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(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2001/C 350 E/001) **WRITTEN QUESTION E-3040/00**

by Joachim Wuermeling (PPE-DE) to the Commission

(28 September 2000)

Subject: Discrimination against PVC products in Denmark

New legislation has been introduced in Denmark to prohibit and impede the trade in PVC products, inter alia by imposing higher tax duties and introducing a new criminal offence. The effect of this legislative measure is to hinder the trade in PVC products in Denmark or to ban their sale completely.

1. Does the Commission regard this Danish legislation as compatible with EU law?

2. If not, does the Commission propose to initiate proceedings for breach of Treaty obligations?

Supplementary answer
given by Mr Bolkestein on behalf of the Commission

(11 June 2001)

On the basis of the research carried out concerning Danish law 439 of 26 July 1998, the Commission can advise the Honourable Member of the following.

The main characteristics of the Danish tax can be enumerated as follows:

— the tax is levied on foodstuff packaging folios made of soft polyvinyl chloride (PVC) and is based on the weight of the folio;

— the tax covers goods in headings 3919, 3920, 3921 and 3926 of the Combined-Nomenclature;

— it is part of a general system of taxes on consumption and levied irrespective of their origin;

— soft PVC is apparently not produced in Denmark; however, substitutes for soft PVC in packaging exist and are not taxed. Some of these folios are produced in Denmark.

These different aspects of the legislation have been analysed in the light of the non-discrimination principle of Article 90 (former Article 95) of the EC Treaty, prohibiting any unfavourable tax treatment of goods coming from other Member States compared to the treatment of similar or competitive goods being produced nationally.

Nevertheless, this basic principle does not exclude the possibility for Member States to apply a tax differentiation, that is to say, the possibility for them to give fiscal advantages to certain groups of products in comparison to other product groups, on the basis of objective criteria — such as environmental considerations — and irrespective of the origin of the goods.

The Danish tax aims to discourage all use of soft PVC, regardless of its origin, in Denmark.

Thus, the Commission is inclined to believe that the fact that there is no production of soft PVC in Denmark is not sufficient to establish a breach of Article 90 alone.

The issue of whether the measures are justified on the basis of environmental considerations will have to be evaluated in the light of the future Community strategy on PVC, which the Commission intends to adopt in the course of the coming months. This strategy will be based on the evaluations and assessments contained in the Green Paper on the environmental issues of PVC [1], the results of the comprehensive risk assessments carried out in the framework of Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances [2], and the numerous reactions received during the public consultation process launched by this Green Paper. The Parliament has adopted a resolution on the Green Paper on 3 April 2001.

[1] COM(2000) 469 final.
[2] OJ L 84, 5.4.1993.

(2001/C 350 E/002) **WRITTEN QUESTION E-3148/00**

by Ilda Figueiredo (GUE/NGL) to the Commission

(6 October 2000)

Subject: Use of Community funds

The Portuguese company Electro Moagem do Marco S.A., which has approximately 70 employees, has been active for over 70 years in the food sector and is based in Marco de Canaveses (Portugal), an inland region with little industrial development.

The company, which holds a quality certificate issued by the Portuguese Quality Institute in 1999, has allegedly received a significant amount of Community funding for modernisation purposes. However, its employees are not being paid at the moment and the company is threatened with bankruptcy.

Would the Commission provide the following information: Did Electro Moagem do Marco S.A. actually receive Community funding? If so, how much? Has the use to which that funding was put been monitored, with particular reference to the protection of jobs?

Supplementary answer
given by Mr Barnier on behalf of the Commission

(4 July 2001)

Electro Moagem do Marco SA has received Structural Fund aid as follows:

- Two projects were approved under the PNCIPA/SIBR (regional incentive scheme included in the Community support framework for the Objective 1 Portuguese regions during the 1989-1993 programming period. The European Regional Development Fund's contribution to these was PTE 51 and 98 million respectively (about € 750 000).

- Under the Industry (PEDIP) subprogramme of the Economic fabric operational programme included in the Community support framework for the Objective 1 regions during the 1994-1999 programming period two projects were approved:

  - an enterprise certification project (included in measure 3.7) — the ERDF contribution was PTE 5 700 000 (about € 28 500);

  - an investment project (included in measure 3.3) casting PTE 1 400 000 000 with an ERDF contribution of PTE 406 000 000 (€ 2 030 000) in the form of reimbursable aid. This project is now being cancelled owing to the promoter's failure to meet his contractual obligations. The payments made amount to PTE 324 800 000 (about € 1 620 000).

Lastly three projects were approved under the RETEX Community Initiative (for diversification in regions heavily dependent on the textile and clothing sector) during the 1994-1999 programming period:

— a technological modernisation project for the company (included in subprogramme A 'Access to capital'); the ERDF contribution was PTE 25 000 000 (€ 125 000);

— a strategy formulation study (ERDF contribution PTE 3 400 000/€ 17 000) and a project to identify the company's strong and weak points the ERDF contribution to which of € 6 500 has not been paid since the project is being cancelled. Both these projects fell under subprogramme C 'Productivity and technical assistance'.

As with all projects aided from the Structural Funds these aids were examined in line with the Fund regulations. Since job creation was not an immediate purpose of any of the projects the job protection aspect was not specifically checked on.

(2001/C 350 E/003) **WRITTEN QUESTION E-3570/00**

by Gorka Knörr Borràs (Verts/ALE) to the Commission

(17 November 2000)

Subject: 'Bio', 'organically grown' and 'organic' descriptions

Council Regulation (EC) No 1804/1999 [1] supplementing Regulation (EEC) No 2092/91 [2], provides safeguards with regard to the use of the descriptions 'bio' and 'eco' for food produced using organic farming methods.

Is the Commission aware that the Spanish Ministry of Agriculture, Fisheries and Food is drawing up a Royal Decree which establishes a separate category for the 'bio', 'organically grown' and 'organic' descriptions given to products governed by organic farming regulations?

What view does the Commission take of this decision?

[1] OJ L 222, 24.8.1999, p. 1.
[2] OJ L 198, 22.7.1991, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(22 January 2001)

The Commission was first informed in 1999 that the Spanish Ministry of Agriculture was preparing a Decree cancelling restriction of the term bio to products and foodstuffs marketed in Spain that have been obtained organically. It was recently informed that the Decree has not been adopted but preparation continues.

In October 1999 the Commission made known to the Ministry its position that a national provision permitting use of the prefix bio on the labelling of a product not obtained in line with Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs would break Community law.

The Commission is again looking at the situation and if necessary will not hesitate to initiate proceedings under Article 226 (formerly 169) of the EC Treaty.

(2001/C 350 E/004)

WRITTEN QUESTION E-3577/00

by Riitta Myller (PSE) to the Commission

(17 November 2000)

Subject: Energy co-operation with Russia

Energy co-operation is one of the priority areas in relations between the European Union and Russia. The exploitation of Russia's gas and oil resources is also in the EU's interest, since it is dependent on energy imports from abroad. Conversely, Russia needs foreign investments for the construction of gas and oil wells. Energy co-operation was on the agenda at the recently held summit between the EU and Russia, at which it was decided to set up a high-level working party to look into the more effective exploitation of energy resources.

By what means does the Commission propose to emphasise the EU's northern dimension policy in energy co-operation with Russia, and how does it intend to ensure that the expertise and interests of the only EU country currently having a border with Russia are taken into account in the work of this new working party? How does the Commission propose to ensure that environmental criteria are complied with, for example as regards electricity imported from Russia and the transport of oil from Primorsk (Koivisto) in the Gulf of Finland?

Answer given by Mrs de Palacio on behalf of the Commission

(31 January 2001)

A Community-Russia strategic partnership on energy would satisfy a number of important mutual economic and political interests. Whereas Russia is one of the world's largest energy producers, the Community is one of the largest energy consuming regions in the world. Consequently, Russia is very significant in terms of its actual position and its potential as an energy supplier to Europe. Moreover, the Community has major assets regarding the management of its energy sector that could be usefully shared with Russia. It has developed advanced technologies and know-how and set up effective regulatory and institutional practices. A strategic energy partnership would also respond to a common political interest since there is a clear necessity for strengthened dialogue between producers and consumers of energy.

The aim of the Northern Dimension is to emphasise the strategic importance of Northern Europe and its long-term significance to the Community, whilst also supporting the enlargement process and co-operation with Russia. In June 2000, further to a proposal of the Commission, the Feira European Council adopted an action plan on the Northern Dimension. Its chapter on energy sets out a number of objectives with regard to the energy sectors of the countries concerned including Russia, notably promotion of efficient use and saving of energy, public and private partnerships, infrastructure investments and energy network development, all matters which should fall within the scope of the Community-Russia energy partnership. Consequently, the Northern Dimension will be fully integrated in the energy partnership, both initiatives being mutually supportive.

The energy partnership will fall within the Community-Russia Partnership and Co-operation Agreement which provides the framework for the relationship between both parties. Consequently, Member States will be fully associated with the process through existing procedures which ensure that their expertise and interests are taken into account provided of course they are in the Community's overall interest. In order to explore at technical level the components of the future co-operation, it has been decided to concentrate on four topics: 'energy strategies and balances', 'investment', 'infrastructure and technology', and 'energy efficiency and environment'.

