyes in a restrictive way by setting limits as to the foodstuffs in which these additives can be used and by specifying maximum quantities for their use. The solution adopted by the Community is based on informing the consumer. Individuals who are allergic to certain ingredients should be able to choose foodstuffs that do not contain them. Council Directive 79/0112/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 [3] gives them this possibility, by making it compulsory to indicate the food additives on the label.

The Commission recognises that the measures applied in Sweden with regard to azo colours are based on public health concern. Nevertheless, the Commission did not find the Swedish request justified, finding the Swedish measures excessive in relation to this aim, for example a less restrictive means could be used to achieve the same objective, such as labelling of products.

The Commission is currently in the process of gathering information on intake of food additives in the Community and will report to the Parliament and Council on the outcome of this survey next year. Should the report indicate that there is a need to revise the existing legislation, the Commission will take the necessary action.

(1) OJ L 237, 10.9.1994.
(2) OJ L 3, 7.1.1999.
(3) OJ L 33, 8.2.1979.

(2000/C 170 E/021)

WRITTEN QUESTION E-1480/99

by Lucio Manisco (GUE/NGL) to the Commission

(1 September 1999)

Subject: Reconstruction of the Danube bridges destroyed during the war in Kosovo

One of the disastrous effects of the NATO war is that the destruction of bridges over the Danube has brought the entire region's economy to a halt and has had a particularly serious effect on Bulgarian and Romanian trade.

1. What action does the Commission intend to take in order to ensure that reconstruction of the Danube bridges destroyed during the war begins immediately?

2. What type and what amount of aid does the Commission intend to allocate in order to prevent any further damage to the economic relations between the countries in the region and between those countries and the EU Member States?

Answer given by Mr Patten on behalf of the Commission

(15 October 1999)

1. The Commission is aware of the important economic implications of the destruction of the bridges over the Danube for the riparian countries. It affects not just the bilateral economic relations between Serbia and neighbouring countries but also affects other countries along the river which have traditionally used the Danube as a navigation route between the Rhine and the Black Sea. Concerns have also been expressed recently regarding the potential for flooding upstream.

Given the current political regime in Belgrade, and the sanctions against the Republic of Serbia, the Council has ruled out, under the present circumstances, any assistance from the Community, other than of purely humanitarian nature. There is therefore no scope for Commission involvement in reconstructing the bridges.

The Honourable Member should be aware that, according to information made available to the Commission, the authorities in Belgrade are putting pressure on the international community to lift the sanctions and seeking to gain membership into the international financial institutions, by using the reconstruction of the bridges and the reopening of the Serbian sections of the Danube to navigability as a counterpart.

The Commission is aware that the Danube commission is examining possibilities for achieving a solution which addresses the concerns of the Danube states. The Commission is nevertheless very conscious of the fact that any support provided by the international community to this end could be easily manipulated by the Milosevic regime and presented as a successful step towards the lifting of sanctions or recognition of the regime by the international community. This has to be avoided.

2. The Commission is substantially contributing to the transformation process in the region via the Phare and Obnova programmes. In parallel, and following the Kosovo crisis, the Commission has made available an amount of € 392 million in form of humanitarian aid to the whole region.

Under the Phare programme, Bulgaria, Hungary, Romania, Slovakia and Slovenia, inter alia, receive support for their preparations for accession while Albania, Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia (FYROM) receive support for their transition to democratic reforms and economic transformation. Of particular relevance are the cross border co-operation programmes which, by recognising the specific problems faced by border regions, aim to promote co-operation between countries and regions along the borders of the Community and the Central and Eastern European countries (CEECs), with primary focus on financing infrastructure and environmental projects.

The Obnova programme is a Community initiative for the rehabilitation and reconstruction of Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (FRY) and FYROM. The main focus has been on regional co-operation and good neighbourliness projects, the rebuilding of infrastructure and other

facilities damaged in the conflicts, the consolidation of democracy and civil society, the return of refugees and the preparation for economic recovery. At present, while the FRY is eligible for support under the Obnova programme, Serbia is only, for the reasons mentioned above, receiving humanitarian assistance, democratisation assistance and support for independent media.

Of particular relevance has been the action implemented by the Commission to relieve the cost related to the refugee influx in the neighbour countries, where an amount of € 100 million has been made available, in form of budgetary assistance, to Albania (€ 62 million), FYROM (€ 25 million) and the Republic of Montenegro (€ 13 million).

(2000/C 170 E/022) **WRITTEN QUESTION E-1483/99**

by Armando Cossutta (GUE/NGL) to the Council

(1 September 1999)

Subject: Initiatives intended to bring about the liberation of Cyprus

On 20 July 1974, Turkey invaded and occupied the northern part of Cyprus. The last 25 years have witnessed arbitrary occupation based on force and oppression and involving a constant and systematic violation of international law and human rights: thousands of people lost their lives as a consequence of the invasion, the invaders have expelled hundreds of thousands of Greek Cypriots from their territory and the same thing has happened to several thousand Turkish Cypriots as a result of systematic ethnic cleansing (the very same ethnic cleansing which these days, as a response to the tragic events in Kosovo, arouses indignation in so many noble spirits).

None of the UN resolutions calling for a peaceful solution to the crisis has had the slightest effect on account of Turkey's intransigence, an attitude which is backed by the USA.

1. Does the Council not think that it should act independently within any appropriate international organisation in order to help re-establish international legality and restore the human rights which have been violated as a result of the relations between Turkey and Cyprus?

2. Does the Council not consider it both urgent and essential for it to take an active part in the proper preparation of an international conference on the Middle East which would enable a realistic (in both its methods and its timetable) programme to be drawn up, so as to allow 'crisis hot spots' — which, if allowed to smoulder, may lead to one huge conflagration — to be coded in good time?

Reply

(2 December 1999)

The Council believes that the best way forward in the Cyprus question, including the situation of human rights, is to push ahead with the search for a solution on the basis of the UN Security Council Resolutions. The Council welcomes the 9/10 June G-8 Summit conclusions and the UN Security Council Resolutions 1250 and 1251 of 29 June 1999 and considers that the invitation to UN talks this autumn without preconditions, together with the Resolutions, have brought about new momentum. The Presidency will continue supporting, together with other EU partners and international players, the efforts of the UNSG, Mr Annan, to reduce tensions and to contribute to progress towards a negotiated settlement.

The Union also considers that progress towards EU accession and towards a just and viable solution to the Cyprus problem should reinforce each other. It believes that Cyprus's accession to the EU should benefit all communities and help bring about civil peace and reconciliation on the island. It regrets that it was not possible to achieve a political solution in time for the start of accession negotiations. The Presidency continues to work (in accordance with the conclusions of the European Council of Luxembourg) for the involvement of representatives of the Turkish-Cypriot community in the EU accession negotiations.

The Council has repeatedly stressed to Turkey, and will continue to do so, the need for Turkey's positive contribution to the solution of the Cyprus problem. The Council expects countries with a European vocation to cooperate with it over its major priorities, one of them being the accession of Cyprus to the EU and a solution to the Cyprus question. Unfortunately Turkey has been blocking the political dialogue with the Union on some sensitive questions, including Cyprus, since the European Council in Luxembourg. However, following the earthquakes in Turkey and Greece and improving bilateral Greek-Turkish relations the atmosphere in EU-Turkey relations has improved, hopefully paving the way for dialogue also on Cyprus.

The Council does not share the view expressed by the Honourable Member that an international conference on the Middle East could be beneficial in the case of Cyprus.

(2000/C 170 E/023) **WRITTEN QUESTION P-1494/99**

by Olivier Dupuis (TDI) to the Commission

(1 September 1999)

Subject: Albania — corridors 8 and 10

Information from Albania seems to confirm a plan giving preference to the completion of 'corridor 10', a road link between Greece and Montenegro via Albania, at the expense of the completion of what has until now been regarded as a priority, namely 'corridor 8', a link between southern Italy, Durres, Pristina, Skopje and Sofia, i.e. between Albania and Kosovo and between Albania and Macedonia, Bulgaria and Romania.

Has the Commission any further information on this matter? Is it aware of the grave risks which the carrying through of such a plan would entail for the stability of the entire region, the internal stability of Albania and the comprehensive development of relations between, one the one hand, the European Union and, on the other, Albania, Macedonia and Kosovo?

Can the Commission also provide information concerning the stage reached (including any delays and the reasons for them) in the completion of corridors 8 and 10 and the Union's contribution thereto?

Answer given by Mrs de Palacio on behalf of the Commission

(15 October 1999)

Pan-European transport corridors VIII and X are two of six corridors, which cross the Balkan region and connect to the Trans-European networks (TENs) and the South-East Europe area.

Corridor VII runs from East to West in the Balkan area. It links the south of Italy and the Adriatic Sea with the Black Sea. It runs via the ports of Dürres/Flores, Tirana (Albania) and Skopje (the former Yugoslav Republic of Macedonia (FYROM)), further to Sofia (Bulgaria) and to the Bulgarian ports of Burgas and Varna of the Black Sea.

Corridor X runs from North-West to South-East. It connects Salzburg (Austria) via Ljubljana (Slovenia), Zagreb (Croatia), Belgrade (Federal Republic of Yugoslavia (FRY)), Skopje (FYROM), with Thessaloniki (Greece). Besides this main link, there are four additional branches: (1) a branch from Graz (Austria) via Maribor (Slovenia) to Zagreb (Croatia); (2) a branch from Budapest (Hungary) to Belgrade (FRY), both connecting to Corridor V; (3) a branch from Nis (FRY) to Sofia (Bulgaria) and further on corridor IV to Istanbul; (4) a branch from Veles (Fyrom) via Florina (Greece) to the Via Egnatia.

Connections between Albania and Romania are thus ensured through the links of corridor IV to corridor VIII. In a similar way, Albania is also connected to the FRY through the links of corridor VIII to corridor X. Albania is not therefore affected negatively by the development of corridor X.

The development of these corridors is organised through memoranda of understanding (MoU) between the countries crossed and the Commission. Concrete improvements on each corridor remain in the hands of

participants of the MoU. A draft MoU for corridor VIII is near completion and will be signed in autumn 1999. Preparatory work for a MoU for corridor X has been held up for several months, due to the politically difficult situation prevailing in the region and because of the Kosovo crisis. The Commission has no information which might confirm any attempt to foster the development of corridor X to the detriment of corridor VIII.

In the very near future the corridors' development in the Balkan area, including also corridors VIII and X is likely to be implemented in the framework of the stability pact for South eastern Europe endorsed on 10 June 1999, to which the Commission will also actively contribute.

Developing corridors serving to integrate the countries concerned into the enlarged TENs is part of the current Community strategy for the stabilisation and association process in the area. So far, financial support from the Community for the promotion of corridors VIII and X has been granted under the PHARE programme, for which however Croatia and the FRY are not at present eligible in the Balkan region.

In Albania on road corridor VIII, between 1994 and 1997, PHARE has supported (for an amount of € 60,6 million) the upgrading of a number of sections, including the widening of roads, the provision of new bridges and the laying of new pavements. At the same time, the PHARE contribution to the rehabilitation of the port of Durrës amounted to € 3,6 million.

In Bulgaria, various sections of the national road network were rehabilitated, including some stretches along corridor VIII, for a total PHARE contribution amounting to € 40 million.

In FYROM on road corridor X, the 1996 and 1997 PHARE programmes funded the Bogorodica and Medzitlija border station projects with a contribution of € 6 million. In addition, the modernisation of the Demir Kapija-Greek border road segment was supported under PHARE with a grant of € 11 million. An European Investment Bank (EIB) loan of € 70 million with Community interest rate subsidy of € 12 million has also been made available to improve road sectors on corridors VIII and X.

(2000/C 170 E/024) **WRITTEN QUESTION E-1498/99**

by Hans Kronberger (NI) to the Commission

(1 September 1999)

Subject: Groups hiring out mercenaries

There have recently been increasingly frequent reports of groups hiring out mercenaries, usually from Europe and mainly to Africa, but also to other theatres of war.

1. Is the Commission aware of these activities?

2. Does the Commission see action to combat such groups as a task to be performed at Union level?

3. Has the Commission already taken steps to prevent such machinations? If so, what steps? If not, why not?

Answer given by Mr Nielson on behalf of the Commission

(7 October 1999)

The Commission is aware of reports of groups hiring out mercenaries to countries in Africa and to other theatres of war and is concerned about these developments. The Commission is of the view that the international community should consider effective measures in response to this phenomenon and notes with interest the work undertaken by the United Nations in this field.

The Commission considers that where such groups are established in Member States or hire nationals of Member States, responsibility for policy vis-à-vis their actions, which might include combating them, lies primarily with the authorities of the Member States concerned.

(2000/C 170 E/025) **WRITTEN QUESTION E-1503/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Situation of the fishing fleet belonging to EC-Argentinean joint enterprises

Before the fisheries agreement between the EU and Argentina expired, the Argentinean Government unilaterally adopted a series of measures which blatantly discriminate against the EU fleet, thereby infringing and contradicting the provisions of the agreement. They concern the allocation and reduction of fishing quotas, the establishment of marketing areas applicable to the freezer fleet only, a reduction in the number of Community crew members, restrictions making it difficult for Community workers to obtain visas, etc. This situation prompted Community ship-owners — mainly in Galicia — to lodge a complaint with the European Court of Justice against the European Commission, on the grounds that the Commission had failed to offer the fleet adequate legal protection, in that the EU institutions were powerless against the measures adopted unilaterally by the Argentinean Government.

Can the Commission say what steps it intends to take to safeguard the interests of EU-Argentinean joint enterprises in Argentinean waters? By what date does it envisage adopting them? Why has the EU hitherto never made any efforts to this end?

Answer given by Mr Fischler on behalf of the Commission

(7 October 1999)

In the last few years, catches of Merluza hubbsi in the exclusive economic zone (EEZ) of Argentina have risen substantially, threatening the conservation of this stock. Faced with this situation, the Argentinian Government declared an 'emergencia pesquera' and adopted a series of management and conservation measures.

Some of these measures have had an impact on the activity of vessels operating under the fisheries agreement between the Community and Argentina. Their adoption without consulting the Community has led the Community to consider that they affect the general balance of the agreement.

The Commission has several times made its position clear to the Argentinian side, in particular with regard to the difference in treatment between freezer ships and vessels taking fresh fish. Payment of the balance of money for scientific and technical assistance under the fisheries agreement between the Community and Argentina has been blocked.

Despite the fact that this agreement and the rights and obligations arising out of it for the contracting parties expired on 24 May 1999, and that both the joint enterprises and vessels transferred under the agreement are entities in Argentinian law, the Commission is maintaining regular contact with the Argentine authorities and is following developments closely.

(2000/C 170 E/026) **WRITTEN QUESTION E-1505/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 September 1999)

Subject: Situation of the fishing fleet in the NAFO area in the context of bilateral relations between the European Union and Canada

The Community fishing fleet, which operates in international waters under multilateral NAFO control, has seen its ships considerably reduced in numbers over the last few years and the allowable catches have also been reduced. EU and Canadian delegations met recently in Cologne to sign a commercial and economic cooperation agreement, which will not cover fishery relations. There are therefore no guarantees that Canada will repeal Law C-27 which authorises the country to fish outside the 200-mile exclusive economic

zone and is contrary to international law. Some time ago this situation led to the seizure of the Galician vessel Estai and a dispute which has still not been settled in law.

In view of all this, can the Commission say why it refuses to settle the ongoing fisheries dispute? What steps has the EU devised to safeguard Community fishing interests — which affect Galicia in particular — in the NAFO area, in view of the authorised increase in fishing activity and the repeal of Law C-27?

Answer given by Mr Fischler on behalf of the Commission

(25 October 1999)

It should be recalled that the dispute, which arose within the Northwest Atlantic fisheries organisation (NAFO) on the sharing of the Greenland halibut stock and which culminated in Canada's arrest of the Spanish trawler 'Estai' in international waters in March 1995, was settled by both the conclusion of the 'Agreement constituted in the form of an agreed minute, an exchange of letters, an exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the NAFO Convention' of 20 April 1995 [1] and, as intended, the subsequent adoption ('multilateralisation') by NAFO of the agreed package of measures at the 17th annual meeting of NAFO which was held from 11 to 15 September 1995. Under the terms of this settlement, Canada removed Spain and Portugal from the list of states against which the Canadian fisheries legislation of 1994 (so-called Bill C-29) could be applied.

It should also be noted that, in recent dealings about the new legislation enabling Canada to implement the 1995 United Nations (UN) Agreement on straddling fish stocks and highly migratory fish stocks (so-called Bill C-27), Canada restated in writing that 'further to the 1995 Canada/EU Agreed Minute, Canada took Spain and Portugal off the list of States against which the provisions of Bill C-29 could be applied; those two countries are still off that list and the adoption of Bill C-27 does not change anything in that respect'.

The Commission believes that firmness on principles offers the best prospects for the avoidance of a repetition of the events of 1995. In line with this, the Commission has consistently taken exception to extra-territorial aspects of Canadian fisheries legislation. Furthermore, it has emphasised and continues to emphasise the importance of the rule of law in international fisheries relations, the priority of international law (i.e. the NAFO Convention and customary international law in the present instance) over pieces of domestic legislation and the need for appropriate procedures for the peaceful settlement of international disputes. In the latter context, the Commission has insisted on a continuation and acceleration of work on a specific dispute settlement mechanism in the framework of NAFO. At this year's annual meeting of NAFO, which was held from 13 to 17 September 1999, and against initial resistance from Canada, this motion remained successful.

[1] Council Decision 95/0586/EC of 22 December 1995, OJ L 327, 30.12.1995.

(2000/C 170 E/027) **WRITTEN QUESTION P-1508/99**

by Wolfgang Kreissl-Dörfler (Verts/ALE) to the Commission

(1 September 1999)

Subject: Promoting the 'Königsbrücker Heide' and 'Am Spitzberg' nature conservation areas (in Saxony, Germany) in the context of the Community's Konver initiative

As part of the Konver initiative the Community has given financial aid to the 'Königsbrücker Heide' and 'Am Spitzberg' nature conservation areas in Saxony.

Can the Commission answer the following:

1. What is the amount of subsidies and loans, what are they for and what specific measures have they been used to support?

2. Have the measures resulted in the protected status of the areas being impaired (e.g. as a result of destruction of biotopes, afforestation of open areas or provision of firebreaks in woodland areas)?

3. Have the measures jeopardised the areas' suitability as natural habitats (Directive 92/0043/EEC [1]) on the conservation of natural habitats and of wild fauna and flora)?

4. To what extent do the measures supported contradict environmental or nature conservation legislation in force or violate the provision in the Community initiative Konver that measures supported must be such as to improve the environment?

5. Is the Commission aware that for the purpose of applying for more money from Konver an application has been made to remove the protected status of the 'Am Spitzberg' conservation area?

[1] OJ L 206, 22.7.1992, p. 7.

Answer given by Mr Barnier on behalf of the Commission

(6 October 1999)

During the present programming period 1994-1999, Saxony is receiving grants from the structural funds under the Konver Community initiative.

In application of the principles of partnership and subsidiarity, national or regional authorities are responsible for the implementation of operational programmes and the selection of specific projects. In the case of Saxony, the ministry of economics is responsible in the first instance. They are of course bound by European legislation including that relating to nature protection legislation.

For the Konver Community initiative, priorities for funding are defined, and then specific projects are selected during the implementation of the programme. It is certainly possible therefore to submit project applications for the different priorities to the responsible authorities.

Should the Honourable Member be aware of a potential infringement in relation to the case of 'Am Spitzberg' or any other, he is invited to submit further details so that the Commission can take up the matter with the German authorities.

(2000/C 170 E/028) **WRITTEN QUESTION E-1510/99**

by Elisabeth Schroedter (Verts/ALE) to the Commission

(1 September 1999)

Subject: Excessive use of European Structural Fund resources for road construction in the five new Länder and East Berlin (Objective 1 area of the Federal Republic of Germany)

The Federal German Government has decided that the substantial sum of DM 3,4 billion of ERDF resources is to be spent on basic infrastructure from the Structural Funds for the new Länder, two thirds of this amount being earmarked for long-distance road transport and only one third for rail transport.

This is inconsistent with the following principles adopted for the Structural Funds and considered essential by the European Parliament:

— the goal of harmoniously balanced and sustainable development;

— the goal of increasing employment;

— the goal of protecting and improving the environment;

— the required balance among the various means of transport;

— the required consideration of local transport systems, and especially citizens' networks;

— the required change to sustainable forms of transport to ensure compliance with the pledge to the community to reduce propellant gas emissions;

— the partnership principle, which involves the local and regional authorities and the social and environmental partners in the decision-making on programming;

— the principle of additionality, whereby the Structural Funds must not be misused to plug holes in national budgets.

1. Does the Commission believe that a development plan with these emerging shortcomings can be approved for the Objective 1 area in Germany?

2. If not, what delays can be expected in overall planning in the Objective 1 area?

3. What does the Commission think of the substantial proportion of new basic infrastructure building projects when the interim evaluation for the Land of Brandenburg refers to 'quantitatively satisfactory provision of roads and railway lines' and, in contrast to this, a 'sharp decline in employment'?

4. How does the Commission rate compliance with the European principles when ERDF resources are used for road construction projects that entail massive interference in a natural environment that is worth protecting and for projects to which the population concerned is strongly opposed?

5. What practical steps will the Commission be taking to ensure that the Federal Government complies with the principles governing the Structural Fund regulation?

Answer given by Mr Barnier on behalf of the Commission

(7 October 1999)

The Commission is not currently able to comment on the issues raised by the Honourable Member because the German plan for the next Objective 1 programming period (2000-2006) has not yet been submitted.

The Commission will answer the questions raised as soon as it receives and examines the plan.

(2000/C 170 E/029) **WRITTEN QUESTION E-1519/99**

by Roberta Angelilli (NI) to the Commission

(1 September 1999)

Subject: Application of the directives on waste to textile waste in Prato

The Italian Government has recently drawn up a decree according to which textile waste will be regarded, for disposal purposes, as a special waste product. However, the decree takes no account of the particular nature of the Prato textile region and may place dozens of local businesses in serious difficulty if it is applied with excessive rigour.

The textile waste in question can indeed be regarded as waste once it leaves the factory but it in fact represents a raw material for much of the production in the area.

It is obvious, therefore, that application of Directives 91/0156/EEC [1] and 91/0689/EEC [2] would be inappropriate in the case of this particular kind of textile waste.

Can the Commission answer the following:

1. Should the Commission not call for a postponement of the decree (which is due to enter force on 30 June 2000) and of any infringement procedure which could be opened for failure to transpose the relevant European directives?

2. Should the Commission not examine more closely the actual nature of the textile waste in question and the classification thereof as special waste, possibly by consulting the companies and workers involved and the social partners?

3. Can the Commission make a general comment on the matter?

(1) OJ L 78, 26.3.1991, p. 32.
(2) OJ L 377, 31.12.1991, p. 20.

Answer given by Mrs Wallström on behalf of the Commission

(8 October 1999)

Article 1 of Council Directive 75/0442/EEC on waste (1) as modified by Directive 91/0156/EEC reads: For the purposes of this directive 'waste' shall mean any substance or object in the categories set out in Annex I which the holder discards or intends or is required to discard. Article 1, No 3 of Directive 91/0689/EEC on hazardous waste refers to this definition.

On the basis of this definition and on the basis of the interpretation of this definition given by the Court of justice, textile wastes cannot be excluded from the scope of application of the Community waste legislation. In its judgement of 25 June 1997 in case C-304/94, 330/94, 342/94 and 224/95, the Court said: The concept of 'waste' in Council Directive 75/442, as amended by Directive 91/156, referred to in Article 1(3) of Council Directive 91/689 on hazardous waste and Article 2(a) of Regulation No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community, is not to be understood as excluding substances and objects which are capable of economic reutilization, even if the materials in question may be the subject of a transaction or quoted on public or private commercial lists.

In the light of the above, and on the basis of the information and of the reasons given by the Honourable Member, it does not appear to the Commission that the Italian draft decree qualifying textile wastes as special wastes is likely to be in conflict with the Community legislation on waste. It is however only after it has examined the final text of the decree, that the Commission will be able to reach an opinion whether it contains provisions which infringe Community waste legislation. Companies and social partners involved in the matter are well aware of the above mentioned position taken by the Court of justice, which has the prerogative in the interpretation of Community law, as regards the issue of the definition of 'waste' in the Community legislation.

(1) OJ L 194, 25.7.1975.

(2000/C 170 E/030) **WRITTEN QUESTION P-1522/99**

by Monica Frassoni (Verts/ALE) to the Commission

(1 September 1999)

Subject: Expansion of the 'Gardaland' amusement park (Castelnuovo del Garda, Verona)

It would appear from its answer to written question E-2513/98 of 14 July 1998 (1) on the above subject that the Commission is unaware of the ill feeling and criticism which, for many years, Gardaland — which began as a series of buildings put up for the most part illegally — has provoked, because of its environmental and socio-economic impact. In its present form the park contravenes, most notably, the requirements of the Lake Garda Area Plan, contained in the Regional Territorial Coordination Plan, the overall planning instrument for the Veneto region (2). This plan provides, among other things, for the protection of the landscape and natural resources and, to that end, restricts building on the section of land between the 'Gardesana' road and the lake, the area in which the planned expansion of the park is to take place. Two serious environmental issues have not been addressed: noise pollution and traffic. As regards the first, according to recent checks carried out by the regional environmental agency, it is very unlikely

that the park will be able to stay within the required noise pollution limits [3]. Concerning the second issue, the Leoncini company, which is much more significant in terms of stable employment than Gardaland, has threatened legal action should the over-ambitious plans proposed by Gardaland for the reorganisation of the local road network be implemented. On the issue of the environmental impact assessment: the deadline for the implementation of Directive 97/0011/EEC on environmental impact assessments [4] expired on the 14 March. The directive provides for an environmental impact assessment to be carried out for theme parks, on the basis of Article 4(2). The expansion should, at all events, be subject to the environmental impact assessment provided for by the recent Regional Law [5]. Lastly, it is difficult to understand why a European loan has been granted, given that the company has considerable financial resources. Meanwhile, the failure to float the company on the stock exchange has prompted a number of partners (including UBS [Union of Swiss Banks] which holds 25 % of the registered capital) to take legal action over the liability of the company directors [6].

How can the Commission state that 'the main focus of the Gardaland theme park is to diversify the range of natural … activities' [7], when the park has altered the area's orological configuration through the construction of buildings that are completely incongruent with the original natural environment? How can it justify a project that contravenes the provisions of the planning instruments in force? How does it intend to ensure that the environmental impact assessment procedure is applied to the plans for the expansion of the park? How is it possible that the EIB is financing a project which contravenes the Union's objective of sustainable development, promoted by a company with considerable assets? Does the Commission not consider that the internal disagreements in the company could have an adverse effect on the transparent and efficient use of European funds?

(1) OJ C 297, 15.10.1999, p. 18.
(2) Veneto Regional Council measure No 250/1991.
(3) National Framework Law on noise pollution No 447, of 26 October 1995.
(4) OJ L 73, 14.3.1997, p. 5.
(5) Veneto Regional Law No 10, of 26 March 1999, section B2, para. qq.
(6) Cases No RG 239298 and 239398 before the Court of Verona.
(7) Commission's answer to written question E-2513/98 by Gianni Tamino MEP.

Answer given by Mrs Wallström on behalf of the Commission

(18 October 1999)

Although located in the area of Lake Garda, the Gardaland theme park is not a direct lake-front development, and is situated on flat land. This means it has a negligible botanical or topographical impact.

Concerning the application of the environmental impact assessment (EIA) procedure to the plans for the expansion of Gardaland, the Commission is always ready to examine any specific and detailed complaint concerning a possible breach of Community legislation on EIA. If the Commission considered that such a complaint disclosed a breach of Community law, it could open infringement proceedings under Article 226 EC Treaty (ex Article 169).

The Commission would stress that Council Directive 97/0011/EC of 3 March 1997 amending Directive 85/0337/EEC on the assessment of the effects of certain public and private projects on the environment [1], lists, in Annex II, the following classes of projects: theme parks (12 e) and any change or extension of projects listed in Annex I or Annex II, already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment (13). For projects listed in Annex II, Member States are obliged to determine, through case-by-case examination, or thresholds or criteria set by the Member State, whether the project is to be made subject to an assessment in accordance with Articles 5 to 10. However, projects with requests for development consent submitted before 14 March 1999 are governed by the provisions of Directive 85/0337/EEC prior to the amendments. Theme parks were not listed in the Annexes of Directive 85/0337/EEC.

The European Investment Bank (EIB) advanced a loan of € 31 million (ITL 60 000 million) to Gardaland in March 1998. The main justification was to support the local economy in an area heavily dependent on tourism. Created in 1975, Gardaland plays a crucial role in attracting visitors to the region. However, in the early 1990s, lack of investment and the economic slow-down led to a reduction in visitors to the park. Updated facilities were considered vital to maintain the park's attractiveness and enhance its long-term employment prospects. The finance decision was also taken as part of the EIB policy to support small and

medium sized enterprises investment. The project was also considered for its positive spill-over effects in the region's tourism and related services sectors. At the time the EIB took its decision, the project had planning permission from the Italian authorities. It was out of the scope of Directive 85/337 and Directive 97/11 was not applicable. However, environmental consequences of the project were considered by the Italian authorities. Given the nature of the project and the selection criteria listed in Annex III to Directive 97/11, they took the view that the project would not require a full EIA.

(1) OJ L 73, 14.3.1997.

(2000/C 170 E/031) **WRITTEN QUESTION P-1523/99**

by Hiltrud Breyer (Verts/ALE) to the Commission

(1 September 1999)

Subject: Dioxin measurements in foodstuffs

A letter issued in June 1999 by the German food industry body, BLL, states that the Belgian authorities are declaring end products to be dioxin-free, although the proof is based only on extrapolations relating to seven PCBs. This extrapolation method may possibly be used in the used oil and lubricant field, but not in relation to foodstuffs.

1. Has the Commission been informed about this reprehensible extrapolation method being used by the Belgian authorities?

2. Does the Commission agree that no arbitrary extrapolations should be carried out, owing to the serious potential risks posed by PCBs?

3. Does the Commission share my view that tolerance levels of 1-4 pg/kg are totally absurd and arbitrary, and cannot guarantee that risks to health will be excluded?

4. When will the Commission set limit values for dioxins in foodstuffs and thereby put an end to the scandalous situation in which no limits are calculated and there is irresponsible 'self-regulation' by the food industry?

5. Is the Commission aware that the US Environmental Protection Agency (EPA) has recent studies which show that many more PCBs (in addition to the mere seven named over here) are classed as toxic? Has the Commission seen these studies? What conclusions will it draw therefrom?

Answer given by Mr Byrne on behalf of the Commission

(15 October 1999)

The contamination of foodstuffs reported to the Commission and the other Member States by Belgium on 27 May 1999 concerned abnormal dioxin levels in recycled fatty matter accidentally fed to certain poultry, pigs and bovines.

The Commission has examined the various studies that have been made of this particular contamination. These studies show that this dioxin contamination in fats can be demonstrated by the presence of seven PCB congeners, namely 28, 52, 101, 118, 138, 153 and 180. This detection method is not adapted to other forms of dioxin contamination in a different context: other PCBs should therefore be used as dioxin contamination markers or, in cases in which dioxin contamination is not associated with the presence of PCB, yet other markers. Hence, in each case of accidental dioxin contamination, an attempt is made to identify the most reliable markers, which are not always the most toxic ones.

Because of the time, expense and technical equipment necessary to identify dioxins in food, few laboratories are in a position to perform this type of analysis. In the case of an extended research programme it is therefore always better to rely on less costly and less time-consuming analyses using PCBs, which are reliable markers and make it possible to identify contaminated products and, in certain cases, may indicate the presence of dioxins.

As regards the limit values for dioxins in food, the Commission began an in-depth study of food contamination levels ascertained in several Member States in June 1998. This study belongs in the framework of the scientific cooperation programme between the Member States (SCOOP). The preliminary results of this study, which should be available very shortly, as well as the results of work done at the Joint Research Centre and the Institute for Reference Materials and Measurements (IRMM) should help assess the risk and will therefore be the basis for further reflection.

Pending the availability of information allowing it to pronounce on the limit values for dioxins in food, the Commission is relying on the scientific assessment made by the World Health Organisation (WHO), which recommends a tolerable daily intake (TDI) of 1 to 4 picograms per kilogram body weight for dioxins. In laying down this level the WHO wanted to safeguard human health as much as possible while acknowledging the existence of a 'background level' of dioxins in all industrialised countries. Until 1999 the surveillance plans put in place in these countries, and notably the Member States, were focused on keeping contaminated milk and milk products off the shelves. The Commission will propose to the Member States to test all meat, fish and derived products for dioxins and PCBs as from 2000.

(2000/C 170 E/032) **WRITTEN QUESTION E-1534/99**

by Jan Mulder (ELDR) to the Council

(8 September 1999)

Subject: Application of Regulation 258/97 (novel foods and novel food ingredients**)**

As the Council will be aware, a number of products (including margarine, halvarine and cheese) to which stanols have been added to reduce cholesterol levels have recently been marketed in the United Kingdom under the trade name 'Benecol'. The manufacturer of these new products refers to the authorisation previously granted and the marketing in Finland of a margarine product also with added stanols, as a result of which, it claims, Regulation 258/97 [1] (novel foods and novel food ingredients) does not apply.

1. Does the Council consider that the Commission, in assessing products previously marketed and which are covered by Regulation 258/97, should be aware of the content and scope of the authorisation granted in the Member State in question? Is there a difference depending on whether the authorisation relates to a product or to an ingredient?

2. Can the Council investigate whether the Commission, in assessing whether Regulation 258/97 applies to the original Benecol margarine product or the cholesterol-reducing ingredient, had the authorisation at its disposal? What information did the authorisation contain concerning the difference between product and ingredient?

3. What quantitative criteria is the marketing of a given product required to meet in order for Regulation 258/97 not to apply because the product or ingredient has been used for human consumption 'to a significant degree' within the Community?

4. What qualitative criteria is a product required to meet if, on the basis of the previous marketing of a product, Regulation 258/97 does not apply to it? Is this product required to have the same composition as the product which has been marketed 'to a significant degree' or may the composition be modified, and if so, to what extent? May the ingredient occurring in the original product be included in other products without Regulation 258/97 applying? What criteria should be used to answer these questions?

5. Does the Council consider that the Commission can investigate to what extent the margarine, halvarine and cheese products currently being marketed in the UK differ from the original margarine product? If not, under what obligation is the Commission to investigate?

6. Can the Council indicate whether the Commission has been asked — formally or informally — for an opinion on whether Regulation 258/97 does not apply to the new Benecol products? If so, what was this opinion and on what was it based?

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

Reply

(2 December 1999)

The Council would remind the Honourable Member that the Treaty of Amsterdam confirmed that consumer policy is an area to which the European Community can and must bring added value. Article 153(1) of the Treaty establishing the European Community defines the Community's objectives in that connection, in particular having regard to its links with health policy and with promoting the right of consumers to information.

In that context, and more particularly with respect to the questions raised, the Council would inform the Honourable Member that Regulation No 258/97 applies to foods and food ingredients placed on the market before it entered into force only if they 'have not hitherto been used for human consumption to a significant degree within the Community' (Article 1(2) of the Regulation). In such cases, the initial assessment procedure laid down in Article 6 applies.

It is for the Commission, and more particularly the Standing Committee for Foodstuffs (cf. Article 1(3) of the Regulation), to determine by committee procedure whether a type of food or food ingredient falls within the scope of the Regulation, and to lay down (in principle on a case-by-case basis) the qualitative criteria attached to each such type of food or food ingredient in order to determine whether it is covered by the Regulation.

It should also be emphasised that Article 1 of Regulation No 258/97 makes no distinction between foods and food ingredients, and this applies in particular when it comes to identifying the content and scope of approval in the Member State concerned.

Finally, the Council would suggest that the Honourable Member contact the Commission directly regarding those questions which have not been answered, as they are within its field of competence.

(2000/C 170 E/033) **WRITTEN QUESTION P-1537/99**

by Carmen Fraga Estévez (PPE-DE) to the Commission

(1 September 1999)

Subject: Compliance with Regulation (EC) 1239/98 outlawing fishing with driftnets

Regulation (EC) 1239/98 of 8 June 1998 [1] amending Regulation (EC) 0894/97 laying down certain technical measures for the conservation of fishery resources outlaws the use of driftnets by Community vessels, as of 1 January 2002. Nonetheless, the Regulation authorises the phasing-out of driftnets as of 1998: Article 1(3) states that in 1998 the maximum number of vessels which may be authorised by a Member State to carry on board or fish with one or more driftnets shall not exceed 60 % of the number of vessels which used one or more driftnets over the period 1995-1997. The second fishing season for the longfinned tuna (Thunnus alalunga) since the Regulation came into force has already started.

In view of this, does the Commission consider the situation to be satisfactory as regards the two fishing seasons thus far? What is the Commission's evaluation of the degree of compliance with the Regulation by the fleets concerned?

[1] OJ L 171, 17.6.1998, p. 1.

(2000/C 170 E/034) **WRITTEN QUESTION E-1561/99**

by Carmen Fraga Estévez (PPE-DE) to the Commission

(1 September 1999)

Subject: List of vessels that have stopped using drift-nets in compliance with Regulation (EC) 1239/98

Council Regulation (EC) 1239/98 [1] of 8 June 1998 amending Regulation (EC) 0894/97 laying down certain technical measures for the conservation of fishery resources, bans the use of drift-nets by

Community vessels as of 1 January 2002. In view of the fact that the use of such gear by Member States' fleets may be phased out gradually, Article 1(4) of the abovementioned regulation provides that Member States shall communicate to the Commission the list of vessels authorised to carry out fishing activities using drift-nets for each target species, as listed in the annex to the Regulation, by 30 April 1998, the information shall be sent not later than 31 July 1998.

1. Can the Commission provide a list of vessels which were authorised to carry out fishing activities using drift-nets in the period 1995 to 1997?

2. Can the Commission provide the lists of vessels authorised to carry out fishing activities using drift-nets in 1998 and 1999 which should already have been submitted by the Member States?

3. Based on a comparison of the lists requested, can the Commission guarantee that the provisions of Article 1(3) of Regulation (EC) 1239/98 are being complied with?

(1) OJ L 171, 17.6.1998. p. 1.

Joint answer
to Written Questions P-1537/99 and E-1561/99
given by Mr Fischler on behalf of the Commission

(8 October 1999)

The Member States concerned have sent the Commission the information referred to in Article 11a(4) of Regulation (EC) 0894/97 laying down certain technical measures for the conservation of fishery resources (1).

According to this information, the number of fishing vessels driftnetting for long finned tuna in the north-east Atlantic in the period from 1995 to 1997 and the number of vessels authorised to do so in 1998 and 1999 were as follows:

	1995	1996	1997	1998	1999
France	60	63	43	43	41
Ireland	>30			18	18
United Kingdom	12	8	5	6	6
TOTAL	76	77	51	67	65

The information provided by the Member States in question shows that the requirement laid down in Article 11a(3) of Regulation (EC) 0894/97 is being complied with. The Commission will verify the data provided by the Member States for the 1995-1997 period as part of the checks conducted under Article 29 of Council Regulation (EEC) 2847/93 establishing a control system applicable to the common fisheries policy (2).

(1) OJ L 132, 23.5.1997.
(2) OJ L 261, 20.10.1993.

(2000/C 170 E/035) **WRITTEN QUESTION E-1558/99**

by Richard Corbett (PSE) to the Commission

(1 September 1999)

Subject: Regional funding

Is it really the case that Luxembourg, the richest Member State in per capita terms, has had the largest percentage in regional fund allocations under Agenda 2000? Does the Commission think this is justified?

Answer given by Mr Barnier on behalf of the Commission

(11 October 1999)

Following the adoption of the new Structural Fund regulations (i.e. Council Regulation (EC) 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1], Regulation (EC) 1261/1999 of the European Parliament and of the Council of 21 June 1999 on the European Regional Development Fund [1] and Regulation (EC) 1262/1999 of the European Parliament and of the Council of 21 June 1999 on the European Social Fund [1], the Commission decided on 1 July 1999 how the commitment appropriations would be divided up among the Member States under Objectives 1, 2 and 3 of the Structural Funds and the Financial Instrument for Fisheries Guidance outside Objective 1 regions in the period 2000-2006. These Commission decisions cover € 183 564 million of the € 195 010 million overall appropriation for the Structural Funds, at 1999 prices.

Of that amount, Luxembourg will receive 0,04 %, which is the smallest share of the 15 Member States.

[1] OJ L 161, 26.6.1999.

(2000/C 170 E/036) **WRITTEN QUESTION E-1563/99**

by Lucio Manisco (GUE/NGL) to the Commission

(1 September 1999)

Subject: Parliamentary assistants employed by DG XII

1. How many MEPs' assistants were employed by DG XII and the JRC during the last parliamentary term, what type of contract did they have and what were their duties?

2. Have any administrative or legal proceedings been initiated, or concluded, by the relevant Commission departments, by OLAF or by other competent bodies, against individuals employed by DG XII with the above professional background?

3. If so, and without prejudice, of course, to the rights of those in question and to any other relevant provision, what type of charges were brought and what is the current status of the proceedings?

Answer given by Mr Busquin on behalf of the Commission

(14 October 1999)

1. A certain number of the persons recruited by the former Directorate General for Science, Research and Development (DG XII) and the Joint research Centre (JRC) during the most recent legislative period had already been employed in the service of other institutions under different sets of staff rules, including those for MEPs assistants.

The Commission is able to state, more particularly, that it is aware that former MEP's assistants (seven in the case of DG XII and one in that of the JRC) were recruited during the most recent legislative period as officials, contract staff members or auxiliary staff members by means of the administrative procedures providing for this (competitions, selections, tests), and in line with the rules in force …

2. and 3. No administrative or legal proceedings are in progress or have been brought against former MEP's asistants recruited by DG XII or by the JRC over the last five years.