Environmental considerations will naturally be taken fully into account in the energy partnership with Russia including for infrastructure of energy transport. During meetings held with Russian officials, the Commission has already indicated that the project of the port of Primorsk should be carefully examined. The Community will generally insist on high environmental and safety standards whatever the form of energy concerned. Indeed, the Partnership and Co-operation Agreement has a sub-committee dealing with energy and environment in which both issues are monitored and discussed.

(2001/C 350 E/005) **WRITTEN QUESTION E-3757/00**

by Carlos Ripoll y Martínez de Bedoya (PPE-DE) to the Commission

(4 December 2000)

Subject: Interreg programme

Can the Commission state whether the province of Almería, which forms part of the Andalusia region (Spain), is eligible for the Interreg programmes?

If not, can the Commission explain why it is excluded, given its geographical location opposite the North African coast?

Answer given by Mr Barnier on behalf of the Commission

(12 February 2001)

The Spanish province of Almería, which belongs to the Autonomous Community of Andalusia, is eligible in 2000-2006 under the programmes for the Western Mediterranean and South West Europe in strand B (transnational co-operation) of the Community Initiative Interreg III and under strand C of that initiative.

The Western Mediterranean programme aims at encouraging transnational co-operation projects between the European areas concerned and the countries of North Africa. The Member States concerned have recently submitted their proposals for programmes in these two target areas to the Commission. The Western Mediterranean programme will receive around € 97 million from the European Regional Development Fund and the South West Europe programme € 66 135 million.

Conversely, Almería is not eligible under strand A of Interreg III (cross-border co-operation), since this type of co-operation concerns geographically adjacent areas. Only very few maritime borders are eligible for this programme.

(2001/C 350 E/006) **WRITTEN QUESTION E-3821/00**

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

(7 December 2000)

Subject: Follow-up question on international roaming charges for mobile telephones

On 4 October 2000 Commissioner Monti replied on behalf of the Commission to my question of 13 July 2000 on international roaming charges for mobile telephones (E-2648/00).

The Commission's answer gives rise to a number of further questions:

1. When will the Commission publish the results of its study on the structure and level of mobile phone roaming charges in the European Union?
2. What method did the Commission use to compare the roaming charges of the various operators?
3. Is the Commission also in a position to carry out a benchmarking study of the various operators' roaming charges and to draw comparisons with practice in the USA?
4. Is the Commission prepared to carry out such a study in the near future?
5. What opportunities does the Commission have for enforcing transparency with regard to roaming charges?
6. What proportion of the price of international mobile phone conversations can be attributed to roaming?
7. Does the Commission consider that, in this period of convergence, the method for setting mobile phone roaming charges currently used by operators is still the correct one?

Answer given by Mr Monti on behalf of the Commission

(12 February 2001)

1. On 24 November 2000 the Commission reported and discussed its confidential findings at a meeting with the national competition authorities and national regulatory authorities. The Commission published on 13 December 2000 a non-confidential version of its report that is publicly available [1].

2. Because operators tend to set their retail roaming rates by marking up the underlying wholesale rates with a standard percentage (of between 10 and 35 %), the wholesale charges applied between mobile network operators largely determine the cost of retail roaming rates. In the absence of preferential roaming and discounting the cost of buying wholesale roaming in a particular country appears to be practically identical for different operators.

For wholesale rates, the Commission has compared the wholesale charges of different operators with the retail charges for comparable non-roamed international calls offered by the same operator, with best practice levels, and with cost data where available. However, because most mobile network operators are not presently under ex ante regulatory obligations to keep detailed cost accounting data, such data are rarely available. Based on the data collected in the sector inquiry, there does not appear to be any significant relationship between differences in costs involved, and the different wholesale prices charged, or indeed between roaming costs and prices more generally.

3. Because the sector inquiry is an inquiry under the competition rules it does not aim to establish benchmarks. Instead a comparative assessment of prices is used as one of several prima facie indicators to establish priorities in investigating price levels and pricing practices of particular operators or groups of operators. Moreover, even best practice roaming prices do not appear to be cost-based. Using benchmarks could cause prices to converge at levels that are not cost-based and could facilitate collusion.

In the United States the billing principle for mobile calls is 'receiving party pays', whereas in the Community it is 'calling party pays'. Hence, mobile use and take-up in the United States differs from the Community, and roaming prices for calls within the United States and between Member States are not readily comparable [2].

4. A study looking at price levels in the United States will add little value, as Community and United States data are not readily comparable. Hence, undertaking such a study is not contemplated.

5. At wholesale level, roaming prices are already highly transparent between mobile operators, which may facilitate tacit or active collusion between these operators. At retail level, enforcing or encouraging price transparency for operators under sector specific or general consumer protection rules, is primarily a task for national regulatory authorities (NRAs) and consumer watchdogs. In the context of individual competition cases the Commission may on a case by case basis require retail price transparency, and/or insist that wholesale price reductions are passed on to benefit consumers.

6. Because roamed calls received or made on a visited network do not constitute part of an international mobile call made on a home network, but instead are a different type of call, there can be no 'share' of the price of an international mobile call that would be reasonable to attribute to roaming. If the wholesale prices of roamed calls are compared with the retail prices of comparable non-roamed calls on the same visited network, there appears to be no sound reason why wholesale roaming calls should be more expensive. Although some additional costs are usually incurred for the handling of roamed calls (e.g., the cost of setting up roaming agreements and billing arrangements), considerable costs are saved as well (e.g. the cost of marketing, advertising, and customer credit risk). However, as the inquiry is based on the competition rules it is not possible to make statements on what would constitute a reasonable cost or a reasonable price for international GSM roamed calls in general.

7. It is not for the Commission to declare whether particular pricing methods are appropriate unless they infringe the competition rules as such. In addition to other technological and commercial developments, convergence may provide new incentives to compete in roaming markets. If sufficient competitive pressures emerge it appears likely that neither the mechanism by which operators determine retail rates by applying standard mark-ups to wholesale rates, nor the parallel pricing at wholesale levels that is prevalent today, will be sustainable.

(1) http://europa.eu.int/comm/competition/antitrust/others/sector_inquiries/roaming/.
(2) See e.g. the comparative discussion in Cellular Mobile Pricing Structures and Trends, OECD, Paris, May 2000 (DSTI/ICCP/TISP(99)11/FINAL).

(2001/C 350 E/007)

WRITTEN QUESTION E-4017/00

by Elizabeth Lynne (ELDR) to the Commission

(21 December 2000)

Subject: Longline fishing

As the Commission is no doubt aware, there are concerns about the effect that longlining has on seabirds. It is estimated that, each year, tens of thousands of seabirds are drowned as they become ensnared on longlines. I understand that there are a number of measures that vessels could take to reduce the risk of bird bycatch. Has the Commission taken, or does it intend to take, any action to assess the need to implement these measures?

Answer given by Mr Fischler on behalf of the Commission

(7 February 2001)

The Commission has received several enquiries about this issue and it is increasingly aware of possible problems regarding incidental catches of seabirds in longline fisheries. However not every longline fishery requires the adoption of mitigation measures because incidental catch of seabirds does not occur universally.

The Commission, after supporting the technical meetings that helped to define the Food and Agriculture Organisation (FAO) International Plan of Action (IPOA) for reducing incidental catches of seabirds in longline fisheries (FAO-IPOA Seabirds), is currently drafting a Community action plan starting from the information made available by the Member States in response to a questionnaire sent them in August 2000.

Wherever such problems are caused by Community fishermen, the Commission is willing to attempt to find solutions. However, as far as the Commission is aware, and after receiving the first replies to the above-mentioned questionnaire, the incidental catches of seabirds do not constitute a real threat within Community waters. The main problems seem to be caused by non-Community vessels fishing either in international waters or in their own waters. The Community has no direct legal power to control the activities of non-Community vessels in these geographical areas.

The main concerns regard albatrosses and other species, essentially in the Southern Oceans.

To tackle this problem, the Community has already incorporated the following mitigation measures into Community legislation (1) (2), using bird-scaring line with plastic streamers attached; weighting the lines so that they sink faster and pose less risk; prohibiting the discharge of offal at sea, which attracts seabirds to the lines; setting the longlines at night when albatrosses and other seabirds are less likely to be foraging; using only thawed bait.

These measures, which are compulsory for Community fishing companies, have been drawn up by the Council for the Conservation of Antarctic Maríne Living Resources (CCAMLR), which deals with Antarctic waters, and of which the Community is a contracting party.

(1) Council Regulation (EC) No 66/98 of 18 December 1997 laying down certain conservation and control measures applicable to fishing activities in the Antarctic and repealing Regulation (EC) No 2113/96 (OJ L 6, 10.1.1998).
(2) Council Regulation (EC) No 2479/98 of 12 November 1998 amending Regulation (EC) No 66/98 laying down certain conservation and control measures applicable to fishing activities in the Antarctic (OJ L 309, 19.11.1998).

(2001/C 350 E/008)

WRITTEN QUESTION E-4137/00

by Jeffrey Titford (EDD) to the Commission

(16 January 2001)

Subject: Sea fishing with longlines

I am informed by those concerned about the danger to seabirds by the practice of fishing with longlines that the following solutions could help to prevent deaths of tens of thousands of seabirds annually:

— putting bird-scaring plastic streamers on the longlines;

— weighting the lines so that they sink faster, thus reducing the risk of catching seabirds;

— setting the line through a tube underwater so that birds on the surface cannot reach it;

— prohibiting offal discharge by vessels, a practice which attracts seabirds to longlines;

— setting longlines at night, when large albatrosses will not be foraging.

Is the European Commission considering adopting any, or all, of these measures or indeed any other measures to reduce the danger posed to seabirds by the practice of fishing with longlines?

Is the European Commission able to take any practical steps to deal with the threats to seabirds from 'pirate' fishing?

Answer given by Mr Fischler on behalf of the Commission

(7 February 2001)

To tackle the problem of incidental catches of sea birds in longline fisheries, the Community has already incorporated the following mitigation measures into Community legislation (1) (2), using bird-scaring line with plastic streamers attached; weighting the lines so that they sink faster and pose less risk; prohibiting the discharge of offal at sea, which attracts seabirds to the lines; setting the longlines at night, when albatrosses and other seabirds are less likely to be foraging; using only thawed bait.

These measures, which are compulsory for Community fishing companies, have been drawn up by the Council for the Conservation of Antarctic Maríne Living Resources (CCAMLR), which deals with Antarctic waters, and of which the Community is a contracting party.

The setting of lines through tubes underwater is the only measure not foreseen in Community law, as the same effect is obtained by weighting the lines and using thawed bait.

By their very nature, little can be done against 'pirate' fishing vessels. Several Regional Fisheries Organisations as well as the Commission, which is a contracting party, are aware of the problem and are

attempting to combat such illegal activities. In particular, the Commission is aware of the issue of flags of convenience in sustaining 'pirate' fishing and is calling upon Member States to ratify urgently the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. This agreement has already been ratified by the Community in 1996. Furthermore, within Community legislation there are provisions dealing with control, fleet and market policy which could be effective in tackling the problem of 'illegal fishing' when and if carried out by Community or third country vessels allowed to operate in our waters. It is the legal responsibility of the Member States to implement these rules and to ensure compliance with them.

In addition, the Commission is actively participating in the development of an international plan of action, within the context of the Food and Agricultural organisation (FAO) Code of Conduct for Responsible Fisheries, to curb illegal, unreported and unregulated fishing. On this point, the Commission is particularly concerned not only by flags of convenience vessels but also by ports of convenience.

(1) Council Regulation (EC) No 66/98 of 18 December 1997 laying down certain conservation and control measures applicable to fishing activities in the Antarctic and repealing Regulation (EC) No 2113/96 (OJ L 6, 10.1.1998).
(2) Council Regulation (EC) No 2479/98 of 12 November 1998 amending Regulation (EC) No 66/98 laying down certain conservation and control measures applicable to fishing activities in the Antarctic (OJ L 309, 19.11.1998).

(2001/C 350 E/009) **WRITTEN QUESTION E-0067/01**

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

(22 January 2001)

Subject: Talks between the Commissioner Frank Fischler and the Moroccan Prime Minister and other members of the Government concerning the fisheries agreement between the European Union and Morocco

In the talks between the Commissioner for Agriculture and Fisheries and the Prime Minister and other members of the Moroccan Government held on 3 and 4 January this year, as in those held with other responsible authorities over the last few months, it would seem that the Commission's policy position consisted in aiming for an agreement which, whilst starting the first year under what are considered acceptable conditions, although much less favourable than in the agreement for the years 1995-1999, opens the way to a rapid and total elimination, in the space of a few years, of the Spanish fleets from Galicia, Andalucia and the Canaries, as well as the Portuguese fleet, which used to fish off the Moroccan and Saharan coasts. Anybody interested in this serious problem might gain the impression that the Commission, possibly with the collusion of the countries concerned and against ship-owners and fishermen, is negotiating with a view to total withdrawal from Moroccan waters, without using the European Union's full negotiating capacity in the talks with Morocco and hence not fulfilling the responsibilities for Community fisheries conferred on it.

1. Is this, as it seems to be, the Commission's negotiating position? If not, what actually is its position?

2. Does the Commission not believe that the ship-owners and fishermen affected, as well as all the Members of the European Parliament, should know what the Commission is doing?

Answer given by Mr Fischler on behalf of the Commission

(1 March 2001)

The Commission has maintained a constant position throughout its contacts with Morocco and that position reflects the mandate approved by the Council in October 1999.

A new phase has to be opened in relations with Morocco and this is best exemplified by the Commission's concrete proposals to assist the growth and development of the Moroccan fisheries sector, as well as to defend the legitimate European interests.

All the efforts during the last months, at the meetings of the Parties at technical and political level, in close co-ordination with the most concerned Member States, have been focused on delineating a new framework for a fisheries partnership which must be mutually beneficial and balanced.

This position will be maintained by the Commission, in line with the directives of the Council.

The Commission reiterates its undertaking to regularly and fully inform the Council, the Parliament, and all the actors involved of the developments on this key issue over the coming weeks.

(2001/C 350 E/010) **WRITTEN QUESTION E-0133/01**

by Christopher Huhne (ELDR) to the Commission

(31 January 2001)

Subject: Schemes to vary national demand

Is the Commission aware of any schemes operating in the Member States of the euro area which have the effect of varying demand nationally in order to escape the full consequences of an interest rate and exchange rate operating only for the euro area as a whole?

Will it describe any such schemes?

Does the Commission see any legal or other impediment to:

(a) the variation of capital charges in the banking sector in order to guard against the higher risk of, for example, property lending;

(b) the variation of tax reliefs or mandatory contributions to pension funds depending on the cyclical position of the economy;

(c) the taxation or tax relief of interest payments within the territory of a Member State depending on the projection of the economic cycle?

Answer given by Mr Solbes Mira on behalf of the Commission

(17 May 2001)

In the Community banking sector minimal compulsory capital charges to address risks to the financial system are established by directives at European level. National authorities may impose higher charges in order to guard against higher risks. If, however, this increased charges were to be introduced with the objective of influencing demand growth in a Member State economy, it could be interpreted as acting contrary to the EC Treaty provisions on the free movement of capital in the cross-border provision of financial services. Any such barrier would require justification under the relevant EC Treaty provisions.

Under the subsidiarity principle Member States are free to decide on the parameters of their domestic pension systems, including the potential variation of pension contribution rates as long as they are applied in a non-discriminatory manner. History shows a number of examples when governments have reduced unit labour costs through a reduction of indirect labour costs thus causing the real exchange rate to depreciate (the Honourable Member is referred to an Annex which is sent direct to the Honourable Member and to Parliament's Secretariat). However, such tax measures are generally taken for structural and not conjunctural reasons.

Although Member States are free to decide on their tax structure as long as it is applied in a non-discriminatory manner, it would be very difficult to vary interest taxation according to the cyclical position of a Member State. Given the lags involved, modifying interest taxation for cyclical purposes would imply rather distortive effects on financial markets.

Moreover, the provision of tax relief, e.g. for mortgage payments, should be considered as a structural measure. Changing it for cyclical reasons could distort private sector decisions as these are based upon long term factors.

(2001/C 350 E/011) **WRITTEN QUESTION E-0181/01**

by Patricia McKenna (Verts/ALE) to the Commission

(1 February 2001)

Subject: Recovery plans for fish stocks in the North-East Atlantic

Considering that two-thirds of fish stocks in the North-East Atlantic are below safe biological limits, is the Commission planning to develop recovery plans for all of these stocks?

(2001/C 350 E/012) **WRITTEN QUESTION E-0204/01**

by Catherine Stihler (PSE) to the Commission

(2 February 2001)

Subject: Fish stock recovery plans for north-east Atlantic

Considering that two-thirds of fish stocks in the north-east Atlantic are below safe biological limits, is the Commission planning to develop recovery plans for all of these stocks?

Joint answer
to Written Questions E-0181/01 and E-0204/01
given by Mr Fischler on behalf of the Commission

(8 March 2001)

The Commission is aware that many fish stocks in the North-East Atlantic are outside safe biological limits.

However, the Commission uses the terminology 'recovery plan' for stocks which are in immediate danger of collapse. The stocks in question at present are cod in the North Sea, Irish Sea and to the west of Scotland and the northern hake stock. Recovery plans are either in place (Irish Sea) or are in the process of being put in place for the others.

For stocks outside safe biological limits but not immediately in danger of collapse, and indeed all other relevant stocks, the Commission has initiated a process whereby a precautionary approach to management will be applied. This is already the case for cod, haddock, plaice, saithe and herring in the North Sea where agreement has been reached with Norway, the joint managers of these stocks with the Community, to adopt such an approach. Also with Norway, agreement has been reached on application of a precautionary approach to the North-East Atlantic mackerel stock. In the Baltic and via the International Baltic Sea Fisheries Commission agreement has been reached to apply a precautionary approach to management of cod, sprat and salmon.

(2001/C 350 E/013) **WRITTEN QUESTION E-0232/01**

by Caroline Jackson (PPE-DE) to the Commission

(7 February 2001)

Subject: VAT on garage rentals

In the United Kingdom, the practice is that where a tenant takes both the lease of a house or flat and the lease of a garage, paying rent for both to the local Council or a Housing Association, the Treasury regards the garage as part and parcel of the letting of the domestic accommodation and therefore treats the garage rent as exempt from VAT.