(2000/C 170 E/037) **WRITTEN QUESTION E-1571/99**

by Hiltrud Breyer (Verts/ALE) to the Commission

(1 September 1999)

Subject: Illegal marketing of genetically modified maize by the Pioneer seed company

At the beginning of May 1999 it became known that the Pioneer Hi-Bred seed company in southern Germany had purchased genetically modified maize that had not received approval.

1. Was the Commission informed of this infringement of EU regulations and of the infringement of the German law on genetic engineering?

2. On what date was the Commission informed about the infringement?

3. What measures will the Commission take and what conclusions will it draw from this infringement?

Answer given by Mrs Wallström on behalf of the Commission

(21 October 1999)

The Commission was informed on 31 May 1999 that, in southern Germany, seed was distributed which possibly contained genetically modified seed that had not received approval in the Community. The genetically modified organisms (GMOs) mentioned have been found in sacks of supposedly GMO-free Pioneer maize. The alleged infringement of Community law has yet to be confirmed. The infringement of German law does not have to be assessed by the Commission (as far as Community law is not concerned).

The Commission has invited the German authorities to take a position. As tests to confirm whether there were unauthorised GMOs present or not are still ongoing, there is no reply as yet. It should be added that for the time being, it appears to be premature to use the word 'infringement', since the question still needs to be assessed.

(2000/C 170 E/038) **WRITTEN QUESTION E-1573/99**

by Hiltrud Breyer (Verts/ALE) to the Commission

(1 September 1999)

Subject: Lack of limit values for dioxins and PCBs

In view of the dioxin scandal in Belgium and the fact that recital 5 of the Commission decision of 3 June 1999 noted that no maximum levels for dioxin contamination are set for individual basic ingredients and foodstuffs and that there are no maximum levels for dioxins at international, Community or national level:

1. Why has the Commission failed to set a limit value for PCBs, dioxins or other chlorine compounds?

2. When will the Commission correct this omission?

3. When exactly can a directive or regulation containing such limit values to be expected?

4. Is the Commission taking steps to set up an independent, neutral foodstuffs monitoring centre at EU level?

5. Is it correct that there are no EU legal provisions for either animal or plant products that provide for maximum levels of PCBs?

Answer given by Mr Liikanen on behalf of the Commission

(18 October 1999)

At the moment there is no recognised international legislation setting maximum dioxin and polychlorinated biphenyl (PCB) levels according to the type of food. Research into the subject is also vague. Some Member States have already set maximum levels for certain foods on the back of national scientific opinions, but these levels do not always coincide.

After the 'dioxin crisis' that broke out in Belgium at the end of May 1999, the Commission was obliged to take urgent measures which incorporated maximum PCB levels in products of animal origin. Commission Decision 1999/0449/EC of 9 July 1999 [1] therefore imposes maximum PCB levels for milk, dairy products and poultry. In addition, Commission Decision 1999/0551/EC of 6 August 1999 [2] amending Decision 1999/0449/EC sets provisional maximum levels for beef, pork and products derived from these meats. These levels only apply to the contamination cases uncovered in Belgium as dioxin and PCB contamination manifests itself in different ways according to each individual case. The provisions taken by the Commission take into account the maximum levels imposed in several Member States, where these exist. The Commission has already asked European scientific committees to give their opinion in order for a European viewpoint to be reached which would allow the Commission, if necessary, to consider implementing maximum PCB levels across the Community.

Furthermore, as far as limit values for dioxin levels in food is concerned, in June 1998 the Commission began an in-depth study into the contamination levels found in foodstuffs in several Member States. This study is part of the Scientific Co-operation Programme between Member States (SCOOP). The preliminary results of this study, which should be available very soon, and of work under way at the Joint Research Centre (Institute for reference materials and measurements) will give a better idea of the risk involved and provide a basis for further discussion.

In the meantime, the Commission's basis is still the scientific evaluation of the World Health Organisation (WHO) which has recommended a tolerable daily intake (TDI) of 1 to 4 picograms per kilogram of body weight per day for dioxins. By setting this level, the WHO hopes to safeguard human health as far as possible. At the same time, the WHO recognises that there is a 'background level' of dioxin in all industrialised countries which cannot be ignored.

Until 1999, plans to monitor the situation in Member States were essentially intended to prevent contaminated milk and dairy products entering the market. As of the year 2000, the Commission will ask that meat and fish is also monitored. The results of such monitoring should allow us to have a precise idea of the current situation in Europe.

Furthermore, as Community law stands, and leaving aside the levels set in Commission decisions on the specific case of the dioxin crisis in Belgium, a maximum dioxin level for citrus pulp is included in Annex I, Section B(21), of Council Directive 1999/0029/EC of 22 April 1999 on the undesirable substances and products in animal nutrition [3]. A proposal setting maximum PCB levels in raw materials and finished goods intended for animal nutrition is also currently being discussed.

Finally, the Commission is currently studying the possibility of setting up an independent European food agency. Possible options concerning this body will be presented before the end of the year in the white paper proposing a food safety action plan.

(1) OJ L 175, 10.7.1999.
(2) OJ L 209, 7.8.1999.
(3) OJ L 115, 4.5.1999.

(2000/C 170 E/039) **WRITTEN QUESTION E-1574/99**

by Alonso Puerta (GUE/NGL) and Laura González Álvarez (GUE/NGL) to the Commission

(1 September 1999)

Subject: Regional Development Programme (RDP)

What is the deadline for the submission to the European Union of Regional Development Programmes for the period 2000-2006 by Member States with Objective 1 regions?

(2000/C 170 E/040) **WRITTEN QUESTION E-1575/99**

by Alonso Puerta (GUE/NGL) and Laura González Álvarez (GUE/NGL) to the Commission

(1 September 1999)

Subject: Regional Development Programme (RDP)

In view of the regional and local elections which coincide with the timetable for the preparation of the various RDPs in Spain, does the Commission intend to extend the planned deadline for the subsmission of RDPs for the period 2000-2006 so as to facilitate an institutional consensus and the consultation of the social partners with regard to the RDPs?

Joint answer to Written Questions E-1574/99 and E-1575/99 given by Mr Barnier on behalf of the Commission

(11 October 1999)

The second subparagraph of Article 15(2) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1] states that the regional development plans must be submitted, unless otherwise agreed with the Member State concerned, not later than four months after the list of eligible Objective 1 regions has been drawn up. As the Commission adopted that list on 1 July 1999, the deadline for submitting the Objective 1 plans is 1 November 1999. At the Member State's request and if the Commission agrees, this deadline can be extended to facilitate preparation of the plan.

[1] OJ L 162, 26.6.1999.

(2000/C 170 E/041) **WRITTEN QUESTION E-1576/99**

by Alonso Puerta (GUE/NGL) and Laura González Álvarez (GUE/NGL) to the Commission

(1 September 1999)

Subject: Regional Development Programme (RDP)

What is the position of the Commission with regard to RDPs for the period 2000-2006 submitted by Member States with Objective 1 regions without the requisite political, institutional and social dialogue having taken place?

Answer given by Mr Barnier on behalf of the Commission

(11 October 1999)

In accordance with the first subparagraph of Article 15(2) of Council Regulation (EC) 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1], Member States submit their regional development plans after consultation with the partners as defined in Article 8 of that Regulation (regional and local authorities and other public authorities, economic and social partners, other relevant

organisations). Each Member State decides its own arrangements for consulting the most representative partners as designated by it. However, the Commission reserves the right to ask a Member State how it went about consulting the partners and it must offer an account of how it did so under Article 16(1)(d) of the Regulation. The Commission will make use of this option whenever necessary.

(1) OJ L 161, 26.6.1999.

(2000/C 170 E/042) **WRITTEN QUESTION E-1581/99**

by Glyn Ford (PSE) to the Commission

(1 September 1999)

Subject: Shellfish hygiene directive

Is the Commission aware of the impact of Directive 91/0492/EEC (1) on shellfishermen in waters classified as Category C? Classification is determined by monitoring using E.Coli, a testing process which is not an adequate indicator in the case of shellfish where the disease-causing organism is a virus and not a bacterium. Furthermore, the application of the standard to mussels which are cooked and therefore pose less threat to public health than oysters which are traditionally eaten raw is considered to be inappropriate. The livelihoods of fishermen on the River Teign, which is on the border line between Categories B and C, is threatened by the application of the standard to mussels. Will the Commission urgently review the Directive so that the long tradition of shellfishing may survive?

(1) OJ L 268, 24.9.1991, p. 1.

Answer given by Mr Byrne on behalf of the Commission

(5 November 1999)

The monitoring of production areas for the classification foreseen in Chapter I of the annex to Council Directive 91/0492/EEC of 15 July 1991 laying down the health conditions for the production and the placing on the market of live bivalve molluscs is based on the total number of faecal coliforms or E coli. This classification relates to production areas for live bivalve molluscs, and determines whether live bivalve molluscs can be intended for direct human consumption or must be purified or relayed.

The microbiological criteria applicable to the production of commercially cooked mussels are established by Commission Decision 93/0051/EEC of 15 December 1992 on the microbiological criteria applicable to the production of cooked crustaceans and molluscan shellfish (1).

On the other hand the Commission, to ensure an effective monitoring system with regard to virus testing and the establishment of standards for virological and bacteriological contamination, presented a proposal for a Parliament and Council Decision on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs (2). The Parliament gave its opinion (3) and the Council adopted the proposal, after changing the legal basis from Article 100a to Article 43 of the EC Treaty, on 29 April 1999, by Council Decision 1999/0313/EC of 29 April 1999 on reference laboratories for monitoring bacteriological and viral contamination of bivalve molluscs (4).

The Commission is currently preparing a general revision of the Community legislation on food hygiene including a revision of the legislation governing the production and placing on the market of products of animal origin.

The River Teign has recent been designated under Council Directive 79/0923/EEC on the quality required of shellfish waters. The protection afforded by this shellfish water quality designation should in time lead to a reduction in pollution.

(1) OJ L 13, 21.1.1993.
(2) OJ C 267, 3.9.1997.
(3) OJ C 304, 6.10.1997.
(4) OJ L 120, 8.5.1999.

(2000/C 170 E/043) **WRITTEN QUESTION E-1582/99**

by Glyn Ford (PSE) to the Commission

(1 September 1999)

Subject: 'Greening' the processing of fish

Will the Commission consider providing financial incentives to fish processors in order to encourage them to install plant for the utilisation of fish waste rather than encouraging industrial fishing?

Answer given by Mr Fischler on behalf of the Commission

(7 October 1999)

Contrary to what the Honourable Member's question appears to imply, the Commission does not encourage industrial fishing (meaning fishing intended for purposes other than human consumption).

The current legal basis for financial incentives to the processing industry is Council Regulation (EC) 2468/98 of 3 November 1998 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products [1]. In Annex II.2.4 of that Regulation it is explicitly stipulated that 'investments shall not be eligible for assistance where they concern fishery and aquaculture products intended to be used and processed for purposes other than human consumption, with the exception of investments exclusively for the handling, processing and marketing of fishery and aquaculture product wastes'. The Commission has proposed that this clause be carried forward to the next legal basis (covering the 2000-2006 programming period of the Structural Funds).

[1] OJ L 312, 20.11.1998.

(2000/C 170 E/044) **WRITTEN QUESTION P-1586/99**

by Hanja Maij-Weggen (PPE-DE) to the Commission

(1 September 1999)

Subject: Increase in medical problems caused by stray pets and farm animals in Kosovo

Is the Commission aware of the article by Ray Gutman in the Washington Post referring to the increase in human medical problems caused by neglected stray pets and farm animals in Kosovo?

Is the Commission aware that under these conditions diseases such as brucellosis and tuberculosis rapidly spread amongst humans?

Is it possible to round up stray pets and farm animals and to put them in quarantine so that their lawful owners can collect them?

Is the Commission prepared to give greater attention to this question in its aid programmes in the form of direct aid to veterinary surgeons and veterinary laboratories in Kosovo and presentive programmes in consultation with the relevant medical services, for example the WSPA which is already playing an active role in Kosovo?

Answer given by Mr Patten on behalf of the Commission

(13 October 1999)

The Commission shares the Honourable Member's concern about the situation in Kosovo, and about the health risks inherent in the present conditions for both human beings and animals.

The Commission's aid programmes for Kosovo, at present and for the foreseeable future, concern firstly humanitarian assistance and emergency repairs of dwellings in order to enable the population to cope with the coming winter, and secondly physical reconstruction.

In addition, given the health risks to both humans and animals from neglected stray pets and farm animals in Kosovo, the Commission is pleased to inform the Honourable Member that its humanitarian office (ECHO) is already in discussions with the UN Food and agricultural organisation (FAO) regarding a programme of vaccination of all live stock and stray pets in Kosovo. This programme will allow a census of the number of animals in the province and will help prevent spreading diseases to the population. The programme will complement the Task Force programme of re-opening or restructuring the veterinary stations in Kosovo.

(2000/C 170 E/045) **WRITTEN QUESTION E-1587/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(1 September 1999)

Subject: Restoration of historic monuments damaged by the war in Yugoslavia

In June 1999, the Ministers of Culture of the Member States meeting in Weimar decided to call on the Commission to take measures for the restoration of historic monuments in Kosovo. According to the studies by the Icomos, the 160 damaged sites belonging to the European cultural heritage include 13 archaeological sites, 60 monasteries and churches, 1 mosque and many historic buildings and market squares.

Can the Commission answer the following:

1. What funding does it intend to earmark for the restoration work?

2. Have specific restoration programmes been drawn up on the basis of scientific studies, timetables and priorities?

3. Does it intend to cooperate with organisations such as the Icomos and Unesco which are already aware of the issues involved?

4. Will it also provide funding for the restoration of monuments in the remainder of Yugoslavia?

Answer given by Mr Patten on behalf of the Commission

(8 October 1999)

The Commission shares the concern of the Honourable Member about the destructive consequences that the conflict in Kosovo has had on its civil and religious heritage.

As the Honourable Member is aware, the Commission does not itself have competence to take any measures for the protection of Kosovo's cultural heritage. It is of course willing to consider cooperation with the United Nations Educational, Scientific and Cultural Organization (Unesco) or the International Council of monuments and sites (COMOS) should they undertake any initiative in this regard.

At this time, the priority areas for reconstruction in Kosovo are demining, procurement of essential supplies for rehabilitation of housing and public buildings, customs, village employment and the rehabilitation of Mitrovica hospital.

As for the remainder of the Federal Republic of Yugoslavia, there has been no destruction of monuments in the territory of the Republic of Montenegro. For the Republic of Serbia, only humanitarian assistance or support for democratisation and independent media is presently available.

(2000/C 170 E/046) **WRITTEN QUESTION E-1589/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(1 September 1999)

Subject: Aid to the families of victims of the bomb attack on the Yugoslav television headquarters

The Commission has decided to earmark € 700 000 for assistance in repairing damage to the mass media caused by the war in Yugoslavia. During the bombing of Belgrade on 23 April 1999, the television headquarters was hit with the result that dozens of employees were either killed or injured.

Does the Commission intend to earmark some of the above funds to assist families of the victims of the bomb attack on the television headquarters?

Answer given by Mr Patten on behalf of the Commission

(8 October 1999)

No. Moreover, funds from the relevant budget line could not be used for the purposes suggested by the Honourable Member. The € 700 000 in additional assistance for the independent media in the Federal Republic of Yugoslavia (FRY), announced by the Commission on 25 June 1999, is designed to support displaced journalists, the establishment of independent media, and to ensure the provision of accurate information into the FRY, where the press have been subject to severe repression.

Two web-sites are being supported, to enable journalists to produce independent information, and for the citizens of the FRY to receive it. Digital satellite equipment is in the process of being granted to television stations across the whole region, to make possible the reception of daily European programmes. Assistance is being given to journalists from Kosovo, to help them resume their work. A daily information service for returned refugees, in cooperation with humanitarian agencies, is also being supported.

The Commission has so far contributed € 56,1 million in humanitarian assistance to Serbia during 1999, most of which is for basic food and hygiene aid, as well as shelter for refugees and those displaced within the country. Recipients of assistance are determined by humanitarian criteria, following a careful assessment of needs.

(2000/C 170 E/047) **WRITTEN QUESTION E-1590/99**

by Hanja Maij-Weggen (PPE-DE) to the Commission

(1 September 1999)

Subject: Disappearance of money (€ 40 million) from the ECIP programme of aid to businesses in developing countries (European Community Investment Partners programme)

Can the Commission confirm that some € 40 million has disappeared from the ECIP aid programme?

When did this money disappear, and when did the Commission become aware of this problem?

Which Commissioners and Commission departments are primarily responsible for ECIP and for financial audits thereof?

What measures has the Commission taken to trace the money, what results have they had, and what has the Commission done to prevent such problems in future?

(2000/C 170 E/048)

WRITTEN QUESTION E-1594/99

by Bart Staes (Verts/ALE) to the Commission

(1 September 1999)

Subject: Operation of the ECIP programme

The European Community Investment Partners programme (ECIP) is the financial instrument which since September 1988 has provided financial assistance to 60 developing countries in Asia, Latin America, the Mediterranean region and South Africa (the 'Alamedsa group'). ECIP is very generously funded, and it is therefore unquestionably desirable to be vigilant about its management. In its annual report for 1993, the Court of Auditors of the EC already drew attention to a number of irregularities.

The Commission recently admitted that a number of shortcomings in ECIP were being investigated. The German magazine STERN revealed in early August 1999 that € 42 million had disappeared. The magazine questioned the role of Commissioner Marín and the involvement of a senior European official in this connection.

1. Can the Commission provide a complete list of all projects which have received ECIP funding, stating the partners involved on the part both of the EU and of the recipient country? What progress has been made in the inquiry into the management of ECIP? Why was this inquiry only started recently?

2. What measures has the Commission taken in response to the observations made by the Court of Auditors in its 1993 report concerning ECIP? If it has not taken any, who was responsible for this? If it has taken measures, what action resulted?

3. Is the involvement of officials — that is, the official named by STERN — being investigated? If so, what is the current situation in this inquiry? If not, does the Commission intend to start an inquiry?

4. Since when has the Commissioner concerned been aware of possible misappropriations?

Joint answer
to Written Questions E-1590/99 and E-1594/99
given by Mr Patten on behalf of the Commission

(26 October 1999)

Reports in the press that € 42 million of European Communities investment partners (ECIP) funds have 'disappeared' are incorrect. These reports were based on press mis-interpretation of a public Commission note distributed to the Parliament's budgetary commission which stated that € 42 million relating to 1 348 completed ECIP actions is in the process of reimbursement by the financial institutions members of the ECIP network. Such reimbursement is a routine aspect of the operations of the ECIP instrument. The funds are held in financial institutions accredited to the ECIP network, each governed by a specific framework contract with the Commission. In conformity with the provisions of Council Regulation (EC) 0213/96 of 29 January 1996 on the implementation of the European Communities investment partners financial instrument for the countries of Latin America, Asia, Mediterranean region and South Africa [1] these funds have been audited. Should analysis of these audits reveal any suspicion of irregularities or possible fraud, OLAF will be informed immediately. The Commission increased its efforts in 1999 to close out those files and to recover the € 42 million funds identified by the independent audit.

The Directorate general for external relations is responsible for the ECIP programme. The financial execution is ensured by the Common service for external relations.

The Commission provides to the Council and the Parliament each year a detailed progress report including statistical tables on the implementation of the ECIP programme. The Commission is sending direct to the Honourable Member and the Parliament's Secretariat a copy of the 1997 report and the 1998 overview.

In addition, in accordance with the ECIP Regulation, the Commission has placed, after open public international tender, a contract with Deloitte S.A. to execute an independent appraisal which is due for completion before the end of 1999 and will be communicated to the Council and Parliament as soon as available.

The measures introduced to further reinforce the management after 1995 of the ECIP programme were discussed and agreed with the Council and Parliament during 1994-1995 and are included in the present ECIP Regulation. These have been implemented fully by the Commission. They are independent evaluation appraisal studies (1990 Touche Ross, 1994 SEMA Group, 1999 Deloitte (in progress)), independent financial audits (1996 Coopers & Lybrand, 1997 Price Waterhouse Coopers), technical assistance units (1997 onwards), and specific anti-fraud provisions and penalty clauses in all contracts.

(1) OJ L 28, 6.2.1999.

(2000/C 170 E/049) **WRITTEN QUESTION E-1591/99**

by Hanja Maij-Weggen (PPE-DE) to the Commission

(1 September 1999)

Subject: Imports of Victoria perch

How many times in the past three years has the EU embargoed imports of Victoria perch from Uganda, Kenya or Tanzania?

On each occasion, why did it do so and how long did the embargo last?

What has the Commission itself done to help the fish export industries concerned in Uganda, Kenya and Tanzania by means of development aid, particularly with reference to the EU's hygiene requirements?

What measures has the Commission adopted to assist the European partners of the fish-exporting industry around Lake Victoria in their cooperation with that industry?

Answer given by Mr Byrne on behalf of the Commission

(27 October 1999)

During the past three years the Commission has suspended the import of fishery products, including Nile Perch from Lake Victoria only once for Kenya and Tanzania. The Commission has never suspended imports from Uganda. The reasons for the suspension are clearly explained in the recitals of Commission Decision 1999/253 EC of 12 April 1999 on protective measures with regard to certain fishery products from or originating in Kenya and Tanzania (1). These measures are still in force.

In addition the Commission adopted on April 1997 Decisions 97/0272/EC, 97/0273/EC and 97/0274/EC on protective measures with regard to fishery products originating respectively in Kenya, Uganda and Tanzania (2). These imposed a systematic check for the presence of Salmonella on all fishery products entering the Community. The measures were adopted following an inspection visit, which confirmed the serious microbiological contamination of the water of Lake Victoria and the poor hygienic handling of the fishery products in these countries.

New protective measures were adopted by Commission Decision 97/0878/EC of 23 December 1997 concerning certain protective measures with regard to certain fishery products originating in Uganda, Kenya, Tanzania and Mozambique (3) and confirmed by Commission Decision 98/0084/EC of 16 January 1998 on protective measures with regard to fishery products from, or originating in Uganda, Kenya, Tanzania, and Mozambique and repealing Decision 97/0878/EC (4), following the insufficient measures applied by the sanitary authorities of these countries to control the outbreak of cholera which occurred in these countries at the end of 1997. The measures adopted included the systematic control of all fishery

products for the presence of Vibrio cholerae and Vibrio parahaemolyticus. Because of the time required to carry out these checks, the import of fresh products were prohibited. These measures were lifted on 30 June 1998 by Commission Decision 98/0418/EC of 30 June 1998 repealing Decision 98/0084/EC on protective measures with regard to fishery products from or originating in Uganda, Kenya, Tanzania and Mozambique and amending the health certification for fishery products originating or proceeding from Uganda, Kenya and Mozambique ([5]).

The current situation in the region has not yet resulted in specific requests for projects or support from any of the three countries concerned. However, Uganda, Kenya and Tanzania have received in depth advice from the Commission on how to improve the standards of their test laboratories and export procedures. It is clear that should any of them come to the conclusion that they are not competent to carry out these improvements by themselves the Commission is prepared to assist in accordance with such request or requests under the current Lomé Convention.

In addition the Commission is currently preparing a project applicable to all African, Caribbean and Pacific (ACP) states on the strengthening of fish quality implementation capacity in the ACP countries. The Commission has already received a number of official requests from ACP states. It is expected that the European development fund committee will approve this project comprising € 5 million by the end of 1999. Initially it will be available for the support of ACP countries in setting up legal frameworks; the development of codes of practices for the local industry; the setting up of competent institutions and services; the training of human resources in quality inspection procedures; the training of laboratory staff, and the setting up of laboratories.

([1]) OJ L 98, 13.4.1999.
([2]) OJ L 108, 25.4.1997.
([3]) OJ L 356, 31.12.1997.
([4]) OJ L 15, 21.1.1998.
([5]) OJ L 190, 4.7.1998.

(2000/C 170 E/050) **WRITTEN QUESTION E-1595/99**

by Christoph Konrad (PPE-DE) to the Council

(20 September 1999)

Subject: EU special representatives and envoys and special coordinators

1. How many EU special representatives/envoys/coordinators are there, including both those who are active and those who have merely been appointed? Who are the individuals concerned? For what regions or countries are they responsible and to what extent do they cooperate with other international organisations?

2. What is the legal basis for the appointment of the above persons? What are their respective terms of office? Where are they based, or where are their activities centred? What financial and material resources does each have at his/her disposal (including the budget for travelling)? What is the size of their staff (list of posts)?

3. The appointment on 2 July 1999 of Mr Bodo Hombach as the EU Special Representative for the Stability Pact for South-Eastern Europe was due to expire on 31 July 1999 unless formally confirmed by a Joint Action pursuant to Article 2 of the relevant decision. Is the formal decision on the stability pact deemed such confirmation?

4. Why are there now two EU fora, existing side by side, for the stability process in South-Eastern Europe, namely (a) the Royaumont process under EU Special Representative P. Roumeliotis, based in Thessaloniki and with a budget of € 550 000 for May 1999 to May 2000, and (b) the stability pact under EU Special Representative B. Hombach, based in Brussels and with a budget of € 850 000 for 1999? How are the functions of the two fora differentiated, and to whom is each required to report and accountable (e.g. the new 'Mr CFSP', J. Solana)?

Reply

(29 November 1999)

The EU has currently the following Special Representatives (EUSR), which are appointed on the basis of Article 18.5 of the TEU:

1. Mr Aldo Ajello: EUSR for the African Great Lakes Region (Joint Action 96/250/CFSP). Annual mandate (current one expiring on 31 July 2000, see Council Decision 1999/423/CFSP). Current budget: € 1 137 000. Team: 4 people. Brussels office.

2. Mr Miguel Angel Moratinos: EUSR for the Middle East Peace Process (Joint Action 96/676/CFSP). Annual mandate (current one expiring on 31 December 1999). Current budget: € 2 400 000. Team: 9 people. Brussels office.

3. Mr Niels Eriksson: EU Adviser to Palestinian Authority on terrorism (Joint Action 97/289/CFSP). Appointed initially for three years, was extended until 31 May 2002 (Joint Action 1999/440/CFSP). Budget: € 3 600 000 until 30 June 2000. Team: 3 people. Based in Ramallah.

4. Mr Bodo Hombach: EUSR appointed to act as Coordinator of the Stability Pact for South-East Europe. Appointed by Council Decision 1999/345/CFSP and confirmed by Council Joint Action 1999/523/CFSP of 29 July 1999 until 31 December 1999. Budget: € 850 000. Team: 22 people. Brussels office.

5. Mr Panagiotis Roumeliotis: EUSR for the Royaumont Process (stability and good-neighbourliness in South-East Europe, see Common Position 98/633/CFSP). Annual mandate, current one expiring on 31 May 2000 (Council Decision 1999/361/CFSP). Current budget: € 550 000. Team: 4 people. Brussels office.

The Royaumont Process was launched on 13 December 1995. It is intended that the Process will be incorporated into the OSCE in due time. It covers human rights and democratisation issues in the broad region of South-east Europe.

The Stability Pact was formally adopted in Cologne on 10 June 1999. Its aim is to develop a synergy between organisations and other initiatives in the region. Democratisation and Human Rights are an important aspect of the Stability Pact. In this regard the EUSR Roumeliotis actively contributes to the work of the Stability Pact's Working Table on Democratisation and Human Rights.

Moreover Article 2 of Joint Action 1999/523/CFSP states that the EUSR, Mr Hombach and the EUSR, Mr Roumeliotis shall coordinate their action.

Concerning accountability of EUSR, Article 4 of Joint Action 1999/523/CFSP states that 'the EUSR shall be guided by, and report under the authority of, the Presidency, assisted by the Secretary General to the Council on a regular basis and as the need arises […]'. Following the entry into force of the Amsterdam Treaty, this wording will be added to all Joint Actions on EUSR in the future.

(2000/C 170 E/051) **WRITTEN QUESTION E-1596/99**

by James Nicholson (PPE-DE) to the Council

(20 September 1999)

Subject: Human rights in Uzbekistan

Concerned Christians in the European Union are continuing to draw attention to alleged abuses of human rights in Uzbekistan. They have pointed out that cases of Pastor Rashid Turibayev, Parhad Yangibayev, Iset Tanishiev and Nail Asanov who, they claim, have been jailed on false charges of drug possession.

Is the Council monitoring the human rights situation in Uzbekistan particularly in regard to the treatment of converts to Christianity and what representations has it made to the Government of Uzbekistan in relation to the above-mentioned four prisoners?

Reply

(29 November 1999)

The Council is closely monitoring the human rights situation in Uzbekistan.

The EU is regularly raising this issue with the Uzbek authorities. In a demarche in Tashkent in July 1999 and in the First Cooperation Council EU-Uzbekistan on 13 September 1999, the Union expressed concern on the freedom of religion and in particular the ill-treatment of Christians in Uzbekistan. It encouraged the Uzbek government, in the framework of the recently concluded Partnership and Cooperation Agreement and in the light of Uzbekistan's OSCE commitments, to respect the international principles of freedom and religion. The EU also expressed strong concern about imprisonment on the grounds of political or religious belief and about prison conditions in Uzbekistan.

The Council will continue to closely monitor the human rights situation in Uzbekistan in all its aspects and address the issue regularly with the Uzbek authorities.

(2000/C 170 E/052) **WRITTEN QUESTION P-1600/99**

by Marco Cappato (TDI) to the Commission

(7 September 1999)

Subject: Conditions under which Mr Ashot Bleyan, former Education Minister of the Republic of Armenia, is being held

According to his lawyer and to information in the press, Mr Ashot Bleyan, former Education Minister of the Republic of Armenia, who has been in prison for several months, has been beaten and placed in solitary confinement.

What information does the Commission have about Mr Ashot Bleyan, particularly as regards the charges made against him, compliance by the authorities with the rules of penal procedure, the conditions under which he is being held and his current state of health?

In more general terms, what steps has the Commission taken or does it intend to take to ensure that Mr Ashot Bleyan benefits from the rights of any accused person to a legal defence and to proper treatment that complies with the international rules governing the holding of prisoners?

Answer given by Mr Patten on behalf of the Commission

(4 October 1999)

The Commission has been following the detention and legal proceedings brought against former Education Minister Ashot Bleyan by the Armenian authorities, charging him with civil and criminal offences including embezzlement.

The Commission is concerned by reports alleging that Mr Bleyan has been subjected to beatings while in custody leading to a serious deterioration in his health. The Commission is urgently seeking clarification on these allegations from the Armenian authorities.

The partnership and cooperation agreement (PCA) with Armenia, which entered into force in June 1999, provides a basis for discussion of human rights issues which will be on the agenda and discussed at the forthcoming meeting of the cooperation council on October 12th 1999.

To assist Armenia to meet its rule of law and human rights obligations under the PCA and its application for membership of the Council of Europe, the Commission is about to launch a € 1 million programme for training of the Armenia judiciary and has allocated funds to help Armenia to improve compliance with the European Convention on human rights in a joint programme with the Council of Europe.

(2000/C 170 E/053) **WRITTEN QUESTION E-1601/99**

by Klaus-Heiner Lehne (PPE-DE) to the Commission

(15 September 1999)

Subject: Transposition of the EC television Directive — Inter-Länder Treaty

Article 10(1) of the EC television Directive (Dir 89/0552/EEC [1] as amended by Dir 97/0036/EC [2]) requires clear separation between advertising and programmes. This principle of separation between advertising and programmes has now been incorporated into German broadcasting law. Section 7(4) of the third German Inter-Länder Treaty on Broadcasting 1997, lays down the same principle. A new Inter-Länder Treaty on Broadcasting is currently being prepared. On 24 June 1999 the German Land prime ministers approved the draft fourth amending Inter-Länder Treaty on Broadcasting; it now must be ratified in all 16 Land parliaments and is due to come into force on 1 April 2000. A new Section 7(4) has been inserted which reads as follows:

> A transmitted image may include advertising, provided that the advertising is clearly optically separate from the rest of the programme and identified as such.

Section 7(4) thus allows broadcasters to split a screen image into a programme and an advertising window at the same time. Much the same applies to what is termed virtual advertising, involving the technical capability to subsequently alter an image so that either complete advertising messages are inserted into the image or an existing advert is modified. The insertion of virtual advertising is to be allowed under the fourth amending Inter-Länder Treaty on Broadcasting, pursuant to Section 7(6), provided that reference is made to this at the start and end of the broadcast in question and an existing advert is to be replaced.

Taking this into consideration:

1. In the Commission's view, is there an infringement of the principle of separation under Article 10 of the EC television Directive if advertising and programming are allowed at the same time and they are simply physically separate on screen?

2. In the Commission's view, is it compatible with the EC television Directive to allow virtual advertising?

3. Is the Commission acquainted with the expert opinions, which have led to a major change in legal interpretation, that a time-delay between advertising and programmes is not mandatory?

4. If so, what are the expert opinions in question?

5. How does the Commission assess the intended amendments in the fourth amending Inter-Länder Treaty on Broadcasting due to come into force in Germany on 1 April 2000?

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[1] OJ L 298, 17.10.1989, p. 23.
[2] OJ L 202, 30.7.1997, p. 60.

Answer given by Mrs Reding on behalf of the Commission

(27 October 1999)

1. Council Directive 89/0552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities was amended by Directive 97/0036/EC of the Parliament and the Council of 30 June 1997. Article 10 (1) of the Directive is worded as follows: 'Television advertising and teleshopping shall be readily recognisable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means'.

This does not exclude the simultaneous transmission of a programme and television advertising. However, a partial occupation of the screen by advertising would only be permissible when such advertising is clearly recognisible as such and clearly separated from the programme. It goes without saying that such advertising must meet all the requirements of the Directive with regard to television advertising, in particular the time constraints laid down in Article 11 and 18.

2. So-called 'virtual advertising' is not prohibited by the Directive. The Directive covers all forms of television advertising, defined in Article 1 (c) as 'any form of announcement broadcast whether in return for payment or for similar consideration'. The Directive also covers sponsorship of television programmes, which is subject to specific conditions.

Virtual advertising is a relatively new phenomenon which, depending on the particular circumstances, could fall within the definition of television advertising or of sponsorship. It should be noted that surreptitious advertising is clearly forbidden by Article 10(4) of the Directive.

Taking into account the wide variety of possibilities offered by so-called 'virtual advertising' and the fact that practices of broadcasters in this respect are still evolving, an assessment of the legal implications with regard to the Directive is only possible on a case by case basis.

3. and 4. According to the revised Directive a temporal separation between advertising time and the programme itself is not obligatory. Article 10(1) requires only separation by optical and/or acoustic means. The Commission is not aware of the expert opinions to which the Honourable Member refers.

5. According to Article 27 of Directive 89/0552/EEC as amended, Member States had to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 30 December 1998, and to inform the Commission thereof.

Germany has not notified the Commission that it has adopted all the necessary provisions to implement the Directive. Neither is the Commission in possession of any other information which could lead it to suppose that the relevant provisions have been formally adopted. The Commission therefore has sent a reasoned opinion to Germany.

The Commission is therefore not in a position to make a judgement on possible amendments to the German Inter-Länder Treaty on broadcasting.

(2000/C 170 E/054) **WRITTEN QUESTION P-1605/99**

by Marianne Thyssen (PPE-DE) to the Commission

(7 September 1999)

Subject: Extension of the legal basis for Community aid

Under existing Community legislation the only provision made for Community aid for firms facing difficulties is where the crisis arises from veterinary or phytosanitary related infections in animals requiring the products derived from such livestock to be taken off the market to prevent the symptoms of the disease being transmitted from animals to humans. Community support measures to tackle the BSE crisis were taken on this legal basis.

In the case of the dioxin crisis, it was also decided at Community level to take the livestock off the market to protect public health. In this case, however, the danger to human health did not arise from a viral or bacterial infection but from human error. Nonetheless, the impact on firms is similar.

Does the Commission not consider that given the scale of the dioxin crisis in Belgium and the fact that human error of this kind may also occur in other Member States, it is desirable to broaden the legal basis for Community support so that in future when there is objective evidence of disease in animals and the infected livestock and derived products are unfit for human consumption and have to be withdrawn from the market this can be regarded as sufficient grounds for Community support for the firms concerned?

Will the Commission bring forward legislative proposals, if necessary, to create such a legal basis?

Answer given by Mr Fischler on behalf of the Commission

(8 October 1999)

It is quite correct that, as Community law stands, i.e. Council Decision 90/0424/EEC of 26 June 1990 on expenditure in the veterinary field [1], the only provision for financial intervention by the Community covers the eradication and monitoring of the diseases listed in the annex to that Decision; the list includes bovine spongiform encephalopathy (BSE) in particular.

The dioxin crisis was not caused by one of the diseases on that list but was due to human error causing pollution within the food chain.

The Commission's feeling is that, in cases of human error, the rules and regulations on liability should in principle come into play. In no circumstances can the originator of the pollution be compensated.

As to the scope open to Member States for granting state aid to private individuals or businesses which have suffered adverse consequences as a result of such an error, the Commission invites the Honourable Member to consult the answer which it gave on this subject in connection with question P-1609/99 [2].

[1] OJ L 224, 18.8.1990.
[2] OJ C 27 E, 29.1.2000, p. 147.

(2000/C 170 E/055) **WRITTEN QUESTION P-1607/99**

by Raffaele Costa (PPE-DE) to the Commission

(7 September 1999)

Subject: European funding for Russia

According to reports from various international sources, at least some of the funds granted to Russia by the international community have been misappropriated to further private interests, and in some cases substantial amounts are involved; consequently there is an urgent need for effective monitoring of the use actually made of all European Union spending in Russia in recent years in the form of humanitarian aid, grants, loans on favourable terms and Community programmes under bilateral or partnership agreements.

Only the other day in Parliament's Committee on Budgetary Control it emerged that a large quantity of butter (6 750 tonnes) intended for Russia at preferential prices was illegally diverted to Poland and that the Commission records that would have provided evidence of the fraud disappeared from the Commission's offices in Brussels (Fléchard case).

Does the Commission not agree that it should obtain effective guarantees as to the use made of the funds provided and, above all, those funds committed but not yet paid?

Answer given by Mr Patten on behalf of the Commission

(6 October 1999)

The Commission is aware of the current media speculation about money laundering in Russia and growing worries about the allegations of misuse of assistance funds provided to Russia. Clearly the results of current investigations in the Community and the United States must be awaited.

Community assistance is essentially grant based and is delivered through the TACIS programme. The funds involved are used to pay Community firms to provide technical expertise and advice for Russia and food aid which is being closely monitored and evaluated. They do not go directly to Russia. Moreover, at present Russia does not receive Community loans and the lending mandate of the European Investment Bank (EIB) for countries outside the Community does not extend to Russia.

On the question of butter destined for Russia which was diverted to Poland, the Commission would point out that the case dates back to 1991/1992. The buyer of the butter intended for Russia was a Community trader. His customers were Polish intermediaries. It is therefore difficult to make any direct connection with the allegations on which the Honourable Member's question is based.

The Honourable Member is also invited to refer to the Commission's statement to the Parliament during the debate on 16 September 1999.

(2000/C 170 E/056) **WRITTEN QUESTION E-1613/99**

by Hanja Maij-Weggen (PPE-DE) to the Commission

(15 September 1999)

Subject: Anti-landmine campaign

The previous European Commission played an active part in the campaign against landmines.

What action will the new Commission take in continuing to support that campaign?

Is the Commission prepared to convene another international conference in this connection, and if so when and where will such a conference be held?

Answer given by Mr Patten on behalf of the Commission

(11 October 1999)

In line with Council Resolution 11913/96 and Parliament Resolution A4-0149/95 the Commission intends to strengthen its contribution to international efforts for overcoming the global problem of landmines, by referring specifically to the commitments of the Ottawa Treaty. A draft regulation on action against anti-personnel landmines, accompanied by a communication to the Council and the Parliament on the same topic, will be submitted to the Parliament and the Council by the end of 1999.

In this context, special emphasis is being given to intensified coordination of activities at Commission, Member State and international levels, including support to the United Nations concerning its overall coordination role. Any major Commission activities such as the organisation of international conferences

will be considered in the context of the new regulation to be adopted, and in close cooperation with the United Nations and other actors in this area. It is currently not envisaged to hold a major international conference in the near future.

(2000/C 170 E/057) **WRITTEN QUESTION P-1616/99**

by Stanislaw Tillich (PPE-DE) to the Commission

(7 September 1999)

Subject: Commission staff

Can the Commission say how many auxiliary and local staff and special advisers — in addition to the permanent and temporary posts arising from the EU budget — it pays out of the budget and what amounts are involved?

Can it provide the same details on staff not governed by the Staff Regulations and employed, for example, at the European agencies, technical assistance offices (TAOs) and international organisations (e.g. for the Balkans)?

How many posts remain vacant in the end?

Answer given by Mr Kinnock on behalf of the Commission

(6 October 1999)

On 31 August 1999, the Commission employed:

(in euros)

Statute	Number	Budget heading	1999 appropriations
Auxiliary staff	1 310	A-7000	36 310 000
Special advisers	31	A-1113	165 000
Local staff in the offices of the Union	192	A-1112	6 850 000
Local staff in the delegations	1 696 [1]	A-6001	37 550 000 [1]

[1] Out of maintenance and safety agents under local contract (estimated up to 203 persons for a total cost of approximately € 650 000).

Some local staff for technical assistance, assigned to the delegations and financed on the B7-5 chapter of the part B of the budget, are not included in the above mentioned human resources. Their number is approximately 150 person/year.

Agencies are given a large autonomy in relation to staff management. Their current statutory staff is approximately 1 200 persons. At present, the Commission does not have data concerning the number of 'non statutory' personnel working in the agencies. This would need an ad hoc survey to each one of the 11 agencies. Meanwhile, in answer to the specific questions:

According to the results of the most recent survey on technical assistance, carried out in September/October 1998, the cost of technical assistance offices (TAOs) working for the Commission corresponds to approximately € 200 million. The number of person/year working in TAOs listed by the Commission was approximately 1 000. However the number of indicated person/year does not systematically include the support staff (secretariat, for example) employed by TAOs. Moreover, when the product of TAOs is expressed in terms of delivery of a given service (output) and not of volume of human resources used

(input), the number of personnel employed by TAOs does not constitute a contractual criterion and is therefore not known by the Commission. A new report updating the data on TAOs is being finalised and will be submitted to the budgetary authority in the near future.