However, where a person who is not a tenant of Council accommodation takes the lease only of a lock-up garage from the local Council, VAT is levied on that garage rental because it is considered that there is no domestic property rental with which to associate that lease.

This situation leads to an inequity between tenants of garages, since one may be paying VAT while another will not, though the garages may be identical.

In the interests of equity and equality, does the Commission have any power to alter this situation, either directly or through a new proposal, so that either all tenants pay VAT on the rent for a garage owned by a public body or the exemption should apply to all tenants?

Answer given by Mr Bolkestein on behalf of the Commission

(22 March 2001)

Under Article 13B(b) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment [1], the letting and leasing of immovable property is generally exempt from VAT, irrespective of the nature of the entity making the supply. However there are specific exclusions from this exemption, one of which is the letting of premises and sites for the parking of vehicles.

The question as to whether various goods or services supplied simultaneously are single or multiple supplies has been addressed by the Court of Justice on several occasions. With regard to the letting of a garage in conjunction with a domestic property it is felt that the garage is a minor ancillary element subsumed into the principal supply and consequently is treated the same for tax purposes [2]. The same principle would apply to outhouses, garden sheds and green houses.

Thus from a VAT point of view there is no inequity here because the comparison is not between the letting of two garages but between the letting of a garage and the letting of a dwelling. It is only the particular nature of the latter supply that warrants an exemption from VAT. With the letting of a garage on its own, the difficult question of the taxation of a person's permanent residential dwelling does not arise and there can therefore be no possibility of exemption.

(1) OJ L 145, 13.6.1977.
(2) Skatteministeriet v. Henriksen CJEC C-173/88.

(2001/C 350 E/014) **WRITTEN QUESTION E-0279/01**

by Agnes Schierhuber (PPE-DE) to the Commission

(9 February 2001)

Subject: Imposition of anti-dumping duties on the import of fertilisers

During the year 2000 anti-dumping duties were imposed on imports of fertilisers (such as potassium chloride, ammonium nitrate, urea, etc.) from Eastern European countries, including some which are candidates for EU membership.

1. The amendments to the Europe Agreements with the Central and Eastern European countries, which have largely already entered into force, will lead to a further liberalisation of trade in agricultural products. These agreements include a list of products which may be imported into the EU at zero duty.

In setting anti-dumping duties on fertilisers, which are an important item for farmers, is the Commission taking into account falling farm incomes in the EU (down 4 % in 1999)?

2. Does the Commission consider that the introduction of anti-dumping duties on fertilisers from the candidate countries is in accordance with the general trend towards liberalisation, and in particular the WTO agreements? Is the reduction of duties for agricultural products compatible with the introduction of new duties on non-agricultural products?

3. How should the introduction of new duties on industrial products from candidate countries be seen in the context of the 'pre-accession strategy' for prospective eastward enlargement?

What is the Commission's view of the reduction of some 4,5 million tonnes in European nitrogenous fertiliser production (over 20 % of European production) from the end of 1999 to the beginning of 2000?

4. Why does the Commission calculate its anti-dumping duties, e.g. on ammonium nitrate from Poland and Ukraine, on the basis of a profit margin of 8 %, even though judgments of the European Court of Justice (e.g. Cases T-121/95 and C-46/98) have held a profit margin of 5 % to be adequate? What profit margins does the Commission suppose are achieved by the agriculture sector which is affected by such measures?

5. Since autumn 1999, prices for nitrogenous fertilisers in the EU have almost doubled (as at autumn 2000). Does the Commission consider that the anti-dumping duties encourage these price trends for nitrogenous fertilisers?

Answer given by Mr Lamy on behalf of the Commission

(17 April 2001)

1. The Europe Agreements with the associated countries fully uphold the right of the parties concerned to apply anti-dumping measures, where warranted because of certain unfair trade practices. For instance, Article 29 of the Europe Agreement with Poland provides that: 'If one of the Parties finds that dumping is taking place in trade with the other Party within the meaning of Article VI of the General Agreement on Tariffs and Trade, it may take appropriate measures against this practice in accordance with the Agreement relating to the application of Article VI of the General Agreement on Tariffs and Trade, with related internal legislation and with the conditions and procedures laid down in Article 33'.

As to the potential impact of the measures on the farming sector in the Community, duties are only proposed if it is in the interest of the Community as a whole, taking account of the interests of all the parties concerned by the proceeding, i.e. producers, importers and users of the product under consideration. In the cases in question, all parties concerned had the opportunity to submit their views. In particular, farmers' organisations have systematically been invited to contribute to the investigations. Moreover, parties who so requested were granted an opportunity to be heard by the Commission. However, in the cases under consideration, it was concluded that the limited impact on farmers did not constitute a compelling reason against the imposition of anti-dumping measures.

2. It must be stressed that the reduction in customs tariffs on agricultural goods is in no way linked to measures aimed at combating injurious dumping. The objective of anti-dumping measures is to eliminate the effects of injurious dumping, which are established despite the existence of any customs tariffs.

3. As already pointed out, anti-dumping measures are not in contradiction with the Community's pre-accession strategy, as confirmed by the Council in its Essen Declaration of 1994. As to the presumed reduction in Community nitrogenous fertiliser production, the Commission found that in some of the

cases considered, a decline in production occurred in some years. It was nevertheless established that the dumping found had caused material injury to the Community industry. In the absence of injurious dumping, the decline in prices and profitability of the Community industry would have been much less marked.

4. The Commission does not agree with the Honourable Member's interpretation of the Court judgments. In Case T-210/95, the Court of First Instance states that: 'It follows that the profit margin to be used by the Council when calculating the target price that will remove the injury in question must be limited to the profit margin which the Community industry could reasonably count on under normal conditions of competition, in the absence of the dumped imports'. This approach was applied by the Commission in each case and in the case of ammonium nitrate from Lithuania, Poland and Ukraine, this led to the determination of a margin of 8 % for the Community industry. For this exercise, the Commission is not required to assess profit margins of other interested parties such as farmers.

5. During the investigation periods chosen for the cases mentioned by the Honourable Member, prices of nitrogen fertilisers were abnormally low due to dumping by third countries, leading to considerable losses by the Community industry. Fertilisers are commodities that follow trends in the world market for raw materials such as gas. They are therefore characterised by considerable price volatility. This accounts for the bulk of recent price increases. At the same time the aim of anti-dumping duties is to eliminate the effects of injurious dumping on the Community market. Anti-dumping measures may have therefore also contributed to the recent increase in prices for nitrogen fertilisers.

(2001/C 350 E/015) **WRITTEN QUESTION E-0313/01**

by Daniel Hannan (PPE-DE) to the Commission

(13 February 2001)

Subject: European Union Center

Further to its reply to Written Question E-3046/00 [1] of 8 December 2000, can the Commission indicate the nature of the funding which facilitated the establishment of the European Union Centers in the United States?

The literature offered by the one in California, bearing the European twelve-star flag, carries a panel indicating that it was 'established with the support of the European Commission'.

What was the mission statement when that financial assistance was granted?

[1] OJ C 151 E, 22.5.2001, p. 47.

Answer given by Mr Patten on behalf of the Commission

(11 May 2001)

Following a recommendation by the European Parliament, the Commission launched in 1998 a call for tenders for the establishment of 10 European Centres in the United States. The Centres are devoted to promoting the New Transatlantic Agenda objectives, in particular concerning chapter IV — building bridges across the Atlantic. The initiative is funded within the New Transatlantic Agenda framework.

This initiative is designed to:

— further the goals of the New Transatlantic Agenda through enhanced 'People-to-People Links' among the citizens of the Union and the United States;

— promote greater understanding in the United States of the European Union as an evolving system of governance and as an international actor, and increased knowledge of Community policies; and

— increase awareness in the United States for the political, economic and cultural importance of the transatlantic relationship, especially the increasing scope of Community-United States relations.

More information about the European Union Centres in the United States can be found in the internet at: http://www.eucenters.org/.

(2001/C 350 E/016) **WRITTEN QUESTION P-0342/01**

by Reinhold Messner (Verts/ALE) to the Commission

(6 February 2001)

Subject: Community contribution to tourist infrastructure in Valesia and on Monterosa

In its answer to my Written Question P-3610/00 [1], the Commission said that it was not aware of the situation described and would take the appropriate steps to gather detailed information on the subject and ensure compliance with Community law.

60 % of the Community contribution of ITL 4 943 billion for the cableway between Valsesia and Valle di Gressoney has been allocated, with the remainder to be made available once the project has been approved.

This contribution has actually been used for a road rising to a height of 2 500 m, which was built without the necessary authorisations and about which the Committee for the Defence of Monterosa has lodged regular complaints with the relevant authorities (without receiving any reply).

Does the Commission not think that the payment of the remainder of the Community contribution should be suspended until the inquiry procedure has been completed, particularly as regards the protection of the site of Community importance concerned by the project in question?

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[1] OJ C 163 E, 6.6.2001, p. 179.

Supplementary answer
given by Mr Barnier on behalf of the Commission

(28 June 2001)

According to information received from the Piedmont Region authorities, no legal proceedings have been initiated in respect of the project.

The road the Honourable Member refers to was built on the authorisation of the Direzione Economia Montana e Foreste — Settore Gestione Proprieta Forestali Regionali e Vivaistiche [1] and the Direzione Pianificazione e Gestione Urbanistica — Settore Gestione Beni Ambientali [2] of the Piedmont Region.

The Commission points out that those authorisations stipulate that once the works for the cableway are completed, the road, which is temporary and necessary for the works in question, is to be covered over with grass and the initial section replanted with beech.

As regards the cable-car project within the proposed Site of Community Importance (pSCI) under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [3], mentioned by the Honourable Member in his earlier Written Question P-3610/00 [4], the Commission has opened an own-initiative case and sent a request for information to the Italian authorities, which have not yet replied.

Article 6 of the abovementioned Directive provides for protection requirements with reference to Special Conservation Areas (SCA). Under Article 4(5) of that Directive, these requirements also apply to Sites of Community Importance (SCI) where they are adopted in accordance with the procedure laid down in

Article 4(2) on the basis of the list of pSCI. At present, SCA have not been designated and the list of the SCI has not been adopted. However, with reference to pSCI, in particular where they include priority habitats and species, Member States have certain obligations to act in such a way as to ensure that the aims of the Directive are not jeopardised. Even in the absence of a Community list of protected habitats and species, Member States are advised at least to abstain from all activities that may cause a proposed site to deteriorate.

Should the Commission learn that Community law is being breached in the specific case, as the guardian of the EC Treaty it will not hesitate to take all necessary measures, including possible recourse to infringement procedures under Article 226 (ex-Article 169) of the EC Treaty.

(1) Decision No 370 of 11 April 2000.
(2) Decision No 37 of 31 March 2000.
(3) OJ L 206, 22.7.1992.
(4) OJ C 163 E, 6.6.2001.

(2001/C 350 E/017) **WRITTEN QUESTION E-0456/01**

by Cristiana Muscardini (UEN) and Gianfranco Fini (UEN) to the Commission

(19 February 2001)

Subject: Food safety, delays and connivance

In the wake of the increasing alarm over 'mad cow' disease and the legitimate fears of the public, controls on foodstuffs have been stepped up, albeit with some delay.

The Italian press, referring to investigations conducted by the Italian anti-adulteration units (NAS), has declared that a third of all products examined were found to be illegal in one way or another. The food safety emergency which has been plaguing Europe for a few years has concerned primarily BSE (bovine spongiform encephalopathy), discovered in Great Britain, dioxin-contaminated chickens bred in Belgium and the Netherlands, and antibiotic-reared pigs. All this has been done in absolute contempt of Community legislation

The current state of affairs is: fresh BSE scandals in France, Germany and Italy; the production, sale and export of banned animal meal by Great Britain and other Community countries; a delay by the Commission in deciding which butchered parts should be withdrawn from the market and what sanctions to impose on those countries which, because of non-existent controls or connivance, allowed the production and sale of foodstuffs which were harmful to health and caused incurable diseases.

In the light of this, can the Commission:

1. State the reasons for the delay in setting up the Food Safety Agency which was proposed by the Commission at the start of its term of office and supported by Parliament.

2. Launch a new task force to monitor the problem, pending the entry into operation of the Food Safety Agency; report all cases of fraud and draw up a guide for all EU consumers to be promoted through the media and to help consumers purchase foods which do not put their health at risk; initiate infringement proceedings against those countries, including Italy, which have failed to fulfil their obligations by violating the most basic consumer protection rules; propose that Member States introduce sweeping, root-and-branch controls with specific deadlines for delivering the results. On the basis of these results measures could be taken, also to prevent any kind of harmful substances relating to the food sector from being surreptitiously sold in the EU or exported to third countries.

Answer given by Mr Byrne on behalf of the Commission

(6 April 2001)

There has been no delay on the Commission's part with regard to the establishment of the European Food Authority (EFA). On 12 January 2000, the Commission published its White Paper on food safety in which it proposed the creation of EFA. The European Council gave its first input in June last year and the Parliament (Bowis report) gave its opinion on 25 October 2000. Two weeks later, on 8 November 2000, the Commission presented its formal legislative proposal to the Council and the Parliament. Following the Nice European Council conclusions, the Commission is making the maximum effort for the EFA to be operational at the beginning of 2002.

Independent of the establishment of the EFA, the Commission ensures that a high level of consumer health protection is enshrined in its proposed legislation. A detailed legislative programme was set out in the White Paper on food safety. The measures are based on the opinion of the Scientific Steering Committee and of the eight sectorial Committees, and are of course updated to take account of evolving scientific evidence. The Commission is putting particular emphasis on the need to ensure that the measures are properly implemented in all Member States. To this end, as regards the bovine spongiform encephalopathy (BSE) issue, the inspections carried out by the Food and Veterinary Office have recently been stepped up and particular attention will be given to a correct implementation of the feed ban and the recently adopted measures on the removal of specified risk materials and on testing.

The Commission attaches great importance to the fight against fraud and any other illegal activity prejudicial to the Community budget. In order to strengthen its means of fraud prevention, the Commission established the European Anti-Fraud Office (OLAF) by its EC, ECSC Decision 1999/352 of 28 April 1999 ([1]). Reporting of fraud cases is carried out annually by OLAF, and is available for public consultation at thefollowing web-site address: http://europa.eu.int/comm/anti_fraud/documents/rapport_en.pdf.

With a view to ensuring consumer safety, and in the interest of increasing the knowledge and awareness of the public in this area, the Commission has been financing for three years the food safety campaign, which is dedicated to consumers' information and above all education on food safety.

In cases where a Member State fails to comply with a requirement of Community legislation and is not prepared to take early action to remedy the situation, the Commission can open infringement proceedings under Article 226 (ex-Article 169) of the EC Treaty. It has in the past opened such proceedings in many cases of failure to respect rules for the protection of public and animal health and will continue to do so.

([1]) OJ L 136, 31.5.1999.

(2001/C 350 E/018) **WRITTEN QUESTION E-0476/01**

by Erik Meijer (GUE/NGL) to the Commission

(21 February 2001)

Subject: Freshwater fishing in Ireland: the systematic extermination of pike as a means of increasing trout stocks

1. Can the Commission confirm that pike culling — i.e. a campaign to ensure the wholesale removal of pike (Esox lucius) from lakes and rivers — takes place in the Western Lakes Region in Ireland with a view to maintaining and increasing trout stocks in the hope that the number of brown trout (Salmo trutta) will thereby increase?

2. Can the Commission confirm that one of the conditions laid down for the granting of financial aid to fisheries projects by the EU is that a fish-stock survey must be carried out but that, according to the scientists involved, the fish stocks recorded by the WRFB in the spring of 1996 with the aid of gillnets did not come up with enough pike to support the theory that there were too many pike in Lough Mask, after which pike were caught in their spawning grounds and added to the number recorded for the lake?

3. Can the Commission also confirm that one of the conditions laid down for the granting of financial aid to fisheries projects by the EU is that an investigation must be carried out into water quality and that the survey published in January 1997 by the Corrib Angling Federation (entitled: 'Lough Corrib — a cause for concern') led to the conclusion that the arctic char (Salvelinus alpinus), which is not a prey for pike, was disappearing from the lake and that the water quality was such as to make the permanent survival of salmon and trout virtually impossible, thereby providing absolute justification for measures designed to bring about a sharp improvement in water quality?

4. Is the Commission aware that, according to the survey concerning Lake Corrib referred to in point 3 above, in the spring of 1997 the WRFB simply went ahead with the wholesale removal of pike without complying with the condition laid down for the granting of a subsidy that fish caught in nets should be released into other lakes and that complaints about its action subsequently resulted in the programme being suspended in September 1997?

5. Has the Commission now realised that further pike culling takes place every year in a brief period lasting no more than three months in spring so that the culling is over before the Commission receives complaints on the basis of which the setting up of an inquiry might be justified?

Answer given by Mr Barnier on behalf of the Commission

(8 June 2001)

1. Scientific evidence has required that in order to protect and maximise the unique wild brown trout limestone fisheries of the west of Ireland, the introduced species of pike, perch and roach should be actively managed. It is ecologically imperative to provide a balance between competing stocks. This management method has been extremely successful at maximising the wild brown trout numbers and this is supported by 30 years of scientific evidence.

2. According to the information received from the Western Regional Fisheries Board (WRFB), Lough Mask was surveyed during the spawning season of 1996, a sample of pike was obtained from both lake and spawning grounds, on the basis of which scientific criteria were identified for the proper management of these lakes.

3. As per the information provided by the WRFB, the report 'Lough Corrib a cause for concern' was not a peer reviewed publication and occurred some 16 years after the last record of char in Lough Corrib. A comprehensive programme of water quality monitoring was undertaken and is ongoing; this programme is fully co-ordinated with the environment protection agency and the local authorities. The water quality of the great western lakes is still excellent for wild salmon and brown trout survival and individual problems within the catchment have been identified and remedial measures are being actively pursued.

4. As indicated by the WRFB, the scientific rationale for the stock management programme on large limestone lakes in Ireland has been developed and refined over 30 years. It is based on sound science that has been peer reviewed and pike caught were and still are being transferred to other waters and some large pike have been tagged and released.