At present, the Community rebuilding effort in Kosovo is coordinated by a task force of the Commission, of approximately 35 persons, comprised mainly of officials of the Commission and local agents (statutory personnel). It will be replaced in the future by a Kosovo rebuilding agency.

Budgetary vacant posts at 31 August 1999, are as follows:

Budget	Posts	Number
Operation (fonctionnement)	permanent	501
Operation (fonctionnement)	temporary	195
Research (Indirect actions)	permanent (administrative, scientific and technical)	193
Office for Official Publications of the European Communities	permanent	29

(2000/C 170 E/058)

WRITTEN QUESTION P-1618/99

by Raffaele Costa (PPE-DE) to the Commission

(7 September 1999)

Subject: MED Programmes

The resolution on the Court of Auditors Special report No 1/96 on the MED programmes (submitted pursuant to Article 188C, paragraph 4, indent 2 of the EC Treaty) together with the Commission's replies refers to serious irregularities and significant shortcomings in the management of the financial programmes (1992-1995).

The same resolution notes that the funding proposals for MED-Urbs (29 July 1992), MED-Campus (14 October 1992, MED-Invest (14 December 1992) and MED-Media (18 May 1993) involved spending of ECU 78 million.

Will the Commission provide a full and detailed list of all public and private bodies, undertakings, companies, firms, individuals and organisations in Member States and other countries which have received sums under the abovementioned programmes up to a total of ECU 78 million, giving details of the exact amounts concerned?

Answer given by Mr Patten on behalf of the Commission

(8 October 1999)

The ECU 78 million referred to in the Parliament's resolution of July 1996 were spent on financing decentralised cooperation networks for the period 1992-1995, and technical assistance to them (ARTM (agency for Trans-Mediterranean networks) — Ismeri Europa — FRERE Consultants — the Council of European Municipalities and Regions (CEMR) — and the Television trust for the environment (TVE)).

Since the resolution, the Commission has regularly kept the Committee on Budgetary Control informed of follow-ups to the Court of Auditors' report, and the progress of recovery orders.

The Commission has sent additional information on the financing decisions for the various networks for the period 1992-1995 directly to the Honourable Member and to the Parliament's Secretariat.

(2000/C 170 E/059) **WRITTEN QUESTION E-1622/99**

by Antonio Tajani (PPE-DE) to the Commission

(15 September 1999)

Subject: Infringement proceedings against the Italian government for the sale of the Rome Central Dairy

Can the Commission provide the results of the investigation carried out in the context of the infringement proceedings against the Italian government and the Rome City Council in respect of the sale of the Rome Central Dairy?

Answer given by Mr Fischler on behalf of the Commission

(8 October 1999)

The comments of the Italian authorities which they sent under the procedure provided for in Article 88(2) (formerly Article 93) of the EC Treaty have now been studied and the Commission has requested additional information from the Italian authorities on the measures taken by the City of Rome.

At this stage, the Commission is awaiting this additional information. After analysing all the comments received, the Commission will be able to take a final decision on the measures in question.

(2000/C 170 E/060) **WRITTEN QUESTION E-1624/99**

by Markus Ferber (PPE-DE) to the Commission

(15 September 1999)

Subject: EU funding for a chicken farm in Vseruby (Czech Republic)

A German consortium is planning to build a chicken farm for 1,2 million laying hens and 200 000 chickens on the Bavarian-Czech border. There are considerable objections from the local population because of the possibility of pathogens being carried by the wind.

Will the chicken farm in Vseruby be financed directly or indirectly by European funding (e.g. under PHARE)?

Answer given by Mr Verheugen on behalf of the Commission

(29 October 1999)

The Commission can confirm that the poultry farm to which the Honourable Member refers does not receive Phare support. Neither is the Commission aware of any other Community funds being used for this purpose.

(2000/C 170 E/061) **WRITTEN QUESTION E-1625/99**

by Esko Seppänen (GUE/NGL) to the Commission

(15 September 1999)

Subject: Telephone tapping

A special package of measures related to home affairs is being drawn up in anticipation of the extraordinary Tampere European Council. Will any of the documents produced by the Commission for the meeting, specifically with a view, for instance, to legalising the tapping of satellite telephone calls and Internet communications, be treated as confidential after the meeting, or will all documents relating to the sphere of activity concerned be released for publication once the meeting is over?

Answer given by Mr Vitorino on behalf of the Commission

(25 October 1999)

The Commission is not producing any documents, confidential or otherwise, on the issue of tapping of satellite telephone calls, Internet communications in the preparation of the European Council of Tampere. The only document prepared by the Commission in the run-up to the European Council of Tampere is an information note (SEC(1999) 1518) on the preparation of this special meeting of the European Council that will be devoted to discussing the development of the Union as an area of freedom, security and justice. On the basis of this note, President Prodi has sent a letter to Prime Minister Lipponen on 23 September 1999. In this area, as in others, the Commission works in the maximum transparency as possible and views on both the preparation and the results of the European Council of Tampere will be exchanged with the Parliament.

As regards the issue of interception of telecommunications the Commission would refer the Honourable Member to the debate held by the Parliament on 6 May 1999 on the Schmid's report on the issue of interception of telecommunications. The position of the Commission on the issue was expressed by the Commission before the Parliament at the occasion of the debate.

In short, the Commission understands the importance of this topic in particularly bearing in mind that the telecommunications environment in Europe is constantly suffering rapid and revolutionary changes.

It considers that as regards this particular issue of interception on one hand account must be taken of the legitimate concerns of law enforcement services (i.e. the development of telecommunications and the Internet should not diminish the capacity of Member States to fight crime and to maintain national security) and on the other hand, it notes that there is an impressive growth in telecommunications services, in particular the Internet, that requires that telecommunication users should have confidence in the services offered if further expansion of the sector is to be achieved.

The Commission believes that it is crucial to strike the right balance between the interests concerned. This can only be done through a dialogue between law enforcement authorities, operators, industry and those most concerned with data protection issues.

Furthermore, a draft convention to improve mutual legal assistance in criminal matters between the Member States is currently being negotiated in the Council. This includes a number of provisions regarding interception of telecommunication. The objective is to ensure that arrangements for interception for the purpose of a criminal investigation can be devised to take account of new satellite telecommunication systems.

(2000/C 170 E/062) **WRITTEN QUESTION E-1627/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(15 September 1999)

Subject: Measures to support rice-growing in Greece

Regulation 2072/98 [1] established two base areas for rice-growing in Greece. As a result of implementing the Regulation in 1998, no aid was paid to producers in the second area in which the quota was exceeded despite the fact that the overall quota of 24 891 hectares laid down for Greece was not surpassed.

The regionalisation system coupled with the exceptionally high co-responsibility fine for exceeding the quota have left rice-growers in a particularly difficult situation. Will the Commission, therefore, allow quotas to be transferred from one area to another, as is the case with durum wheat? What other measures will it take to support rice-growing (increase in the overall ceiling, allocation of quotas by prefecture, controlling the massive, unrestricted imports from third countries)?

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[1] OJ L 265, 30.9.1998, p. 4.

Answer given by Mr Fischler on behalf of the Commission

(11 October 1999)

At the request of the Greek authorities, Article 6 of Council Regulation (EC) 3072/95 on the common organisation of the market in rice [1] was amended in order to divide the Greek national base area into two parts:

I. Prefectures of Thessaloniki, Serres and Fthiotida: 22 330 hectares.

II. Other prefectures: 2 561 hectares.

As the Honourable Member points out, in the case of base area II (other prefectures), the land sown in 1998 (5 180 hectares) largely exceeded the base area (2 561 hectares), so the compensatory payment was reduced by 100 % in accordance with Article 6(5) of Regulation (EC) 3072/95.

In response to a recent request made by the Greek authorities, the Commission now intends to propose to the Council a further amendment of Article 6 of Regulation (EC) 3072/95 under which the regions of Kavala and Etolia-Akarnania, which are currently included in base area II (other prefectures), would be included in base area I instead.

Doing so should lessen the risk that the base area for 'other prefectures' will be exceeded.

[1] OJ L 329, 30.12.1995.

(2000/C 170 E/063) **WRITTEN QUESTION E-1630/99**

by Paulo Casaca (PSE) to the Commission

(15 September 1999)

Subject: Sugar and revision of Regulation (EEC) 1600/92

Sugar production and refining on the island of São Miguel, in the Autonomous Region of the Azores, are vital economic activities.

In the first place, they enable over a hundred jobs to be preserved at the local refinery and, secondly, act as a fillip to an important agricultural alternative which, used in conjunction with other crops, makes for more efficient land rotation.

Under Regulation (EEC) 1600/92 (Poseima) [1], the European institutions have been granted substantial protection to various agricultural products including sugar beet.

However, for various reasons to do with the smallness of the quota allocated and difficulties in the agricultural sector, sugar beet production has been falling from year to year, and the future viability of sugar production and refining in the Azores will be jeopardised if nothing is done to remedy the problem.

In the light of the principles governing the common agricultural policy, Article 299(2) of the EC Treaty, and the decisions taken at Cologne on the most remote regions, does the Commission not believe that Regulation (EEC) 1600/92 should be revised to enable sugar production and refining to continue in the Azores?

[1] OJ L 173, 27.6.1992, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(25 October 1999)

Council Regulation (EEC) 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products takes particular account of the cultivation of sugar beet and its processing into sugar. The Regulation provides per-hectare aid for sugar beet and aid for its processing into sugar by the industry.

Aid for the processing of sugar beet was increased from € 10 to € 27 per 100 kilograms by Commission Regulation (EC) 0562/98 of 12 March 1998 adjusting the special aid for the processing of sugar beet into white sugar in the Azores provided for in Article 25 of Regulation (EEC) 1600/92 [1].

Despite these measures, the sugar beet crop, which was at first given a fresh boost by the Poseima programme, has been falling since 1994. The processing industry is not, however, directly affected by this disappointing development since it can import and refine raw sugar to meet the needs of the Azores. Economic conditions for the industry have not worsened but rather improved since it can import this sugar at world market prices (or with the equivalent aid if it purchases Community quota sugar).

If farmers in the Azores choose to grow crops other than sugar beet, the reasons must be sought in the general conditions of agricultural production. The viability of the sugar industry depends on the consumption of sugar, which has been falling in recent years. It is the principles of the specific supply arrangements, and in particular the principle of meeting local needs, which determine the utilisation of the capacity to refine from imported raw sugar.

If the Portuguese authorities were to request it, the Commission would consider these issues as part of the revision of Poseima now being undertaken.

[1] OJ L 76, 13.3.1998.

(2000/C 170 E/064) **WRITTEN QUESTION E-1631/99**

by Paulo Casaca (PSE) to the Commission

(15 September 1999)

Subject: Sugar quota for the Autonomous Region of the Azores

The Act of Accession of Portugal to the European Union, point XIV(c), Vol. II, pp. 210-213, laid down a quota of 10 000 tonnes of beet sugar for the 'sugar-producing undertaking' situated in the Autonomous Region of the Azores, coupled with the right to import a volume of unrefined sugar equal to the difference between actual production and 20 000 tonnes, subject to payment of a reduced levy.

However, Regulation (EEC) 3484/92 [1] of 27 November 1992 reduced the above quantity to 10 000 tonnes, the figure likewise specified in Regulation (EEC) 1600/92 [2].

More recently, the Commission has interpreted the rules in force in such a way as to cut the quantity again, to 6 500 tonnes of refined sugar produced from imported unrefined sugar, and, moreover, is not ruling out the possibility of proposals for further reductions in the quota for the Azores.

Does the Commission believe that this systematic step-by-step reduction in sugar refining quotas for the Azores is compatible with Article 299(2) of the EC Treaty?

[1] OJ L 353, 3.12.1992, p. 8.
[2] OJ L 173, 27.6.1992, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(18 October 1999)

Before the Poseima programme, the sugar industry in the Azores was authorised to refine raw sugar amounting to 20 000 tonnes less the production of sugar from local sugar beet. Following the introduction of the Poseima specific supply arrangements permitting the import of raw beet sugar at world market prices (or providing equivalent aid if Community raw quota sugar is used), this authorisation was restricted to a maximum of 10 000 tonnes of sugar to meet the needs of the Azores on preferential terms.

Within these limits, each year the Commission draws up the forecast supply balances of the needs of the Azores and fixes the quantities to be imported, principally with regard to the local production of beet sugar. At 6 500 tonnes for 1999/2000 (the same as in 1998/99), the maximum quota for sugar production has not fallen. The maximum quota may always be used for the local production of beet sugar; only the import of raw sugar is limited under the specific supply arrangements.

It is therefore not correct to talk of a systematic step-by-step reduction in sugar refining quotas for the Azores and the Commission therefore does not consider application of the Poseima programme to be incompatible with Article 299(2) (formerly Article 227) of the EC Treaty.

(2000/C 170 E/065) **WRITTEN QUESTION E-1632/99**

by Paulo Casaca (PSE) to the Commission

(15 September 1999)

Subject: Abuse of a dominant position on the sugar market in the Autonomous Region of the Azores

The sugar-producing undertaking situated in the Autonomous Region of the Azores accounts for a very modest and declining portion of the sugar quotas allocated to Portugal by the European institutions.

In recent months sugar produced by mainland-based refineries has been supplied to shops in the Azores at prices well below those charged in mainland shops, in spite of the cost of transport to the Azores.

Does the Commission not believe that the fact that the leading firms on the market are charging different prices for sugar on the mainland and in the Azores could constitute an abuse of a dominant position?

What will it do about the matter?

Answer given by Mr Fischler on behalf of the Commission

(18 October 1999)

The market for sugar in the Azores forms part of the Community market and so is open to supplies from other regions. This is not, however, the case for sugar produced in the Azores since it enjoys specific preferential conditions, the benefits of which go to the local production of sugar beet, the processing industry and consumers in the region in accordance with the objectives of the Poseima programme. If sugar is supplied to the Azores from the mainland, it is because prices in the Azores enable the firms in question to make a profit comparable to what they can make on the mainland.

Normally, the specific conditions enjoyed by the sugar industry in the Azores should enable it to supply the local market at competitive prices, since these conditions enable the sugar refinery to buy raw sugar at the world market price and sell the refined sugar at the Community price.

Because local production of beet sugar is currently at a very low level in the Azores, this high margin on refining is obtained on the bulk of the sugar produced. The Commission does not therefore think that it should intervene in the way suggested by the Honourable Member.

The Honourable Member is also requested to refer to the Commission's replies to his Written Questions E-1630/99 [1] and E-1631/99 [2].

[1] See page 56.
[2] See page 57.

(2000/C 170 E/066) **WRITTEN QUESTION E-1636/99**

by Graham Watson (ELDR) to the Council

(20 September 1999)

Subject: Working in Europe over the age of 60

Is the Council aware that France is refusing to adopt one of the joint aviation regulations, which allows holders of airline transport pilots licences to continue to fly up to the age of 65?

France has refused to recognise this new age limit and, as a result, no pilot over the age of 60 may fly over or into France while in charge of a public transport operation. What pressure will the Council put on France to ensure compliance with joint aviation regulations? What obligations are the Member States under as regards the mutual recognition of licences?

Reply

(22 November 1999)

Article 4(5) of Council Directive 91/0670/EEC of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation lays down that the validation of pilot's licences is authorised where the bearer satisfies the special requirements laid down in the Annex to the Directive. The Annex stipulates an age limit of 60.

If a Member State refuses to let holders of airline transport pilots licences continue flying up to the age of 65, its authorities are correctly applying Directive 91/0670/EEC.

A similar approach is taken by the International Civil Aviation Authority. Annex I to the Chicago Convention prohibits pilots from taking the commands of commercial flights after the age of 60. Any relaxation of that rule does not have binding effect.

(2000/C 170 E/067) **WRITTEN QUESTION E-1637/99**

by Avril Doyle (PPE-DE) to the Commission

(15 September 1999)

Subject: Legal documentation forwarded to the Commission regarding the establishment of the EU Food and Veterinary Office at Grange, Co. Meath, Ireland

When exactly was the legal documentation regarding the construction of the EU Food and Veterinary Office in Grange, Co. Meath, Ireland presented by the Irish Government's Office of Public Works to the Commission, why has it not yet been signed, and when is it likely to be signed?

Answer given by Mr Kinnock on behalf of the Commission

(11 October 1999)

The Office of Public Works presented the legal documentation regarding the construction of the Food and veterinary office (FVO) in Grange, Co. Neath to the Commission through the Commission's solicitor on 8 June 1999.

This documentation was necessary to allow a global verification of the clauses of the contract including financial commitments; an internal procedure requiring the visa of many departments of the Commission; and a memorandum to the budgetary authority in accordance with the statements made by the Commission in preliminary draft supplementary and amending budget No 1/97 [1] which stipulated that 'the Commission will inform the budgetary authority of the long-term costs of the Grange project as soon as the total costs are known'.

The internal procedures were completed on 10 September 1999 when the Commission adopted a Communication [2] to the budget authority on the acquisition of the new building for the FVO in Grange. The contract was subsequently signed on behalf of the Commission on 13 September 1999 and transmitted to the solicitors.

[1] SEC(97) 750 final.
[2] SEC(1999) 1324.

(2000/C 170 E/068) **WRITTEN QUESTION E-1640/99**

by Norbert Glante (PSE) to the Commission

(22 September 1999)

Subject: Allowing applications from German Landkreise for twinning assistance

The current programme to assist town twinning schemes is intended to help bring together the people of Europe with a view to overcoming the differences that divide them. According to the report on assistance by the European Commission for 1999, applications from German Landkreise (rural districts) for category I projects eligible for assistance, covering town twinning projects bringing citizens together, are not allowed.

Under the local government arrangements laid down in Germany's constitution, Landkreise belong to the category of local authorities, and in that respect are equal in status to cities and municipalities. German Landkreise cooperate both with local authorities in the other Member States and the newly-formed rural districts in CEECs in projects to bring citizens together, and make a valuable contribution to building a strong Europe.

1. Does the Commission consider the unequal way in which cities and municipalities, on the one hand, and German Landkreise, on the other, are treated to be legal?

2. If so, what is the justification for treating them differently?

3. Does the Commission intend to amend the criteria for assistance for town twinning projects to bring citizens together (category I projects) for the year 2000 in order to make German Landkreise eligible to apply?

Answer given by Ms Reding on behalf of the Commission

(4 November 1999)

The criteria applied with regard to the allocation of funding under the Community town twinning programme were decided by the Commission in close consultation with the representatives of the various Parliament committees and the national associations of local authorities, meeting in the Council of European Municipalities and Regions. These criteria are revised annually and are listed in a widely-distributed note on the subject of Commission assistance for town twinning.

At the last consultation meeting on 8 December 1998, it was decided that, because of the funds available, it would not be appropriate to include Landkreise under category I of this programme in 1999. However, the note states that twinning activities involving towns in the same region may benefit from assistance under category II.

The criteria for 2000 will be decided at the conference on European Town Twinning for the Third Millennium to be held in Bilbao on 3-5 December 1999.

(2000/C 170 E/069) **WRITTEN QUESTION P-1645/99**

by Alexander de Roo (Verts/ALE) to the Commission

(13 September 1999)

Subject: Compliance with the wild birds directive — sludge dump off Uitdam (Netherlands)

Is the Commission aware that the province of North Holland and the Ministry of Public Works are intending to create a dump for toxic dredger sludge in the Ijmeer off Uitdam?

Is the Commission aware that the Ijmeer is a core area within the network of protected areas?

Is the Commission aware that the Netherlands government intends to designate the Ijmeer — as part of the Ijsselmeer — a special protection zone in the context of Natura 2000?

Is the Commission aware that creating a dredge dump (with a diameter of 1 500 m) at this location violates the European wild birds directive (79/409EEC [1]), given the risk of a leak affecting the natural environment and threatening the natural habitat of well-known breeding birds and non-breeding birds such as the osprey, Bewick's swan and spoonbill?

Is the Commission prepared to call on the Netherlands government to induce the province of North Holland and the Ministry of Public Works to abandon this plan?

Does the Commission take the view that sustainable alternatives to the removal of dredged spoils (class 4) have been developed and will be able to compete with dumping in the near future?

Is the Commission prepared to promote, directly or indirectly, the further development of alternatives, such as converting dredging waste to building materials and secondary materials?

What action does the Commission intend to take to oblige the Netherlands to comply in full with the wild birds directive and Natura 2000?

[1] OJ L 103, 25.4.1979, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(18 October 1999)

The Commission is not aware of the facts raised by the Honourable Member.

The Commission is not aware that the Ijmeer is a core area within the network of protected areas. However, this does not concern Community law. Community law is only concerned if the Ijmeer meets the criteria set out in Council Directive 79/0409/EEC of 2 April 1979 on the conservation of wild birds or Council Directive 92/0043/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna [1].

The Commission is aware that the Ijmeer is an important bird area (IBA). The Court of justice pointed out in its judgement of 19 May 1998 that IBA 1994 can be used as a guideline for the designation of special protection areas under Directive 79/0409/EEC. Moreover, the Court declared that the Netherlands has failed to designate a sufficient number of the most suitable areas. The Netherlands still fails to fulfil its obligations. This is the subject of a new infringement procedure on the basis of Article 228 (ex article 171) of the EC Treaty. Recently the Netherlands stated that the designation of the areas will take place towards the end of this year. The Ijmeer is also mentioned in the Dutch proposal for the designation of areas pursuant to Directive 79/0409/EEC. This proposal has been submitted to a public hearing procedure which continues.

Pursuant to Article 7 of Directive 92/0043/EEC Article 6(3) and Article 6(4) of that directive apply to an area that falls under Directive 79/0409/EEC. Any plan or project likely to have a significant effect on an area shall be subject to an appropriate assessment of its implications for the area and may not adversely

affect the integrity of the area. If a plan or project has such an effect, it can only be allowed if the authorities demonstrate that there are no alternative solutions and that the plan or project has to be carried out for imperative reasons of overriding public interest. In addition, they have to take all compensatory measures that are necessary to ensure that the overall coherence of Natura 2000 is protected. Because the Commission has not received any information about the project, it can not affirm that the effects mentioned in the question will take place.

The Commission will ask the Netherlands for information about the project — in particular about the compliance with Articles 6(3) and 6(4) of Directive 92/0043/EEC. Furthermore, the Commission will insist on the compliance by the Dutch authorities with Directive 79/0409/EEC as well as Directive 92/0043/EEC.

Alternatives for the removal of dredging sludge have to be judged in the procedure pursuant to Article 6(3) and Article 6(4) of Directive 92/0043/EEC (see above).

The Commission started infringement proceedings to get the Netherlands to notify the areas that have to be proposed under Directive 92/0043/EEC. The Netherlands notified the areas recently. At the moment, this notification is under assessment in the framework of the biogeographical meetings of the Atlantic Region.

(1) OJ L 206, 22.7.1992.

(2000/C 170 E/070) **WRITTEN QUESTION E-1649/99**

by Benedetto Della Vedova (TDI) to the Commission

(22 September 1999)

Subject: ENEL's acquisition of a 30 % holding in Telepiù

ENEL is a public company and the recent liberalisation measures in the electricity sector in Italy have not in practice affected its role as a monopoly (in any case, the law assigns to ENEL a share of the domestic consumption market). The corporation has announced its intention to acquire 30 % of the capital of the Franco-Italian pay-TV network Telepiù.

Does the Commission not consider that the investment of approximately 1 000 billion lire in the Franco-Italian group Telepiù-Canal Plus constitutes a distortion of competition on the European pay-TV market? In particular, does it not consider, given the public status of ENEL and its monopoly position in the energy sector, that the purchase of 30 % of the capital of that company may be seen as improper State aid, incompatible with Article 87 of the Treaty?

Answer given by Mr Monti on behalf of the Commission

(26 October 1999)

The Commission's policy in a sector characterised by rapid technological innovation, such as pay-TV, is to encourage the emergence of several competing operators to prevent monopolies being created, provided there is sufficient demand on the market in question. The Commission welcomes the fact that two competitors are operating in this sector in Italy and is following with interest operations designed to accelerate the digital revolution and to consolidate multimedia and interactive services.

The fact that a public company like ENEL has acquired a stake in the capital of a private company in the pay-TV sector does not in itself constitute a distortion of competition on that market.

As regards the possibility that the operation may comprise state aid within the meaning of Article 87 (former Article 92), under the EC Treaty rules on state aid public undertakings may use their own resources for acquisitions, provided the expected return on the investment is comparable with that which a

private investor operating under normal market economy conditions [1] would require. The Commission has written to the Italian authorities requesting information so that it can examine ENEL's investment and determine whether it comprises a state aid component.

[1] Commission communication to the Member States — Application of Articles 92 and 93 of the EEC Treaty and of Article 5 of Commission Directive 80/0723/CEE to public undertakings in the manufacturing sector: OJ C 307, 13.11.1993.

(2000/C 170 E/071) **WRITTEN QUESTION E-1651/99**

by Nelly Maes (Verts/ALE) to the Commission

(22 September 1999)

Subject: Discrimination in connection with pigeon racing in the border regions of Belgium and the Netherlands

For the past fifty years Belgian pigeon-fanciers have been unable to take part in pigeon races across the border. Pigeon-keepers from the Netherlands are not allowed to participate in races in Belgium, and vice-versa. People living in border regions in the Netherlands who wish to race homing pigeons in Belgium, and their counterparts in Belgium, are very unhappy with this situation.

The question arises of whether the rules concerned contravene Article 59 of the Treaty. As pigeon racing is not recognised as a sport by the International Olympic Committee, the rules would not be regarded as entailing discrimination against sportsmen and −women.

For those who take part in the popular sport of pigeon racing, such a situation is fundamentally unacceptable. There is also an economic aspect to the holding of pigeon races. A registration fee has to be paid in connection with racing homing pigeons. In my view, therefore, objections to the rules in question are justified, as the ban on participation by Dutch people in races held in Belgium is discriminatory within the meaning of Article 59.

The ban is, after all, not imposed on grounds of public order, public safety or public health. Article 59 does not apply only to rules laid down by governments, but to all rules governing the provision of services.

Does the Commission take the view that such a ban therefore contravenes Article 59 and should be lifted?

I consider discrimination of this kind affecting a popular sport in border regions as completely anachronistic at a time when European integration is being stepped up.

Answer given by Mr Bolkestein on behalf of the Commission

(4 November 1999)

According to the information available to the Commission, pigeon races are organised by the relevant associations, and the criterion for membership of a pigeon-fancier association in an area of Belgium or the Netherlands is the place of residence.

If there were an economic aspect to this sport, it could come under the provisions of Article 49 of the EC Treaty (formerly Article 59).

However, the restriction of access to competitions on the basis of residence does not appear to be incompatible with Article 49 of the EC Treaty.

In fact, it has been brought to the attention of the Commission that the residence criterion for membership of a pigeon-fancier association is intended to take into account the distances to be covered. For the same reason, it appears that even within one of these two Member States pigeon fanciers may join only the association covering their geographical area.

In accordance with the established case-law of the Court of Justice [1], the principles of the EC Treaty do not preclude rules established on non-economic grounds which relate to the specific nature of the sporting activity in question.

The organisation of pigeon races with relation to the specific nature of the activity does not therefore appear to be incompatible with the provisions of Article 49 of the EC Treaty.

[1] Cf. the Bosman judgment of 15 December 1995 (C-415/93).

(2000/C 170 E/072) **WRITTEN QUESTION E-1652/99**

by Mihail Papayannakis (GUE/NGL) to the Commission

(22 September 1999)

Subject: Pollution of the waters in regional canal '66'

Regional canal '66' crosses the prefectures of Imathia and Pella, taking in the waters of small local rivers before flowing into the Aliakmon and downstream into the Thermaic Gulf. Industrial waste is unlawfully discharged into canal '66' throughout the region. Samples and measurements taken at various points along the canal show that it is impossible for any form of life to exist in it, particularly during the summer months.

Having regard to:

— the fact that some industrial plants in the region are operating without biological waste treatment facilities, while others have such facilities but do not use or underuse them, thereby disposing of industrial waste in breach of Community legislation,

— the petitions submitted by the mayors of Irinoupoli — Ap. Pavlos and Anthemia and the complaints and strong protests over the last ten years from the inhabitants of the villages in the vicinity of the canal and from local environment organisations,

— the damage to the environment and public health (poisoning, stench, dead fish washed up through lack of oxygen),

— the infringement of Community directives concerning waste, protection of ground water, the quality of drinking water and prevention of marine pollution.

Will the Commission say:

1. whether it will ask the Greek authorities to guarantee a permanent halt to sewage pollution of canal '66',

2. whether, if requested, it will finance a management plan in the area concerned in order to restore the severely disrupted ecological balance along the entire length of the canal bed, and

3. what measures it will take, should it identify breaches of Community environment legislation, to enforce correct implementation of its provisions?

Answer given by Mrs Wallström on behalf of the Commission

(27 October 1999)

The Commission had not been informed of the pollution of the water in regional canal '66' and would like to thank the honourable Member for the information received. The Commission will ask the Greek authorities for information on the operation of the existing treatment works, on the collection system for

waste water and for waste from the companies in that region, and on the preparation of programmes setting qualitative targets for the Aliakmona River. The Commission will decide what further work needs to be done on this matter once the Greek authorities have replied.

In principle an integrated water management plan in the area referred to may, in principle, be eligible as part of the activities to be jointly financed by Community support framework (CSF) III in central Macedonia.

(2000/C 170 E/073) **WRITTEN QUESTION E-1653/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(22 September 1999)

Subject: New insurance scheme set up by Greek Electricity Board (DEI)

According to press reports, the agreement between the Greek Government and the DEI trade unions designed to resolve their insurance problem — which has already been publicised — has provoked opposition from the Commission 'which considers that the arrangements for the DEI's new insurance scheme constitute government aid'. According to the same reports, the Commission considers that the insurance scheme is related to the opening-up of the energy market in Greece.

1. Does the Commission consider that the arrangements made for the DEI insurance scheme, whereby the assets of the insurance organisation are transferred in return for cover via the national budget, constitutes government aid?

2. Is it the Commission's intention that the timetable for opening up the domestic energy market in Greece in 2001 should be the same as for all the Member States or will it be 28 %, as applied to the other Member States except Greece in February 1999?

Answer given by Mrs de Palacio on behalf of the Commission

(27 October 1999)

1. The Commission has not received any notification from the Greek government on the agreement between the Greek government and the Greek Electricity Board (DEI). Therefore, the Commission has made no declaration with respect to the arrangements in question. At present, it is not therefore possible to say whether these arrangements constitute a state aid within the meaning of Article 87 of the EC Treaty (ex-Article 92). The Commission intends to address a request for information to the Greek government.

2. The Member States had the obligation to implement the provisions of Directive 96/0092/EC of the Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity [1], on 19 February 1999. However, Belgium and Ireland were given one additional year to implement the Directive, while Greece had two extra years to adopt the implementing legislation.

The Directive in its Article 19 provides for an opening of the market in three steps. The share of the national market will be increased progressively over a period of six years. The minimum market opening corresponding to the first step is calculated as the share of the total Community electricity consumption by final consumers with an annual consumption exceeding 40 gigawatt hours (GWh). Following the latest calculation this implies that a minimum of 26,48 % of each national market had to be open for competition since 19 February 1999. In the second step — three years after entry into force of the Directive — the threshold is reduced to a level of 20 GWh. This increases the minimum market opening to approximately 28 %. In the third step — six years after entry into force of the Directive -the threshold is further reduced to 9 GWh which equals a market opening of some 33 %.

In the event that Greece uses the full two-year grace period, it will have to liberalise its share electricity consumption which corresponds with the second step, which applies three years after the entry into force of the Directive, i.e. 19 February 2000. In 2003 it will have to liberalise its share of total electricity consumption consumed by final consumers with an annual consumption exceeding 9 GWh, based on the Community average.

[1] OJ L 27, 30.1.1997.

(2000/C 170 E/074) **WRITTEN QUESTION P-1659/99**

by Hubert Pirker (PPE-DE) to the Commission

(14 September 1999)

Subject: Krsko nuclear power station

In his hearing before the European Parliament, Commissioner-designate Günter Verheugen stressed that the accession to the EU of individual applicant countries would be dependent on the decommissioning of unsafe nuclear power stations and the submission of plans for withdrawing from the production of electricity generated by nuclear power in stations posing risks. Mr Verheugen emphasised that, on the matter of the safety of nuclear power stations, there was not the slightest room for compromise. However, the nuclear power station in Krsko, Slovenia was not included among those listed by the Commissioner-designate, although it is situated in an earthquake fault zone and therefore poses a huge threat.

What action does the Commission intend to take to ensure that this unsafe nuclear power station in Slovenia, a country applying for accession, is decommissioned, removing the threat which it poses in particular to the adjoining Austrian Länder of Carinthia and Styria?

Will the Commission attach the same conditions to the decommissioning of Krsko as those set out by Commissioner-designate Verheugen regarding the unsafe power stations to which he referred?

Answer given by Mr Verheugen on behalf of the Commission

(8 October 1999)

The Commission has already stated that the Soviet designed nuclear power plants (NPP) considered non-upgradable operating in candidate countries, should be closed at the earliest practical date, in accordance with agreed timetables. This is the case of the Ignalina NPP in Lithuania, units 1-4 of the Kozloduy NPP in Bulgaria and Bohunice V1 in Slovakia. Towards this objective, the Commission is negotiating with these three countries through joint working groups.

The case of Krsko in Slovenia is different. It is a plant of Western design, similar to other plants of this type operating in the Community and other Western countries. Slovenia continues the safety improvement programmes of the plant. Agenda 2000 states that 'Where Western-designed plants are in operation (Romania and Slovenia), developments should be monitored to ensure that operations comply with the appropriate safety standards. Technical assistance can be provided if necessary'.

The accession partnership with Slovenia identifies two medium-term priorities in this field namely the strengthening of the nuclear safety authority and the adjustment of the Slovenian nuclear policy and investment plans in line with the results of the seismic risk assessment to be carried out in the surroundings of the Krsko nuclear power plant.

In this context, over one M€ has been allocated in the framework of the PHARE programme to support the safety authority, notably through transfer of methodologies and procedure from Community nuclear safety regulators. Also in the framework of the PHARE programme, and with the aim of re-evaluating the seismicity of the area and its potential impact on the plant design, € 500 000 is being provided to the Krsko nuclear power plant. The first results of the study are expected by the end of the present year.

(2000/C 170 E/075) **WRITTEN QUESTION P-1660/99**

by Massimo Carraro (PSE) to the Commission

(14 September 1999)

Subject: Council Directive 92/0081/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils

Law No 448 of 1998 adopted by the Italian Parliament provides for a reduction in the cost of fuel oil and liquefied petroleum gases used in administrative districts in certain parts of the country where, because of

the special geographical or climatic conditions, or other factors, such as the absence of a gas supply, particular use is made of such fuels. The law in question will, therefore, help reduce the cost of living for families resident in such areas.

At the sitting of 15 July 1999 of the Chamber of Deputies, Luigi Oliveri MP, called on the Undersecretary of State for Finance, Ferdinando de Franciscis MP to explain the delay in the issuing of a decree implementing Law No 448 of 1998, which had already been adopted by the Italian Council of Ministers on 9 March 1999. The Undersecretary of State asserted that under Directive 92/0081/EEC [1] it was necessary to obtain authorisation from the European Union in order to implement a reduction in the cost of fuel oil and liquefied petroleum gases. The authorisation must therefore be obtained before the relevant implementing regulation can be issued.

Since 3 December 1998, when the request for authorisation was forwarded by the Finance Ministry to the Community authorities, the European Union has been unable to provide a response, despite the fact that Italy has provided Commission officials with all the information required in order for a decision to be reached.

Can the Commission explain why there has been such a serious delay in granting authorisation or what reasons there may be for refusing to grant authorisation? When will a decision be taken?

[1] OJ L 316, 31.10.1992, p. 12.

Answer given by Mr Bolkestein on behalf of the Commission

(11 October 1999)

The Italian government requested authorisation to introduce reductions in excise duty for the products described by the Honourable Member in certain special geographical regions under Article 8(4) of Council Directive 92/0081/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils. Under this Article, the Council, acting unanimously on a proposal from the Commission, may authorise any Member State to introduce exemptions or reductions in excise duty on mineral oils for specific policy considerations.

The Italian authorities informed the Commission of their intention to introduce this measure on 3 December 1998. However, this notification did not contain sufficient information for the Commission to process the application and prepare a proposal. An exchange of letters took place during February and March 1999 until at the Commission's suggestion, a meeting was held in Rome. During this meeting the Commission outlined the information required to take the application forward.

Following the meeting, by an exchange of letters the Italian government was able to clarify the request and on 29 June 1999, the Commission had sufficient information to take the request forward. Accordingly the initial request and subsequent explanatory letters were registered by the Commission on that date.

Under the terms of Article 8(4) of Directive 92/0081/EEC, the Commission has to inform all Member States of the proposed measure within one month. Letters to that effect were issued by the Commission on 28 July 1999. The same Article allows two months for any Member State, or the Commission to ask for the matter to be further considered by the Council.

There have been a few days delay recently because of the appointment of the new Commission. The Honourable Member can be assured that the new Commission will deal with the request from the Italian government at the first opportunity.

Subject to agreement by the Commission, there will be no delay in submitting the necessary proposal to the Council.

(2000/C 170 E/076) **WRITTEN QUESTION E-1662/99**

by Laura González Álvarez (GUE/NGL) and Alonso Puerta (GUE/NGL) to the Commission

(22 September 1999)

Subject: Threat of US sanctions against Sol-Melià

The US Department of State is considering the possiblity of imposing sanctions on the Spanish hotel group Sol-Melià on account of its investments in Cuba. The USA is planning to apply Title IV of the Helms-Burton Act, which the EU considers to be illegal because its scope extends beyond US territory. Such sanctions, if imposed, would affect international free trade and would damage the business interests of one of Spain's most representative tourism companies.

1. How real is the threat that sanctions may be imposed on Sol-Melià?

2. If sanctions were to be imposed, what action could the Commission take in order to protect Sol-Melià interests?

3. Would the Commission be willing to take up the issue of the Helms-Burton Act with the World Trade Organisation?

Answer given by Mr Lamy on behalf of the Commission

(13 October 1999)

The Commission recalls that the decisions and statements made at the Community and the United States summit of 18 May 1998 regarding the Helms Burton and Iran/Libya Sanctions Acts were intended to pave the way for a definitive solution to this major bilateral disagreement. The Commission remains very concerned that no tangible progress has so far been made on the American side on their commitment to seeking Congressional amendment to Title IV of Helms Burton, not least since the American administration has regularly recalled the President's continuing obligation, in the absence of such an amendment, to enforce that Title.

The Commission has for its part always made it clear that if action is taken against Community companies or individuals under the Helms-Burton Act, the question of a new World trade organisation (WTO) panel will inevitably arise.

The Commission has urged the American administration to accelerate the implementation, on their side, of the May 1998 summit deal.

The Commission is following the situation very closely and will continue to keep the Parliament informed of any new developments regarding the implementation of the 18 May 1998 understandings.

(2000/C 170 E/077) **WRITTEN QUESTION E-1665/99**

by Lucio Manisco (GUE/NGL) to the Commission

(22 September 1999)

Subject: Misappropriation of IMF funds for Russia and the European Bank for Reconstruction and Development

At the end of July the Chairman of the International Monetary Fund, Michel Camdessus, granted a loan of US$ 4,5 billion to the Russian Federation, although he knew about a report by Price Waterhouse confirming that Moscow's Central Bank had for some time been diverting part of the funding to financial institutions abroad.

Does the Commission know whether EBRD funds as well as IMF funds have been misappropriated?

Answer given by Mr Solbes Mira on behalf of the Commission

(3 November 1999)

On the general issues of alleged financial corruption in Russia, the Commission's view remains as set out in its statement in Parliament on 16 September 1999. On the particular question by the Honourable Member, the Commission hereby transmits the information available to it in its capacity as the representative of the Community in the board of directors of the European bank for reconstruction and development (EBRD):

Illegal capital flight is a criminal activity and its perpetrators will therefore attempt to conceal their activities from official view, including that of the EBRD. Therefore the EBRD has an anti-money laundering policy, and requires that financial institutions to whom it extends credit make representations, which are designed to reduce the likelihood of the Bank becoming unwittingly involved in such activities. In addition, all EBRD payments to and from Russia are covered by appropriate Central Bank licences.

Approximately a quarter of all EBRD financing is with Russian counterparties. The EBRD's activities with Russian counterparties are restricted to financing of approved projects where use of funds is closely defined. Strict disbursement controls are in place at EBRD which mean that funds are paid directly to contractors wherever this is possible. Where other disbursement mechanisms such as Special Accounts are used, these accounts are reconciled regularly to ensure that funds are used for the intended purpose.

Regular staff briefings are held by the anti money laundering officer, appointed by the Bank in 1996.

Following the recent Bank of New York case, the EBRD has conducted its own review of Russian exposures and has asked its auditors to conduct a review of specific Russian projects which could be vulnerable to money laundering activities. Although the external review is continuing, the Bank's preliminary assessment from its own review is that there are no projects which exhibit prima facie conduct or transactions that would indicate laundering.

The Commission has no evidence, which could put in doubt the above information.

(2000/C 170 E/078) **WRITTEN QUESTION E-1668/99**

by Roberta Angelilli (NI) to the Commission

(22 September 1999)

Subject: Aid to young artists

The aid and funding earmarked for artistic activities in the Member States are to a great extent made available exclusively to organisations and activities carried out jointly by several Member States.

A large proportion of artistic output, an enormous heritage of culture and development for Europe, is the work of individuals, who carry out an undeniably useful role both culturally and socially. It should also be borne in mind that individual operators in the various artistic fields represent an employment opportunity which must not be underestimated. The work of individual artists, the expression of Western and European thought, is an asset shared by all the citizens of the European Union.

In view of the above, can the Commission say:

1. whether there are programmes designed to fund the activities of individual artists considered to be of particular merit;

2. whether relevant provisions are currently being considered;

3. whether specific research has been carried out on art in the EU and its repercussions on employment;

4. what its general views on the subject are?

Answer given by Mrs Reding on behalf of the Commission

(5 November 1999)

The EC Treaty gives the Community jurisdiction in the field of the arts. According to Article 151 (ex Article 128), action by the Community shall be aimed at encouraging cooperation between Member States, shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity, and shall foster cooperation with third countries and the competent international organisations in the sphere of culture.

Community action to promote culture has so far taken the form of the adoption of three programmes (Kaleidoscope, Ariane and Raphaël) and, for the future, a new framework programme ('Culture 2000') is currently being approved by the institutions.

1. In full accordance with the EC Treaty and the principle of subsidiarity, the main objective of programmes in support of culture, based on Article 151 (ex Article 128) of the EC Treaty, has been — and will continue to be — to encourage cooperation between Member States in the cultural sphere.

As a result, in practice, Community action does not aim to support the work of individual artists; instead, it supports projects which show real European added value and involve cooperation between several parties (institutions, organisations, groups of individuals) from at least three different Member States.

It is important to note that Community action supports individual artists only in the specific context of certain European prizes (e.g. the Aristeion Prizes for literature and translation and the Mies van der Rohe Prize for European architecture).

2. As Article 151 of the EC Treaty also constitutes the legal basis of the new 'Culture 2000' framework programme — currently being approved by the institutions — the principal objectives of this programme must necessarily remain the same.

3. On 14 May 1998 the Commission published a working document on 'Culture, the Cultural Industries and Employment' ([1]).

4. The Commission recently expressed an opinion on the future of Community action in the cultural sphere in its communication ([2]) to Parliament concerning the common position of the Council on the establishment of a single financing and programming instrument for cultural cooperation, in 'Culture 2000', the first Community framework programme.

([1]) SEC(98) 837.
([2]) SEC(1999) 1227 final.

(2000/C 170 E/079) **WRITTEN QUESTION E-1674/99**

by Marialiese Flemming (PPE-DE) to the Commission

(22 September 1999)

Subject: Self-medication

In a resolution on an industrial policy for the pharmaceutical sector adopted by the European Parliament on 16 April 1996 (A4-0104/96 ([1])), self-medication is described as an important element in a long-term policy for health. This position is in line with that adopted by the Commission, notably in its communication of 1 June 1994 regarding a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health.

With Parliament's support, the Commission has been advocating wider use of responsible self-medication in recent years. This approach reflects people's willingness to take greater responsibility for their own health, and has already significantly eased the burden on social security schemes.

Does the Commission intend to continue to pursue this policy and further improve the regulatory framework for non-prescription medicines?

(1) OJ C 141, 13.5.1996, p. 63.

Answer given by Mr Byrne on behalf of the Commission

(26 October 1999)

The Commission shares the view expressed by the Honourable Member that responsible self medication and the existence of an appropriate regulatory frame for non-prescription medicinal products ('over the counter' (OTC) products) is an important issue which deserves particular attention. The Commission notes that Community pharmaceutical legislation already provides for a detailed legal framework concerning the placing on the market of medicinal products in the Community and that the current legal situation can be considered as satisfactory.

There is, however, always scope for improvement. According to Article 71 of Regulation (EEC) 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (1), the Commission will publish, before the end of 2001, a general report on the experience acquired as a result of the operation of the new marketing authorisation systems for medicinal products. This general report will be the basis for a review of Community pharmaceutical legislation including the rules applicable to OTC-products.

This comprehensive review of Community pharmaceutical legislation will have to consider issues of particular importance for OTC products including the functioning of the mutual recognition procedure (in particular the inclusion of legal status in the process of mutual recognition), the scope of products eligible for the centralised procedure, the classification of medicinal products into OTC and prescription-only products (currently included in Council Directive 92/0026/EEC of 31 March 1992 concerning the classification for the supply of medicinal products for human use) (2) and the requirements and conditions for advertising of OTC-products (currently included in Directive 92/0028/EEC of 31 March 1992 on the advertising of medicinal products for human use) (3)

In addition, the Commission supports actions that promote the availability of sound advice and the dissemination of accurate information as regards self-medication, in the framework of its programme on health promotion, information, education and training. In this context special attention is being paid to strengthening the role of health professionals in the area of health promotion, including self-medication, and to better defining indications suitable for self-medication.

(1) OJ L 214, 24.8.1993.
(2) OJ L 113, 30.4.1992.
(3) OJ L 113, 30.4.1992.

(2000/C 170 E/080) **WRITTEN QUESTION E-1676/99**

by Marialiese Flemming (PPE-DE) to the Council

(22 September 1999)

Subject: Hunting season for migratory bird species

Council Directive 79/0409/EEC (1) on the conservation of wild birds sets out the European Union's commitment to conserving all species of wild birds occurring naturally in the European territory of the Member States.

With regard to the hunting of certain species, the directive requires Member States to ensure that the principles of 'wise use and ecologically balanced control' of populations of the species concerned, in particular migratory species, are observed. They are required to ensure that migratory species in particular are not hunted during the various stages of reproduction or the rearing season.

In March 1994 the Commission proposed an amendment to the directive, leaving it to each Member State to determine the period of the hunting season. The Commission proposal, which did not lay down a uniform EU-wide date for the end of the hunting season, was debated by the European Parliament. In February 1996, Members voted in favour of the annual hunting season ending on 31 January throughout the EU.

What steps have since been taken by the Council to meet Parliament's demand?

Some Member States have fixed the period of the hunting season in a way which puts at risk the conservation of certain species. For example, the hunting season in France opens at a time when young birds are still dependent on being cared for by their parents. This contravenes of Article 7 (4) of Directive 79/0409/EEC. For that reason, infringement proceedings have been instituted against France.

What stage has been reached in the proceedings?

What action does the Council intend to take to ensure that the provisions of Directive 79/0409/EEC are implemented in all the Member States?

(1) OJ L 103, 25.4.1979, p. 1.

Reply

(2 December 1999)

In examining the Commission proposal, which defines the extent of Member States' discretion with regard particularly to the date of the end of the hunting season, the Council specifically considered the possibility of a single cut-off date, which could fall between 31 January and 10 March. The Council noted the opinion of the European Parliament on this subject in 1996, in favour of a uniform EU-wide date for the end of the hunting season, namely 31 January each year. However the Council has not yet managed to find a solution which might achieve unanimous agreement on all the problems raised by the Commission proposal.

In order to facilitate as broad an agreement as possible, contacts between the Member States concerned are currently underway.

(2000/C 170 E/081) **WRITTEN QUESTION E-1679/99**

by Marialiese Flemming (PPE-DE) to the Commission

(22 September 1999)

Subject: Antibiotics in feedingstuffs

For decades antibiotics have been used as growth promoters for fattening purposes. However, the use of such feed additives poses the risk that bacteria may become resistant to the antibiotics and it may no longer be possible to treat diseases occurring with them. Furthermore, residues of the antibiotics may find their way into the human body through the consumption of eggs, milk, meat, etc., thereby posing a significant health risk.

Sweden imposed a ban on the use of antibiotics as growth promoters in fattening on 1 January 1986, prior to the country's accession to the European Union. During the Austrian Presidency, the use of four antibiotic feed additives was banned throughout the EU.

Will the Commission support a ban on the use of all antibiotics as growth promoters in feedingstuffs?

If so, what measures does the Commission intend to take to enforce such a ban in all the Member States?

Answer given by Mr Byrne on behalf of the Commission

(9 November 1999)

Council Directive 70/0524/EEC of 23 November 1970 concerning additives in feedingstuffs [1] governs both authorisation and withdrawal of authorisation for antibiotics as growth stimulants.

The Council adopted Regulation (EC) No 2821/98 of 17 December 1998 amending, as regards withdrawal of the authorisation of certain antibiotics, Directive 70/0524/EEC concerning additives in feedingstuffs [2], which withdrew authorisation for four antibiotics (virginiamycin, tylosin phosphate, spiramycin and bacitracin zinc) as additives in feedingstuffs.

Since these four antibiotics had either been authorised as human medicinal products or demonstrated cross-resistance to antibiotics used in human medicine, it was decided that they must be reserved for use in human medicine.

Four other antibiotics (monensin, salinomycin, avilamycin and flavophospholipol) were not included in the ban, since no substance belonging to this group was being used in veterinary or human medicine at that time.

Sweden's ban (under the Act of Accession) on using antibiotics as additives expired on 31 December 1998. In accordance with Article 11 of Directive 70/0524/EEC, on 1 January 1999 Sweden suspended authorisation for the four antibiotics still on the market. The Commission and Member State representatives on the standing committee on feedingstuffs are currently examining the documents submitted in this connection.

On 28 May 1999 the Commission's scientific steering committee delivered its opinion on antimicrobial resistance. The committee issued the following recommendations with regard to antibiotics used as additives in feedingstuffs: 'the use of agents from classes which are or may be used in human medicine should be phased out as soon as possible and ultimately abolished. Efforts should also be made to replace those antimicrobials promoting growth with no known risk of influencing intestinal bacterial infections by non-antimicrobial alternatives'.

Having already taken such action at the end of 1998 in respect of four antibiotics, the Commission is currently examining the case of a fifth. It is also looking at how best to phase out the remaining antibiotics over the longer term and replace them with non-microbial alternatives.

[1] OJ L 270, 14.12.1970.
[2] OJ L 351, 29.12.1998.

(2000/C 170 E/082) **WRITTEN QUESTION E-1680/99**

by Karl von Wogau (PPE-DE) to the Commission

(22 September 1999)

Subject: Distortion of competition resulting from European Union subsidies

Does the Commission agree that there is overcapacity in Germany in the field of collecting and sorting old clothes?

Is the Commission aware that SOEX Textil-Vermarktungsgesellschaft mbH in Bad Oldesloe has been granted assistance for setting up a company in Saxony-Anhalt, although the business in question is the European market leader in this sector?

The collecting and sorting of old clothes is affected by overcapacity in the Federal Republic of Germany. Assistance for the market leader in this sector is likely to lead to predatory practices. It also gives rise to the possibility that the market leader could take a dominant market position.

Answer given by Mr Monti on behalf of the Commission

(26 October 1999)

At the end of 1998 the Commission's attention was drawn to possible unlawful state aid in the context of the construction of a plant for the recycling of textiles which was carried out by the SOEX group in the Bitterfeld industrial park in Sachsen-Anhalt. Accordingly, the Commission wrote to the German authorities and requested information on whether the firm had received state aid in favour of its investment and if so, what amount and on which legal basis.

The German authorities replied by letter of 16 November 1998 and confirmed that the firm had invested DM 76,037 million creating employment for 417 people, and had received state aid. By decision of the Land Sachsen- Anhalt of 7 November 1996, the firm was awarded an investment grant consisting of both national and Community funds totalling DM 23,419 million. The aid share related to the overall investment thus amounted to 32,48 %.

The German authorities pointed out that the investment aid was awarded in full respect of the provisions contained in the 25th framework plan of the 'Gemeinschaftsaufgabe regionale Wirtschaftsstruktur' which is the relevant regional aid scheme for Germany notified to and approved by the Commission. Therefore, an individual notification was not necessary. The scheme even authorised aid for new investment up to 35 % of the overall investment cost. In addition, the project was approved by the Commission on 11 April 1997 for co-financing by the Commission under the European regional development fund (ERDF) in the framework of the operational programme of the Land Sachsen- Anhalt 1994-1999.

The Commission examined the German authorities' information and concluded that, on the basis of the information available, there was no breach of the Community rules on state aid. The aid was granted on the basis of an approved aid scheme concerning new investment in a depressed area. The aid ceilings permitted by that scheme were respected.

In this context, it has to be pointed out that the Commission, in the past, did not generally examine individual state aid for new investment projects in depressed areas. Consequently, it neither could assess the impact of the new investment on the capacities in the respective industrial sector. An exemption existed only for the so-called sensitive sectors such as shipbuilding, car and synthetic fibres industry for which there are specific rules regarding the control of state aid. However, a change occurred with the new multisectoral regional framework for large investment projects which entered into force on 1 September 1998. Following the rules of this framework, state aid in favour of large investment projects has to be notified individually if certain thresholds in investment sums or state aid payments are exceeded. In the framework of the individual assessment, the Commission now is in a better position to investigate the impact of an investment on the capacities within the relevant product market and to take this impact into account when determining the maximum allowed aid intensity.

(2000/C 170 E/083) **WRITTEN QUESTION E-1682/99**

by Christos Zacharakis (PPE-DE) to the Commission

(22 September 1999)

Subject: Strengthening European policy on civil defence

In view of the tragic outcome of the recent earthquakes in Greece which demonstrated the need for a strong European policy for dealing with disasters (civil protection), and as the Commission Directorate-General concerned, DG XI, has given low priority to this policy.

Will the Commission state:

1. How it reconciles the low priority ascribed to civil protection with the statement by Mr Prodi on 4 May on strengthening security policy in the EU?

2. What action it intends to take to strengthen this European policy on civil protection and establish satisfactory cooperation and exchanges of experience between the Member States?

Answer given by Mrs Wallström on behalf of the Commission

(18 October 1999)

1. Civil protection is not covered by the policies intended to create a free, safe and just area within the Union.

2. The Commission has put to the Council a second programme of Community action on civil protection spanning 1 January 2000-2031 December 2004 [1]. In line with the principles of subsidiarity and proportionality that programme is intended to support and supplement the efforts made by the Member States to protect individual persons, the environment and property in the event of natural or technological disasters.

[1] COM(98) 768 final — OJ C 28, 3.2.1999 and amended proposal COM(1999) 400 final.

(2000/C 170 E/084) **WRITTEN QUESTION E-1683/99**

by Glyn Ford (PSE) to the Commission

(22 September 1999)

Subject: School milk scheme

Can the Commission indicate whether it has plans to abolish or cut the subsidised school milk scheme? This scheme is of particular benefit to children in poorer areas, notably as a source of calcium, and to local milk producers.

Answer given by Mr Fischler on behalf of the Commission

(13 October 1999)

The Commission can confirm that it has initiated a discussion about the role of the Community in the distribution of milk at schools and its financial participation in particular. The background for this initiative is the need for a regular critical examination of support measures that imply considerable budgetary charges for the Community. In the case of the Community school milk programme, expenditure amounts to more than € 100 million.

It is against this background that the Commission contracted an external evaluation study, whose conclusions are rather critical as to the cost-effectiveness of the measure. In the meantime, the conclusions of this study have been the subject of further discussions and consultations.

On the basis of these reflections, the Commission will consider submitting a legislative proposal on the future of the scheme, to be decided by the Council in consultation with the Parliament.

(2000/C 170 E/085) **WRITTEN QUESTION E-1684/99**

by Reino Paasilinna (PSE) to the Commission

(22 September 1999)

Subject: Retirement age for fire fighters

The retirement age for fire fighters is 65 in Finland, while in other European countries it is set by each country's legislation. At the Conference on the Conditions of Employment and Work of Fire-fighting Personnel, which was held in Geneva from 9 to 16 May 1990, the International Labour Organisation recommended a substantial lowering of the retirement age for fire fighters. It is common knowledge that the work of fire fighters is tough and dangerous and it would be justified to follow the ILO recommendation in all EU countries.

Does the Commission intend to draw up legislation or, at least, a recommendation concerning lowering the age of retirement for fire fighters in all EU countries?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(26 October 1999)

The Commission does not intend to propose any harmonisation of the retirement age for firefighters in the Member States.

(2000/C 170 E/086) **WRITTEN QUESTION P-1690/99**

by Rosa Díez González (PSE) to the Council

(20 September 1999)

Subject: Death penalty handed down to Spanish citizen Joaquín José Martínez in the US

On 2 November 1999 the Supreme Court in the US state of Florida will hear an appeal against the death sentence handed down to Spanish citizen Joaquín José Martínez, an inmate on 'death row' at Starke prison in the United States. The defence team for this European citizen has stressed that legal guarantees and the presumption of innocence were ignored in reaching such an unspeakable verdict, which many US states still enforce.

Given the urgent nature of this case and the fact that such an inhumane punishment is irreversible:

1. What steps has the Council taken to ensure that a universal moratorium on executions (resolution of 18 June 1998) is honoured and that a punishment which constitutes an affront to the most basic democratic values is abolished once and for all, bearing in mind, inter alia, European Parliament and United Nations resolutions and Article 6 of the European Convention on Human Rights?

2. What action can and will the Council take to prevent the execution of Joaquín José Martínez from going ahead and ensure that he receives a free and fair trial?

Reply

(2 December 1999)

1. EU action against the use of the death penalty is a key element of the EU's overall human rights policy. In June 1998, the Council adopted guidelines for EU policy towards third countries on the issue of the death penalty. The final objective is a worldwide abolition of the death penalty. With the view of reaching this objective, where the death penalty still exists, the Council calls upon States to introduce a moratorium and insists that minimum standards be respected. It further encourages States to become party to the international legal instruments that prohibit capital punishment

2. In line with these guidelines, the EU has taken the initiative to introduce jointly for the first time, at the 55th session of the United Nations Commission on Human Rights (1999), the draft resolution on the death penalty which had hitherto been introduced by Italy. This initiative was very successful; not only did it contain stronger language than previous resolutions, it also attracted more co-sponsors — 72 States against 65 in 1998. The EU has also taken the initiative to organise in the margins of the CHR a discussion panel on the death penalty in which NGOs and government representatives from different countries participated.

3. In view of the success encountered by the draft resolution on the death penalty at the 55th session of the United Nations Commission on Human Rights, the EU also presented a draft resolution on the death penalty for the first time at the UN General Assembly (54th session), which took place this year. The resolution calls upon all States that still maintain the death penalty to establish, inter alia, a moratorium on executions with a view to completely abolishing the death penalty. The Council is confident that this EU initiative will further reinforce the international trend towards abolition of capital punishment.

4. In addition to general initiatives in multilateral or bilateral contexts, there are occasions when the European Union makes specific demarches concerning individual cases. The European Union is particularly concerned with cases which violate minimum standards in terms of human rights. For instance, the death penalty should never, in any circumstances, be imposed on persons below 18 years of age at the time of the commission of their crime, pregnant women and mothers, and persons who have become insane. The European Union also attaches great importance to the respect of standards offering minimum legal guarantees, such as clear and convincing evidence, the competence of the court and its strict observation of procedures as well as adequate legal assistance.

5. In the case of Mr Joaquín José Martínez, the European Union will closely follow the results of his appeal to the Florida Supreme Court and will react in the light of the principles set out above.

(2000/C 170 E/087) **WRITTEN QUESTION E-1692/99**

by Manuel Pérez Álvarez (PPE-DE) to the Commission

(29 September 1999)

Subject: Measures to support the elderly

The budget items designed to support the elderly for 1996 — Item B3-4104 — and 1997 were blocked owing to the case brought before the Court of Justice by the United Kingdom on the grounds of a lack of legal basis.

Can the Commission outline the current situation with regard to the above items in support of the elderly, and does it see any possibility of these two lines corresponding to 1996 and 1997 being unblocked?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 November 1999)

An inter-institutional agreement on legal bases and implementation of the budget was reached on 17 July 1998 between the Parliament, the Council and the Commission. This stated that using funds from the Community budget required a 'basic instrument' (secondary legislation providing a foundation in law for Community action and for incurring the expenditure entered in the budget), with only certain specified exceptions. In the light of this inter-institutional agreement, the United Kingdom did not feel it necessary to continue with case C-239/96 challenging the Commission's call for applications for grants from budget line B3-4104 and the case was withdrawn.

One exception allowed by the inter-institutional agreement is for funding for preparatory measures intended to prepare the way for proposals for the adoption of future Community action. On this basis, actions relating to older people were supported in 1998 by budget line B3-4116 (co-operation with

non-governmental organisations and associations formed by the socially excluded and the elderly), in the form of preparatory measures for Community action on the basis of Article 137 of the EC-Treaty (ex Article 118) regarding combating social exclusion. A first call for proposals for preparatory actions was issued in October 1998, under which 40 projects were funded.

In the 1999 budget, budget line B3-4104 was incorporated into budget line B3-4112 (preparatory measures combating and preventing social exclusion). Further calls were issued in June 1999 under this line addressing exclusion of older people as well as all other types of exclusion, and the Commission is currently evaluating the proposals received.

(2000/C 170 E/088) **WRITTEN QUESTION E-1695/99**

by Michl Ebner (PPE-DE) to the Commission

(29 September 1999)

Subject: EU coordinator Hombach

For weeks, the EU's international coordinator for reconstruction of the Balkans, Bodo Hombach, has been publicly suspected of involvement in bribery cases with considerable ramifications (relating to his private house in Mülheim and his luxury home in Canada). On 27 August 1999, in response to these serious allegations, he decided of his own volition to resign from his party posts.

In view of this situation, which still remains very unclear, as well as the utterly incomprehensible plan to locate his office in Brussels rather than in the immediate vicinity of the region to which his duties pertain, which will hardly be conducive to efficiency, the following question is surely inescapable: does the Commission intend to suggest to Mr Hombach that he should resign from his highly responsible post as EU representative for the democratic and economic reconstruction of the Balkan region?

Under the circumstances, it would moreover be desirable, in the interests of transparency, to announce publicly what remuneration was promised to Mr Hombach when he took up the post. Will the Commission do so?

Answer given by Mr Patten on behalf of the Commission

(9 November 1999)

According to the Treaty on European Union (Article 18 ex Article J8), the appointment of special representatives is the responsibility of the Council.

The requested elements relating to the remuneration of the special representative are established in a 'financial statement' which, in accordance with Article M of the inter-institutional agreement regarding financing of the Common foreign and security policy of 16 July 1997, is communicated by the Council to the Parliament.

(2000/C 170 E/089) **WRITTEN QUESTION E-1699/99**

by Ilda Figueiredo (GUE/NGL) to the Commission

(29 September 1999)

Subject: Discrimination against immigrants in Luxembourg as regards entitlement to social aid

Immigrant workers from other Member States living in Luxembourg suffer discrimination when they apply for social aid. In order to be eligible for aid, they have to submit a declaration of capital assets held in their country of origin, and the decision to grant the aid depends on the content of that declaration.

Is the Commission aware of this situation? Does it not believe the behaviour of the Luxembourg authorities to be contrary to the principle of equal treatment? What will it do to resolve the problem?

Answer given by Ms Diamantopoulou on behalf of the Commission

(5 November 1999)

The Commission presumes that the Honourable Member is referring to Luxembourg legislation concerning the right to a guaranteed minimum income in the context of the fight against social exclusion in Luxembourg.

The regulations applying in Luxembourg make the granting of this benefit dependent on a person's financial resources, which includes the value of any property irrespective of whether this is situated in Luxembourg or abroad.

The Commission considers that, in view of the judgment of the Court of Justice [1], no discrimination on the basis of nationality is taking place. This judgment states that 'Articles 7 and 48 of the Treaty [2] … do not prohibit — though they do not require — the treatment by the institutions of Member States of corresponding facts occurring in another Member State as equivalent to facts which, if they occur on the national territory, constitute a ground for the loss or suspension of the right to cash benefits'.

[1] In connection with a similar case, see the Court of Justice judgment of 28 June 1978 in Case 1/78 Kenny [1978] ECR 1489.

[2] Now Articles 12 and 39 respectively as a result of amendments to the EC Treaty.

(2000/C 170 E/090) **WRITTEN QUESTION E-1700/99**

by Ilda Figueiredo (GUE/NGL) to the Commission

(29 September 1999)

Subject: Transposition of Directive 93/0104/EC on working time

Because Directive 93/0104/EC [1] on working time has not been transposed into Luxembourg law, employees in certain economic sectors, for example the hotel and catering trade, are obliged to work very long hours far in excess of the norm laid down at European level.

What is the current position, and what steps are being taken to make the Luxembourg authorities transpose the above Directive and comply with Community law?

[1] OJ L 307, 13.12.1993, p. 18.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 November 1999)

The Luxembourg authorities have communicated to the Commission their national measures implementing Directive 93/0104/EC of 23 November 1993 concerning certain aspects of the organization of working time. The Commission is currently undertaking a thorough analysis of this legislation. A report on the implementation of Directive 93/0104/EC in the Member States is due to be presented early in 2000.

(2000/C 170 E/091) **WRITTEN QUESTION E-1708/99**

by Hervé Novelli (PPE-DE) to the Council

(30 September 1999)

Subject: Inconsistency between European regional policy and the French authorities' decisions

The department of Indre-et-Loire is currently under consideration as regards the new zones for application of the reform of European regional policy. The commune of Nouâtre in the canton of Sainte-Maure, which used to be eligible under ERDF Objective 5(b), could now come under Objective 2.

However, at the same time, the French authorities have decided to close a large part of the Nouâtre military base, which employs about 400 people, including 250 civilians, which will be a severe blow to the local economy. For instance, the Nouâtre secondary school, which takes the children of employees at the base, may be threatened with closure in the fairly near future.

1. Does not the Council think that there is an unacceptable contradiction between its regional policy objectives in Indre-et-Loire and the French authorities' decision, taken without any consultation, concerning a commune in the same department?

2. Does not the Council think that it should intervene with the French Government to resolve this inconsistency?

3. More generally, does the Council know of other, similar cases and what measures will it take to prevent contradictions of this kind in the future?

Reply

(9 December 1999)

1. In June the Council adopted new rules on the Structural Funds, which set out the priority objectives, general principles and programming methodology for 2000-2006.

2. Under these rules, the Commission is responsible for ensuring the consistency of Objective 2 regional development strategies presented by the Member States with the objectives of Community regional policy.

It is not for the Council to intervene in this matter, nor to comment on the policies and internal decisions of Member States.

(2000/C 170 E/092) **WRITTEN QUESTION E-1717/99**

by Lucio Manisco (GUE/NGL) and Armando Cossutta (GUE/NGL) to the Council

(30 September 1999)

Subject: Bombing of the Iraqi population

For months now the United States and British air forces have been bombing Iraq and the rest of the world has looked on with indifference. No resolution by the UN or any other international organisation provides support for such action, which has caused death and destruction among the civilian population.

Does the Council agree with the statement made by the spokesman at the UN for the French Government, which states that 'we must reiterate our deep disquiet about the unwarranted continuation of these increasingly severe bombing raids whose purpose is not clear to us'?

Reply

(2 December 1999)

The Council is deeply concerned about the serious situation in Iraq.

It considers lasting security and stability in the region as well as the living conditions of the Iraqi people to be the prime considerations for the UN Secrurity Council in reaching an agreement on Iraq.

(2000/C 170 E/093) **WRITTEN QUESTION E-1721/99**

by María Sornosa Martínez (PSE) to the Commission

(29 September 1999)

Subject: The need for urgent implementation of legislation on safety in fairgrounds

The recent case of a four-year-old boy who died after falling off a fairground ride in Torrevieja (Alicante) is the latest in a sad succession of accidents caused by defective recreational equipment of this kind. At the time of the accident, the residents of Alicante were still absorbing the news of the death of another child in Campello after he received an electric shock from a fairground ride.

A study financed by the Commission in 1995 found that fairground accidents account for more hospital stays than any other type of accidents occurring in leisure time. The study also showed that checks and inspections carried out on such equipment varied considerably between the Member States and that national legislation in this area also differed widely. The Commission had been planning to draw up a directive, but this never materialised. The European Parliament was informed that the 1992 Edinburgh Summit changed the Commission's priorities, and it decided to withdraw the proposed legislation on technical standards for fairgrounds. Finally, the Commission decided to ask the European Committee for Standardisation to draft European legislation establishing technical specifications for fairground equipment.

Prompted by the Alicante accident, the Organización de Consumidores Españoles (Spanish Consumers' Organisation) has expressed concern at the fact that this legislation will not be adopted and come into force for another two years and has drawn attention to the worrying legal vacuum in Spain concerning the standards that recreational machinery must meet.

Could the Commission give details of progress to date on the drafting and adoption of European rules for fairgrounds? How and when will Community citizens benefit in practice from European legislation in this area? Given the seriousness of the accidents that have occurred on this type of equipment, what does the Commission intend to do to speed up implementation of the legislation adopted throughout the Community? Does the Commission agree that it should reconsider its 1992 decision and give the rules the status of a directive?

Answer given by Mr Liikanen on behalf of the Commission

(4 November 1999)

The Commission entirely shares in the Honourable Member's unease concerning fairground safety, more particularly since this generally affects children. The Commission is particularly sensitive to the recent accident which led to the death of a four year old child.

The aspects on which the Honourable Member has based the analysis of the situation coincide with those supplied by the Commission, more particularly in the answers given to questions E-3167/98 by Mrs Pollack [1] and H-0669/97 by Mr Willockx at question time during the September 1997 parliamentary session [2].

To be more precise, although it emerges from the 1995 study that was jointly financed by the Commission that accidents occurring during this type of leisure activity resulted in an average hospitalisation of 7,8 % as compared with the average of 5,5 % caused by all other factors recorded by the European Home and Leisure Accident Surveillance System (Ehlass 1987-1998), those same accidents represented 1,2 % of the accidents listed, a proportion also including accidents taking place on playing fields.

Since the conclusions reached at the 1992 Edinburgh Council have not been challenged, the Commission intends to continue the approach adopted when it conferred a remit on the European Centre for Standardisation (CEN) to draw up harmonised standards for amusements parks.

At the moment the CEN has stated that the surveys relating to those standards should begin during the first half of next year.

(1) OJ C 135, 14.5.1999.
(2) Parliamentary debates (September 1997).

(2000/C 170 E/094) **WRITTEN QUESTION E-1723/99**

by Marie-Noëlle Lienemann (PSE) to the Commission

(29 September 1999)

Subject: Measures to combat American dominance of the internet

How can the European Union respond to 'second-generation' developments on the internet?

How can the European Union ensure that full-scale research laboratory coordination programmes are introduced? To what extent can it guarantee that the necessary additional resources will be allocated to strengthening Europe's position in relation to American dominance of the internet?

Answer given by Mr Liikanen on behalf of the Commission

(29 November 1999)

If Europe is to fully participate in the future development of the Internet, it is vital that our scientists and researchers are actively involved in the process of its construction. With this in mind, the Community sponsors leading edge research in this field to ensure that Europe is at the forefront of emerging developments. Under the 1st call of the Information society-related technologies (IST) programme of the 5th framework programme (FPV) approximately € 300 million in funding has already been awarded to 138 collaborative research projects developing next generation networking technologies and applications to exploit their potentialities.

This area is one that is likely to be a priority throughout the life of the current framework programme (1999-2002). Already the IST expert advisory group, which provides advice to the Commission in developing the programme, has identified a number of key areas where European industry has the potential to lead the world — e.g. mobile, wireless and optical technologies for the Internet. These priorities will be reflected in next year's work programme.

However the issue is not just a technological one. There are also major regulatory and legal issues surrounding the continuous development of the Internet in which the Community is actively engaged. In particular, the Community has been reassessing its regulatory policy in this area to provide legal certainty and therefore facilitate the development of a new range of services, in particular in the context of e-commerce.

The overall aim of such activities is to ensure an open and competitive European market in this area. The Commission adopted on 10 November 1999 a communication 'Towards a new framework for electronic communications infrastructure and associated service — 1999 communications review'. This communication lays down the position of the Commission with regard to the new regulatory framework for all electronic communications infrastructure and associated services, and launches a public consultation. After the public consultation, the Commission will proceed to legislative proposals in the second quarter of the

year 2000. The main thrust of the communication is to bring down the prices of telecommunications services by increasing competition and cutting administrative burdens on telecom operators. This should result in lower access prices and thus speed up the take-up of Internet in Europe. Furthermore, the Commission will soon adopt a recommendation on the interconnection prices of leased lines part circuits, the main aim of which is to bring down the prices of Internet services. A further recommendation on access to local networks, and in particularly on local loop unbundling, will be issued next year and which should have a further impact on availability of competitive high-speed Internet services.

As the Internet has become more ubiquitous and commercialised, the governance of this new tool has also become professionalised and indeed more vital to Europe's interests. The Community, together with Member States has therefore been taking an active role in the establishment of the Internet corporation for assigned names and numbers (ICANN), the international private body in charge of policy on domain names, information provider (IP) address allocations and Internet protocols.

The Community already ensures high quality interconnections between European research laboratories through the trans-European net (TEN)-155 network (the follow-on to TEN-34), which supports the interconnection of national research and education networks at capacities of 155 Megabit per second (Mbits/s). The Community will continue to invest, through the 5th framework programme in Research and technological development (RTD), in continuous upgrading of our research network infrastructure.

The IST programme has set aside a budget of € 161 million for 'research networking' activity. This activity will support both the establishment of a world-class network for Europe and experimental exploitation of this network. Under this activity, research laboratories will experiment with new forms of collaborative working, exploiting the full potentialities which high speed access to the Internet will provide.

From the point of view of the Commission, extensive resources are already being mobilised in the context of the research programme to ensure that European researchers have access to world-class Internet infrastructure and to support collaborative research and development) to develop new technologies in this area. It should be noted, however, that in many of the key areas for the development of the Internet such as national research infrastructures, and networking schools, the major investments required are the responsibility of Member States and private industry. The Commission is making every effort to ensure that all Member States recognise the importance of investment in this area.

(2000/C 170 E/095) **WRITTEN QUESTION E-1728/99**

by Michl Ebner (PPE-DE) to the Commission

(29 September 1999)

Subject: Shift of emphasis in health policy

Under the Common Agricultural Policy the EU provides annual subsidies totalling 1 000 million euro for the cultivation of tobacco. In contrast, only 11 million euro are earmarked for the 'Europe against cancer' programme. At the same time, however, there is evidence of a steady increase in the incidence of tumours.

This being so, does the Commission intend:

— to ensure a gradual reallocation of financial resources for the benefit of public health in general?

— to secure a reduction in nicotine consumption by raising the cost of tobacco products?

— to improve monitoring of the various ingredients of tobacco products through appropriate legislation?

— to regard the tobacco control issue in future as a priority objective of European health policy as stated by the new Commissioner for consumer protection and health, David Byrne, at his hearing?

Answer given by Mr Byrne on behalf of the Commission

(15 November 1999)

The Honourable Member is referred to the Commission's report [1] of September 1999 describing the measures it has taken at Community level since publication of its 1996 communication [2]. Many of these measures are specifically related to the Honourable Member's question. The research and information fund set up in 1994, in conjunction with the reform of the common agricultural policy, by Council Regulation (EEC) 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco [3], applied in accordance with Commission Regulation (EEC) 2427/93 [4], has been boosted by increasing the levy imposed on tobacco growers as a contribution to the fund from 1 % to 2 %.

Concerning tax on tobacco products, Council Directive 1999/0081/EC was adopted on 29 July 1999, amending Directive 92/0079/EEC on the approximation of taxes on cigarettes, Directive 92/0080/EEC on the approximation of taxes on manufactured tobacco other than cigarettes and Directive 95/0059/EC on taxes other than turnover taxes which affect the consumption of manufactured tobacco [5].

In 1997, the Commission asked all Member States for information on their policies regarding additives contained in cigarettes. The analysis of the replies reveals a considerable measure of disparity between the rules in force and sets out the legal situation in the Member States concerning tobacco additives. This situation should be taken into account in all future Community legislation.

Since adoption of Directive 98/0043/EC of the European Parliament and of the Council of 6 July 1998 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products [6], the Commission has been re-examining the directives in force concerning tobacco product labelling and the maximum tar contents of cigarettes. Given the proposals set out in the communication, in the opinions of the European Parliament, the Council and the Economic and Social Committee and in the recommendations of the high-level committee of cancer experts, and in the light of the observations made by the industry and non-governmental organisations, this re-examination is now at an end. The resulting proposal will be sent to Parliament and to the Council as soon as it is adopted by the Commission.

(1) COM(1999) 407 final.
(2) COM(96) 609 final.
(3) OJ L 215, 30.7.1992.
(4) OJ L 223, 2.9.1993.
(5) OJ L 211, 11.8.1999.
(6) OJ L 213, 30.7.1998.

(2000/C 170 E/096) **WRITTEN QUESTION E-1731/99**

by W.G. van Velzen (PPE-DE) to the Council

(30 September 1999)

Subject: Imprisoned Moldovan Parliamentarian Ilie Ilascu

The Moldovan Parliamentarian Mr Ilie Ilascu is being held in prison without far trial in the breakaway Moldovan province of Transdniester. The self-styled Soviet Republic of Transdniester, with the support of the Russian Fourteenth Army, has imprisoned non-Russian ethnic leaders, among whom the most prominent is Mr Ilascu.

Will the Foreign Ministers raise this issue in the next meeting of the EU-Russia Cooperation Council and report to Parliament?

Reply

(2 December 1999)

The Council is closely following the human rights situation in Transnistria, notably the case of the Moldovan Parliamentarian Mr Ilie Ilascu. The EU-Troika of senior officials raised the issue of Mr Ilascu with the Transnistrian authorities during its visit to Tiraspol on 15 October 1999.

The wider issue of Transnistria has been raised at the recent Ministerial Troika with Russia in Moscow on 7 October, but is not on the agenda agreed between the EU and Russia for the forthcoming summit.

The Council will use every other appropriate occasion to press for an early retrial of Mr Ilascu and will keep the European Parliament duly informed.

(2000/C 170 E/097) **WRITTEN QUESTION E-1734/99**

by Enrico Ferri (PPE-DE), Antonio Tajani (PPE-DE), Francesco Fiori (PPE-DE), Renato Brunetta (PPE-DE) and Stefano Zappalà (PPE-DE) to the Commission

(29 September 1999)

Subject: Draft Italian law on equal access to information media during the election campaign

Does the Commission consider that, having regard to the free movement of services within the internal market, the bill presented by the Italian Prime Minister, Mr D'Alema, and Minister for Communications, Mr Cardinale, and forwarded to the Senate on 23 August 1999 (Senate act No 4197) entitled 'Provisions on equal access to the information media during the election and referendum campaign and on political broadcasts', containing various provisions to regulate political and electoral information and publicity other than radio and television broadcasts using 'network services' (articles 1,3,4,10) falls within the scope of Community Directive 98/0048/EC [1]? If so, does it consider that the bill complies with the requirements of the Community rules with regard to giving adequate notice and related provisions?

Under the directive in question, each Member State of the European Union is obliged to notify the Commission of any draft national law or regulation that seeks to regulate 'information society services', which includes electronic services. As the services in question are provided in return for remuneration, the forms of publicity referred to in the national legislation in question fall within the scope of the Treaty of Rome and hence of Directive 98/0048/EC.

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[1] OJ L 217, 5.8.1998, p. 18.

Answer by Mr Bolkestein on behalf of the Commission

(11 November 1999)

As already mentioned in the answer to Mr Tajani's written question P-1608/99 [1], to which the Honourable Members are referred, the bill alluded to contains, at least according to the information currently available, articles designed explicitly to govern political and campaign advertising in on-line services.

Since, as is correctly pointed out in the question, the provisions of the bill concern information society services, before they are definitively adopted at national level they must be submitted in good time to the Commission in a formal notification under Directive 98/0048/EC of the European Parliament and of the Council of 20 July 1998 amending Directive 98/0034/EC laying down a procedure for the provision of information in the field of technical standards and regulations [2].

This Directive stipulates in particular that, at the moment of notification, the draft should be is 'at a stage of preparation at which substantial amendments can still be made' (Article 1(12)), so that an examination of the text by the Commission and the other Member States can forestall any new obstacles to the free movement of on-line services within the internal market.

Any adoption of national provisions as mentioned by the Honourable Members in violation of the obligation to provide prior notification under Directive 98/0034/EC, as modified by Directive 98/0048/EC, would render them inapplicable and unenforceable.

The Commission has not been notified of the bill in question under the above-mentioned Directive.

(1) OJ C 27 E, 29.1.2000, p. 146.
(2) OJ L 217, 5.8.1998.

(2000/C 170 E/098) **WRITTEN QUESTION E-1737/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(1 October 1999)

Subject: Solid municipal waste management project in Galicia and Vilaboa transfer centre

For the 1997-1999 period the Sogama project (1) for the management of solid municipal waste in Galicia was allocated ECU 155 238 273, 54,88 % of which would come from public funds (the Cohesion Fund's share being 85 %) and 45,12 % from the private sector. In the description of the project, particular emphasis is placed on minimising, re-using and recycling waste, but the project is in practice basically geared to incineration, a procedure to which most of the funding has been allocated. The Sogama project will lead to an increase in the amount of waste generated and does not include other public projects in Galicia which are based on minimisation, recovery and recycling.

Furthermore, the Vilaboa transfer centre, which did not form part of the original project, will have to be sited in a valley which is highly suited to human habitation and which has been selected by the governing party in Galicia solely for political reasons. This will place an excessive material and environmental burden on the Vilaboa local authorities since the transfer centre will also serve towns and cities such as Vigo and Pontevedra.

What is the Commission intending to do to prevent the Sogama project from being implemented under such conditions and to prevent the Vilaboa transfer centre from being set up?

(1) OJ C 244, 27.8.1999, p. 11.

Answer given by Mr Barnier on behalf of the Commission

(9 November 1999)

Financed by the Cohesion Fund and more commonly referred to as the 'Sogama Project', Project 97/11/61/047 forms part of the plan for managing solid urban waste in Galicia which seeks to bring about a long-term improvement in the region's deficiencies in this area. In order to achieve the plan's specific goals, the Regional Government has devised a programme to minimise, re-use and recycle solid waste, supplemented by measures to enhance public awareness.

The Sogama Project thus provides for the construction of a series of complex installations, which it would be difficult to carry through without the Community's financial contribution. The other measures planned to achieve the objectives of the overall plan will be implemented by the national authorities, which are also responsible for incorporating any project or initiative that may contribute towards completion of the plan. However, the Commission has made any financial payment subject to the presentation by those responsible for the project of periodical reports on overall progress.