5. According to the information received from the WRFB, stock management is a seasonal feature of Irish wild brown trout limestone fisheries and in order to protect the native wild brown trout from the introduced species of pike, perch and roach these species are selectively managed. Such operations are common practice throughout Western Europe and North America. No effort is made to hide this necessary management operation. The management is done primarily from January till March each year for operational and logistical reasons.

(2001/C 350 E/019)

WRITTEN QUESTION E-0477/01

by Erik Meijer (GUE/NGL) to the Commission

(21 February 2001)

Subject: Freshwater fishing in Ireland: unsuitable use of appropriations and unilateral attention to economic interests

1. Can the Commission confirm that the systematic extermination of pike in Ireland is taking place not only in the western lakes region but also in Lough Sheelin, Country Cavan, in the north-east of the country, where thousands of pike are not only being processed into cat food by C & D Foods, Edgeworthstown, but the unwanted remainder are being thrown away to die or removed wholesale to Lough Key, Lough Gara and Lough Acrick in County Roscommon?

2. On what grounds did the Commission base the answer it gave on 25 October 1996 to Written Question E-2439/96 [1] by the former MEP, Mrs Magda Aelvoet, that trout may be regarded more than pike as a native species of fish? Is the argument put forward by supporters of extermination that pike were introduced by humans in the Middle Ages a reason for destroying the natural balance which has since been created?

3. Does the Commission recall that, according to the answer it gave on 25 October 1996 to Written Question E-2439/96, it wanted to combat the decline in wild brown trout stocks in Lough Corrib and that, although it deemed proven, according to the findings of a survey carried out as part of the Western Lakes Project, that trout are the principal prey of pike over a certain size, no decision to carry out a pike cull had yet been taken?

4. What is the Commission's view of the position taken by Bruno Broughton and Marco Kraal, fisheries scientists, that the culling of large pike principally results in more space being created for young pike and that such young pike need to eat more young trout, although large pike also eat small pike, with the result that, contrary to expectations, pike culling actually results in a reduction in trout stocks?

5. Does the Commission agree with me that events over the past few years have shown that justified objectives of leisure activities and nature conservation have actually been subordinated to controversial attempts to safeguard economic interests by ensuring optimum trout stocks for human consumption and for tourism?

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[1] OJ C 91, 20.3.1997, p. 5.

Answer given by Mr Barnier on behalf of the Commission

(8 June 2001)

1. According to the information received from the Shannon Regional Fisheries Board (SRFB), there is no systematic extermination of pike in Lough Sheelin. Each year, a pike removal programme is undertaken which involves removal of live pike from Lough Sheelin and the subsequent transfer to designated pike fisheries. A small percentage of pike are either injured and thus deemed unfit for transfer or die as a result of the process and were, during 2000, disposed of in a proper fashion through C & D petfoods. The process is open and transparent and was demonstrated to many sectors of the Irish Print Media.

2. As indicated by the Western Regional Fisheries Board (WRFB), after the end of the last ice age, the great western lakes were unique as they became isolated from other water bodies and the rest of the waters in Ireland sooner than others. This led to these lakes having a much more limited list of native species which were predominated by salmonid species including arctic char, salmon and brown trout. Over many years through human interference additional species of fish were introduced to these waters including the pike and more recently the roach. These lakes are therefore natural native wild brown trout fisheries and should be developed and protected with this in mind. Other species not native to these fisheries are selectively managed in favour of the native species. The Commission is fully supportive of defending these management decisions in an effort to preserve one of the few remaining wild brown trout fisheries of consequence in Europe. The balance that currently exists is not a natural balance but the current status; the wild native fish must take precedence.

3. According to the information supplied by the WRFB, it is scientific fact that the preferred prey of the pike in Loughs Corrib, Mask and Carra is wild brown trout. This has been demonstrated in these catchments and in other similar catchments in the Irish Republic of a similar geological type. The regional fisheries boards and the central fisheries board have concluded from the scientific evidence that in order to protect these valuable fisheries the stocks of the main predatory species (pike) should be managed. This has resulted in pike from these lakes being stocked into other fisheries in the locality specifically developed for coarse angling.

4. As per the information received from the WRFB, pike in the great western lakes have been shown to start feeding on trout in significant quantities when they reach a fork tail length of 50 cm. Pike smaller than this do not impact directly on trout stocks as they do not feed on trout. Management of the pike stocks removes larger pike (the ones preferentially feeding on trout). The result of these management methods leaves a stock of pike in the lake with a lower average weight, a greater proportion of which do not feed on trout. This means that the objective of reducing the burden on trout stocks is achieved and as a consequence the trout stocks increase. This has been demonstrated as being a successful management tool for wild brown trout fisheries for the past 45 years.

An independent scientific evaluation of the necessity for pike control in Irish trout Loughs was requested by the committee responsible for the distribution of Community funds to Irish fishery projects (the TAM programme for the 1995-1999 period). The evaluator concluded that the policy of controlling pike numbers in Irish trout Loughs of the central and regional fisheries boards was an essential management tool.

As for the comments of Dr Bruno Broughton, these appear to be at odds with a previous publication in which he stated that the removal of large pike from English reservoirs, which were being managed as trout fisheries, was beneficial to the trout stocks. The direct quotation is as follows: 'there is no doubt that the quality of trout fishing has increased since pike removal commenced.' ([1]).

5. According to the information received from the WRFB, the great lakes are very important wild brown trout fisheries. To allow them to deteriorate into fisheries dominated by coarse fish species would be to allow one of the most important fisheries in the country to fall into decline. Ireland cannot allow this to happen. It would be improper to favour the introduced species of pike and roach at the expense of the native wild species of brown trout. It must be a goal of Ireland and the Commission that these lakes be protected as wild brown trout fisheries and any undue outside or external influence must be controlled. As well as protecting the native species these lakes are wild brown trout fisheries of enormous international importance both in terms of recreational and tourist angling and also constitute a very special and rare ecotype particularly in European terms.

([1]) This was in the following peer reviewed paper: A comparison of three methods of pike (Esox lucius L.) removal from a lowland trout fishery. Authors: Broughton, N.M. & Fisher K.A.M. in Fish. Mgmt. (1981), Vol. 12, No 3, pp. 101-106.

(2001/C 350 E/020) **WRITTEN QUESTION E-0528/01**

by José García-Margallo y Marfil (PPE-DE) to the Commission

(22 February 2001)

Subject: Economic forecasts

On 19 January 2001, Commissioner Solbes stated that 'oil prices are lower than expected, and the euro exchange rate has improved vis-à-vis the working hypotheses which were used by the Commission in November when drawing up its macroeconomic forecasts'.

How — and to what extent — will these exchange rates affect the Community's macroeconomic fundamentals?

Answer given by Mr Solbes Mira on behalf of the Commission

(20 June 2001)

The Commission forecasts published on 22 November 2000 were based, among other things, on assumptions of an average oil price in 2001 of USD 30 per barrel Brent and a USD/€ exchange rate of 0,90. So far in 2001 (up to 13 March) the oil price has been around 12 % lower and the USD/€ rate 3 % higher than previously assumed.

These changes to the oil price and exchange rate are not particularly significant and within the normal range of volatility for these variables. If this situation were to prevail over the year, it would have a limited impact on the economic performance of the Community.

In particular:

— inflation should be lower than otherwise with unchanged exchange rates and oil prices. Only taking into account the direct impact on fuel prices (and disregarding possible secondary effects on other consumer prices), an easing of the harmonised consumer price index (HICP) rise of around 0,1 % to 0,2 % could be expected for 2001. The stronger euro would slightly reinforce this effect on headline inflation;

— as regards gross domestic product (GDP) growth, a lower oil price, on the one hand, stimulates real household incomes and business profitability and, thus, consumption and investment. On the other hand, a higher exchange rate weighs on the price competitiveness of exporters, and therefore lowers exports and growth. Hence, the net effect of the changed oil price and exchange rate on GDP growth in 2001 is, to some degree, uncertain.

The changes in oil prices and exchange rates are not the only new elements in the external environment for the Community economy. Most notably, the extent of the American slowdown since late last year was not fully visible at the time of the last Commission forecast.

(2001/C 350 E/021) **WRITTEN QUESTION E-0590/01**

by Alexandros Baltas (PSE) to the Commission

(1 March 2001)

Subject: Duties imposed by Brazil on canned peaches

The Brazilian authorities have imposed duty of 55 % on canned peaches. This duty is a discriminatory levy on canned peaches exported from Greece to Brazil and was imposed by the Brazilian authorities some five years ago.

It was to be reduced, however, each year until by December 2000 it would stand at 23 %, and from 1 January 2001, it would be limited to 17 %.

I am informed, however, that in October 2000, the Brazilian authorities increased the duty to 55 % once again. At the same time, they launched an anti-dumping inquiry, though without imposing an interim duty. According to the Brazilian authorities, the duty was of a temporary nature and would be abolished on 31 December 2000 when the original arrangements would be reintroduced and the applicable duty reduced (on 1 January 2001) to 17 %. On 2 January 2001, however, the Brazilian authorities extended the validity of the 55 % duty until 30 June 2001 with a view to discussing the rate within Mercosur.