The Vilaboa transfer station in particular, the location of which was decided by the authorities in charge, has always appeared among the nine stations in the project presented to the Commission for part-financing. The Commission approved the project after undertaking, as part of the consideration procedure, a socio-economic cost-benefit assessment of the project as a whole and its compatibility with the other Community policies, in particular in the environmental area. Provided that all the conditions laid down in Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1] are met, the Commission does not believe that the Sogama Project or the Vilaboa transfer station should be halted.

[1] OJ L 130, 25.5.1994.

(2000/C 170 E/099) **WRITTEN QUESTION E-1739/99**

by Umberto Bossi (TDI) to the Commission

(1 October 1999)

Subject: Directive 96/0009/EC

Can the Commission specify if and how Italy has transposed Directive 96/0009/EC [1] of 11 March 1996 on the legal protection of databases?

Can it also say which countries have not yet adopted national implementing measures with regard to the above directive?

[1] OJ L 77, 27.3.1996, p. 20.

Answer given by Mr Bolkestein on behalf of the Commission

(12 November 1999)

Italy has implemented Directive 96/0009/EC of the Parliament and of the Council of 11 March 1996 on the legal protection of databases [1] by 'decreto legge' No 169 of 6 May 1999 [2]. The Commission is currently examining this text.

The Commission has decided to bring before the Court of justice the failure of Greece, Ireland, Luxembourg and Portugal, to implement the Directive within specified time limits.

[1] OJ L 77, 27.3.1996.
[2] Gazzetta Ufficiale n. 138 of 15.6.1999.

(2000/C 170 E/100) **WRITTEN QUESTION P-1740/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(30 September 1999)

Subject: Difficulties facing EU students in Yugoslavia as a result of the bombing

A significant number of students from the Member States, particularly Greece, had embarked on courses of study in Yugoslavia before war broke out. Those students and their families are now having to cope with very serious problems in the form of pollution, shortage of drinking water, the collapse of infrastructure, lack of medical care, the terrible difficulties of travelling, fuel shortages and rising crime owing to the breakdown of society following the war. Naturally, many students are reluctant to return and there is a risk that they will abandon their courses midway through.

The following questions are put to the Commission:

1. In the light of the information available, does the Commission consider that current conditions are sufficiently safe to enable EU students to continue their courses in Yugoslavia?

2. Does the Commission not agree that the best solution would be to transfer students to universities in their countries of origin so that they avoid the mounting dangers and continue their courses undistracted?

3. What initiatives could the Commission take to deal effectively with the problems of these students?

Answer given by Mr Patten on behalf of the Commission

(25 October 1999)

As regards the general issues raised concerning the environmental consequences for Serbia of the Kosovo conflict, the Honourable Member is referred to the answer given by the Commission to written question P-498/99 by Mr Watts [1] and the answer given to the Honourable Member's written question E-1512/99 [2].

The Commission cannot comment on whether the conditions within a third country are sufficiently safe to enable students from Member States to pursue their chosen studies. The question of transfer of students from universities in third countries to those in Member States is a matter for the students themselves and for the universities concerned. The Commission does not intend to take any initiative in this regard.

[1] OJ C 348, 3.12.1999, p. 85.
[2] OJ C 27 E, 29.1.2000, p. 103.

(2000/C 170 E/101) **WRITTEN QUESTION P-1741/99**

by Gorka Knörr Borràs (Verts/ALE) to the Commission

(30 September 1999)

Subject: Threats to European investments in Chile

Information from official sources appears to indicate that Spanish firms with investments in Chile have recently been subject to pressure from the Chilean authorities.

Does the Commission have any evidence of this? Does the Commission agree that any kind of pressure on firms from one Member State would amount to a clear gesture of hostility towards the European Union as a whole?

Has the Commission sought to obtain further details of these reports?

Should the reports be confirmed, does the Commission intend to take any measures in the context of the cooperation agreements between the Union and Chile?

Answer given by Mr Patten on behalf of the Commission

(15 October 1999)

The Commission is aware that the Chilean Foreign Minister, Juan Gabriel Valdés, held a private meeting with some Spanish company directors in Santiago de Chile.

The Commission and its delegation in Chile have never been informed that the Chilean authorities have ever taken a fixed discriminatory position against Spanish companies, nor do they have evidence at present that any pressure has ever been brought to bear on companies from any of the Member States.

Obviously any unwarranted action taken against companies from a Member State will be dealt with according to existing Community procedures.

Relations between the Community and its Member States and Chile are governed by the Framework Cooperation Agreement. Article 33(2) of the agreement says that the Joint Council, made up by members of the Council and the Commission, and representatives from Chile, should examine important problems and all other bilateral and international issues of common interest, with the aim of achieving the objectives of the agreement. The aim of the agreement is to strengthen existing relations between the Community and Chile, and the Commission will do everything within its power to preserve and improve the level and quality of the relations.

(2000/C 170 E/102) **WRITTEN QUESTION E-1742/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(1 October 1999)

Subject: Construction of nuclear power plant in earthquake zone at Akkuyu, Turkey

The recent disastrous earthquake measuring 7,4 on the Richter scale in north-east Turkey and last year's earthquake measuring 6 on the Richter scale at Adana have provoked further alarm over the risk of a future earthquake in the region of Akkuyu, where Turkey plans to build a nuclear power plant. This area is only 27 kilometres from the active seismic fault known as Ecemis. We are aware that the European Union 'is not empowered to participate in procedures for selecting sites for nuclear reactors' but that does not reassure the populations of Turkey and its neighbouring countries about the risk of a nuclear accident owing to the exceptionally high level of seismic activity in the region.

What means does the Commission have at its disposal to persuade Turkey to devise other solutions to its energy problem? What initiatives does it intend to take?

Answer given by Mr Verheugen on behalf of the Commission

(11 November 1999)

The Commission would refer the Honourable Member to its answer to written question P-1423/99 by Mr Trakatellis [1].

[1] See page 9.

(2000/C 170 E/103) **WRITTEN QUESTION E-1744/99**

by Carmen Cerdeira Morterero (PSE) to the Commission

(1 October 1999)

Subject: Attacks on homosexuals

There has recently been an escalation in the number of attacks on gay and lesbian communities throughout Europe. Incidents such as the throwing of an explosive device at a gay bar in the city of Gijón on 1 August 1999, or the terrorist attack on a similar establishment in London in which several lives were lost, are truly alarming developments.

Such crimes are particularly serious in a region such as the European Union, where the protection of human rights is a basic issue, especially at the present time when we are drafting a European Charter of Fundamental Rights.

Moreover, the basic treaties of the European Union incorporate such principles as freedom of, entitlement to and respect for any religious, political or sexual opinion and prohibit discrimination on any of these grounds.

Hence under new Article 13 introduced by the Treaty of Amsterdam the Council is entitled to take appropriate action, on a proposal from the Commission, to combat discrimination based, amongst other things, on sexual orientation. For this reason, deplorable incidents of this kind call for a clear and tough response from the Union's institutions, and specifically from the Commission as the proper guardian of the Treaties.

The Commission:

1. Can it give details of the number of attacks on gays, lesbians and trans-sexuals within the territory of the European Union, in each of the Member States, from 1995 to date?

2. What range of measures does it plan to take to prevent and avoid attacks of this kind?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(3 November 1999)

1. The Commission does not have the information requested.

With regard to non-discrimination based on sexual orientation, the Commission co-funded in 1998 a report of the International lesbian and gay association (ILGA) entitled 'Equality for lesbians and gay men'. This report gives a comprehensive overview of the legal and social situation of lesbians and gay men in the 15 Member States. The Commission is sending copies of the report direct to the Honourable Member and to Parliament's Secretariat.

2. Article 13 of the EC Treaty (ex-Article 6a), empowers the Council, on a proposal from the Commission, to take appropriate action to combat discrimination based, inter alia, on sexual orientation. Following extensive consultations, the Commission intends to propose a package of anti-discrimination measures based on Article 13 in the near future, involving both legislation and an action programme.

(2000/C 170 E/104) **WRITTEN QUESTION E-1745/99**

by Isidoro Sánchez García (ELDR) to the Council

(1 October 1999)

Subject: Immigration and the outermost regions

Despite the goodwill the Council has shown in recent years in conducting a sensible immigration and asylum policy, there is still illegal immigration and it is taking as its point of entry into the European Union's territory some of the outermost regions close to the African continent, as is happening with the Canary Islands.

How does the Council propose to give practical shape to Community strategy in order to control immigration of this kind and what, if any, operational programme will it be carrying out in this unusual frontier region?

Reply

(7 December 1999)

1. The question posed by the Honourable Member relates to the Council's actions as regards, on the one hand, the controls by Member States of external air and maritime borders and, on the other hand, the root causes of flight and migration from some African countries.

2. Measures to strengthen the effectiveness of controls by Member States of external air and maritime borders have been mainly developed in the Schengen framework, and are now integrated in the European Union acquis, following the entry into force of the Amsterdam Treaty. Although these measures are carried out by Member States, the Council is monitoring their effective implementation in its competent bodies. As an example, practical measures to prevent illegal immigration by air and sea are undertaken, in cooperation with selected African countries, on the basis of the Decision of the Schengen Executive Committee of 18 December 1998 on coordinated deployment of document advisers.

3. In addition to the Schengen acquis, practical measures of this type are also being developed, on behalf of the EU as a whole, on the basis of the pre-existing European Union acquis, specifically the Joint Position of 25 October 1996 on pre-frontier assistance and training assignments (OJ No L 281, 31.10.1996). Such measures, which will be coordinated within the competent Council bodies, however, do not concern for the time being any African country.

4. Regarding the root causes for flight or migration from some African countries, reference is made to the Action Plan for Morocco, approved by the Council on 11 October 1999. This Action Plan is part of a group of five Action Plans, each one defining a comprehensive and coherent approach targeted at the situation of an important country of origin and/or transit of asylum-seekers and migrants. For each country selected, the Action Plans present a coherent and well-balanced combination of the various possibilities of the European Union in the area of Foreign Affairs, Development, Humanitarian and Economic assistance.

5. In the Action Plan for Morocco, this country was considered as a country of origin as well as of transit of economic migrants toward European countries. The measures recommended in this Action Plan include specifically the following: Building on existing channels to improve collection of relevant data, dissemination of correct information on migration, development of strategies to combat illegal trafficking, promotion of measures aimed at implementing readmission agreements. Promotion of foreign direct investment, vocational training and self-employment and small-scale enterprises. Facilitation of voluntary return and reintegration, integration into society of Moroccans legally residing in EU countries.

6. The Tampere European Council, held on 15 and 16 October 1999, considered as a useful contribution the first action plans approved by the Council, and invited the Council and the Commission to report back on their implementation to the European Council in December 2000.

(2000/C 170 E/105) **WRITTEN QUESTION E-1746/99**

by Winfried Menrad (PPE-DE) to the Commission

(1 October 1999)

Subject: Distortion of competition resulting from EU aid for firms in Italy

A number of firms in the Tauber district (Baden-Württemberg) and the Heilbron chamber of commerce and industry have complained to me that the Commission is granting financial aid, as a means of encouraging participation at trade fairs ('Promotion-Action'), to the region of Umbria and that this is being used for the co-financing of the national and regional authorities there. The co-financing is provided as part of an operational programme submitted by the region to the Commission and handled by Directorate-General XVI (or V). The money is being used at 'Perugia Classico', the musical instrument fair in Perugia, to finance not only the costs of stands and the fair but also travel and accommodation expenses of persons attending the fair (including flights, hotels, meals and tourist attractions).

Can the Commission answer the following:

1. Does the information I have received reflect the real situation?

2. Do you agree that in this case the firms in question enjoy an unacceptable competitive advantage over German firms, for example?

Answer given by Mr Barnier on behalf of the Commission

(9 November 1999)

Part of the Umbria region is eligible in the current programming period under Objectives 2 and 5(b) of the Structural Funds, the programmes for which include a tourism promotion measure.

Any grant of aid to businesses under this measure is subject to Community rules, the ones on competition in particular. The authority responsible for managing the programmes, in this case the Umbria region, must ensure that these rules and the rules on the eligibility of expenditure as laid down in the relevant decisions are all observed.

According to the information in the Commission's possession, the 'Perugia Classico' event is being entirely funded by the municipality of Perugia. It should also be noted that the municipality is not in an area eligible for the Structural Funds.

(2000/C 170 E/106) **WRITTEN QUESTION E-1747/99**

by Karl von Wogau (PPE-DE) to the Commission

(1 October 1999)

Subject: Fuel checks on vehicles crossing into Hungary

Is the Commission aware that the Hungarian customs authorities conduct fuel checks on lorries crossing the border and charge a fee on quantities in excess of 200 litres, with penalties if drivers fail to declare quantities?

Is it true that there are no such checks on lorries travelling in the opposite direction? Does the Commission feel it would be useful in this case to reintroduce the customs documents that used to be carried and which prove that a tank contains a certain amount of fuel when it crosses the frontier? Does the Commission feel it would be useful to conclude an agreement with Hungary, by analogy with the agreement with Switzerland, so that these checks are not carried out?

Answer given by Mr Verheugen on behalf of the Commission

(16 November 1999)

According to Article 4 of the Customs convention on temporary importation of commercial road transport vehicles (18 May 1956):

> The fuel contained in the ordinary supply tanks of vehicles temporarily imported shall be admitted without payment of import duties and import taxes and free of import prohibitions and restrictions. Each Contracting Party may however fix maximum quantities for the fuel so admitted into its territory in the supply tanks of the vehicle temporarily imported.

Both Hungary, and the Community are signatories to this convention (Council Decision 94/0111/EC of 16 December 1993 on the conclusion of the Customs convention on the temporary importation of commercial road vehicles (1956) and the acceptance of the United Nations' resolution on the applicability of carnets de passage en douane and CPD carnets to commercial road vehicles [1]).

In line with this, Hungarian legislation states that imports of petrol in excess of 200 litres are subject to VAT and excise duties. As the customs duty rate for petrol is currently 0 %, the imports are in practice only subject to VAT and excise duty. However, Hungary has concluded bilateral agreements with certain countries which set out on a reciprocal basis limits which differ to those mentioned above.

Certain Member States currently exercise the possibility of limitations set out in Article 113 of Council Regulation (EEC) 1315/88 of 3 May 1988 amending Regulation (EEC) 2658/87 on the tariff and statistical nomenclature and on the common customs tariffs and Regulation (EEC) 0918/83 setting up a Community system of reliefs from customs duty [2] which states:

> As regards the fuel contained in the standard tanks of commercial motor vehicles and special containers, Member States may limit application of the (duty) relief to 200 litres per vehicle, per special container and per journey.

In December 1995, the Council mandated the Commission to negotiate agreements with Bulgaria, Hungary and Romania, with the aim of determining certain conditions applied to the road transport of goods and to the promotion of combined transport, in order to facilitate the transit of road vehicles through the territory of contracting parties. Agreements were paraphed with Bulgaria in December 1998, with Hungary in April 1999, and negotiations continue with Romania. However, the question of duty relief on fuel quantities above 200 litres is still the subject of debate in the Council.

[1] OJ L 56, 27.2.1994.
[2] OJ L 123, 17.5.1988.

(2000/C 170 E/107) **WRITTEN QUESTION E-1752/99**

by Olivier Dupuis (TDI) to the Commission

(1 October 1999)

Subject: 'Supplements' to daily newspapers and consumers' rights

A growing number of daily newspapers in certain countries of the European Union sell weekly supplements. These supplements are sold on a given day of the week together with the normal edition of the newspaper, the price of which is far higher on that day. Regular and occasional readers of the newspaper concerned have no possibility of agreeing or declining to buy the 'supplement'.

Does the Commission not take the view that these practices violate consumers' rights in that they oblige them to buy two clearly distinct products?

Does the Commission not take the view that the concept of a supplement should imply that consumers are free to decide whether or not they wish to purchase it by paying extra, but that the consumer should in any case retain the right to purchase only the basic product (the daily newspaper) at the same price as on the remaining days of the week?

What measures has the Commission taken or will it take to guarantee the right of consumers in this respect?

Answer given by Mr Monti on behalf of the Commission

(8 November 1999)

Unilateral decisions concerning the price of newspapers, including the sale of weekly supplements together with the normal edition at a higher price, depend essentially on the free commercial choice of each publisher and do not normally come under the competition rules of the Treaty, which prohibit restrictive agreements (Article 81 EC, former Article 85) and the abuse of a dominant position (Article 82 EC, former Article 86).

In the event, it would appear that the higher price of newspapers sold with a supplement does not correspond to a concerted practice among publishers of daily newspapers in all Member States. In some cases the inclusion of the weekly supplement entails only a modest price increase or may even be free of charge. Coordinated behaviour by all newspaper publishers with a view to adopting the same possibly restrictive practice regarding the weekly supplement cannot therefore be demonstrated.

Further, since daily newspapers are at issue here rather than specialised publications, which, being particularly authoritative in the area they cover, might more easily enjoy a very powerful position on the market, no abuse of a dominant position can apparently be inferred. In general, a daily newspaper sold with a supplement at a higher price is in competition in each Member State with other daily newspapers which may or may not charge for the weekly supplement and is not therefore in what could be considered to be a dominant market position, and this condition has to be met before Article 82 can be applied.

Accordingly, the practice described by the Honourable Member regarding the sale of daily newspapers does not fall within the scope of Community competition law.

(2000/C 170 E/108) **WRITTEN QUESTION E-1753/99**

by Marcello Dell'Utri (PPE-DE) to the Commission

(1 October 1999)

Subject: Use of the structures for informing the general public

According to data published by Eurobarometer (51.0 March-April 1999, fig. 2.8) only 3 % of European citizens who need information on the European Union use the EU's information offices, the Euro info-centres, the Euro info-points and the Euro-libraries.

In view of this, can the Commission say whether these figures can be considered satisfactory with reference to the targets set, and whether the structures can be considered cost-effective?

If not, what does the Commission intend to do to improve the management of these structures so as to make them more efficient and more responsive to citizens' needs?

In view of the fact that the problem is partly due to the fact that few people even know that these structures exist, can the Commission say what steps it intends to take to publicise them more?

Answer given by Ms Reding on behalf of the Commission

(10 November 1999)

The figures to which the Honourable Member refers represent the average of the replies recorded in a survey of the general public based on a representative sample of the entire population of each Member State. A survey of this kind is better for measuring opinions and attitudes than specific patterns of behaviour. The average recorded, 3 % of the population of the Member States, represents more than 12 million citizens. Although this figure is small compared to the total population of the Member States, it still represents a not insignificant number of citizens who claim to search for information of their own volition and who are aware of the existence of the information structures in place. Moreover, if you look at the results for individual Member States, it is clear that, in certain cases, notably the Nordic countries where there is a tradition of an active approach to information, the percentage of the population approaching the Commission representations, the European Parliament information offices and the information relays is between 7 and 9 % of those surveyed, a significant result.

It should be noted that not all types of information relay were explicitly listed in the question — what about, for instance, rural information and promotion 'carrefours', documentation centres in universities or urban forums? — so how could the persons approached possibly have mentioned them?

It does not seem possible to make a direct connection between the number of citizens who are aware that representations, information centres and relays exist and the cost of these structures. Although the Community representations, centres and relays do indeed exist to provide information to private citizens, they often do this via intermediaries, such as television, the written press, political organisations and the media, who, in turn, disseminate this information to the general public, who are generally unaware of the source.

The Commission accepts the urgent need to reinforce local information structures so that they can fully play their role as neighbourhood centres and serve the general public as efficiently as possible. It is also aware of the need to better publicise the existence of these structures and to ensure that their activities are better publicised. Although steps have been taken in this direction, more remains to be done. A site presenting the information relays is now available on the Europa server — under the heading 'The European Union near you', it gives the addresses of local information relays. Links with sites developed by the relays themselves are planned. The 'Europe Direct' service, which gathers together requests for information from citizens of all the Member States, systematically informs correspondents in every reply of the existence of the nearest information centre. The Commission representations do the same. Other approaches could be explored, such as publicity campaigns in local media. However, these would require a considerable investment in terms of funding and human resources.

(2000/C 170 E/109) **WRITTEN QUESTION E-1761/99**

by Luis Berenguer Fuster (PSE) to the Commission

(11 October 1999)

Subject: Proceedings opened in relation to state aid in the Spanish electricity sector

DG IV has opened state aid proceedings in relation to the fact that the cost of transition to competition (CTC) for Spanish electricity companies has been set at PTA 1 300 000 million. According to press reports in Spain, the Vice-President, Mrs Loyola de Palacio, is seeking to be granted competence with regard to state aid in the energy sector, a development which is being viewed with some concern given that Mrs de Palacio was a member of the government which approved the state aid in question. Will the Commission continue the above state aid proceedings under the responsibility of the Commissioner for competition, or will the case be transferred to the Vice-President responsible for energy?

(2000/C 170 E/110) **WRITTEN QUESTION P-1889/99**

by Luis Berenguer Fuster (PSE) to the Commission

(14 October 1999)

Subject: Possible conflict of interests in proceedings in relation to state aid

Spanish press coverage of the proceedings in relation to the state aid granted to Spanish electricity companies to cover the costs of transition to competition have highlighted the fact that the services working for Commissioners Monti and de Palacio are collaborating on setting the amount of these costs. It has even been reported that the Spanish Commissioner's position on the granting the subsidies 'to alleviate costs arising from liberalisation' is favourable.

The fact that Mrs de Palacio was a member of the government which approved the state aid in question (which put up Spanish consumers' electricity bills by 4,5 %) does not appear to constitute any obstacle to her passing judgement, in her new role, on decisions which she took in her former role.

Does the Commission believe that Commissioner de Palacio should refrain from involvement in proceedings investigating the compatibility with the Treaty of state aid which she had been involved in granting?

Joint answer
to Written Questions E-1761/99 and P-1889/99
given by Mr Monti on behalf of the Commission

(17 November 1999)

Regarding price developments in the electricity sector in Spain, the data sent to the Commission by Spain's national electricity commission show that the amount billed to Spanish consumers of electricity fell, in terms of the real percentage paid by households, by 3,1 % in 1996, 2,9 % in 1997 and 4,4 % in 1998, and is set to fall by 5,6 % in 1999.

As far as the 'state aid' aspects are concerned, CTCs (costs of transition to competition) are a matter for the Member of the Commission in charge of competition policy.

Nevertheless, the staff of that Member of the Commission obviously cooperate closely on such cases with the Directorate-General for Energy, which is under the responsibility of the Vice-President, Mrs de Palacio.

Furthermore, any decision on the case will be taken in accordance with the principle of collective responsibility.

As for Mrs de Palacio's involvement in reaching this future collective decision by the Commission on state aid granted to Spanish electricity companies, the Honourable Member's attention is drawn to Article 213(2) (formerly Article 157(2)) of the EC Treaty, which provides that 'the Members of the Commission shall, in the general interest of the Community, be completely independent in the performance of their duties. In the performance of these duties, they shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties. Each Member State undertakes to respect this principle and not to seek to influence the Members of the Commission in the performance of their tasks'.

Several Members of the Commission have held government posts in the past. However, the fact that she has been a member of a government should not prevent Mrs de Palacio from taking part in the Commission's decision-making process. If this were the case, it would be equivalent to nullifying the Commission's obligation to act independently. Following the appointment of the Commission, its Members gave a solemn undertaking to the Court of Justice that they would meet their obligations as Commissioners and in particular those referred to above. Given these circumstances, the Commission does not agree with the Honourable Member that Mrs de Palacio should refrain from involvement in taking the decision in question.

(2000/C 170 E/111) **WRITTEN QUESTION E-1765/99**

by Bartho Pronk (PPE-DE) to the Commission

(11 October 1999)

Subject: Naturalisation of Foreigners Act in the Netherlands and discrimination against EU citizens

The Naturalisation of Foreigners Act entered into force in the Netherlands on 30 September 1998. It will only apply to citizens from outside the EU.

1. What is the Commission's view of the Act?

2. If the Commission feels the Act involves discrimination, will it draw the Netherlands' attention to this?

3. Why has the Commission still not replied to complaints from Dutch organisations, for example the complaint lodged on 8 September 1998 by LIZE (national consultative body of Southern Europeans) (dealt with by Carmel O'Reilly, reference Cabinet Flynn/ms D(98))?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(19 November 1999)

The purpose of the Act in question is to help new arrivals to integrate. This is achieved by offering them Dutch courses as well as courses designed to improve their chances on the labour market. Participation in the integration programme is compulsory for new arrivals who, on the basis of an official test, are deemed to have insufficient knowledge of Dutch to be able to integrate into Dutch society in general and the labour market in particular. Failure to comply with the obligations laid down in the Act may result in a fine or other penalty.

The exclusion of Community nationals from the education programmes offered in accordance with the Act has highlighted the extreme complexity of the subject, necessitating detailed investigations.

The Commission is carrying out a thorough examination of the problem and will keep the Honourable Member informed of its conclusions.

The Commission regrets the delay in replying to the letter referred to by the Honourable Member. The body in question has recently received a letter on this subject.

(2000/C 170 E/112) **WRITTEN QUESTION E-1769/99**

by Jan Andersson (PSE) to the Commission

(11 October 1999)

Subject: Introduction of a common EU-wide bottle recycling system

Drinks packaging currently contributes to the serious waste management problems faced by the majority of Member States. Certain countries have introduced systems for recycling bottles but in some cases find it difficult to collect sufficient quantities to make such systems economical. One possible solution might be to introduce a common, EU-wide system, which would help to ensure that bottles are collected in sufficient quantities and alleviate the growing problem posed by large volumes of household waste.

Is the Commission planning to introduce a common EU-wide system for recycling glass bottles?

Answer given by Mrs Wallström on behalf of the Commission

(17 November 1999)

The encouragement of reuse systems of packaging in the Member States is one of the measures foreseen by Parliament and Council Directive 94/0062/EC of 20 December 1994 on packaging and packaging waste [1] in order to prevent or reduce the environmental impact of packaging waste provided that the packaging can be reused in an environmentally sound manner in conformity with the Treaty.

Several Member States have established reuse systems or reinforced their traditional old systems, such as Denmark, Germany, The Netherlands, Austria, Finland, and Sweden. Currently, reuse rates of up to 90 % have been achieved for beverages packaging in some of these Member States.

However, the setting up of a European system for reuse is a rather complex issue where several aspects (standardisation, transport distances) play a role. This makes it difficult to harmonise the existing reuse systems, which have been historically developed along different lines. Moreover, the need to ensure a high level of environmental protection needs to be combined with internal market rules.

The Commission will however take advantage of the revision process of the Directive 94/0062/EC, which should start before the end of this year, to further improve the reuse systems of packaging in the Member States.

[1] OJ L 365, 31.12.1994.

(2000/C 170 E/113) **WRITTEN QUESTION E-1772/99**

by Herbert Bösch (PSE) to the Commission

(11 October 1999)

Subject: Proceedings pending before ECJ concerning Austrian drinks tax (C-437/97)

A drinks tax is levied throughout Austria on all drinks, in the form of a local tax. EU Commission representatives had always confirmed that the Austrian drinks tax complied with the requirements of EU

law. It was for that reason that no substantive provisions relating to it were written into the Accession Treaty. But a complaint has now been brought before the European Court of Justice alleging that the drinks tax does not conform to EU law. That is confirmed in the Advocate General's opinion of 1 July 1999.

The Commission is asked the following questions:

1. Is the Commission in possession of documentation relating to scrutiny of the Austrian tax system, in particular the drinks tax, for compatibility with Community law?

2. What position did the Commission adopt in the years 1991 and 1992 in relation to the German drinks tax?

3. For what reasons did the Commission change its position between the early nineties and the proceedings now pending before the ECJ?

Answer given by Mr Bolkestein on behalf of the Commission

(1 December 1999)

1. and 3. There has been no change in the Commission's position in this matter. The Commission first addressed the matter in early 1998 when it requested a preliminary ruling in C-437/97. At the same time it initiated proceedings under Article 226 of the EC Treaty (ex-Article 169) because it believed the Austrian tax to breach Community law. This procedure has now reached the stage of the reasoned opinion.

2. Neither in 1991, 1992 nor indeed at any other time has the Commission had to adopt an official position on the compatibility of Germany's drinks tax with Community law.

(2000/C 170 E/114) **WRITTEN QUESTION E-1777/99**

by Brian Simpson (PSE) to the Commission

(11 October 1999)

Subject: The welfare of pigs

Article 6 of Council Directive 91/630 [1] laying down minimum standards for the protection of pigs requires the Commission, by 1 October 1997, to submit to the Council a report, drawn up on the basis of an opinion from the Scientific Veterinary Committee, on intensive pig-rearing systems. Article 6 stipulates that the Commission's report shall be accompanied by appropriate proposals which take account of the report's conclusions.

On 30 September 1997 the Scientific Veterinary Committee published its opinion which, amongst other things, condemned the use of sow stalls, i.e. stalls so narrow that the sow cannot even turn round.

Will the Commission state when it intends to submit the report required by Article 6 of 91/0630/EEC? Moreover, will the Commission's proposals take account of the Scientific Veterinary Committee's conclusion that 'No individual pen should be used which does not allow the sow to turn around easily'?

[1] OJ L 340, 11.12.1991, p. 33.

Answer given by Mr Byrne on behalf of the Commission

(12 November 1999)

Council Directive 91/0630/EEC of 19 November 1991 laying down minimum standards for the protection of pigs, provides for a report from the Commission on different aspects concerning the keeping of pigs in intensive rearing systems with particular regard to the welfare of sows reared in varying degrees of confinement and in groups.

The Commission accordingly asked the scientific veterinary committee on animal welfare to make such a report. The scientific committee adopted the report on 30 September 1997 and a copy is available on Internet at the web site of the Health and consumer protection directorate general http://europa.eu.int/comm/dg24/health/sc/oldcomm4/out17_en.html.

After the adoption of the report the Commission started to work on proposals to amend Directive 91/0630/EEC in line with the new scientific evidence and the recommendations included in the report of the scientific committee.

The preparation of a proposal in this field includes the consultation with different experts from Member States, from professional organizations and from the main animal welfare associations. The Commission is also requesting from Member States information on the inspections carried out on their territory following the provisions of Article 7 paragraph 3 of Council Directive 91/0630/EC. These data will have to be taken into account for the preparation of the new proposal.

It should be noted that in the meantime the standing committee of the European Convention for the protection of animals kept for farming purposes started the process of the revision of the recommendation on the keeping of pigs adopted in 1986. All the Member States and the Commission are parties to the Convention and are taking part in the work. The report of the Community scientific committee is actually the main basis of the preparation of the new recommendation on the keeping of pigs in the Council of Europe. Many elements of the report have been included in the draft proposal, including the keeping of sows and the provision for separate areas for the performing of different behaviour of the pigs. The next meeting of the standing committee will be held in Strasbourg during the week of 22-26 November 1999.

The discussion in the standing committee of the Convention for the protection of animals kept for farming purposes, is giving the Commission important elements to prepare its own proposal of the amendment of Council Directive 91/0630/EEC, that will include the main elements on welfare protection provided by the report of the scientific committee. The draft proposal will be then submitted to the Council for approval.

(2000/C 170 E/115)

WRITTEN QUESTION E-1782/99

by Mark Watts (PSE) to the Commission

(11 October 1999)

Subject: Transport safety

Concern has recently been expressed that insufficient attention is being given to important transport safety issues by other Commission directorates with key responsibilities, for example DG III which is responsible for vehicle safety legislative standards and DG XIII which runs the telematics research programme.

What steps can the new Commission take to ensure that transport safety is given adequate attention in these matters and that the appropriate coordination is taking place between all directorates?

Answer given by Mrs de Palacio on behalf of the Commission

(11 November 1999)

The Commission has added security standards concerning frontal and side impact that are among the most ambitious in the world to the technical rules on vehicle safety, with regard to which it has exclusive powers. The Commission is also poised to put forward a Directive aimed at reducing the consequences of accidents involving pedestrians which has no equivalent in any other country.

The Community's telematics research programmes are helping to build up a body of high-value knowledge and skills which should enable the Community and its Member States to adopt a transport safety policy that is rooted in scientific bases and solid technologies.

Therefore the Commission does not share the views expressed by the Honourable Member.

Transport safety is being dealt with as a matter of urgency while the progress made in technology or the social sciences enable resources constantly to be allocated at the various levels of responsibility for safety. It thus goes without saying that the Commission is constantly examining other potential means of improving transport safety. In this assessment process, which is complex because it has several scientific, technical, industrial, behavioural, social and economic aspects, cooperation among the Commission's various specialist departments continues to be essential in order to guarantee the maximum long-term effectiveness of the measures adopted, proposed or recommended by the Commission.

(2000/C 170 E/116) **WRITTEN QUESTION E-1784/99**

by Mark Watts (PSE) to the Commission

(11 October 1999)

Subject: Civil aviation safety

When measured by time spent travelling, the passenger death risk of flying in civil aviation in the EU is higher than the risk of dying as a car occupant. It has been estimated that 40 % of all fatal civil aviation crashes are deemed to be survivable and that over 80 % of crashes occur during landing or take-off phases.

Will the Commission ensure that the EU takes the steps required to reduce these risks by bring proposals forward as soon as possible on:

— a single European Safety Authority,

— a common flight-time limitations scheme which reflects scientific research on fatigue and represents best practice,

— a confidential human incident reporting scheme,

— an EU strategy for improving survivability?

Answer given by Mrs de Palacio on behalf of the Commission

(11 November 1999)

The Commission has noted the statistics provided by the Honourable Member and the conclusions that he draws as regards the risk arising from civil air travel.

Although many others consider aircraft to be one of the safest forms of transport the Commission recognises that the risk inherent in this mode requires particular monitoring and attention; This explains, in particular, why it has frequently taken action in this area including those instances referred to by the Honourable Member.

The Commission is in the process of drawing up a draft convention on the basis of the Directives, negotiations and the procedures adopted by the Council on 16 July 1998. It has done so in connection with setting up the European Air Safety Authority. That document is currently being discussed with Member State experts. The Commission is planning to start negotiating with the other European States involved as soon as that initial drafting stage has been completed.

The Commission has been working for three years on flight and rest times in conjunction with the major interested parties in order to reach a consensus. Since this has not borne fruit the Commission will now base itself on the work so far done in examining whether it is appropriate to put forward a proposal on its own initiative.

For more than five years the Commission has been developing tools and procedures enabling information on human incident reporting to be acquired and exchanged. On this basis the Commission will examine

the suitability of putting forward proposals for legislative action in this area in the light, in particular, of the financial and human resources available to it for implementation and follow-up purposes.

The Commission has already done a great deal of work on survivability as part of the research and development programmes and intends to continue to do so in order to make progress as regards aircraft design and certification requirements, together with their operating procedures.

(2000/C 170 E/117) **WRITTEN QUESTION E-1788/99**

by Glyn Ford (PSE) to the Commission

(11 October 1999)

Subject: Lazio Football Club and travel agency agreement

Is the Commission aware of press reports that indicate that Lazio Football Club have signed a three-year agreement with a travel agency to cover transport to and tickets for away games in the Champions' League, with the result that, in order to obtain tickets, fans have to pay twice the cost of travelling independently to the games?

In the light of earlier answers to similar questions where the Commission indicated that such an arrangement would be in breach of European Union law and constitute an 'abuse of a dominant position', will the Commission investigate and, if the reports are true, inform Lazio that such breaches of law must immediately cease?

Answer given by Mr Monti on behalf of the Commission

(9 November 1999)

The Honourable Member asks the Commission whether it considers a reported agreement between Lazio Football Club and a travel agent, according to which the former supplies to the latter 70 % of all entry tickets allocated to the club for each of its Champions' League away-leg matches, to constitute an abuse of a dominant position contrary to European law.

Assuming the press reports as referred to by the Honourable Member are accurate, it appears that the effect of the agreement in question is to reserve a significant proportion of away-leg entry tickets to a single travel agent for onward sale to the general public, thereby preventing other travel agents from selling tickets to Lazio supporters for the matches in question. Furthermore, it is likely that in respect of ticket sales by the appointed travel agent, Lazio supporters will be obliged to purchase match tickets as part of a package of services, including the provision of travel and accommodation arrangements as well.

Insofar as the application of European competition rules to the agreement is concerned, those rules do not apply unless the agreement could have an appreciable effect on trade between Member States. It would appear that tickets allocated to Lazio Football Club for entry to its away-leg Champions' League football matches are likely to be wanted exclusively by Italian supporters. As such, it can be assumed that the demand for those tickets is of a national, regional or even local nature. It follows therefore that any restrictive effects of the agreement in question are likely to be confined principally, if not entirely, to travel agents and other distributors of tickets active on the Italian market.

The Commission considers therefore that the agreement in question could have little or no effect on trade between Member States and that as such European competition rules are not applicable.

Agreements or practices with allegedly restrictive effects on a purely national scale may, however, be assessed by a Member State's national competition authority. The Honourable Member may therefore wish to consider raising this matter with the Autorità Garante della Concorrenza e del Mercato in Italy (Via Liguria 26, I-00187 Roma).

(2000/C 170 E/118)

WRITTEN QUESTION E-1794/99

by Michiel van Hulten (PSE) to the Commission

(11 October 1999)

Subject: Article in HP De Tijd of 27 August 1999 concerning the Commission's traineeship programme

1. Is the Commission aware of the article entitled 'Dad, I've learnt how to lobby', which appeared in the Dutch weekly HP De Tijd on 27 August 1999 concerning the Commission's traineeship programme?

2. Is there any truth in the claim made by Ms Dabertrand, a former trainee on the programme, that trainees in the Commission's Secretariat-General are allowed to take decisions on 'applications for small grants of up to € 50 000'? If so, what do such applications relate to, and how many applications per year are involved?

3. Is there any truth in Ms Dabertrand's claim that applications for grants are automatically rejected if applicants supply 'too much' information or write outside the spaces provided, or if they are not written in the applicant's own language? If so, which applications have been treated in this way? Are the applicants aware that their applications have been rejected for reasons that have to do with formalities?

4. It also appears from the article that the selection procedure does not include testing of the knowledge of languages trainees have indicated on their CVs. It also appears that trainees are placed in the various Commission departments mainly on the basis of passport photographs. Does the Commission intend to alter the trainee selection procedure so that it is based solely on proven abilities and is not based on passport photographs?

Answer given by Mrs Reding on behalf of the Commission

(10 November 1999)

1. The Commission is grateful to the Honourable Member for drawing its attention to the article in HP De Tijd. The Commission very much regrets that a number of its officials and trainees have been wilfully misquoted and misrepresented by this article. Several of the trainees mentioned in the article have indicated to the Commission their intention to protest in the strongest possible terms to the weekly in question since the remarks and actions attributed to them are in most cases pure fiction.

2. Ms Dabertrand has subsequently been interviewed by her former head of unit. The claim attributed to her but which she strenuously denies having made, that trainees in the Commission's Secretariat General are allowed to take decisions on applications for small grants of up to € 50 000 is entirely untrue. No trainee has ever been involved in any stage of the procedure for selecting grant applications.

3. It is completely untrue that applications for grants are automatically rejected if applicants supply 'too much' information, write outside the spaces provided, or if they are not written in the applicant's own language. Ms Dabertrand also denies having been the source of the misinformation.

4. With regard to the recruitment of its trainees, the Commission operates a rigorous and systematic procedure for checking candidates' applications. Applicants are selected on the basis of their academic qualifications, any relevant experience and their linguistic skills. Every application is examined by preselection groups for each nationality made up of experienced Commission officials of that nationality. One of the many inaccuracies in the article relates to the candidates providing photographs during the selection procedure. Candidates do not have to provide a photograph of themselves at any stage during the recruitment process.

(2000/C 170 E/119) **WRITTEN QUESTION P-1796/99**

by Marco Pannella (TDI) to the Commission

(1 October 1999)

Subject: Abduction of Mr Vu Duc Binh and arrest of 24 members of the PAP

According to statements made by Mr Thomas Hammarberg, the UN Secretary-General's special representative for human rights in Cambodia, Mr Vu Duc Binh, a member of the Popular Action Party and opponent of the Vietnamese Communist regime, was abducted and arrested by the Cambodian police in August 1999 and is now in Vietnam. The official Vietnamese press has also reported that a court in Hanoi sentenced 24 members of the same opposition party to 224 years' imprisonment for illegally returning to Vietnam with the intention of overthrowing the Communist government.

What information does the Commission have on the abduction of Mr Vu Duc Binh, the arrest of 24 members of the Popular Action Party and their conditions of detention? What steps has the Commission taken, or does it intend to take, to seek the earliest possible release of these people? More generally, will the Commission state what measures it has taken or intends to take to promote democracy and the development of the market economy in Vietnam? Finally, has the Commission expressed to the Cambodian authorities its disapproval of Cambodia's involvement in the abduction of Mr Vu Duc Binh? If not, does it intend to do so?

Answer given by Mr Patten on behalf of the Commission

(21 October 1999)

The Commission has so far had no information about the abduction of Vu Duc Binh in August or the arrest of 24 members of Vietnam's Popular Action Party other than the bare reports in the press and statements by the UN Human Rights Centre in Phnomh Penh, which are somewhat inconsistent. It has asked its delegations in Hanoi and Bangkok (for Phnomh Penh) to look out for any further details.

In the course of its relations with Cambodia and Vietnam the Commission consistently stresses the importance the EU attaches to observance of democratic principles and fundamental human rights, the principles of the UN Charter, the Universal Declaration of Human Rights, and the Vienna Declaration and Programme of Action of the 1993 World Conference on Human Rights, as set out in the cooperation agreements with the two countries.

(2000/C 170 E/120) **WRITTEN QUESTION E-1800/99**

by Helena Torres Marques (PSE) to the Council

(13 October 1999)

Subject: Proposals for directives awaiting a Council decision

At the 23 September 1999 meeting of the Committee on Regional Policy, Transport and Tourism, the President-in-Office of the Transport Ministers' Council confirmed that the Council holds a large number of proposals for directives on which it has yet to take a decision, despite the fact that some of those proposals have been awaiting such action for a number of years.

Could the Council say which proposals are affected by this state of affairs?

Reply

(17 December 1999)

The proposals for directives to which the Honourable Member is referring concern, inter alia, those covered by the Resolution adopted by the European Parliament at its sitting on 16 September 1999

(see PE 279.943). In that Resolution the European Parliament confirmed, as first readings under the co-decision procedure following the entry into force of the Amsterdam Treaty, a whole series of texts voted under the previous Parliament.

Following that European Parliament Resolution, the Council will strive henceforth to make progress on the files concerned.

(2000/C 170 E/121) **WRITTEN QUESTION E-1801/99**

by David Bowe (PSE) to the Commission

(12 October 1999)

Subject: Lindane

The monograph produced by the Austrian authorities on the health and environmental effects of the pesticide lindane has been forwarded to the competent authorities of the Member States so that their views may be taken into account before the Commission brings forward a proposal on the use of this product.

Given the huge number of pesticides and other chemicals for which safety data is lacking, is the Commission happy with the present slow and cumbersome review process? How does it intend to speed up this process without lowering safety standards?

(2000/C 170 E/122) **WRITTEN QUESTION E-1802/99**

by David Bowe (PSE) to the Commission

(12 October 1999)

Subject: Lindane

In connection with Council Directive 91/0414/EEC [1] the Austrian authorities have produced a monograph covering the health and environmental effects of the pesticide lindane. In the monograph they recommended the suspension of the use of lindane across the EU pending the submission of further data. Furthermore, they called for lindane to be classified under 'category 3 of carcinogenic substances' and for the label to contain the phrase 'possible risk of irreversible effects' under Directive 67/0548/EEC [2].

Given the recommendations in the report and the fact that Sweden and Denmark have already banned lindane, what action will the Commission be taking regarding this product? Will it fully accept the recommendations put forward by the Austrians, particularly in the light of the precautionary principle?

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[1] OJ L 230, 19.8.1991, p. 1.
[2] OJ 196, 16.8.1967, p. 1.

Joint answer
to Written Questions E-1801/99 and E-1802/99
given by Mr Byrne on behalf of the Commission

(15 November 1999)

For the current state of the examination of the dossier concerning lindane, the Commission would refer to its answer to Written Question E-154/99 of Mrs Pollack [1].

The Commission will follow the procedures established in Commission Regulation (EEC) 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/0414/EEC concerning the placing

of plant protection products on the market [2] and will as soon as possible, and after all consultations are finalized, forward a proposal to the standing committee on plant health. This may require a review of the classification and labelling of lindane under Directive 67/0548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [3].

A lot of progress has been made since the adoption of Directive 91/0414/EEC of 15 July 1991 [4], in particular the development of implementing legislation, technical background documents and confidence building between Member States. The Commission however shares the view that the review process should be speeded up.

Therefore a new strategy, within the possibilities for Commission action provided in Directive 91/0414/EEC, is under discussion. It is expected that this would result by the end of 1999 in the adoption of further implementing measures for the review of the remaining existing active substances. The Commission has no intention to lower the safety standards of the Directive.

(1) OJ C 325, 12.11.1999, p. 76.
(2) OJ L 366, 15.12.1992.
(3) OJ L 196, 16.8.1967.
(4) OJ L 230, 19.8.1991.

(2000/C 170 E/123) **WRITTEN QUESTION P-1806/99**

by Paul Rübig (PPE-DE) to the Commission

(11 October 1999)

Subject: Cross-border direct dispatch of national telephone directories

The International Telecommunication Union is a Europe-wide association of telecommunications undertakings. It recommends to participants wishing to obtain a telephone directory for a specific Member State that they apply to the administration of their own country. Many administrative departments accept this recommendation from a non-governmental and non-Community institution and supply their respective telephone directories only within their own national borders.

How does the Commission assess this procedure against the background of the liberalisation of the telecommunications sector and of the incipient internal market in telecommunications?

Can it avert the suspicion that competition and/or anti-discrimination legislation is being breached here?

Answer given by Mr Liikanen on behalf of the Commission

(5 November 1999)

The Honourable Member's question relates to the conditions on which the national regulatory authorities in the Member States apply the relevant provisions of Directive 98/0010/EC of the European Parliament and of the Council of 26 February 1998 on the application of open network provision (ONP) to voice telephony and on universal service for telecommunications in a competitive environment [1].

This Directive does, in fact, lay down in Article 15 (2) that (subject to compliance with the legislation on the protection of personal data) 'Member States shall take all necessary measures to remove any regulatory restrictions which prevent provision of the services and facilities listed in Annex I, part 3, in compliance with the competition rules of Community law'. The list in Annex I, part 3 includes, under points e) and f), access to operator services in other Member States and access to directory enquiry services in other Member States.

The Honourable Member's description of the International Telecommunications Union (ITU) and its procedures dates back to the time (prior to the Community's introduction of a regulatory framework to liberalise the telecommunications sector) when the ITU effectively represented a group of national administrations which were in charge of telecommunications within the context of public monopolies. In the meantime, there have been changes in the ITU's structures to reflect the increasing, and ever more widespread, distinction between telecommunications operators and the regulatory authorities in this field.

This distinction has gradually been imposed in Europe, particularly through the policy of liberalisation, eliminating the exclusive and special rights enjoyed by traditional operators, and this has led to the regulatory framework adopted by the Community enshrining the principle of separating the national regulator from the traditional operator. Nowadays, both the national administrations and the economic operators in the ITU Member States are involved in this work, but Community regulations now oblige the Member States' administrations to act completely independently of the interests of all the categories of operators who may contribute to the work of the ITU.

It should also be noted that, as their name suggests, the recommendations issued by the ITU do not have any directly binding legal force, and may only therefore be followed by the Member States insofar as they do not conflict with the Community legislation in force.

Finally, the Commission has no information at this stage to suggest that the ITU's recommendations either counteract or facilitate the effective application, by the relevant authorities in the Member States, of the aforementioned provisions in Directive 98/0010/EC.

(1) OJ L 101, 1.4.1998.

(2000/C 170 E/124) **WRITTEN QUESTION E-1811/99**

by Olivier Dupuis (TDI) to the Commission

(12 October 1999)

Subject: Conversion of national currencies

On 1 January 2002 the euro will replace the national currency in eleven EU Member States. Although arrangements have been made for the conversion of bank notes, this does not seem to be the case as regards the conversion of coinage.

Does the Commission not think that specific arrangements to enable the eleven Member States' coinage to be converted must be considered and adopted in order to ensure that all people living in the countries which have adopted the euro are able to convert the coins in their possession into euros?

Answer given by Mr Solbes Mira on behalf of the Commission

(11 November 1999)

Between 1 January 2002 and 30 June 2002 the Member States participating in economic and monetary union (EMU) will have to withdraw bank notes and coins in national currency. The Honourable Member raises two points: first, the conversion into euros of national coins in the Member State of issue and, second, the conversion into euros of coins from one Member State in another Member State.

With regard to the first point, Community legislation on the conversion of coins in national currency into euro coins when the transitional period ends on 31 December 2001 stipulates that the bodies issuing these coins will continue to accept national coins presented to them, after they are no longer legal tender, in accordance with the laws and arrangements in force in the Member State in question. The situation is therefore the same as that for bank notes.

The Commission takes the view that additional measures should be taken to ensure a smooth transition to euro notes and coins. In its recommendation 98/0286/EC [1] of 23 April 1998, it therefore called on banks to convert 'household amounts' free of charge for their customers. This applies to notes and coins alike.

With regard to the second point, it should be noted that, as matters stand, it is not generally possible to exchange coins from another Member State in another Member State in the euro area. The question is therefore whether an additional service should be put in place when euro notes and coins are introduced, what the price and conditions of such a service would be and who would bear the costs of it. In the light of the particular logistical problems associated with handling coins, significant resources would probably be necessary if conversion were possible throughout the euro area. In general, however, the value of national coins is limited and therefore the bodies offering this service would not stand to benefit greatly. Nevertheless, the Commission is aware of the problem and is currently discussing arrangements for talks with the European System of Central Banks (ESCB) and the Member States with a view to finding a solution which is both economically reasonable and satisfactory for individuals in the Union.

[1] COM(98) 961 final.

(2000/C 170 E/125) **WRITTEN QUESTION P-1814/99**

by Luciana Sbarbati (ELDR) to the Commission

(11 October 1999)

Subject: Protection for foodstuffs produced by small undertakings in Italy

In accordance with the undertakings given by the European Union, several vertical directives in the foodstuffs sector are to be simplified with a view to taking account of only those essential requirements which such products must meet in order to move freely within the single market.

Is the Commission sure that the quality and health standards laid down in those directives are not likely to hamper the development and protection of traditional foodstuffs produced by small undertakings, which are high-quality products that form part of the cultural heritage and, at the same time, are important both from an economic and employment point of view and as regards consumer protection?

How does it intend to prevent Italian small undertakings producing a wide range of foodstuffs (Fabriano salami, Fossa cheese, Colonnata bacon, honey, pasta, bread, chocolate, etc.) from being severely disadvantaged vis-à-vis multinational firms which produce foodstuffs on an industrial scale but to lower standards of quality?

Answer given by Mr Liikanen on behalf of the Commission

(4 November 1999)

Among the other things Community food law is intended to protect public health by laying down rules covering hygiene and inspection. Those rules must be obeyed by all producers, whether small or industrial in scale.

The Commission has not had any feedback confirming that such arrangements, which have been in existence for years, hamper the development and protection of small-scale production or lowers its quality. Moreover, Council Regulation (EEC 2081/2 of 14 July 1992) on the protection of geographical indications location and designations of origin for agricultural products and foodstuffs [1] and Council Regulation (EEC) 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs [2] enable traditional products to be promoted and protected if they meet the requisite conditions. A large number of agrifoods that are often produced on a small scale thus benefit from that designation at Community level.

[1] OJ L 208, 24.7.1992.
[2] OJ L 208, 24.7.1992.

(2000/C 170 E/126) **WRITTEN QUESTION E-1815/99**

by Robert Sturdy (PPE-DE) to the Commission

(12 October 1999)

Subject: Commission recruitment policy with regard to officials

Could the Commission confirm that it applies an age restriction as one of its recruitment criteria for future officials, as a general rule this age limit being set at 45?

What are the reasons for such a policy?

Does the Commission intend to maintain its policy in this area, given that Article 13 of the EC Treaty, as amended by the Amsterdam Treaty which entered into force in May 1999, now explicitly states that '… the Community, … may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'?

Answer given by Mr Kinnock on behalf of the Commission

(25 November 1999)

On 21 January 1998 the Commission decided to gradually implement a process of ending age limits for recruitment of personnel.

As a first step, the Commission fixed an age limit of 45 years for all competitions at the basic level of recruitment, in line with the approach taken by the Bureau of the Parliament on 20 October 1997. Inter-institutional consultation on the report of the Reflection Group on Personnel Policy resulted in the other institutions declaring themselves ready to raise the age limit to 45 years.

It should be noted, however, that Parliament and Council did not bind themselves to adopting the position of principle taken by the Commission which involves the eventual abandonment of age limits in personnel recuitment.

(2000/C 170 E/127) **WRITTEN QUESTION E-1818/99**

by Raffaele Costa (PPE-DE) to the Commission

(12 October 1999)

Subject: Action programme on public health

Can the Commission state to what extent funding or subsidies have been awarded (with payments already disbursed, or not), and to what bodies (public or private), institutions, undertakings, cooperatives or individuals, in connection with the programme of action on health promotion, information, education and training within the framework for action in the field of public health (1996-2000)?

Have the actual deployment of the funds and the successful outcome of the initiatives been verified?

Answer given by Mr Byrne on behalf of the Commission

(25 November 1999)

The Commission will forward directly to the Honourable Member and to Parliament's Secretariat-General the lists of projects funded under the Community action programme on health promotion, information, education and training (1996-1999).

The mid-term review of this action programme will be forwarded to Parliament and to the Council for their information following approval by the Commission.

(2000/C 170 E/128)

WRITTEN QUESTION E-1821/99

by Cristiana Muscardini (NI) to the Commission

(12 October 1999)

Subject: Management of the vocational training programme 'Leonardo'

Vocational training is one of the EU's strategic weapons for successfully combating unemployment.

One of the instruments available for this is the Leonardo programme which, unfortunately, hit the headlines as a result of the serious charges of fraud brought against the Commissioner responsible, Mrs Cresson, and was rightly considered to be one of the main reasons behind the Commission's forced resignation.

Article 117 of the Italian constitution stipulates that responsibility for vocational training lies with the regions. It would appear, therefore, that the programme, which up until now has been overseen in Italy by the Ministry of Education, has been managed improperly to say the least and certainly in an unconstitutional manner.

In the light of the above, can the Commission check:

1. whether the Italian Ministry of Education was actually the sole administrator of the Leonardo programme in Italy;

2. whether the programme's funds were sent to the Ministry of Education directly by the Commission or through the intermediary of the Ministry of Labour;

3. whether the Ministry of Education used these funds for the testing of pilot projects;

4. what relationship the Ministry of Education had with Commissioner Cresson?

Answer given by Ms Reding on behalf of the Commission

(11 November 1999)

The Leonardo da Vinci programme is managed directly by the Commission and, in the Member States, by National Coordination Bodies.

In Italy, this is the Istituto Formazione Lavoratori (ISFOL), Via Morgagni 30, I-00161 Rome. For the purposes of the Leonardo da Vinci programme, this public body comes under the authority of the Ministries of Labour and Education, whose representatives sit on the Leonardo Committee, which meets in Brussels and is chaired by the Commission.

The answers to the Honourable Member's four questions are as follows:

1. The Ministry of Education did not therefore administer the programme directly.

2. The Commission sends the funds to the project promoters, except for those measures relating to decentralised mobility, in which case the Commission sends the entire grant to ISFOL, which then concludes contracts with the national promoters.

3. As stated in points 1 and 2 above, the ministries do not receive funds directly from the Commission.

4. Only the usual relations between ministries in the Member States and Members of the Commission.

(2000/C 170 E/129) **WRITTEN QUESTION E-1830/99**

by Ioannis Marínos (PPE-DE) to the Commission

(13 October 1999)

Subject: The ageing population of Europe

The media is constantly producing surveys warning about the danger of a declining birth rate and the demographic ageing of the population of Europe. Recently an American Professor at the University of Pennsylvania, Samuel Preston, forecast that in the year 2050 Europe would have 25 % less inhabitants than today and that in Greece in particular the population would decline from its present level of 10,2 million to 8,23 million. The composition of the population will also change due to an increase in the number of economic refugees who, as young people, will gradually replace the indigenous population.

According to one study, demographic ageing will lead, inter alia, to perceptible changes in consumer behaviour in Europe, cause a decline in entrepreneurial activity and innovation in the production of goods and inevitably lead to the collapse of the weakest social security systems, which will cause a conflict of interests between young people who will pay contributions without any hope of benefiting from them and the elderly who will take up almost all the funds.

What specific measures has the Commission drawn up and when and how does it intend to push ahead with implementation of these measures in order to reverse this phenomenon which is so alarming for the very survival of Europe?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 November 1999)

The Commission agrees with the Honourable Member that the magnitude of demographic change requires rethinking and changing outmoded practices and policies. Over the last five years, the Commission has developed several initiatives aimed at stimulating debate between and with Member States on this issue.

Following the publication of its demographic reports in 1994, 1995 and 1997, the Commission adopted, earlier this year, a communication entitled 'Towards a Europe for all ages — promoting prosperity and intergenerational solidarity' [1] which sets out the implications of the ageing of the population for employment, social protection, health and social services and proposes a strategy for effective policy responses in these fields. The Commission has also recently adopted a communication on 'A concerted strategy for modernising social protection' [2] proposing a new process of cooperation between the Commission and Member States in the field.

In the context of the European employment strategy, the low employment rate of older workers has been identified as an important issue and Member States have been invited to develop policy measures promoting life-long learning and flexible working arrangements.

Concerning health policies, old age care and research instruments, the Commission will give special attention to medical and social research related to ageing in the fifth framework programme for Community research covering a wide range of research activities.

The Commission is committed to stimulating debate on the societal aspects of demographic change and providing support to the Member States in their search for good strategies.

[1] COM(1999) 221 final.
[2] COM(1999) 347 final.

(2000/C 170 E/130) **WRITTEN QUESTION E-1836/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(13 October 1999)

Subject: Utilisation of Objective 2 funds for aid for Greece

In the debate in Parliament on granting emergency aid to Athens to address the consequences of the earthquake, Commissioner Kinnock, voicing the Commission's view, stated that the Commission would examine jointly with the Greek Government the possibility of using Objective 2 funds for this purpose.

Given that Greece has been classified as Objective 1, will the Commission say how the regions affected by the earthquake will be given aid from Objective 2 funds? Was the Commissioner referring to the current Community Support Framework? Are there any proposals which the Commission would like to unveil?

Answer given by Mr Barnier on behalf of the Commission

(18 November 1999)

The Honourable Member's question must be based on a misunderstanding because the whole of Greece is eligible under Objective 1 of the Structural Funds, during both the current programming period and the next period, 2000-2006.

Any aid given by the Structural Funds to the disaster regions as a result of the earthquake of 7 September 1999 will therefore be granted from operational programmes under either this Community support framework or the next. The Commission is awaiting specific proposals from the Greek authorities on this point.

(2000/C 170 E/131) **WRITTEN QUESTION E-1838/99**

by María Sornosa Martínez (PSE) to the Commission

(13 October 1999)

Subject: Food safety shortcomings in Spanish ports

At the end of August 1999, the European Commission published a report of veterinary inspections carried out by the Food and Veterinary Office (FVO) in Spanish airports and ports from November 1998 to March 1999. During these inspections serious deficiencies were discovered in the sanitary procedures at some Spanish border posts charged with carrying out checks on food safety.

Taking into account the conclusions of the report, to be found on the web site of Directorate-General XXIV, what action does the Commission plan to take against the Spanish authorities in order to remedy the situation denounced by the FVO report?

Answer given by Mr Byrne on behalf of the Commission

(9 November 1999)

Two recent visits have been made to Spain by the Commission's Food and veterinary office (FVO), one in November 1998 and one in February 1999. The results of the missions have been published in their final form on the web site of the Health and consumer protection directorate general, including comments and reactions to the findings in the draft report from the Spanish authorities. Written responses to the deficiencies identified in this report have been received by the Commission, which is still in discussion with the Spanish authorities regarding specific recommendations.

The Spanish authorities have indicated that as regards inadequate facilities they are making the necessary modifications or planning new facilities. In the case of deficiencies in the procedures carried out at the border posts, immediate administrative action has been taken to improve matters.

Recommendations for change to the listing of border inspection posts from either the FVO or by Member States are considered regularly several times each year by the Commission, with a view to amending the published list of border posts (Commission Decision 97/0778/EC of 22 July 1997 drawing up a list of border inspection posts (BIPs) agreed for veterinary checks on products and animals from third countries, laying down detailed rules concerning the checks to be carried out by the experts of the Commission and repealing Decision 96/0742/EC [1]). The list of border inspection posts was recently amended by Commission Decision 1999/0577/EC of 20 July 1999 [2].

[1] OJ L 315, 19.11.1997.
[2] OJ L 219, 19.8.1999.

(2000/C 170 E/132) **WRITTEN QUESTION E-1841/99**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(13 October 1999)

Subject: Construction of a solar thermal power plant at Frangokastello in the Sfakia region of Crete, Greece

I have received complaints from residents of Frangokastello in the Sfakia region of Crete about plans to construct a solar thermal power plant in the area, which will, however, be powered by liquid gas as an alternative during periods of reduced sunlight. According to these complaints, finance for the construction of the plant is also to be provided by the European Union under the Thermie programme.

Will the Commission say whether, in fact, it plans to fund this project? If so, to what extent has an environmental impact assessment been carried out, both from the environmental viewpoint — the region has been designated an area of exceptional natural beauty and is covered by the Natura 2000 programme — and from the economic and cultural points of view as the plant is to be built in the vicinity of an archaeological site and villages and towns with a thriving tourist industry, which provides the basic source of income for the population?

Answer given by Mrs de Palacio on behalf of the Commission

(17 November 1999)

Within the Thermie programme, the project TE-235-96 (thermal solar European power station at Frangokastello, Crete-Theseus) has received support for its first phase, which regards the design of the plant.

Implementation of the project will be fully dependent on the national (Greek) legislation and procedure as far as permissions and authorisations are needed for the land use, spatial planning, environmental impact, building, operation, and connection to the grid. If such authorisations are not granted, the project will not be eligible for further support. In particular,the Frangokastello area is located within a site included in the list of sites of Community importance proposed by the Hellenic authorities by virtue of Council Directive 92/0043/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] for the Natura 2000 network. The relevant environmental impact studies carried out for the development should therefore take proper account of the conservation value of that site so that its deterioration can be avoided.

When permissions are given by national or local authorities, the Commission can only assume that environmental considerations have been taken into account. It is not the responsibility of the Commission to interfere with local issues. However the Commission may intervene should evidence of a potential breach of Community legislation be brought to its attention.

(1) OJ L 206, 22.7.1992.

(2000/C 170 E/133) **WRITTEN QUESTION E-1863/99**

by Glyn Ford (PSE) to the Commission

(14 October 1999)

Subject: Parity of qualifications within the European Union

Is the Commission aware that Barcelona University is demanding from a British student who already has a degree from a British University 156 credits over and above those demanded from Spanish students?

Does the Commission not feel that this is in breach of European law which does not allow discrimination on the grounds of nationality between citizens of the European Union?

Answer given by Mrs Reding on behalf of the Commission

(4 November 1999)

The information supplied by the Honourable Member does not allow for a thorough examination of the situation. The Commission has specified in a fax to the Honourable Member what details are needed. As soon as the information becomes available, the Commission will look into this case.

(2000/C 170 E/134) **WRITTEN QUESTION P-1875/99**

by Alexander de Roo (Verts/ALE) to the Commission

(12 October 1999)

Subject: Imminent infringement of the Habitat Directive

Is the Commission aware that the Governments of Belgium, the Netherlands and Germany are developing plans for the revival of the 'Iron Rhine'?

Is the Commission aware that the historical route of this rail freight line passes through the De Meineweg National Park?

Is the Commission aware that De Meineweg has been designated as a sanctuary and special protection area within the framework of Natura 2000?

Is the Commission aware that the Directive 92/0043/EEC (1) (the Habitat Directive) has a special bearing on the presence — unique in the Netherlands — of adders (vipera berus)?

Does the Commission agree that the revival of a rail freight line in this area is inconsistent with the European Habitat Directive, under which the adder, great crested newt, common spadefoot and crane are protected?

What steps is the Commission contemplating to ensure that the Netherlands complies totally with the Habitat Directive in respect of De Meineweg?

Is the Commission prepared to press the Governments of the Netherlands, Belgium and Germany to make a serious study of modern alternatives to the Iron Rhine to and via Venlo?

Does the Commission feel that a modern rail freight line should also be combined with a new rail passenger link on the Antwerp-Venlo-Ruhr route?

(1) OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(22 November 1999)

The Commission is aware of discussions between the Belgian, German and Dutch authorities concerning the possible re-opening of the IJzeren Rijn railway line. But the Commission has not been informed about the results of the discussions so far.

The Commission is aware that the Iron Rhine railway passes through the Nationaal Park De Meinweg.

The Commission is aware that De Meinweg is a part of the network of Natura 2000. It is classified as a special protection area under Council Directive 79/0409/EEC of 2 April 1979 on the conservation of wild birds (1) (1 600 ha). It was also proposed as a site of Community importance under Council Directive 92/0043/EC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (1 807 ha). The Commission is also informed that the area is classified as a Stiltegebied. Because this classification is only based on national law, it has no implications under Community law.

The adder (Vipera berus) is not mentioned in Annex II nor in Annex IV to Directive 92/0043/EC so it does not have the protection of this Directive. Of course the Member States themselves are free to protect habitats or species that are not mentioned in Directive 92/0043/EC, such as, in this case, the adder in the Netherlands. However, this can also be a relevant aspect for the application of the Council Directive 85/0337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (2).

De Meinweg is protected by Directive 92/0043/EC, in particular by Article 6 (2, 3 and 4). According to Article 7 of Directive 92/0043/EC, those provisions also apply to special protected areas as defined in Directive 79/0409/EEC. The reopening of the Iron Rhine appears to be a project, in the sense of Article 6(3), that is likely to have a significant effect on De Meinweg. In that case the project has to be subjected to an appropriate assessment of its implications on De Meinweg, especially on the habitats and the species that are protected by Directive 92/0043/EC and Directive 79/0409/EC such as the crested newt (Triturus cristatus), Common spadefoot (Pelobates fuscus) or the crane (Grus grus). If the conclusion of that assessment is that there are negative implications, Article 6(4) applies. The application of Article 6(4) is the first responsibility of the Member State. On the basis of the present information, the Commission cannot judge if there is an infringement of Directive 79/0409/EEC or Directive 92/0043/EC. Therefore it will ask the Dutch authorities for more information about the project and its implications under Directive 79/0409/EEC and Directive 92/0043/EC. The project would affect not only De Meinweg but also the Weerter en Budelerbergen, which is an area proposed as a special protection area under Directive 79/0409/EEC. As far as De Meinweg is concerned, the Commission will take no other steps at the moment, since there is no indication so far that an infringement of Directive 79/0409/EEC or Directive 92/0043/EC has already taken place.

At this stage of the project it is up to the Member States concerned to assess possible alternatives for the project. Such an assessment is obligatory if Article 6(4) of Directive 92/0043/EC applies to the project. The Commission will ask the Dutch authorities for information about the application of Article 6(4). According to the subsidiarity principle, it is for the Member States concerned to assess and determine the future use of railway lines including whether passenger and freight trains could both use a line.

(1) OJ L 103, 25.4.1979.
(2) OJ L 175, 5.7.1985.

(2000/C 170 E/135) **WRITTEN QUESTION E-1884/99**

by Esko Seppänen (GUE/NGL) to the Commission

(29 October 1999)

Subject: Policy on Baltic salmon

Research shows that the production of young salmon in the Tornio/Torneälv river between Finland and Sweden has collapsed. The salmon live in the Baltic Sea, and from there they head up the river to spawn. Since the Commission is now promoting what is in many respects a more liberal policy towards salmon fisheries in the Baltic, this will make it harder for the EU to achieve its target of regenerating salmon stocks by 2010. Is the Commission aware of the problem in the Tornio river, and will it have any effect on the EU's Baltic salmon fisheries policy?

Answer given by Mr Fischler on behalf of the Commission

(23 November 1999)

In February 1997 the International Baltic Sea fisheries commission (IBSFC) adopted a salmon action plan (SAP). The objectives in this action plan are to achieve a natural production of at least 50 % of the potential capacity of all wild salmon rivers, to undertake habitat improvement and to re-establish salmon in potential salmon rivers. The plan has been complemented with national measures such as closed areas and time restrictions of fishing.

The International council for the exploration of sea (ICES) has confirmed that the management actions taken have resulted in a considerable increase in the numbers of wild salmon returning to home rivers. The higher numbers of wild salmon spawning in the rivers have resulted in increased production of wild smolt (juvenile salmon).

The same improvement has not been observed in all salmon rivers. However in the case of the Torneå river the increase has been very large and ICES reports that salmon occur in parts of the river for the first time since the Second World War. According to ICES and to national sources the production in river Torneå has not collapsed; on the contrary, in 1998 the production was among the highest observed since the early 1970's. Although a reduction in production was observed in 1999, production is still very good and almost 5 times higher than that observed in the period 1976-1987. Furthermore a reduction in the 1999 production was expected as the returning salmon were from less numerous year classes, affected by the M 74 syndrome, and hence fewer salmon would have participated in the spawning. The ICES forecast for the Torneå river indicates that the objective set out in the SAP might be achieved in the near future.

Against this background, the Commission does not share the view expressed by the Honourable Member that the production of salmon in the Torneå river has collapsed.

The encouraging signs of increased production of wild salmon in the several rivers in the Baltic confirm that the actions instituted by IBSFC and supplemented by national measures are effective. However there are rivers that do not show the same improvement and the Commission is convinced of the need to continue with a responsible management strategy in order to achieve its objectives.

(2000/C 170 E/136) **WRITTEN QUESTION E-1887/99**

by Glyn Ford (PSE) to the Commission

(29 October 1999)

Subject: Animal welfare implications of the growth hormone rBST

Will the Commission insist that the relevant committees study all evidence concerning the specific impact on animal health of the growth hormone rBST in the context of any application by the company which owns this drug for a licence to sell for use within the EU?

Answer given by Mr Byrne on behalf of the Commission

(15 November 1999)

The scientific committee on animal health and animal welfare gave its opinion on 10 March 1999 on the risk assessment on bovine somatotrophin (BST). The conclusion of the report is that BST should not be administered to dairy cows because it can cause serious health problems (e.g. mastitis, foot and leg disorders) as well as adversely affecting reproduction.

Unless a company or scientific research brings new elements to light leading to reconsideration, the risk assessment on BST on animal health and welfare aspects has been completed.

(2000/C 170 E/137) **WRITTEN QUESTION E-1888/99**

by Glyn Ford (PSE) to the Commission

(29 October 1999)

Subject: Transport of live animals

Is the Commission aware of reports that France is reported by the RSPCA still to be in non-compliance with the EU Directive (95/0029/EC) [1] on the transport of live animals?

Can the Commission say what has been the effect of the continued infringement proceedings against France pursuant to Article 169 of the EC Treaty for failure to notify the necessary measures to implement the Directive and what steps are being taken to ensure strict compliance with European Union law?

[1] OJ L 148, 30.6.1995, p. 52.

Answer given by Mr Byrne on behalf of the Commission

(29 November 1999)

The infringement proceedings brought by the Commission against France involve the incomplete transposition of Council Directive 95/0029/EC of 29 June 1995 amending Directive 90/0628/EEC concerning the protection of animals during transport.

The Commission brought the case before the Court of justice on 15 June 1999.

The French authorities have in the meantime informed the Commission that the legislation to ensure complete transposition of the Directive is under preparation.

After an inspection by the Commission a specific report has been issued. In the report, which is available on the Web site of the Directorate general for health and consumer protection [1], a number of recommendations are addressed to France in relation to the unsatisfactory aspects. The Commission intends to pursue the matter if France does not remedy the deficiencies.

[1] Web address: http://europa.eu.int/comm/dg24/.

(2000/C 170 E/138) **WRITTEN QUESTION E-1892/99**

by Daniel Varela Suanzes-Carpegna (PPE-DE) to the Commission

(29 October 1999)

Subject: URBAN Community Initiative

In response to an initiative of the European Parliament, the URBAN Community Initiative will continue during the period from 2000 until 2006. The EP also asked for this Community Initiative to be directed towards small and medium-sized towns in the EU.

Can the Commission indicate how it intends to fulfil the EP's request? Could the previous minimum number of inhabitants, 100 000 being the general rule, be taken as a maximum in the future so as to meet the wishes of the EP?

Answer given by Mr Barnier on behalf of the Commission

(1 December 1999)

The draft guidelines for the Urban Community Initiative, adopted by the Commission on 13 October 1999 [1], clearly indicate that there will no longer be a minimum population size for eligible urban areas. The Commission requires only that each urban area concerned have a population of at least 10 000.

Member States therefore have the option of proposing small and medium-size urban areas, and also larger-sized towns, as Parliament wished.

[1] COM(1999) 477 final.

(2000/C 170 E/139) **WRITTEN QUESTION E-1894/99**

by Ilda Figueiredo (GUE/NGL) to the Commission

(29 October 1999)

Subject: Commission authorisation of the Siemens-Fujitsu joint venture

According to press reports, on 3 October 1999 the Commission authorised an operational joint venture between Fujitsi Limited (Japanese) and Siemens AG (German). It apparently laid down certain economic and commercial conditions, but no social conditions.

Agreements to establish business mergers or joint ventures generally entail internal restructuring measures in the companies concerned, leading to pressure to cut jobs.

At a time when relocation measures, closures and downsizing strategies are on the agenda in countries like Portugal, with the possibility of Siemens factories closing down or, as in the case of Michelin, the prospect of thousands of workers being made redundant, I wish to ask the Commission whether approval of joint ventures or mergers of multinational firms in the internal market is subject to certain social conditions being met, in particular with respect to job maintenance and/or creation. If so, what specific conditions are laid down in this case?

Answer given by Mr Monti on behalf of the Commission

(29 November 1999)

On 30 September 1999 the Commission decided to authorise a joint venture between Fujitsu and Siemens designed to combine the businesses of both companies in Europe with a view to developing, producing and selling computer hardware and related products. It examined the joint venture in the light of the Merger Regulation (Council Regulation (EC) No 1310/97 of 30 June 1997 amending Regulation (EEC) 4064/89 on the control of concentrations between undertakings [1]).

The Commission sought to determine whether the operation would create or strengthen a dominant position on the markets concerned. Given the market shares of the parent companies and the presence of strong competitors on all those markets, it concluded that there was no such risk. Moreover, it noted effects of coordination between the two parent companies only on the financial workstations market. To address these serious doubts as to competition on that particular market, Siemens has undertaken to divest

itself of Siemens Nixdorf Retail and Banking Systems GmbH, a subsidiary active on that market. The Commission has therefore decided to authorise the joint venture on condition that Siemens complies fully with that undertaking.

The Commission has assured itself that the operation to set up a joint venture between Fujitsu and Siemens will not distort competition on the relevant markets in the European Union. It has not laid down any social conditions relating to the maintenance or creation of jobs. The Merger Regulation does not provide for such conditions to be imposed on firms.

In this matter, the Commission does not possess any information allowing it to conclude that that the joint venture will result in job losses. The prime purpose of the restructuring is to enable Siemens and Fujitsu to offer a full range of computer hardware. The ranges currently offered by them can be regarded as being complementary and so the joint venture will not create any substantially overlapping of activities.

In a more general context, operations of this kind must be viewed positively since they often satisfy the requirements of dynamic competition. They are apt to structure markets, increase the competitiveness of European industry and improve the conditions for job-creating growth.

The Commission would remind the Honourable Member that two Community directives on worker information and consultation may be applicable in this case: Council Directive 98/0059/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies [2] and Council Directive 94/0045/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees [3].

Under those Directives and the relevant national provisions transposing them and under the agreements concluded within the Siemens and Fujitsu groups on the establishment of European works councils, workers' representatives should, where appropriate, be informed about, and consulted on, the operation referred to by the Honourable Member and on any social repercussions it might have, and this at both international and national level.

(1) OJ L 180, 9.7.1997.
(2) OJ L 225, 12.8.1998.
(3) OJ L 254, 30.9.1994.

(2000/C 170 E/140) **WRITTEN QUESTION E-1896/99**

by Raffaele Costa (PPE-DE) to the Commission

(29 October 1999)

Subject: Youth for Europe Programme

Would the Commission state what agencies (public or private), institutions, companies, cooperatives and individuals have been allocated funding (specifying whether payments have already been made) under the Youth for Europe Programme, aimed at involving young people in the process of European integration (1995-1999) (budget — ECU 126 million, equal to approx. LIT 244 billion) and how much each of them has been granted?

Has it checked how the amounts have actually been used and whether the proposed measures have been successfully implemented?

Answer given by Ms Reding on behalf of the Commission

(9 November 1999)

A list (by project) of organisations that have benefited from a Youth for Europe grant since 1995 has been sent directly to the Honourable Member and Parliament's Secretariat. The broad decentralisation of the administration, which is one of the strong points of the programme, gives rise to a delay between the selection of projects, their implementation, their funding and the transmission of the full details to the Commission. So while the list is not exhaustive, it is representative of all the projects which have enabled more than 200 000 young people to benefit from the programme since 1995.

The beneficiary projects are selected either centrally or decentrally, depending on their nature, by expert juries that consider, in particular, whether the applications are in keeping with the objectives of the programme, including the budgetary balance. The National Agencies play a pivotal role in the various stages of the process (selection, analysis of the reports, contacts with beneficiaries, etc.) and have their own monitoring system. In addition, the Youth for Europe programme is subject to the Commission's own compulsory monitoring procedures. Each project selected is thus subject to an agreement laying down the rules for using the Community grant, at central level and at decentral level. Under the terms of this agreement, the beneficiary promises to submit a final report describing the various actions undertaken as part of the project and accompanied by a final set of accounts for all expenditure relating to the project to the National Agency or the Commission within two months of the end of the contractual period. An advance of 80 % is paid within 30 days of receipt of the duly signed agreement. The remaining balance is paid within 60 days of the National Agency's or the Commission's receipt and approval of the final report. The National Agency and the Commission reserve the right to refuse payment of any balance due if this report is not submitted on time or is judged to be incomplete. If, once the report has been accepted, the final balance due is less than the amount already paid, the beneficiary must reimburse the excess when asked to do so.

In terms of monitoring and control, the agreement states that the beneficiary must provide the National Agency or the Commission with all necessary information on the implementation of the projects referred to therein and must take all necessary action to allow the National Agency, the Commission or the Court of Auditors to conduct monitoring, inspection and auditing visits (e.g. provision of files, accounting documents). These checks and audits can be conducted in situ and consist of an examination of the accounts and supporting documents relating to the various project partners party to the agreements. For this reason, supporting documents must be kept for five years after receipt of the project payment and the end of the project period.

The National Agencies are also party to an agreement with the Commission with regard to the funds they manage at national level. This agreement provides for the same monitoring and control measures as the agreements with beneficiaries. Under this agreement, the National Agency agrees to account to the Commission for the use of the Community funds. To this end, it must submit intermediate and final accounts and statistics to the Commission for each action.

Apart from the checks conducted by each National Agency for the decentralised projects, the financial and budgetary departments of the Commission or the Court of Auditors, if they so request, may conduct checks on the basis of representative samples. Monitoring visits can also be made to the National Agencies. Finally, external assessors evaluate the implementation of the programme for the Commission. An interim evaluation report for the programme was published on 6 February 1998 ([1]), and an invitation to tender for the final evaluation is under way.

As part of the new Youth programme − currently under negotiation − the Commission plans to put in place a new and improved management and evaluation system based largely on the recommendations of the vade-mecum on grants, which should allow projects to be monitored in real time, at decentralised level as well. The enhanced programme is supported by a new IT system which will allow the various actions in the programmes to be brought together on the basis of the experience gained since the Youth for Europe programme began. This will constitute a further step towards improving the efficient administration and monitoring of the use of Community funds.

([1]) COM(98) 52 final.

(2000/C 170 E/141) **WRITTEN QUESTION E-1899/99**

by Raffaele Costa (PPE-DE) to the Commission

(29 October 1999)

Subject: Kaleidoscope Programme (1996-1998)

Will the Commission state what agencies (public or private), institutions, companies, cooperatives and individuals have been allocated funding (specifying whether payments have already been made) under the Kaleidoscope programme of Community support to artistic and cultural activities (1996-1998) (budget — ECU 26,5 million, equal to approx. LIT 51 billion) and how much each of them has been granted?

Has it checked how the amounts have actually been used and whether the proposed measures have been successfully implemented?

Answer given by Mrs Reding on behalf of the Commission

(23 November 1999)

With regard to the first part of the question, due to the scale of the answer which includes many publications, the Commission will forward the answer in full directly to the Honourable Member and to Parliament's Secretariat-General.

With regard to the second part, the progress of selected projects is monitored by means of interim and final reports and, consequently, financial contributions are allocated only when these reports have been checked and approved by the Commission.

(2000/C 170 E/142) **WRITTEN QUESTION E-1901/99**

by Raffaele Costa (PPE-DE) to the Commission

(29 October 1999)

Subject: Raphael Programme (1996-2000)

Will the Commission state what agencies (public or private), institutions, companies, cooperatives and individuals have been allocated funding (specifying whether payments have already been made) under Raphael, the Community action programme in the field of cultural heritage (1996-2000) (budget — ECU 67 million, equal to LIT 130 billion) and how much each of them has been granted?

Has it checked how the amounts have actually been used and whether the proposed measures have been successfully implemented?

Answer given by Mrs Reding on behalf of the Commission

(23 November 1999)

The Commission would inform the Honourable Member that the Raphael programme was adopted at the end of 1997 by the Parliament and the Council with a global allocation of ECU 30 million and for a four year period, 1997-2000. However, in view of the adoption of the framework 'Culture 2000' programme, 1999 was the last year of the implementation of the Raphael programme.

In response to the first part of the question, the Commission is sending a list directly to the Honourable Member and to Parliament's Secretariat.

As to the second part of the question, the selected projects are followed-up through intermediate and final reports and the financial contributions granted are given only after verification and acceptance of these reports by the Commission.

(2000/C 170 E/143) **WRITTEN QUESTION E-1904/99**

by Raffaele Costa (PPE-DE) to the Commission

(29 October 1999)

Subject: URBAN (1996-1999)

The total amount allocated to Italy from the Community's structural funds for the URBAN Community initiative on urban areas for the period 1996-1999 is ECU 298,4 million (equal to approx. LIT 580 billion).

Will the Commission state what agencies (public or private), institutions, companies, cooperatives and individuals have been allocated funding under URBAN (specifying whether payments have already been made) and how much each of them has been granted?

Has it checked how the amounts have actually been used and whether the proposed measures have been successfully implemented?

Answer given by Mr Barnier on behalf of the Commission

(1 December 1999)

For the current programming period 1994-99, the Community contribution planned for the Urban Community initiative in Italy amounts to € 136,7 million, including € 120,4 million from the European Regional Development Fund and € 13,3 million from the European Social Fund.

According to the relevant legislation, the Commission disburses the assistance granted under Urban direct to the national authorities responsible for the operational programmes and their implementation. Detailed information concerning the final beneficiaries may be obtained from the Italian Ministry of Public Works.

The monitoring committees, which are composed of representatives of the Commission and of the Ministries and regions concerned, see to it that the programmes are properly executed.