As a result Brazil's action, producers and exporters of canned peaches lost the holiday period business and suffered a serious setback. In general, the pressure exerted on EU canned peaches from third countries is growing, threatening an important sector of European industry with disaster, which may snowball into negative repercussions for society as a whole (higher unemployment), the farming community and, by extension, the common agricultural policy, the environment, etc.

In the light of the above, will the Commission say:

— what measures it has taken to protect the canned peach sector and with what results,

— what measures does the Commission propose to take next,

— to what extent are the practices adopted by Brazil taken into account and to what extent do they influence the policy pursued by the Council in talks and negotiations with Mercosur, of which Brazil is a member?

Answer given by Mr Lamy on behalf of the Commission

(18 May 2001)

The Commission is aware of several measures that have created difficulties for the market access of imported canned peaches in Brazil. The measures mentioned by the Honourable Member can be divided into two separate issues: Application of customs duties and anti-dumping investigation.

As regards applicable customs duties, the reintroduction of the 55 % duty is in line with Brazil's commitments on customs tariffs in the framework of the World Trade Organisation (WTO). The legality of the level of duty cannot therefore be challenged. However, the Mercosur Common External Tariff (CET) for canned peaches is 17 %. On the basis of a recent Mercosur decision, Brazil may deviate from the CET on canned peaches (among a number of other goods), but should eventually adjust its duties in line with the CET. The Commission will clarify with the Brazilian authorities when this will take place.

In general terms, customs duties are best addressed in the context of the on-going interregional negotiations between the Community and Mercosur. It is the Commission's objective that these negotiations will include principles of standstill and roll-back as regards customs duties and, finally, removal of customs duties on substantially all trade between the Community and Mercosur.

The anti-dumping investigation initiated by Brazil on 25 October 2000 has to be finalised under the Brazilian legislation within twelve months from initiation. This deadline may in exceptional circumstances be extended by six more months, i.e. a total duration of eighteen months at most. The Commission is monitoring this procedure closely with a view to reacting swiftly in case of any deviation from WTO provisions by the Brazilian authorities.

(2001/C 350 E/022) **WRITTEN QUESTION E-0597/01**

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

(1 March 2001)

Subject: The standing of the EU fisheries sector in the globalised economy

The fisheries sector is more open than most in the Community economy to globalisation — the extension across the board of exclusion zones around continental shelves to 200 miles in the 1970s led the Community fisheries sector to actively seek resources in third-country waters, given that Community production alone had failed to supply even 50 % of the demand for fisheries products. The role played by the fisheries sector in the economy of Europe and of the world as a whole extends beyond the purely economic. The sector also influences lifestyles, population patterns, employment and the survival of those industries on which we depend for the safety of our food, and for these reasons it must be protected.

Can the Commission provide specific and up-to-date figures on:

— the current contribution of the EU fisheries sector in the strict sense (i.e. extractive fishing practices) towards Community GDP?

— the current contribution of the EU fisheries sector in the broad sense (i.e. extractive fishing practices, processing industry, marketing, allied industries and specialised shipbuilding) towards Community GDP?

— the current contribution of the EU fisheries sector in the strict sense (i.e. extractive fishing practices) towards the global economy in comparison with its counterparts in other world powers such as the USA and Japan?

— the current contribution of the EU fisheries sector in the broad sense (i.e. extractive fishing practices, processing industry, marketing, allied industries and specialised shipbuilding) towards the global economy in comparison with its counterparts in other world powers such as the USA and Japan?

— the current contribution of the EU fisheries sector in the strict sense (i.e. extractive fishing practices) towards employment in the EU by Member State?

— the current contribution of the EU fisheries sector in the broad sense (i.e. extractive fishing practices, processing industry, marketing, allied industries and specialised shipbuilding) towards employment in the EU by Member State?

Answer given by Mr Fischler on behalf of the Commission

(8 May 2001)

In 1998, catches to a value of € 7,3 billion were landed in the Community, accounting for about 0,1 % of Community GDP (gross domestic product).

The total value of output in the Community fisheries sector (extractive fishing, aquaculture, processing and marketing) was € 20 billion in 1998, 0,28 % of Community GDP.

Japan's landings in 1998 valued € 9,6 billion, and the United States' € 2,9 billion, i.e. the Community was situated in between. The value of output of Community aquaculture amounted to € 1,4 billion, compared with € 4,3 billion for Japan and € 837 million for the United States.

The Commission has no data on the turnover of the processing and marketing segments of the fisheries sector in Japan and the United States.

The following table shows employment in the fisheries sector, in absolute and percentage terms, in the Member States.

Employment in the fisheries sector in the EU in absolute terms and as a percentage of total employment

Member State	Extractive fishing	% (1)	Aquaculture	Processing and marketing	% (2)
Belgium	745	0,02	137	1 260	0,05
Denmark	6 361	0,23	700	7 650	0,54
Germany	3 261	0,01	2 865	11 280	0,05
Greece	43 952	1,13	3 164	2 409	1,27
Spain	68 297	0,45	14 800	15 449	0,65
France	21 664	0,09	15 268	16 725	0,23
Ireland	6 424	0,41	2 198	2 746	0,72
Italy	43 289	0,19	10 807	6 447	0,27
Netherlands	3 102	0,04	404	6 051	0,12
Austria			850	100	0,04
Portugal	29 146	0,60	5 340	6 294	0,85
Finland	3 250	0,15	651	560	0,20
Sweden	2 353	0,06	794	1 933	0,12
United Kingdom	17 847	0,06	2 467	18 140	0,14

(1) Employment in extractive fishing as a percentage of total employment.
(2) Employment in the fisheries sector (extractive fishing, aquaculture, processing, marketing) as a percentage of total employment.

(2001/C 350 E/023)

WRITTEN QUESTION E-0610/01

by Richard Howitt (PSE) to the Commission

(1 March 2001)

Subject: Role of EU local and regional authorities in promoting self-government in developing countries

How does the European Commission view the role of EU Member State local and regional authorities and their representative bodies in promoting the concept and practice of local self-government in development countries?

Answer given by Mr Nielson on behalf of the Commission

(15 May 2001)

The Community increasingly recognises the critical importance of providing effective support to the new wave of decentralisation processes in developing countries. A genuine decentralisation -involving the effective transfer of power, responsibilities and funds to (elected) local governments- holds great development potential. Local governments could play a useful role as a nexus between central government and local communities. They could offer a domestic framework for democratic interaction, joint planning of local development priorities, improved accountability and sustainability of development actions. They have a key role to play in creating an 'enabling environment' for local (economic) development and related fight against poverty. They can help to promote new partnerships between public and private actors on the basis of their respective comparative advantages.

However, it should be clear that decentralisation is a complex and fragile process. The emerging local governments are likely to be confronted with major problems of legitimacy, political and administrative culture, funding and capacity. If sustainable human development is to be ensured in both rural and urban areas, and if the decentralisation processes are to succeed, it is essential that local governments and their institutions are given the opportunity to develop appropriate capacities and to raise sufficient resources to meet the increasing demands on them. Against this background, the Community is keen to strengthen the partnership with Community local and regional authorities (and their representative bodies) as they can provide a useful, complementary contribution to the emergence of viable local governance systems in developing countries.

Their potential added-value and comparative advantage in terms of roles is threefold. First, Community local and regional authorities are well-placed to provide targeted forms of capacity building to local governments and national associations, amongst others through innovative modalities of municipal international co-operation.

Second, Community local and regional authorities could provide different forms of support to local (economic) development processes (as opposed to traditional projects), based on new public-private partnership between a wide variety of local actors (local governments, private sector, civil society). Local governments have a critical role to play in building these local development coalitions in the pursuit of common goals. Yet this is a fairly new task for local governments. Their northern partners can help them to become an effective catalyst for local development, in close collaboration with other development players.

Third, Community local and regional authorities have an important advocacy role to play in promoting a stronger partnership between the Community and local governments (in North and South) and in helping to shape new policies and instruments in support of decentralisation processes and local governments.

Over the last years, the Community has sought to improve and deepen its collaboration with Community local and regional authorities, with the respect for the principles of local ownership and subsidiarity. Innovative initiatives have been supported through the decentralised co-operation budget line. The Community has developed a new policy framework for decentralised co-operation (1999), which recognises the priority of promoting local governance and effective local governments. Also in 1999, a first structured dialogue has taken place between the Community and local government representatives

from Africa and the Community. Building on this, the Community will seek to elaborate a communication on ways and means to develop stronger partnership with local governments, including a comprehensive policy framework, adapted (financial) instruments and clarity on the appropriate role division between local government actors in developing countries and the Community. In this regard, the Community has systematically stressed the need for Community local and regional authorities to also adjust their policies, roles, interventions, strategies, and capacities. Such adjustment is required if Community local and regional authorities are to provide effective forms of support that do not substitute for roles and responsibilities that local governments in developing countries should play.

(2001/C 350 E/024) **WRITTEN QUESTION E-0637/01**

by Theresa Villiers (PPE-DE) to the Commission

(6 March 2001)

Subject: EU funding to Yasser Arafat

1. Could the Commission please confirm whether any EU funding has been passed directly to Yasser Arafat in cash?

If so, could the Commission confirm:

— what sums have been so paid;

— how much has been paid;

— what dates such payments were made;

— whether it is planned to continue to make payments in this way;

— from what budget line these payments came;

— what the specified purposes of the budget line in question were;

— what precautions the Commision is taking to ensure that the funds are used for the specified purposes;

— whether payments in cash breach any rules, laws, regulations or principles of good management?