(2000/C 170 E/144) **WRITTEN QUESTION E-1908/99**

by Raffaele Costa (PPE-DE) to the Commission

(29 October 1999)

Subject: Fourth medium-term action programme on equal opportunities for men and women (1996-2000)

Will the Commission state what agencies (public or private), institutions, businesses, cooperatives and individuals have been allocated funding (specifying whether payments have already been made) under the fourth medium-term action programme on equal opportunities for men and women (1996-2000) (funds available for the period from 1 January 1996 to 31 December 2000: ECU 30 million, equal to LIT 58 billion) and how much each of them has been granted?

Has it checked how the amounts have actually been used and whether the proposed measures have been successfully implemented?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(9 December 1999)

The Commission would inform the Honourable Member that the information requested can be found in the lists of projects funded in 1996, 1997 and 1998, and on the recapitulative list for 1999. The Commission will send copies directly to the Honourable Member, and to the Secretariat-General of the Parliament.

As regards the amounts involved, the sum of € 4 098 268 was granted for the funding of relevant projects in 1996; in 1997, the sum increased to € 4 927 598, and to € 5 290 358 in 1998. As for 1999, the sum of € 6 468 272 has been earmarked for the funding of projects. The above-mentioned documents will provide the Honourable Member with details of the funding granted for projects year by year.

Apart from the projects, the Commission has also funded other activities under the fourth programme. Specifically, it has provided the following sums for the preparation of the annual report on equal opportunities for men and women: € 614 232 in 1996; € 558 197 in 1997; and €598 788 in 1998. As regards the studies carried out, the Commission allocated € 902 014 in 1996, € 515 910 in 1997 and € 196 419 in 1998.

The use of funding under the action programme on equal opportunities for men and women is continuously monitored by the Commission. Each project must submit an interim and a final report before any payments are made.

(2000/C 170 E/145) **WRITTEN QUESTION P-1915/99**

by Chris Davies (ELDR) to the Commission

(14 October 1999)

Subject: Establishment of Natura 2000

1. What is now the target date for the adoption of the list of sites of Community importance?

2. How does the Commission intend to ensure that an accurate assessment is made of proposals for sites submitted by Member States?

3. How many staff are employed at the Europe Topic Centre for Nature Conservation, and in what capacity?

4. What steps are taken to ensure that their information sources used by the Topic Centre to determine the distribution of habitats and species in each Member State are both sufficiently comprehensive and up-to-date to enable proper evaluation of Member States' proposals?

5. Is the Commission confident that the resources available to the Topic Centre are sufficient to enable it to complete the tasks required of it to the highest standards?

6. Will the new Environment Commissioner undertake an evaluation of the Topic Centre to determine whether it is able to complete the work required in the time available?

Answer given by Mrs Wallström on behalf of the Commission

(11 November 1999)

1. The Commission intends to adopt the lists of sites of Community importance for each of the six biogeographical regions as soon as possible.

However, the Member States have been late — sometimes considerably so — in communicating their national lists of proposed sites, thus obliging the Commission to initiate legal proceedings against them.

The likely timetable for each biogeographical region is therefore as follows:

— during 2000: Macaronesian region

— late 2000: Alpine region

— 2001: Atlantic, Boreal and Mediterranean regions

— 2002: Continental region.

2. The Commission intends to hold scientific seminars for each of the biogeographical regions, in conjunction with the European Topic Centre for Nature Conservation.

The procedure for these seminars and the lists of participants were adopted in consultation with the Member States. The aim is to assess the national lists of sites on the basis of the best scientific information available.

The Commission therefore relies on the scientific expertise available, but it should be noted that Council Directives 79/0409/EEC of 2 April 1979 on the conservation of wild birds [1] and 92/0043/EEC of 21 May 1992 on the conservation of natural habitats and wild fauna and flora [2] do not lay down definitive statistical criteria for taking a decision on each individual site.

3. The European Topic Centre for Nature Conservation is part of the European Environment Agency. The Commission is not involved in recruitment to or the allocation of tasks within the Topic Centre.

According to the Commission's information, three people are working on the assessment of scientific data for the Natura 2000 network within the Topic Centre's central team.

4. The European Environment Agency is responsible for collecting scientific data. for its part, the Commission sends the Topic Centre all the data in its possession: co-financed scientific studies, inventories carried out in the context of Life-Nature projects, information provided by non-governmental organisations (NGOs), etc., and urges the Member States to communicate all the data in their possession.

The Commission would point out that some Member States did not wish to communicate their national inventories of sites containing natural habitats or species of Community interest or did not indicate all the habitats or species that are in fact present in the sites proposed for Natura 2000.

5. On several occasions the Commission has impressed upon the Agency and the Topic Centre's Steering Committee the importance of scientific assessment for Natura 2000 and of strengthening the Topic Centre's central team accordingly.

6. The Agency's Management Board is responsible for evaluating the Topic Centre. The Commission, which, like Parliament, has two representatives on the Board, would willingly take part in an evaluation of the resources needed by the 'Nature' Topic Centre.

[1] OJ L 103, 25.4.1979.
[2] OJ L 206, 22.7.1992.

(2000/C 170 E/146) **WRITTEN QUESTION P-1916/99**

by Wolfgang Kreissl-Dörfler (Verts/ALE) to the Commission

(14 October 1999)

Subject: EU Development aid programmes in Mozambique

Could the Commission explain why EU development aid programmes in Mozambique were suspended for a period of several months at the beginning of this year, which had the effect of endangering whole programmes and diplomatic relations?

Answer given by Mr Nielson on behalf of the Commission

(9 November 1999)

The question must be based on a misunderstanding. The Commission has not taken any decision in 1999, or indeed in recent years, to close, or otherwise suspend, development aid to Mozambique.

Currently, implementation of development aid programmes in Mozambique has been progressing according to plan. During the first semester of 1999, the Commission approved two new programmes amounting to € 25,8 million. There has been no particular problem with the Mozambican authorities during the period mentioned by the Honourable Member. On the contrary, relations have improved, allowing for the Mozambican authorities to be very much involved in the definition, planning and implementation of the aid programmes.

The Honourable Member might wish to note, as well, that funding from the Community to Mozambique is presently at a high level. Indeed, disbursements in 1998 reached € 91 million, whereas forecasts for 1999 and 2000 are presently set at € 132 million and € 127 million.

(2000/C 170 E/147) **WRITTEN QUESTION P-1917/99**

by Marco Pannella (TDI) to the Council

(15 October 1999)

Subject: Custody and repatriation detention practices in China

Each year in China hundreds of thousands of people from the most disadvantaged backgrounds including street children, the homeless, those suffering from mental illness and migrants, are arbitrarily arrested and held without specific charge or trial. This repressive practice, known as custody and repatriation, became even more widespread in the weeks leading up to the 50th anniversary of the People's Republic of China. People may be held for several months in appalling conditions. Prisoners are subject to constant physical violence, live in disgraceful sanitary conditions, work extremely long hours and are held in almost complete isolation. In addition, they must pay the costs of their detention in the custody and repatriation centres.

What measures has the Council taken or does it intend to take to ensure that the Chinese authorities put an immediate end to this form of administrative arrest which is contrary to the spirit and the letter of international conventions ratified by the People's Republic of China?

What action does the Council intend to take to ensure that, pending total abolition of this form of arbitrary imprisonment, the Chinese authorities guarantee freedom of access for international organisations to the custody and repatriation centres?

More generally, what measures will the Council take to ensure rigorous and verifiable compliance by China with the Covenant on Civil and Political Rights?

Reply

(17 December 1999)

1. The EU has expressed its concern about Human Rights violations in China on several occasions, in multilateral fora as well as in bilateral contacts with the Chinese authorities, and in particular in the framework of the EU-China Human Rights dialogue. Through this dialogue, the EU regularly raises among other issues the questions of administrative detention and arbitrary arrests. The EU strongly urged the Chinese authorities to change their policy in this area and to comply with the provisions of the UN Covenants on political and civil rights and social, economic and cultural rights it has signed over the last two years. It also underlined the importance of giving follow-up to the recommendations made by the UN Working Group on Arbitrary Detention following its visit to China. The EU further encouraged China to pursue cooperation with the ICRC regarding access to detention centres. Finally, the EU proposed to China that technical assistance projects be developed to help the Chinese government to ratify and implement the UN Covenants mentioned above.

2. The last round of the EU-China Human Rights dialogue was held on 19 October in Beijing. On this occasion, the Chinese authorities briefed the EU on envisaged reforms in administrative detention. They

also reported good cooperation with the ICRC concerning access to detention centres and their willingness to continue such cooperation. Finally, they expressed readiness to receive legal assistance and expertise from the EU with a view to the ratification and implementation of the UN Covenants.

(2000/C 170 E/148) **WRITTEN QUESTION E-1923/99**

by Chris Davies (ELDR) to the Commission

(4 November 1999)

Subject: Responding to parliamentary questions

1. How long, on average, has it taken the Commission to respond to non-priority written questions tabled by MEPS over the last year?

2. How comparable is this to similar procedures within the parliaments of the Member States?

3. What proposals does the Commission intend to put forward with a view to reducing the time taken to answer such questions?

Answer given by Mrs de Palacio on behalf of the Commission

(4 November 1999)

1. The Commission gave 3 013 answers to non-priority questions forwarded by the Parliament in 1998, taking on average six weeks and four days for each of these answers.

2. The Commission does not possess information about questions asked in Member States' parliaments. It may, however, be observed that the situations of the Commission and national administrations are not really similar, given in particular the need for coordination between Commission services, the adoption procedure ensuring collegiate responsibility, and the requirement to answer in the language of the author of the question.

3. In the context of the nomination of the new Commission, the Vice-President responsible for relations with the Parliament indicated her clear intention to speed up answers to parliamentary questions. Since then changes have been made to the Commission's internal procedures which should result in a real reduction in the average reply time. The Commission agrees however that it should be possible to answer all written questions within the six week period identified in Parliament's procedures, and it will continue to tighten up its procedures to achieve this.

(2000/C 170 E/149) **WRITTEN QUESTION E-1925/99**

by Luis Berenguer Fuster (PSE) to the Commission

(4 November 1999)

Subject: Inclusion of specific data in the state aid proceedings relating to the Spanish electricity sector

In its answer to the Socialist MP Juan Manuel Eguiagaray on 17 September 1999, in the Chamber of Deputies, the Spanish government stated that, in its opinion, the sixth transitional provision of Electricity Sector Law on costs of transition to competition (CTCs) for Spanish electrical companies does not, with respect to the wording of Regulation 50/1998, 'contain any element of state aid within the meaning of Article 92 (1) of the EC Treaty.'

The Government further claims that it has forwarded the information requested by the Commission and that negotiations on calculating the amount of the CTCs are proceeding, yet fully admits that during these talks, 'the concept of CTCs is not discussed.'

In the light of these surprising remarks, I would ask whether:

— the Commission agrees with the Spanish government's criterion whereby CTCs do not constitute a state aid?

— had the Spanish government submitted, by 17 September 1999, all the information requested by the Commission?

Answer given by Mr Monti on behalf of the Commission

(19 November 1999)

As the Commission has already had occasion to point out to the Spanish Government, its preliminary assessment is that 'costs of transition to competition' or CTCs do indeed constitute state aid within the meaning of Article 87(1) (formerly Article 92(1)) of the EC Treaty. As a result, the case has been entered in the register of non-notified aid, and points 2.2.3 and 3.2 of the Decision of 8 July 1999 concerning the application for a transitional regime submitted by Spain under Article 24 of Parliament and Council Directive 96/0092/EC of 19 December 1996 concerning common rules for the internal market in electricity [1] stipulate that CTCs must be examined in the light of the competition rules, and in particular Article 87(3)(c) of the EC Treaty. However, this is a preliminary assessment; the Commission's definitive view will be confirmed in its final decision.

The Commission is in regular contact with the Spanish authorities on CTCs. On 17 September 1999 it had not received all the information necessary to adopt a decision on the case.

[1] OJ L 27, 30.1.1997.

(2000/C 170 E/150) **WRITTEN QUESTION E-1926/99**

by Laura González Álvarez (GUE/NGL) to the Commission

(4 November 1999)

Subject: Shortcomings in the 'Casa de Campo' improvement project in Madrid

On 31 March, 20 November 1997 and, more recently, 1 October 1999, the civic association 'Save the Casa de Campo' wrote to DG XVI of the Commission setting out the numerous shortcomings that, in their opinion, were affecting the implementation of project 95.11.61.021-E relating to the 'development of degraded areas and general improvements to the environment of the Casa de Campo park', financed by the Cohesion Funds and carried out by Madrid city council's environmental department.

In particular, the two much trumpeted dams in the Meaques river built in the first phase of the project; these simply turned into foul-smelling stagnant ponds producing hordes of mosquitoes, quite contrary to their initial purpose, as provided for in the project, namely keeping the watercourse biologically clean. These two dams were later destroyed.

Furthermore, on 28 February 1998, the Madrid city council approved the Second Integrated Improvement of Madrid Scheme, also financed by the Cohesion Fund, which included various plans relating to the conditioning of the Meaques river, at a cost of 388 million pesetas, and the construction of four more dams.

Could the Commission check whether the construction and destruction of these dams has not been paid for twice over? Has the project been delayed, and if so, for what reason? What are the reasons for modifying the project to include the creation of new car parks, instead of implementing measures to control the risk of soil erosion? Why have historical and environmental features not been restored as in the case of the historical adobe wall built in the 18th Century? Why has the daily traffic flow of more than 50 000 cars across the Casa de Campo park not been restricted, in view of its detrimental effect on the environment?

Answer given by Mr Barnier on behalf of the Commission

(26 November 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2000/C 170 E/151) **WRITTEN QUESTION E-1929/99**

by Jan Wiersma (PSE) to the Commission

(4 November 1999)

Subject: The treatment of Romanies in the Czech Republic

Is the Commission aware that the council of the Czech town Usti Nad Labem is planning to build a wall in a residential area to separate the part where Romanies live from the part where non-Romanies live?

Does the Commission consider this contrary to the Copenhagen criteria, which must be met by applicant countries?

If so, what action will the Commission take?

Answer given by Mr Verheugen on behalf of the Commission

(23 November 1999)

The Commission is aware of the decision taken on 15 September 1999 by the local council of Usti nad Labem to build a 'ceramic fence' to separate Roma and non-Roma residents in a street of this city. The wall was built on 13 October 1999 despite opposition of the Czech government and cancellation of the resolution of the local authorities voted by the Chamber of Deputies on the same day.

On 18 October 1999, the Czech government approved a resolution nominating a government representative, Mr Pavel Zarecky, Deputy minister of the Interior, to negotiate and find a viable solution with the local authorities, as requested by the Chamber of Deputies. In this resolution, the Czech government also called on the Deputy Prime Minister and Chairman of the Legislative Council, Mr Pavel Rychetsky, to discuss the progress of the government with representatives of the Roma community and to inform the diplomatic missions of the states that have contacted the government of the Czech Republic on this issue. The Czech government has expressed its intention to resolve this issue before the Helsinki European Council in December 1999.

Following the building of the wall, the Commission expressed immediately its concern about the situation prevailing in Usti nad Labem and is monitoring the situation closely. It maintains a continuous dialogue on this issue with the Czech authorities and supports the Czech Republic in all its efforts towards a solution conforming with the necessary respect for the Roma minority, and its protection.

(2000/C 170 E/152) **WRITTEN QUESTION P-1930/99**

by Michael Cashman (PSE) to the Commission

(14 October 1999)

Subject: Prosperity of euro countries

Can the Commission report on the success of the Single Currency to date? How does the prosperity of the euro countries, and EU non-euro countries, compare with the rest of the world?

Answer given by Mr Solbes Mira on behalf of the Commission

(9 November 1999)

As a result of economic and monetary union (EMU) the Member States which have adopted the euro as the single currency are able to return to the path of growth and to benefit from the positive impact of the expansion in the international use of the euro.

These Member States have already thoroughly overhauled their public finances. This culture of stability, adopted in order to comply with the 'Maastricht criteria' and move to the euro, is beginning to bear fruit. 1998 returned the best economic results of the decade: 2,8 % growth and 1,7 million net jobs created. The economic fundamentals of the euro zone are satisfactory: low inflation, low interest rates. The Commission's autumn forecasts, which are now being prepared, will probably confirm that Europe is in the process of reversing the trend of rising unemployment.

The euro is already standing shoulder to shoulder with the dollar on the international bond markets. The statistics available for the first half of 1999 show that euro issues account for some 44 % of total world bond issues. By comparison, the proportion of issues in the eleven euro zone currencies was 30 % of the total in 1997. The euro is therefore more than a simple sum of the currencies it replaces. It is becoming a major international currency. The constitution of a wide, deep and liquid European financial market means that businesses in the Community can obtain finance more easily. For example, the corporate bond market has expanded rapidly since the beginning of the year. The share of companies in total euro bond issues is three times their share in 1998 in European currencies. This trend will also help increase Europe's importance on the monetary stage and by extension redress the balance of the international monetary system.

(2000/C 170 E/153) **WRITTEN QUESTION P-1932/99**

by Antonio Tajani (PPE-DE) to the Commission

(14 October 1999)

Subject: Allegations in the Mitrokhin papers about an Italian spy network working for the Soviet Union's secret services

The Mitrokhin papers forwarded by the British Government have revealed that a dense spy network used to operate in Italy employed by the secret services of a foreign State hostile to Italy and free Europe. It used to monitor and put pressure on the institutions of the Italian State and even reached the highest political and government levels.

What steps will the President of the Commission, Romano Prodi, take to shed light on this affair as swiftly as possible?

Will Mr Prodi use his influence with the Italian Government to ensure that all the information needed to ascertain the truth is made known and, if necessary, call on the governments of other Member States to supply any documentation connected with the revelations contained in the Mitrokhin papers?

Answer given by Mr Vitorino on behalf of the Commission

(18 November 1999)

The Commission feels that the question raised by the Honourable Member is primarily a matter for the Member State concerned, which is responsible for justice on its territory. Under Title IV of the EC Treaty, measures may be taken to facilitate cooperation in criminal matters. Work is currently under way on finalising a Convention on mutual assistance between the Member States in criminal matters [1]. When the Convention enters into force, it should simplify and speed up cooperation, irrespective of the crimes or infringements being prosecuted. For its part, the Commission has no plans to take any initiative in this context relating specifically to counter-espionage.

[1] OJ C 251, 2.9.1999.

(2000/C 170 E/154) **WRITTEN QUESTION E-1933/99**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(4 November 1999)

Subject: Progress in implementing the operational programme concerning education and initial training under the Community Support Framework for Greece

From the Commission's answer to one of my previous questions [1] it emerged that there were problems involved in implementing the operational programme concerning education and initial training under the Community Support Framework for Greece and that appropriations were moving very slowly. Can the Commission say what the current take-up rate of scheduled appropriations is? Have the problems associated with the implementation of the programme been overcome and, if not, to what are such long delays attributable?

[1] H-411/97, Debates of the European Parliament (June 1997).

Answer given by Mrs Diamantopoulou on behalf of the Commission

(2 December 1999)

There has been considerable recent acceleration in the implementation of the operational programme (OP) in question.

As far as the European social fund is concerned, 100 % of the planned appropriations have now been committed and 78,86 % have already been paid to Greece. The European regional development fund (ERDF) has committed 82 % and paid 48 % of the planned ERDF credits. All ERDF credits will be committed before 31 December 1999.

All national legal commitments have to be undertaken by the end of 1999, while implementation can continue until December 2001. A final internal reprogramming of the OP 'Education and initial training' will be made in this year, with a view to correcting programming and ensuring full absorption of all available credits.

Most of the problems of the past, which had seriously delayed the financial implementation of the programme, seem to have been overcome.

(2000/C 170 E/155) **WRITTEN QUESTION E-1940/99**

by Isidoro Sánchez García (ELDR) to the Commission

(4 November 1999)

Subject: Measures implementing the new ultraperipheral policy pursuant to Article 299(2) of the Amsterdam Treaty

Implementing Article 299(2) of the Amsterdam Treaty, the new legal basis of the arrangements for integrating the ultraperipheral regions, will require a considerable initial effort, coordination of the various services involved, and ongoing adaptation of the arrangements to match Community policies as they develop in the future.

Does the Commission intend to implement the new policy by setting up an independent specific, horizontal unit responsible for following up and monitoring the measures adopted, or does it intend to upgrade the existing 'Interservices Group' and endow it with the fresh powers and specific resources called for by the task in question?

Answer given by Mr Prodi on behalf of the Commission

(1 December 1999)

In line with the conclusions of the Cologne European Council, the Commission will transmit to the Council and Parliament by the end of 1999 a report on the measures to implement Article 299(2) (former Article 227(2)) of the EC Treaty with regard to the outermost regions. The report will provide answers to the questions put by the Honourable Member.

(2000/C 170 E/156) **WRITTEN QUESTION E-1944/99**

by Isidoro Sánchez García (ELDR) to the Commission

(4 November 1999)

Subject: Specific indicators to measure wealth, living standards, etc., in the ultraperipheral regions

Article 299(2) of the Treaty acknowledges that factors such as remoteness, insularity, small size, difficult topography and climate and economic dependence on a few products are prejudicial to the development of the ultraperipheral territories, and were not taken into account when the wealth indicators currently used by the Statistical Office were established.

Does the new Commission intend to study the problem and devise appropriate specific indicators to measure wealth, living standards, under employment and extent of development in these regions?

Answer given by Mr Solbes Mira on behalf of the Commission

(3 December 1999)

The regular publication of regional statistical indicators (e.g. the unemployment rate and gross domestic product) helps highlight a large number of the problems encountered by the ultraperipheral regions at levels 2 or 3 of the NUTS nomenclature (Nomenclature of Territorial Statistical Units).

There are no plans in the Community statistical programme to devise specific indicators to analyse the situation in these regions.

(2000/C 170 E/157) **WRITTEN QUESTION P-1950/99**

by Ursula Stenzel (PPE-DE) to the Commission

(19 October 1999)

Subject: Euroteam — misuse of EU aid

In its answer of 4 October 1999 to my written question P-1521/99 [1] the Commission states, in connection with the Euroteam affair in Austria, that it has contacted the Austrian authorities to obtain information about the measures taken in response to this matter.

Can the Commission say whether its enquiries have brought to light any irregularities in the use of EU aid or led to admissions of such irregularities?

Can the Commission say what measures were taken in response to this affair?

[1] OJ C 27 E, 29.1.2000, p. 107.

Answer by Ms Diamantopoulou on behalf of the Commission

(24 November 1999)

The Commission contacted the Austrian authorities on 3 September 1999 to ascertain what action had been taken in the event that Community aid had been misused by the 'Euroteam Vienna Group' for training purposes and, more particularly, the corrective measures taken by the Federal Ministry for Labour, Health and Social Affairs.

This letter has remained unanswered. According to the information available, the Vienna public prosector's department is still investigating the activities of the 'Euroteam Vienna Group' while the national audit office ('Rechnungshof') is carrying out an inspection ('Gebarungsüberprüfung') involving local enquiries ('Vorortsprüfung'). A draft report will not be submitted until early next year.

(2000/C 170 E/158) **WRITTEN QUESTION P-1951/99**

by Helle Thorning-Schmidt (PSE) to the Commission

(19 October 1999)

Subject: Equality between registered partnerships and marriage in connection with employment regulations

In connection with the Staff Regulations, when does the Commission intend to bring in equality between registered partnerships (marriage between two persons of the same sex in accordance with the relevant Member State rules) and marriage between two persons of different sexes so that, as soon as possible, European Community employees living in a registered partnership and their families can enjoy the same rights under the Staff Regulations as married employees?

Answer given by Mr Kinnock on behalf of the Commission

(26 November 1999)

In their current form the staff regulations relating to officials and other servants of the European Communities are specific in linking certain welfare rights and allowances to the status of 'married' persons. Including 'registered partnerships' in such provision would require amendment to the text of various existing provisions of the staff regulations and such changes would have to take the form of a Council Regulation. As the Honourable Member will know, differences exist in the laws of Member States in relation to 'marriage' and 'registered partnerships', whether heterosexual or homosexual, as regulated and recognised in law in some Member States.

In 1997 the Commission adopted various measures that gave some recognition to 'stable relationships' so as to be able to grant heterosexual and homosexual non-married couples (officials or other servants) a number of administrative facilities that are not covered by the staff regulations and are neutral in money terms. In this connection, the 'Williamson' group's report on modernising the staff regulations suggests that the Commission should give thought to the issue of 'registered partnerships' and to their potential recognition. In the light of the contents of that document, and in the context of the current deliberations on reform of relevant parts of the staff regulations, the Commission envisages the possibility of tabling a proposal along the lines indicated by the Honourable Member that would also take account of legislation in the Member States.

(2000/C 170 E/159) **WRITTEN QUESTION E-1956/99**

by Gerhard Hager (NI) to the Commission

(5 November 1999)

Subject: Amendment of European competition law

The Commission plans to amend European competition law so that the current system of investigating prior to authorising mergers will be transformed into one where checks are carried out subsequently. Can the Commission answer the following questions:

At what stage of development are the Commission plans?

How would the above-mentioned reform affect the working methods of the Commission?

How long would the procedure take between the moment when suspicions of an illegal merger first arise and the adoption of a final decision?

Does the Commission proposal provide for claims for damages by persons affected adversely directly or indirectly by the activities of a trust which is subsequently deemed illegal?

Answer given by Mr Monti on behalf of the Commission

(19 November 1999)

On 28 April 1999 the Commission adopted a White Paper concerning changes to the procedural rules applicable to restrictive practices and the abuse of dominant positions [1]. The White Paper does not cover mergers, which still have to be notified and given prior authorisation before being put into effect.

The Commission has received many comments from the Member States and other interested parties, Parliament and the Economic and Social Committee are also looking at its proposals. On the basis of the reactions it receives, the Commission will pursue its efforts with a view to drawing up a proposal for a Council Regulation to replace the existing one, i.e. Regulation No 17, the first Regulation implementing Articles 85 and 86 of the EC Treaty [2]. The new proposal is expected to be adopted by the Commission and sent to the Council in the second half of 2000.

The Commission's work would be radically changed by this reform, in particular by the abolition of the system of notifying restrictive practices. The bureaucracy involved in handling notifications would be eliminated, leaving the Commission free to concentrate on taking action against the most serious infringements of the competition rules.

As for the prohibition system, the length of the procedure varies considerably from one case to the next. The White Paper proposes the introduction of a four-month time-limit, at the end of which the Commission would inform complainants of the action it intended to take on their complaint. The only requirement that can be imposed on the rest of the procedure is that it be completed within a reasonable timeframe. The Community courts ensure that this requirement is met.

Under the system proposed in the White Paper, agreements that restrict competition and fail to meet the conditions laid down in Article 81(3) would be prohibited and rendered void ab initio without the need for a Commission decision. The victims of such restrictive practices would be able to claim damages in the national courts to compensate for the harm they had suffered. The Commission's proposed reform in no way affects the rights of victims to obtain damages.

[1] COM(1999) 101 final.
[2] OJ 13, 21.2.1962.

(2000/C 170 E/160) **WRITTEN QUESTION E-1963/99**

by Gerhard Hager (NI) to the Council

(9 November 1999)

Subject: Impact of the Schengen visa on competition

In recent years, it has become increasingly common among Austrian haulage companies to employ citizens from central and eastern Europe holding a six-month Schengen visa but no work permit as drivers for journeys within Europe for financial reasons. As a result of this common practice, Union citizens have found it increasingly difficult to find employment in this sector.

In view of this, can the Council answer the following questions:

1. Has the above-mentioned problem been discussed within the EU Council of Ministers?

2. Approximately how many people from central and eastern European countries are granted six-month Schengen visas both in Austria in particular and in the EU as a whole?

3. What measures does the Council consider to be appropriate to curtail this practice which is detrimental both to the labour market and to competition in the Union?

4. Has the Council investigated this matter?

5. Does the Council consider that this practice is compatible with EU competition law?

6. If not, what measures does the Council intend to take to curtail this practice?

7. If so, how does the Council justify its position?

Reply

(9 December 1999)

The Council is not aware of the practices mentioned by the Honourable Member.

The Council would draw the Honourable Member's attention to the fact that, for the purposes of the Schengen Convention, a visa for a stay of more than three months is a national visa issued by each Contracting Party in accordance with its own legislation.

(2000/C 170 E/161) **WRITTEN QUESTION P-1971/99**

by Kathalijne Buitenweg (Verts/ALE) to the Commission

(19 October 1999)

Subject: Infringement of Directives 91/0628/EEC and 95/0029/EEC

In June 1998 the Netherlands Association for the Protection of Animals (Nederlandse Vereniging tot Bescherming van Dieren) carried out a detailed investigation into compliance with European Directives 91/0628/EEC [1] and 95/0029/EEC [2] at the Italian border posts at Gorizia, Fernetti and Prosecco. It emerged from this investigation, which is supported by documentary evidence, that the directives were being flagrantly violated and the animals concerned appallingly ill-treated. It is clear from the fact that video recordings of similar incidents were made in the same places in 1994 and 1995 that this was not a one-off occurrence.

1. Does the Commission agree that Directives 91/0628/EEC and 95/0029/EEC are being most inadequately implemented at Italy's border posts?

2. What is the Italian Government doing to put an end to this scandalous state of affairs?

3. Is sufficient use being made of the possibilities offered by the Directives of withdrawing benefits and imposing penalties?

4. What is the ultimate sanction that can be used against the Italian Government if it fails to take appropriate steps to exercise controls over the implementation of the directives?

5. What steps does the Commission, in its capacity as guardian of the Treaties, propose to take?

[1] OJ L 340, 11.12.1991, p. 17.
[2] OJ L 148, 30.6.1995, p. 52.

Answer given by Mr Byrne on behalf of the Commission

(9 November 1999)

1. The Commission is aware of the problems in relation to animal welfare at the frontier posts concerned. Several veterinary inspection missions of the Commission's food and veterinary office (FVO) have been carried out in Gorizia and Prosecco. Following the missions, detailed recommendations were submitted to the Italian authorities and some improvements were noted. Unfortunately the recent complaints indicate that those improvements may not have been permanent.

2. According to the Italian authorities the number of official vets at the posts concerned has been increased and training courses on good animal welfare practices for staff and workers at the posts have been held.

3. The Commission does not consider sufficient use is being made of the possibilities offered by the directives. However, because Council Directive 95/0029/EC of 29 June 1995 amending Directive 91/0628/EEC concerning the protection of animals during transport, does not apply outside the territory of the Community, legal difficulties do exist in enforcing the national legislation transposing these texts where the neglect or mistreatment of the animals occurred before they reach the Italian frontier.

4. If infringement proceedings are brought against a Member State by the Commission, and the Court of justice subsequently finds that the Member State has failed to fulfil an obligation under the EC Treaty, and the Member State concerned fails to comply with the judgement, the Commission may open a second case under Article 228 (2) of the EC Treaty (ex Article 171) and request that a lump sum or penalty be paid by the Member State concerned. If the Court of justice finds that the Member State has not complied with its judgement, it may impose such a payment, the maximum amount of which is not specified in the EC Treaty.

Furthermore, Commission Regulation (EC) 0615/98 of 18 March 1998 laying down specific detailed application rules for the export refund arrangements as regards the welfare of live bovine animals during transport [1] make conditional the granting of the export refund on the satisfactory implementation of the provisions of Directive 91/0628/EEC. Accordingly there is a direct consequence on the financing, by the European agricultural guidance and guarantee fund (EAGGF), of the refunds in cases where substantial breaches of the animal welfare conditions are noted.

5. The Commission is reviewing the matter in the light of a recent FVO report and further evidence supplied by animal welfare groups with a view to possibly opening proceedings under Article 226 (ex Article 169) EC Treaty. The Commission also intends to give further attention to the possibility of conclusion of bilateral agreements with the third countries concerned as a means of overcoming the problems of enforceability mentioned above. The findings of the inspections on the spot carried out by the Commission have to be assessed in respect of the refund granted for bovine animals exported via the border inspection post concerned.

[1] OJ L 82, 19.3.1998.

(2000/C 170 E/162) **WRITTEN QUESTION P-1989/99**

by Norbert Glante (PSE)to the Commission

(28 October 1999)

Subject: Commission measures to prepare a decision on price-fixing for books

In its resolution (B4-0991/98) of 20 November 1998 on common book price-fixing across borders [1], the European Parliament made the following decisions, inter alia:

> 2. Calls on the Commission, before a final decision is taken concerning the procedures outstanding, to establish reliable and comparable indicators and information on the overall situation and the situation in sections of the book markets in individual Member States and language areas of the EU;

4. Calls on the Commission to organise a public hearing, with the participation of representatives of the cross-border book trade, on the issue of price-fixing as well as on a review of the meaning of Article 128(4) of the EC Treaty and on other aspects relating to competition, culture and consumer policy;

5. Calls on the Commission to adapt its Community policy on the book-price agreement to the cultural requirements referred to above, especially in cross-border linguistic areas, and to authorise the continuation of existing systems of fixed book prices, especially in the same linguistic areas;

6. Calls for binding rules to be laid down which will enable not only national systems of fixed book prices but also bilateral agreements on fixed book prices within single linguistic areas to be declared legal and not in breach of the rules on competition.

What steps and measures has the Commission taken to satisfy these demands made by the European Parliament?

(1) OJ C 379, 7.12.1998, p. 391.

Answer given by Mr Monti on behalf of the Commission

(15 November 1999)

As regards paragraph 2 of Parliament's resolution (B4-0991/98) on the book price-fixing arrangement between Germany and Austria, the Commission has carried out over a number of years a wide-ranging investigation into the book sector in the Member States, consulting a variety of sources including publishers and booksellers in Germany and Austria, and has conducted a market analysis, the aim being to adopt a Commission decision on the notification submitted to it by German and Austrian publishers and on the various complaints received. In the course of the investigation, the notifying parties and the complainants in the current proceedings were also able to submit extensive information about the situation on the book market in the Community. The Commission therefore has all the indicators and the reliable information it needs to determine its definitive position in the matter.

As regards paragraph 4, the Commission would remind the Honourable Member that on 16 and 17 September 1998, as the procedural arrangements in force provide (1), it held a hearing of the parties, complainants and other third parties, especially writers' representatives, in order to ensure that the procedural rights of the parties concerned were fully respected.

As regards paragraphs 5 and 6, the Commission would point out that any decision it adopts can be taken only within the legal framework laid down by the EC Treaty, as interpreted by the Community courts. Within that framework, when it comes to examining cross-border book price-fixing systems, the relevant provisions in force are those laid down in Article 81 (formerly Article 85) et seq. of the EC Treaty and the cultural clause in Article 151(4) (formerly Article 128(4)) of the EC Treaty. They permit a thorough case-by-case analysis in which all the relevant factors, including cultural factors, can be taken into account. The decisions that the Commission has already taken in this area and the related case law (2) are illustrative of this approach.

Pursuant to Article 151(4) of the EC Treaty, the Commission is required to take cultural aspects into account in its action under other provisions of the EC Treaty in order, among other things, to respect and promote the wide variety of cultures existing in the Community. When the Commission applies the EC Treaty rules on competition, it therefore considers, in a positive spirit, whether an agreement or a practice has cultural objectives and contains cultural provisions which are actually put into practice and may justify imposing restrictions on competition commensurate with the objectives in mind. These questions are considered with a view to the possible application of Article 81(3) (formerly Article 85(3)) of the EC Treaty, which lays down that the Commission may exempt restrictive agreements or practices the advantages of which outweigh the disadvantages as regards consumers, provided that they simply impose the restrictions indispensable to the attainment of their objectives and do not eliminate competition in respect of a substantial part of the products in question. The Commission also takes account of any alterations which the parties may make to such agreements or practices. Cultural benefits may constitute advantages for consumers under this rule. Lastly, under Article 151(4) of the EC Treaty, a cross-border

book price-fixing agreement cannot be exempted unless the agreement or practice in question satisfies all the conditions laid down in Article 81(3) of the EC Treaty, and this presupposes, among other things, that the cultural benefits adduced are clearly shown to exist.

(1) Cf. Article 1 of Council Regulation No 17 of 6 February 1962 — First Regulation implementing Articles 85 and 86 of the Treaty (OJ 13, 21.2.1962), as last amended by Regulation (EC) No 1216/1999 (OJ L 148, 15.6.1999) and Commission Regulation No 1999/0063/EEC of 25 July 1963 on the hearings provided for in Article 19(1) and (2) of Council Regulation No 17 (OJ L 127, 20.8.1963); Regulation No 1999/0063/EEC has since been repealed and replaced by Commission Regulation (EC) 2842/98 of 22 December 1998 on the hearing of parties in certain proceedings under Articles 85 and 86 of the EC Treaty (OJ L 354, 30.12.1998).

(2) Cf. the Commission's decisions of 25 November 1981 in VBBB and VBVB (OJ L 54, 25.2.1982) and of 12 December 1988 in Publishers Association — Net Book Agreements (OJ L 22, 26.1.1989) and the judgments of the Court of Justice of 17 January 1984 in Joined Cases 43 and 63/82 VBVB and VBBB v Commission [1984] ECR 17, of the Court of First Instance of 9 July 1992 in Case T-66/89 Publishers Association v Commission [1992] ECR II-1995 and of the Court of Justice of 17 January 1995 in Case C-360/92 P Publishers Association v Commission [1995] ECR I-23.

(2000/C 170 E/163) **WRITTEN QUESTION E-1995/99**

by Paul Rübig (PPE-DE) to the Commission

(9 November 1999)

Subject: Guidelines on vertical restraints

At the hearing in the EP's Committee on Economic and Monetary Affairs the new Commissioner for competition emphasised the importance of transparency and clarity for the acceptance of EU legislation by the citizen.

The draft guidelines on vertical restraints contain 225 individual points and highlight examples which cannot always be generalised.On the other hand,the extensive discussion of the relevant market still fails to include a clarification which would prevent producers in the smaller Member States from being disadvantaged.

How does the Commission plan to create the greatest possible transparency in this area and to devise solutions which avoid the feared disadvantages?

Answer given by Mr Monti on behalf of the Commission

(29 November 1999)

The Honourable Member refers to the draft guidelines on vertical restraints that the Commission published, together with a draft block exemption regulation, on 24 September 1999 (1).

The Commission considers that the new proposed policy will considerably simplify the rules applicable to vertical restraints and reduce the regulatory burden, as it will enable companies which lack market power (and most companies lack market power) to benefit from a safe harbour within which it will be no longer necessary for them to assess the validity of their agreements under the Community competition rules. In accordance with this new approach, the proposed block exemption regulation covers up to a market share threshold set at 30 % all vertical restraints concerning both intermediate and final goods, as well as services, except for a limited number of hardcore restraints and conditions. This removes certain major shortcomings in the three existing block exemption regulations concerning exclusive distribution, exclusive purchasing and franchising agreements, which have been widely criticised in recent years for being too narrow in scope, over formalistic in their approach and for imposing on industry a strait-jacket incompatible with the evolution of production and distribution methods. The simplification brought about by the new proposed policy will in particular benefit small and medium-sized enterprises (SMEs), which will be largely covered by the new regulation.

While companies with market shares above the 30 % threshold will not benefit from the safe harbour, it must be stressed that, pursuant to the new policy, their vertical agreements will not be presumed illegal but may require an individual examination under Article 81 (ex-Article 85) EC Treaty. The accompanying guidelines are designed to assist undertakings in carrying out such an examination and thus to increase the effectiveness of the competition rules.

In drafting these guidelines, the Commission has tried to give a detailed and comprehensive overview of a technically complex matter. In particular, this text contains a chapter dealing with market definition issues, which is based on the general criteria provided in the Commission's notice on market definition of 1997 and which is designed to offer companies more specific guidance on problems that arise in the context of vertical restraints.

The guidelines have been published in the Official journal as a draft in order to give all interested parties the opportunity to present their comments, which will enable the Commission to introduce, where appropriate, possible improvements and clarifications.

As to the issue of market definition, it should be recalled that the relevant anti-trust market does not necessarily coincide with a Member State's territory and can be assessed only on a case-by-case basis. The possible negative and positive effects of vertical agreements have to be assessed on the relevant market in question. Far from entailing a disadvantage for producers in smaller markets, the Community competition policy aims at protecting competition and consumers' interests no matter how wide or small the relevant market in geographic terms.

(1) OJ C 270, 24.9.1999.

(2000/C 170 E/164) **WRITTEN QUESTION E-2013/99**

by Antonio Tajani (PPE-DE) and Enrico Ferri (PPE-DE) to the Commission

(9 November 1999)

Subject: Breach of the rules on competition and on the freedom to supply services by Italian legislation on public and private health care

It has come to our notice that certain associations representing private Italian healthcare institutions (Snubalp, FIOSP, URSAP) have lodged an appeal with the Commission asking it to determine whether Community rules on competition and on the freedom to supply services have been breached by Italian legislation on public and private health care, in the following areas:

— conflict of interest and abuse of dominant market position by the ASL (local health authorities), which combine market-regulation functions with the provision/supply and purchase/payment of services (legislative decrees No 419 of 30 November 1998 and No 229 of 19 June 1999);

— segmentation of the healthcare market and discrimination against non-Italian healthcare providers. Charges are set in an authoritative manner (ministerial decree 22.7.1996) and so low that it is effectively impossible for service providers from other EU Member States to enter the market and obtain reasonable profit margins. It is well known aware that healthcare services are not excluded from the regulations on the freedom to provide services.

The interpretation provided by the above associations is also endorsed by the Italian Competition and Market Authority, which issued two opinions to that effect respectively on 25 June 1998 and 20 May 1999.

In the light of the above, can the Commission say whether the appeal is being followed up appropriately, which departments and officials are dealing with the case and what stage has been reached in proceedings?

Answer given by Mr Monti on behalf of the Commission

(23 November 1999)

It is true that certain associations representing private Italian healthcare institutions lodged a complaint with the Commission in January 1999. The complaint concerned an alleged breach of the rules on competition and the freedom to supply services by Italian legislation on public and private health care.

The previous Commissioner responsible for competition policy replied by letter dated 6 April 1999 to a letter from Mr Ferri and confirmed that the Commission would do its best to investigate the case and reach a conclusion as soon as possible on whether or not there had been a breach.

Since the complaint alleges a breach of several provisions of Community law, various Commission departments are having to cooperate on the case. Those with particular responsibility are the Directorates-General for Competition and the Internal Market.

These departments have already begun their initial analysis of the complaint on the basis of the information provided by the associations which lodged it. Talks were organised between Commission representatives and the complainants' lawyer. The Competition Directorate-General has also contacted the Italian Competition Authority to obtain additional information. The Italian Government will also be asked to submit any comments it may have on the complaint.

Thus, the requisite attention has been and continues to be given to this complaint. Since the investigation has not yet been completed and neither the associations which brought the complaint nor the Italian Government have been informed of the initial findings, it would not be appropriate for the Commission to give its view here on whether or not the Italian legislation concerned is compatible with Community law. The Commission will not fail to inform the Honourable Members of its final conclusions.

(2000/C 170 E/165) **WRITTEN QUESTION E-2015/99**

by Helena Torres Marques (PSE) to the Commission

(9 November 1999)

Subject: Organigramme of the new Commission's services

I should like a copy of the organigramme of the new Commission's services, and specifically, details of the names, nationalities and gender of the heads of Directorates-General, Directorates, Services and autonomous Units.

Answer given by Mr Kinnock on behalf of the Commission

(1 December 1999)

A list of officials in management posts on the Commission organisation chart, showing their grade, sex and nationality, will be sent directly to the Honourable Member and to the Secretariat-General of Parliament.

The electronic version of the organisation chart for the new Commission can be consulted on the Internet.

(2000/C 170 E/166) **WRITTEN QUESTION P-2018/99**

by Jeffrey Titford (EDD) to the Commission

(29 October 1999)

Subject: Powers delegated to the nation states of the European Union

I am aware of course of innumerable ways in which the European Union (formerly the European Community, formerly the European Economic Community and before that the Common Market) has removed powers from the nation-states of the Union in almost all aspects of their internal and external affairs.

Please may I have a complete list of those powers which the European Union or any of its predecessor bodies have ever specified shall remain with the nation-states and shall not be transferred at any time to the European Union.

Answer given by Mr Prodi on behalf of the Commission

(26 November 1999)

The only powers the Community has are those conferred on it by the Member States in the Treaties.

(2000/C 170 E/167) **WRITTEN QUESTION E-2024/99**

by Glyn Ford (PSE) to the Commission

(3 November 1999)

Subject: Small farmers and preservation of the countryside

Does the Commission recognise the role of small farmers in helping to preserve the countryside as a resource both for the local community and for tourism?

Does the Commission not feel that the rural environment protection scheme and other rural development schemes should be widened and enlarged to ensure that adequate financial recognition is given to small farmers for this role?

Answer given by Mr Fischler on behalf of the Commission

(24 November 1999)

The Commission recognises the important role of small farmers in the management of the countryside, in the conservation of bio-diversity and the protection of the environment.

Council Regulation (EC) 1259/1999 of 17 May 1999, establishing common rules for direct support schemes under the common agricultural policy [1], allows the Member States to modulate the direct payments granted to farmers according to certain objective criteria. The Member States can use money made available from reduced payments for certain additional measures in the framework of rural development support provided under Council Regulation (EC) No 1257/ of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [2]. This Regulation presents an integrated approach to rural development, where the recognition of the multi-functional role of agriculture, and implicitly of small farmers, is a key element. It provides a series of measures which may be adopted by Member States according to their specific needs. Since Member States may lay down further or more restrictive conditions for granting Community support for rural development, some of these measures can be used specifically to support small farmers. Agri-tourism is one of the possible actions that can be adopted by Member States in their rural development programmes to promote rural restructuring and diversify the economy.

(1) OJ L 160, 26.6.1999.
(2) OJ L 160, 26.6.1999.

(2000/C 170 E/168) **WRITTEN QUESTION E-2026/99**

by Caroline Jackson (PPE-DE) to the Commission

(3 November 1999)

Subject: Organophosphate sheep dips

Can the Commission say whether the EU is helping finance any research projects into the effects on human health of the handling of organophosphate sheep dips, and whether it has any plans either to ban such dips, or to reinforce the safety measures that must be employed when they are being used?

Answer given by Mr Byrne on behalf of the Commission

(20 December 1999)

The Commission can confirm that the Community is not directly funding any research projects into the effects on human health of the handling of organophosphate sheep dips. In addition, there are no Community plans to ban such dips or to lay down safety measures that must be employed in addition to those already provided by the manufacturers and by individual Member State national legislation.

There is no current project in agriculture research within the agro-industrial research (AIR) and fisheries, agriculture and agro-industrial research (FAIR) programmes on this matter.

However, a research proposal on this theme could be submitted to key action 5 of the specific programme 'Quality of life and management of living resources' of the 5th framework programme for research and technological development (RTD). One of the priorities of the above key action is 'Health and welfare of animals used in farm livestock production'. Research activities on improved methods for evaluating the impact of veterinary products on public and animal health could be addressed to this key action.

(2000/C 170 E/169) **WRITTEN QUESTION E-2029/99**

by Béatrice Patrie (PSE) to the Commission

(3 November 1999)

Subject: Community subsidies for school milk

The press and various associations are currently drawing attention to the present and planned further reductions in Community subsidies for school milk following a decision by the Commission.

Child nutrition experts and specialists argue that milk is essential for children's growth and that school milk schemes make it possible to reach sections of the population which, even today, do not have a sufficiently rich or balanced diet.

The Commission's plans, which are worrying both from a farming point of view and with regard to public health, raise a number of questions:

1. The Agriculture Council of 14 and 15 June 1999 took the view that the consumption of milk should be encouraged because of its high nutritional value, particularly for children and young people.

   Why, then, has the Commission gone against the general opinion of the Member States and taken a decision that could jeopardise school milk schemes?

2. Just as the Treaty of Amsterdam has elevated public health policy to the rank of a horizontal Community policy, how can the Commission, in the name of narrow budgetary considerations, risk endangering the health of European children who benefit from the nourishment that school milk provides?

3. From a financial perspective, how can the consumption of milk be encouraged in a cost-effective way, taking account of the overall availability of budgetary resources? Could the subsidies concerned conceivably be transferred from the CAP budget to the health budget so that school milk schemes may continue with due regard for the budgetary constraints?

(2000/C 170 E/170) **WRITTEN QUESTION E-2054/99**

by Gérard Caudron (PSE) to the Commission

(3 November 1999)

Subject: Abolition of European aid payments for the distribution of milk in schools

Reports are widespread of the Commission decision reducing, then abolishing, Community subsidies for the distribution of milk in schools.

According to child nutrition specialists milk is an essential food for child development. The distribution of milk in schools is, moreover, still useful today in reaching certain sectors of the population who do not enjoy a balanced diet.

This plan is disturbing in terms of both agriculture and public health.

As the Agriculture Council on 14 and 15 June 1999 took the view that milk consumption should be encouraged because of its nutritional value, in particular for children and young people, why is the Commission taking a decision that runs counter to the Council's opinion?

At a time when public health has just been given the status of a horizontal Community policy under the Treaty of Amsterdam, how can the Commission risk endangering the health of European children who benefit from this nutritional supplement in schools?

Can the Commission therefore deny the information that has been published and reassure the citizens of Europe?

Joint answer
to Written Questions E-2029/99 and E-2054/99
given by Mr Fischler on behalf of the Commission

(9 December 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2000/C 170 E/171) **WRITTEN QUESTION E-2036/99**

by Glyn Ford (PSE) to the Commission

(3 November 1999)

Subject: Knorr Bremse and European funding

Knorr Bremse has announced several hundred redundancies in Kingswood, Bristol (UK), in order to transfer work to its factories in France, Italy or Germany and Hungary.

Can the Commission say whether any financial assistance of any kind has been asked for by this company or given to this company for job creation in France, Italy or Germany or through TACIS and PHARE programmes in Hungary?

Answer given by Mr Barnier on behalf of the Commission

(26 November 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2000/C 170 E/172) **WRITTEN QUESTION E-2051/99**

by Camilo Nogueira Román (Verts/ALE) to the Commission

(3 November 1999)

Subject: Activities of the Astano shipyards, in Galicia

In its reply to a question which I tabled (E-1432/99 ([1])) about the repercussions of the Spanish Government's privatisation plans on the prohibition on shipbuilding activities applying to the Astano shipyards, the Commission stated that 'any change of ownership of Astano would have no effect on the limitations placed on its activities'.

Will the Commission explain the legal and political justification for such a statement, given that the reason for the prohibition was that the publicly-owned Spanish shipyards continued to benefit from State aids?

(1) OJ C 27 E, 29.1.2000, p. 66.

Answer given by Mr Monti on behalf of the Commission

(30 November 1999)

The Commission has, in its reply given to the Honourable Member's Written Question E-1432/99 (1), to which the Honourable Member refers, explained the conditions attached to restucturing aid for the publicly-owned shipyards in Spain. However it may be helpful if the Commission tries further to clarify the basis for the current restrictions on Astano's activities.

In the preamble to Council Regulation (EC) 1013/97 of 2 June 1997 on aid to certain shipyards under restructuring (2), allowing a derogation from the state aid rules laid down in Council Directive 90/0684/EEC of 21 December 1990 on aid to shipbuilding (3) to enable a further and final restructuring of the publicly-owned yards in Spain, it is clearly stated that proposed capacity reductions under their restructuring plan will be supplemented by the continued non-reopening to shipbuilding of the Astano yard. In the absence of any indications in the Regulation to the contrary, it is evident that this restriction is not limited in time and applies to the yard as such irrespective of its ownership. This is underlined by the fact that the same paragraph of the preamble to the Regulation in contrast refers to the Astander yard 'not carrying out ship conversions as long as it remains in public ownership'. It was only on the basis of these and the other conditions laid down in the Regulation that the Council was able to agree to the derogation.

These conditions were reiterated in the Commission's final decision (4) approving the restructuring aid package, paragraphs 29 and 35 of which refer to the position of Astano.

As was explained in the Commission's reply to the Honourable Member's previous question, the limits on the yards' shipbuilding production capability were a necessary counterpart for the substantial amount of aids approved in order to minimise the possible distortions to intra-Community competition.

(1) OJ C 27 E, 29.1.2000, p. 66.
(2) OJ L 148, 6.6.1997.
(3) OJ L 380, 31.12.1990.
(4) OJ C 354, 21.11.1997.

(2000/C 170 E/173) **WRITTEN QUESTION P-2070/99**

by Concepció Ferrer (PPE-DE) to the Commission

(5 November 1999)

Subject: Situation in the European distribution sector following the merger of Promodes and Carrefour

With reference to the replies furnished by the Commission when it appeared before the European Parliament on 1 September 1999 in order to answer a question from Mr García-Margallo, MEP, on company mergers within the distribution sector, and whereas the Promodes-Carrefour merger will create serious problems in regions such as Haute-Savoie, where the giant company will control 86 % of the market, and Catalonia, where the group created by the merger will operate approximately 70 % of the region's supermarkets, and in view of the Europe-wide scope of such operations (the group runs major supermarket chains throughout the EU), could the Commission say what stage has been reached in the action it is taking with regard to this matter?

Answer given by Mr Monti on behalf of the Commission

(19 November 1999)

In the framework of the Community rules on competition and, in particular, Council Regulation (EC) 1310/97 of 30 June 1997 amending Regulation (EEC) 4064/89 on the control of concentrations between undertakings [1] (Merger Regulation), the Commission examines mergers and acquisitions where certain minimum turnover thresholds are achieved by the companies concerned (concentrations having Community dimension). The parties to such concentrations have to notify the project to the Commission and are as a rule not allowed to implement it before the receipt of a clearance decision. If a concentration threatens competition in a distinct market within a Member State the Commission, according to Article 9 of the Merger Regulation, has the possibility to refer the examination of such a concentration to the Member State, provided it receives a reasoned request for referral from the authorities.

On 5 October 1999, the Commission received a notification of the proposed merger between Carrefour and Promodes. The operation will create the largest European player in the food retail sector. The main effects of the merger will be in countries where the parties' businesses overlap: Spain, France, Italy and Portugal. In order to assess the case, the Commission looks carefully at the regional and local aspects of distribution. At the present stage the operation is under examination and a market investigation has been launched.

If the Commission after its market investigation comes to the conclusion that a concentration would create or strengthen a dominant position impeding effective competition (monopoly or joint dominant position of several undertakings), it will declare the proposed deal incompatible with the common market unless the parties propose to adapt their initial project in order to make it compatible.

So far, the Commission has examined around two dozen cases in the food retail sector in various European economic area (EEA) Member States. In one case, the proposed concentration between Kesko and Tuko (M. 784;1996), both Finnish companies active in the sale of daily consumer goods in Finland, the Commission concluded that the operation would create a monopolistic supply structure in large parts of the Finnish market, with combined market shares of 50 % on a national level. The concentration was therefore declared incompatible with the common market. In another case, Tesco/ABF (M. 914; 1997), concerning the food retail sector in Ireland and Northern Ireland, the Commission cleared the case taking note of undertakings offered by the parties to the Irish government with regard to the supply-side. In the case Rewe/Meinl (M.1221;1998), concerning the Austrian food retail sector, the Commission cleared the concentration subject to stringent conditions, limiting the proposed deal to one third of the target's turnover and to certain regions of Austria. Two other cases, Promodes/Casino (the parties later abandoned the project) (M.991;1997) and Promodes/S21/Gruppo GS (M. 1086;1998) were partially referred to the Member States concerned, and consequently dealt with by the French and Italian competition authorities.

At this preliminary stage of its review of the Carrefour/Promodes merger, the Commission is not in a position to express any view of the possible outcome of its investigations.

[1] OJ L 180, 9.7.1997.

(2000/C 170 E/174) **WRITTEN QUESTION E-2075/99**

by Agnes Schierhuber (PPE-DE) to the Commission

(12 November 1999)

Subject: Liberalisation in the context of the WTO negotiations

The WTO Millennium Round is scheduled to include negotiations on further liberalisation in the agricultural sector. Further liberalisation is appropriate, however, only if it helps to increase the prosperity of farmers and consumers.

1. Has there already been an official evaluation by the WTO and/or the Commission of the impact that the Agreement on Agriculture reached during the GATT Uruguay Round has had on prices and incomes in the EU, the USA and the rest of the world (evaluations up to and including 1999)?

2. How does the Commission evaluate the impacts of the GATT Uruguay Round? I would appreciate an evaluation not only of the two exceptional years 1995 and 1996 but for the whole period from 1995 until 1999. I would similarly appreciate it if the assessment focused predominantly on quantities and price trends in the markets rather than simply on the development of world trade in value terms.

3. Has liberalisation actually produced benefits for the consumer?

4. Have food prices fallen, and to what extent?

5. Has food safety and quality improved as a result of the opening up of markets and the SPS agreement?

6. What view should be taken in this context of the WTO panel that monitors the prohibition of imports of beef produced with the aid of growth hormones?

7. What is the relationship between the expansion of world trade and the general trend in incomes in the EU and other WTO member countries, and how is any rise in incomes distributed among the population?

Answer given by Mr Fischler on behalf of the Commission

(7 December 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2000/C 170 E/175) **WRITTEN QUESTION E-2077/99**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(12 November 1999)

Subject: Implementation in Greece of Directive 89/48

In its judgment of 23 March 1995 (Case C 365/93), the Court of Justice ruled that Greece had failed to implement Community Directive 89/48 [1] 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. Since complaints from members of the public have shown that DIKATSA, the Greek public organisation responsible for the recognition of such diplomas, has failed to comply with the Directive in question, will the Commission say whether Greece is implementing the ruling of the Court of Justice? If not, what measures will the Commission take to bring Greek legislation into line with Community law?

[1] OJ L 19, 24.1.1989, p. 16.

Answer given by Mr Bolkestein on behalf of the Commission

(30 November 1999)

As a result of Greece's failure to comply with the Court of Justice judgment of 23 March 1995, the Commission initiated new infringement proceedings against Greece on 10 December 1997, accompanied by a request for a periodic penalty payment, for its failure to transpose Council Directive 89/0048/EEC of 21 December 1988 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. The hearing at the Court of Justice took place on 20 October 1999.

(2000/C 170 E/176) **WRITTEN QUESTION P-2088/99**

by Maurizio Turco (TDI) to the Council

(8 November 1999)

Subject: Right of asylum for EU nationals in other Member States or in third countries

Following the entry into force of the Amsterdam Treaty, asylum policy was incorporated into the EC Treaty under Title IV ('Visas, asylum, immigration and other policies related to the free movement of persons').

The Protocol on asylum for nationals of Member States of the European Union which has been attached to the EC Treaty states that the Council shall be immediately informed if a Member State should decide to grant asylum to a citizen of another EU Member State, thus confirming the central role played by the Council in the exchange of information on asylum and immigration matters between the Member States.

As a result of the above developments, EU citizens may, as a general rule, be granted asylum by third countries, but not by EU Member States, which means that the Geneva Convention of 28 July 1951 and the New York Protocol of 31 January 1967 relating to the status of refugees no longer fully apply.

Have there been cases in which citizens from one EU Member State have been granted asylum by another Member State or a non-Community country, either before or after the entry into force of the EU Treaty and the Protocol on asylum? If so, on what grounds?

Would the Council not agree that a study should be conducted as a matter of urgency to identify and remove the causes behind applications for asylum being made to third countries, with a view to offsetting the restrictions placed on the right of European citizens to seek asylum in another Member State?

Reply

(17 December 1999)

Over the six months since the entry into force of the Treaty of Amsterdam the Council has received no notification under the Protocol on asylum of any application for asylum having been made by a national of a Member State in another Member State.

The Council does not dispose of information relating to applications for asylum made by nationals of the Member States in third countries.

(2000/C 170 E/177) **WRITTEN QUESTION E-2126/99**

by Nelly Maes (Verts/ALE) and Bart Staes (Verts/ALE) to the Commission

(24 November 1999)

Subject: Financial aid to the European oil industry

There is considerable movement in the oil sector: large companies are merging, OPEC meetings can lead to a rise in the price of crude oil and there are regular press reports of new oil fields. The crisis atmosphere of 1973 seems definitely to be a thing of the past.

In the last two decades the Commission's energy policy has been increasingly concentrated on three aspects:

(a) adequate energy supplies;

(b) environmental friendliness, and

(c) consolidating a competitive position.

1. Following the 1973 oil crisis did the Commission draw up financial support measures for the European oil industry?

2. If not, has the Commission given the sector support in any other form? What initiatives were involved?

3. If the Commission did draw up support measures, what financial aid has been given to the European oil industry since 1973 (broken down by programmes and companies)?

4. What are the Commission's reasons for such financial aid to the European oil industry?

5. Does the Commission believe that financial aid to the oil industry is compatible with measures to prevent CO_2 emissions?

Answer given by Mrs de Palacio on behalf of the Commission

(20 December 1999)

Financial assistance programmes for the hydrocarbons sector were initially established in response to the 'oil price shock' in 1973 when the disadvantages of the Community dependence on the Middle East for 90 % its oil supply became apparent. The initial aim was to provide a financial tool to assist in the rapid development of new innovative technologies which would ensure that the North Sea could be economically developed as an oil province. The financial support provided was repayable in the event of subsequent commercial exploitation and approximately 30 % of the assistance was eventually repaid.

Since commencement in 1975 some € 750 million of financial assistance, has been granted to the hydrocarbons sector on almost 1 000 individual projects for the research, development, demonstration, and dissemination of innovative technology. The most recent relevant publication 'Thermie — Hydrocarbons, sectoral report 1995-1997' contains full details of both the Thermie programme and its predecessors is forwarded directly to the Honourable Members as well as to Parliament's Secretariat. This explains the background to the series of financial assistance programmes under which this aid has been given and provides a comprehensive description of the aims and objectives of the programme and some examples of individual projects.

These projects in the hydrocarbons sector represent a broad spread of activities, all of which aim to achieve the same broad global goal; the safe, clean, efficient and affordable exploration, production, transport and storage of hydrocarbons. Originally directed primarily towards cost reductions in order to promote indigenous production and hence security of supply for the Community, the goals have broadened, particularly since the 1990s and the general fall in oil prices, to include the promotion of greater competitivity, greater environmental protection and increased employment.

A significant part of the assistance goes directly to the oil related supply and services sector which includes a large number of small and medium enterprises and employs in the Community between 350 000 and 500 000 people.

As Europe will continue to rely heavily upon hydrocarbon fuels for energy supply in the foreseeable future the Commission does not believe that such a strategy is inconsistent with its approach to the problems of Carbon dioxide (CO_2) and climate change. Indeed the most recent call for expressions of interest in June 1999 emphasised the environmental protection aspects in particular, including for example specific reference to CO_2 recovery and re-injection possibilities. The development of a strong Community based industry augurs well for both the Community and further afield as technology transfer, industrial co-operation and international partnerships are actively encouraged and the use of Community best environmental practices in the upstream sector becomes more widespread.

(2000/C 170 E/178) **WRITTEN QUESTION E-2137/99**

by Bart Staes (Verts/ALE) to the Commission

(24 November 1999)

Subject: Ban on BADGE and BFDGE used as paints for tins

The Belgian federation has recently withdrawn from sale tins of sardines and tuna because of the possibly harmful effect of the chemical paint used for coating the tins.

Analyses conducted by the consumer organisation Test-Aankoop show that 50-65 % of the food in the tins investigated had been polluted with the chemical substances BADGE (biphenol-A-dyglycidylether) and BFDGE (biphenol-F-dyglycidylether).

BADGE is used as the innermost coating in tins. BFDGE is related to BADGE but may not be used on substances which come into contract with food. Nevertheless, Test-Aankoop found traces of BFDGE in 65 % of the tins analysed.

Given that imports of tins of sardines and tuna are not confined to the Belgian federation:

1. Is the Commission aware of similar BADGE and/or BFDGE problems in the other Member States of the European Union? If so, what action has been taken to remove contaminated food from shops? If not, will the Commission request Member States to carry out careful checks on the presence of BADGE and/or BFDGE in tinned food?

2. Is the Commission drafting a directive banning BADGE and BFDGE as innermost coating for tins? If so, what is the main thrust of this directive? If not, is the Commission prepared to issue a ban on the use of BADGE and BFDGE as coating layers for tins containing food, in the light of the carcinogenic effect of the two substances?

Answer given by Mr Liikanen on behalf of the Commission

(2 December 1999)

The Commission is conducting a detailed investigation of the problem raised by the Honourable Member and will inform him of the outcome as soon as possible.

(2000/C 170 E/179) **WRITTEN QUESTION E-2148/99**

by Glenys Kinnock (PSE) to the Commission

(24 November 1999)

Subject: Scientific Committee for Food

What is the process by which annual declarations of interest of past and current members of the Scientific Committee for Food are sought, submitted and published?

Answer given by Mr Byrne on behalf of the Commission

(16 December 1999)

The independence of every member of a scientific committee is one of the three fundamental principles on which the work of the new scientific committees is based, namely: scientific excellence, independence of the members and transparency of the work undertaken.

Article 6(1) of the Commission Decision 97/0579/EC of 23 July 1997 setting up scientific committees in the field of consumer health and food safety [1] stipulates that the members of the committees 'shall act independently of all external influence'. In order to ensure such independence, members are obliged to make three separate declarations of all their interests that could be considered prejudicial to their independence: a declaration of interest as part of the original expression of interest (application) to become a member of a scientific committee; an annual declaration of interest, and a declaration of any particular interest which could be regarded as prejudicial to the expert's independence in respect of an item on the agenda of a meeting of his or her committee.

The question of the Honourable Member concerns the annual declarations of interest of past and current members of the scientific committee on food.

Article 6 paragraph 2 of the above mentioned Decision stipulates that each member of a scientific committee is required to inform 'each year the Commission of all the interests which could be considered prejudicial to their independence'. This general rule applies to all nine scientific committees. Nevertheless, each committee has adopted its own rules of procedure. The rules of procedure of the scientific committee on food, adopted on 17 September 1998, stipulate that: 'Each year, the members shall inform the Commission in writing of any interest which could be regarded as prejudicial to their independence. Interest may be of a direct or indirect financial nature or in some cases concern ethical matters'.

It has to be emphasised that the scientific committees adopt their internal rules of procedure with complete independence.

The members of the scientific committee on food submitted their declarations for the first time after the adoption of the rules of procedure and for the second time in April 1999.

The annual statements are not automatically accessible to the public. As they contain personal information, the declarations can only be provided to third parties if the member has given his or her express agreement. The rules of procedure contain, as an annex, a form entitled 'annual statement of members' interests'. The form provides for the agreement of the member to allow the declaration to be made publicly available. On the occasion of the last annual statement, most of the members agreed that their declarations could be accessible to the public. In these cases, the Commission can inform third parties on request.

Regarding past members, no particular obligations concerning this matter are in force.

[1] OJ L 237, 28.8.1997.

(2000/C 170 E/180)

WRITTEN QUESTION E-2155/99

by Roberta Angelilli (NI) to the Commission

(24 November 1999)

Subject: Savoia family exile

Since 1946 the Savoia family, who until then had reigned over Italy, have been living in exile. This exile seems absurd, unjustified and, furthermore, in breach of international human rights conventions.

In the context of a united Europe with a sound democracy based on solidarity and citizens' rights, would the Commission state:

1. whether there are any European directives stipulating that European citizens who have not committed any crimes are entitled to move freely within the EU;

2. whether it does not consider that the case might be referred to the European Court of Justice;

3. its general views on the matter.

Answer given by Mr Vitorino on behalf of the Commission

(30 November 1999)

The Commission would refer the Honourable Member to its answer to written question No P-2703/97 by Mr Florio [1].

[1] OJ C 60, 25.2.1998.

(2000/C 170 E/181) **WRITTEN QUESTION E-2174/99**

by Salvador Jové Peres (GUE/NGL) to the Commission

(29 November 1999)

Subject: Legislative acts which may affect competition

What would the Commission's opinion be of a situation where a regulation granted a tariff reduction on the raw materials used by only one firm in a certain sector, without clear justification?

Answer given by Mr Monti on behalf of the Commission

(6 December 1999)

It is not Commission policy to answer hypothetical questions.

(2000/C 170 E/182) **WRITTEN QUESTION E-2187/99**

by Christos Folias (PPE-DE) and Ioannis Marínos (PPE-DE) to the Commission

(29 November 1999)

Subject: Treaty of Amsterdam and sport

Although the social significance of sport was recognised, it was effectively effectively left outside the scope of the Treaty. Declaration No 29 annexed to the Final Act of the Amsterdam Treaty does not allow the Community to take any action in the field of sport.

In the light of the social dimension of sport — both professional and amateur — particularly in forging identity, bringing people together and promoting the Olympic ideals, and of its economic dimension in the creation of new jobs.

Will the Commission say:

1. whether it considers that the Community should take action to encourage cooperation between Member States or cooperation with third countries, and to complement the Member States' measures, as is the case with cultural affairs, for example? Is it aware of any practical results that have come out of the above declaration to date?

2. If so, will it take the opportunity of the forthcoming Intergovernmental Conference to propose that sport be incorporated into the new Treaty with the introduction of a relevant chapter?

3. Does it have the necessary structure available to implement a possible Community sports policy?

Answer given by Mrs Reding on behalf of the Commission

(20 December 1999)

Following the Amsterdam Declaration on sport, the Commission initiated a process of reflection on the development of and prospects for Community action in the area of sport. This consultation exercise was brought to a conclusion with the organisation of the European Union Conference on Sport in Olympia (Greece) in May 1999. On the basis of the conclusions of this Conference in particular, the Commission adopted a report on sport on 1 December 1999 [1], which was forwarded to the Helsinki European Council. The report proposes strengthening the social and educational dimensions of sport at all levels, primarily in sporting organisations, but also in national and European bodies. This consolidation also involves establishing a stable legal environment for sport that takes account of both the economic dimension of sport and certain characteristics of sporting activities that give them their particularity.

In the document that it submitted for the Intergovernmental Conference, the Commission considered that, as things stand, the time has not yet come to raise the question of including sport in the EC Treaty.

The Commission has a 'Sport' unit in the Directorate-General for Education and Culture. This unit could be expanded depending on developments concerning Community action in the area of sport.

[1] COM(1999) 644 final.

(2000/C 170 E/183) **WRITTEN QUESTION P-2191/99**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(19 November 1999)

Subject: Drinking on planes

In some EU Member States there have been a number of cases of in-flight disturbances being caused by people who have been drinking heavily. Such incidents can actually jeopardise flight safety.

Is the Commission aware of this situation?

Does it intend to take any action on the issue of alcohol consumption on commercial flights?

Answer given by Ms de Palacio on behalf of the Commission

(1 December 1999)

The Commission is aware of the safety problems caused by the excessive consumption of alcohol on aeroplanes.

The Commission, in collaboration with the national authorities and the parties concerned, is considering what measures could be taken to deal with this relatively recent development.

Possible measures include, first and foremost, increasing the number of flight attendants and giving them special training. It is they, under the authority of the pilot-in-command, who are responsible for safety in the cabin. It is therefore important that they be properly trained to deal with aggressive behaviour.

Recommendations could also be made to the carriers regarding the amount of alcohol distributed on board, especially during long haul flights.

The Commission will address the problem and present possible solutions in a communication on passenger protection which it plans to adopt after extensive consultation of the parties concerned.

(2000/C 170 E/184) **WRITTEN QUESTION E-2207/99**

by Antonio Tajani (PPE-DE) to the Commission

(29 November 1999)

Subject: Demolition of the former Pacini Theatre by the Fucecchio municipal authorities (Florence)

In 1997 the council of the municipality of Fucecchio (Florence), adopted Decisions Nos 42 and 78 in which it approved a bypass around the historic centre of Fucecchio which would entail the demolition of the former Pacini Theatre, built in 1 700. The theatre would be replaced by a new, larger, reinforced-concrete building and a 400-square-metre section of the public square would be sold to the real-estate company 'Cabel'. The above decisions, which involve changes to the urban development plan, are contrary to Law No 1089 of 1 June 1939 in which Article 1 of the general provisions on the protection of items of artistic and historical interest stipulates that a public square is inalienable by virtue of Article 23, in that it is property of which a public authority may not dispose. The resolutions which the Fucecchio authorities intend to adopt will be extremely detrimental to the Fucecchio community and run counter to the general provisions on the protection of the artistic and cultural heritage, at both national and European levels.

Would the Commission be willing to urge the relevant Italian authorities to ensure that the European cultural heritage is preserved and protected according to the provisions of Article 128 of the Treaty, which stipulates, inter alia, that Community action in the cultural domain should seek to promote the cultures of the Member States whilst at the same time bringing the common cultural heritage to the fore?

Answer given by Mrs Reding on behalf of the Commission

(20 December 1999)

The EC Treaty — and in particular Article 151 thereof (formerly Article 128) — gives the Community competence in the area of culture. According to Article 151, Community action is aimed exclusively — in full compliance with the principle of subsidiarity — at contributing to cooperation between Member States; contributing to the flowering of the cultures of the Member States, while respecting their national and regional diversity; and fostering cooperation with third countries and the competent international organisations in the sphere of culture.

Consequently, the Commission cannot intervene in a matter which, in this case, is solely the responsibility of Italy.

(2000/C 170 E/185) **WRITTEN QUESTION P-2220/99**

by Theresa Villiers (PPE-DE) to the Commission

(19 November 1999)

Subject: Tax discussions

1. What meetings have been held in the last month to discuss elements of what is known as the Monti tax package, and what meetings are scheduled for the same purpose in the next two months?

2. Specifically, what tax matters have been discussed at the meetings held during the last month, and what matters are due to be discussed at upcoming meetings?

3. In the interests of transparency, will the Commission provide Parliament with summary reports of these meetings and with any documents on which discussions have been based?

Answer given by Mr Bolkestein on behalf of the Commission

(3 December 1999)

1. and 2. The following is a list of the meetings with Member States which have taken place since 1 October 1999. The tax package is due to be discussed at the European Council in Helsinki on 10 and

11 December 1999. Apart from that, there is no information at present on what, if any, further meetings will take place in the next two months on the subject of the tax package.

The code of conduct group met on 14 and 15 October 1999 and on 27 October 1999 when a few outstanding issues and a first draft of the group's final report were discussed. Revised drafts were prepared, considered and further developed at meetings on 3 and 4 November 1999 and 12 November 1999 and the report of the group was presented to the Ecofin Council meeting on 29 November 1999.

On the proposal for a directive on the taxation of savings income there was a Council working group technical meeting on 6 October 1999 on certificate procedure and elimination of double taxation.

At the Ecofin Council on 8 October 1999 reports were presented on the promotion of the principles of the proposed directive in the dependent and associated territories of Member States. At a Council working group high level meeting on 19 October 1999 there was a general discussion on a possible redrafting of the savings directive. There was a Council ad hoc meeting at political level on 28 October 1999 on outstanding issues of the tax package. The Ecofin Council on 8 November 1999 examined the tax package as a whole. A meeting organised by the Presidency with market operators took place on 18 November 1999, there was a Council working group meeting on 22 November 1999, and the proposal was discussed at the Ecofin Council on 29 November 1999.

On the proposal for a directive on interest and royalty payments a Council working group meeting took place on 26 October 1999 on all issues outstanding. A further Council working group meeting on outstanding issues took place in the afternoon of 17 November 1999. The proposal was discussed along with the other two elements of the tax package at the Ecofin Council on 29 November 1999.

3. As all the meetings listed above are Council meetings, the official reports of these meetings and all working documents discussed at the meetings are the responsibility of the Council. The Commission does not, therefore, have the authority to supply these documents to the Parliament. However, the Commissioner responsible for the internal market has undertaken to be available to the relevant parliamentary committees to discuss and explain in person the position of the Commission on policy issues, and he discussed the tax package with the Economic and monetary committee on 25 November 1999.

(2000/C 170 E/186) **WRITTEN QUESTION E-2231/99**

by Christopher Huhne (ELDR) to the Commission

(1 December 1999)

Subject: Estimate of the black economy

Please give estimates or a range of estimates of the size of the 'black' economy for each of the Member States and briefly describe the methodological basis of calculation.

Answer given by Mr Solbes Mira on behalf of the Commission

(21 December 1999)

The concept of the 'black', hidden or underground economy is not well defined. The Commission is not directly engaged in measuring it and has no estimates of its size.

A large number of transactions and activities are in fact not recorded by administrative processes or by statistical enquiries for a wide range of reasons (including fraud, but also absence, exemptions, size thresholds). These transactions or activities are not necessarily in any sense hidden.

To ensure exhaustiveness of the data on gross national product (GNP) and other national accounts aggregates used for Community purposes (especially in determining Member States contributions to the Community budget), the Commission has worked intensively with the statistical services of the Member States for the last ten years to ensure that all activity that should be included in GNP is in fact included, regardless of whether or how it is declared to the authorities. A description of this work can be found in the report from the Commission to the Council and the Parliament — the application of the Council Directive on the compilation of gross national product at market prices [1].

In the context of the European employment strategy, the Commission has issued a communication on undeclared work [2] addressing policy options in this area. In this communication, undeclared work is defined as any paid activities that are lawful as regards their nature but not declared to the public authorities, bearing in mind that differences in the regulatory systems of Member States must be taken into account.

[1] COM(96) 124 final.
[2] COM(98) 219 final.

(2000/C 170 E/187) **WRITTEN QUESTION E-2244/99**

by Christopher Huhne (ELDR) to the Commission

(1 December 1999)

Subject: Employees of the central banks of the Member States

Please state the number of qualified economists (possessing a higher degree in economics at an institution of higher education) practising as economists in each of the national central banks and in the ECB.

Answer given by Mr Solbes Mira on behalf of the Commission

(20 December 1999)

The matter in question does not come within its jurisdiction of the Commission (which is unfortunately unable to supply the information requested).

(2000/C 170 E/188) **WRITTEN QUESTION P-2246/99**

by Chris Davies (ELDR) to the Commission

(19 November 1999)

Subject: Organo-phosphate pesticides

What action is the Commission taking to identify and reduce the long-term effects upon human health of organo-phosphate pesticides in all their different forms?

Answer given by Mr Byrne on behalf of the Commission

(20 December 1999)

Council Directive 91/0414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [1] provides for a review programme for all the active substances which were on the market in 1993. The first phase of the review programme of existing active substances is undertaken for a list of 90 important active substances under Commission Regulation (EEC) 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Council Directive 91/0414/EEC concerning the placing of plant protection products on the market [2]. The review of these active substances continues. It covers several organo-phosphates.

The Commission is preparing the second phase of the review programme. A draft regulation would provide also for the evaluation of a second list of high-concern substances. This list includes all the remaining organo-phosphates not covered by the first list of 90 active substances. It would provide for a withdrawal from the market at the latest in July 2003 of active substances for which no complete dossiers would be submitted by industry. For the active substances which would be defended, speeding up procedures should allow early decisions.

In this way it is expected that for most of the organo-phosphates a final decision on their acceptability will be taken by 2003.

In the 4th framework programme [3], the Community FAIR programme supports a research project aiming to develop rapid immunochemical test methods for a screening control system to monitor toxic organophosphorous pesticides in cereals and cereal based products. This research project, therefore, substantially contributes to risk assessment and to the identification of human exposure to such pesticides related to cereals and cereal based products.

In the 5th framework programme, key action 1 within the quality of life programme is currently negotiating two new projects. The first aims, amongst other goals, to harmonise principles, terminology and methodology for risk assessment. This is to improve the scientific basis of risk assessment with respect to food contaminants such as organophosphorous pesticides including possible interactions between individual chemicals and effects of the food matrix for the protection of the consumer. The second aims to develop new and validated software specifically designed for modelling (by using also organophosphorous pesticide data) food chemical and nutrient intake for different target populations such as infants, adolescents, and adults.

[1] OJ L 230, 19.8.1991.
[2] OJ L 366, 15.12.1992.
[3] OJ L 117, 8.5.1990.

(2000/C 170 E/189) **WRITTEN QUESTION E-2404/99**

by Ilda Figueiredo (GUE/NGL) to the Commission

(16 December 1999)

Subject: Uptake of funds for the RETEX Community Initiative

Under the most recent Community support framework (1993-1999) Portugal was to benefit from the RETEX Community Initiative for diversifying regions heavily dependent on the textile and clothing industry.

Can the Commission answer the following:

— What were the amounts allocated to Portugal and the other Member States and what are the figures for funds actually paid out, broken down by Member State, under the RETEX initiative in 1993-1999?

— What projects were funded in Portugal during this period under RETEX? What was their duration and what funding did they receive?

Answer given by Mr Barnier on behalf of the Commission

(20 December 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2000/C 170 E/190) **WRITTEN QUESTION P-2439/99**

by Ioannis Souladakis (PSE) to the Commission

(13 December 1999)

Subject: Protection of European companies in Kosovo

In reply to my oral question H-0608/99 of 16 November 1999 [1] to the Commission concerning protection of the interests of European Union companies in Kosovo, Commissioner Patten indicated that he had no information concerning pressure being brought to bear or threats being made against European companies in Kosovo. To fill the gaps in his information concerning the subject, I personally gave him a copy of correspondence between the 'Mytilinaios' company and Mr Kouchner and Mr Dixon. I also asked him to investigate the current situation regarding the functioning of telecommunications in Kosovo in order to obtain a full picture.

Effective communications between the European Parliament and the Commission will help to protect the interests of the EU wherever they may be under threat. The sovereign rights of European companies are currently what is at stake in Kosovo. The Greek Telecommunications Organisation (OTE) and the Italian STET International, which have respectively a 20 % and 29 % holding in Srbija Telekom, are suffering losses as a result of non-payment of fees to Srbija Telekom for use of telecommunications services in Kosovo, while, at the same time, the UCK and its covert supporters are insisting on the restoration by the two companies of the damaged network and its subsequent nationalisation by Albania, in violation of international agreements. However the most serious breach of the law occurred recently when a 'special committee' made up of UN representatives and Kosovar Albanians quite illegally transferred mobile telephony rights to the French company Alcatel. These rights are the exclusive property of the OTE and STET International, in accordance with international agreements currently in force, which state that Kosovo is part of the key area in which these two companies are entitled to operate and export their profits.

What action will the Commission take to protect the legitimate rights of European companies in Kosovo which at this moment are under threat by illegal networks in which even UN officials are starting to be involved, contrary to their instructions regarding observance of the law in this area?

[1] Verbatim report of proceedings of 16.11.1999, p. 60.

Answer given by Mr Patten on behalf of the Commission

(9 December 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2000/C 170 E/191) **WRITTEN QUESTION P-2575/99**

by Alexandros Alavanos (GUE/NGL) to the Commission

(16 December 1999)

Subject: Lack of infrastructures and facilities at Patras Port

The recent tragic accident involving the passenger ship Superfast III in which 12 people died in a fire which broke out 14 nautical miles from Patras Port has highlighted the chronic problems facing this port. The very poor infrastructures and facilities pose a threat to the health and safety of passengers and hamper passenger embarkation, disembarkation and control procedures as well as basic control procedures on freight vehicles.

In view of the above, will the Commission say:

1. Does it intend to demand that the Greek Government take immediate action to improve Patras Port facilities for the benefit of passengers, especially given that Greece receives Community funding for the improvement of ports, funding which however is usually channelled solely into the freight sector?

2. Does it know why the relevant Greek ministry has failed to carry out improvements to Patras Port facilities, as the Commission had suggested on the basis of proposals made in studies carried out by the relevant service in the port of Dover and, if not, does it intend to seek clarification on this point?

3. Even though Directive 1999/35 [1] becomes mandatory for the Member States only on 1 December 2000, does the Commission intend to ask the Greek Government as a gesture of goodwill to publish the findings of the inquiry into the Superfast III tragedy and to forward a copy to the Commission, in accordance with Article 12 of the above directive?

4. Does the Commission have any proposals for improving the basic safety and health infrastructures for passengers at other ports in Greece (Piraeus, Igoumenitsa, the ports of various islands, etc.) and what commitments will it ask the Greek Government to provide in this connection?

[1] OJ L 138, 1.6.1999, p. 1.

Answer given by Mr Barnier on behalf of the Commission

(20 December 1999)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.