2. Specifically, could the Commission confirm whether a decision has been taken to pay Mr Arafat between € 20 and € 30 million per month for as long as the emergency in the Middle East lasts?

Answer given by Mr Patten on behalf of the Commission

(15 May 2001)

The Commission has never funded either President Arafat or the Palestine Liberation Organization (PLO) directly. The beneficiary of all Community assistance to the Palestinian territories is the Palestinian Authority through the Ministries of Finance and International Co-operation.

In September 1997, the General Affairs Council requested the Commission to create a rolling fund for the Palestinian Authority to help cope with the budgetary impact of any freeze of monthly transfers of Palestinian tax receipts (VAT and customs duties) by the Israeli government. Israel is under an obligation to make these transfers under Article VI of the 1994 Israeli-Palestinian Protocol on Economic Relations (the Paris Protocol). A fund of € 25 million was established in January 1998, under budget line 47-100 (MEDA). The conditions and functioning of the instrument are set out in a Financing Agreement between the Commission and the Ministry of Finance of the Palestinian Authority. Furthermore, the release of funds is subject to conditions aimed at ensuring the correct use of the funds, including the consolidation of expenditure and revenue, the control of current expenditure and the adoption of a balanced budget. Compliance with these conditions is monitored by the International Monetary Fund (IMF). Monies drawn from the fund are reimbursable, once Israel resumes its transfers.

In October 2000, the Israeli government froze clearance revenue transfers to the Palestinian Authority. In accordance with the commitments made under the above instrument, the Commission released € 27,5 million (€ 25 + interest) on 7 November 2000 from the facility.

In the light of the worsening situation in the Palestinian territories and the continued Israeli freeze of revenue transfers, the Commission decided on 13 December 2000, to establish a new special cash facility of € 90 million — under budget line 47-100 (MEDA). A first tranche (€ 30 million) of the new instrument — which is subject to the same conditions as the first cash facility — was disbursed on 23 January 2001.

Since December 2000, the situation on the ground has worsened, as has the economic and budgetary situation of the Palestinian Authority, due the closure of the Palestinian territories by Israel. Since the beginning of the crisis in October 2000, Palestinian economic activity has decreased by 50 %, the poverty rate has increased from 21 % to 32 % and unemployment affects 38 % of the population. In addition, the closure policy and the financial crisis have severely eroded the ability of the Palestinian Authority to function as an institution.

Under these circumstances, and in order to deal with the needs of the Palestinian Authority in the longer term, the Commission decided on 13 March 2001 to convert the remaining amount of up to € 60 million of the special cash facility into direct budgetary aid. This decision is fully in line with the conclusions of the General Affairs Council meeting of 26 February 2001, which stressed the need for the Union to play an important role in a concerted international effort aiming at avoiding economic and institutional collapse in the Palestinian territories, and to make full use of the funds available under the special cash facility for this purpose.

The disbursement of this budgetary aid is subject to the adoption by the Palestinian Authority of an austerity budget — under close monitoring by the IMF — and to the Palestinian commitment to take measures, inter alia, to fight corruption and increase transparency and good governance. The disbursement of budgetary aid will be done in the framework of a concerted effort with all international donors under the auspices of the Ad hoc Liaison Committee.

(2001/C 350 E/025)

WRITTEN QUESTION E-0654/01

by Jan Mulder (ELDR) to the Commission

(6 March 2001)

Subject: Destruction of entire herds of cattle when one case of BSE is discovered on a farm

To date, the European Commission has taken the position that it is for the individual Member States to decide what to do if one case of BSE is discovered on a farm: destruction of the entire herd or destruction of the cohort. The Member States actually apply both solutions.

1. Can the Commission indicate the scientific opinion (and the committee which delivered that opinion) on which it bases its position?

2. Why does the Commission not take the view that, where the Member States' attitude is based on the precautionary principle, that principle should apply uniformly throughout the European Union on the grounds of the unity of the market?

3. Is the Commission prepared, where appropriate, to have an investigation carried out as a matter of urgency into the need to destroy entire herds on a farm where one case of BSE has been discovered?

Answer given by Mr Byrne on behalf of the Commission

(6 June 2001)

The present rules on the treatment of bovine spongiform encephalopathy (BSE) suspect and confirmed cases are laid down in Commission Decisions 98/272/EC of 23 April 1998 on epidemio-surveillance for

transmissible spongiform encephalopathies and amending Decision 94/474/EC [1] and 2000/764 of 29 November 2000 on the testing of bovine animals for the presence of bovine spongiform encephalopathy and amending Decision 98/272/EC on epidemio-surveillance for transmissible spongiform encephalopathies [2] (as amended). These decisions provide, apart from the rules for surveillance and monitoring of transmissible spongiform encephalopathies (TSE), for the destruction of BSE-positive animals. They do not impose any rules as regard the treatment of other animals in the herd.

However, the Commission proposed in 1998 a Regulation of the Council and Parliament on transmissible spongiform encephalopathies [3], providing inter alia for the measures to be taken after confirmation of a BSE case. Following a Parliamentary amendment in first reading, whole-herd slaughter was added to the two eradication measures proposed by the Commission, i.e. slaughter of birth/rearing cohorts and of off-spring cohorts. The Parliament adopted an opinion in second reading on this proposal recently and it will enter into force on 1 July 2001.

An opinion on BSE related culling of cattle was adopted by the Scientific Steering Committee (SSC) on 15 September 2000. This opinion states that culling of the cohort is more efficient than whole herd culling. However, it also states that if tracing of cohorts is not reliable, whole herd culling is a second best option.

The precautionary measures of the Member States aim, by killing cattle in herds where BSE cases have been detected, at eliminating otherwise not identified BSE cases and preventing future BSE cases from appearing. The institutions are in the process of adopting permanent Community legislation on the basis of Article 95 (ex Article 100A) of the EC Treaty, based on scientific advice and the precautionary principle. This Regulation will replace the existing Community safeguard measures on BSE as well as the national eradication measures.

It is the intention of the Commission, with a view to implementing the SSC opinion on culling strategies adopted after its initial proposal, to evaluate the need for more detailed rules for the application in practice of the provisions on eradication set out in the Regulation before it enters into force. A proposal to the Standing Veterinary Committee for its opinion is expected shortly in this respect.

(1) OJ L 122, 24.4.1998.
(2) OJ L 305, 6.12.2000.
(3) OJ C 45, 19.2.1999.

(2001/C 350 E/026) **WRITTEN QUESTION E-0665/01**

by Philip Bushill-Matthews (PPE-DE) to the Commission

(6 March 2001)

Subject: Lisbon European Council and the promotion of inclusion

The 2000 Lisbon European Council invited 'the Council and the Commission to mainstream the promotion of inclusion in Member States' employment, education and training, health and housing policies.' What specific steps have been taken in this regard and what action has been taken at Community level by action under the Structural Funds?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(6 June 2001)

The promotion of social inclusion is an underlying objective in the Employment Guidelines [1]. The new Guideline No 7 calls for measures to combat all forms of discrimination in access to the labour market and to education and training; it advocates the development of pathways consisting of effective preventive and active policy measures to promote the integration into the labour market of groups and individuals at risk

or with a disadvantage, in order to avoid marginalisation, the emergence of 'working poor' and a drift into exclusion; it also calls for the implementation of appropriate measures to meet the needs of the disabled, ethnic minorities and migrant workers as regards their integration into the labour market and to set national targets where appropriate for this purpose.

In addition, a number of other Employment Guidelines — notably on the prevention of long term unemployment, on life long learning, on the tax/benefits systems and on equal opportunities — have a close link with the objective of fighting social exclusion.

Member States have been invited by the Commission to ensure consistency and complementarity between their national reports on, respectively, employment policy and social inclusion policies.

Regulation (EC) No 1784/1999 of the Parliament and of the Council of 12 July 1999 on the European Social Fund [2] (ESF) outlines the five policy fields through which the ESF will support the development of the labour market and human resources. One of those policy fields aims to 'promote equal opportunities for all in accessing the labour market, with particular emphasis on those exposed to social exclusion'. This provided a good starting point to promote, within Structural Fund programmes, the inclusion agenda set out at the Lisbon European Council.

Between 2000-2006, the ESF will make an investment in people of around € 60 billions as part of the modernisation and reform of European labour markets [3]. They will give particular attention to integrating marginalised groups into the economy and society. Negotiations between the Commission and Member States resulted in plans to allocate over € 9 billions of ESF to promote social inclusion across the Community. This support will come via action to widen access to learning and employment opportunities including clear commitments to tackle the digital divide.

The European Regional Development Fund (ERDF) can make a contribution to promoting improvements in health within regions covered by Objective 1 where this investment is beneficial to the region's structural adjustment [4].

The commitment to social inclusion will be reviewed over the lifetime of Structural Fund programmes including an evaluation in 2003 of the impact of the ESF (including the Community Initiative EQUAL) in promoting social inclusion [5].

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[1] Council Decision 2001/63/EC of 19 January 2001 on Guidelines for Member States' employment policies for 2001 (OJ L 22, 24.1.2001).
[2] ERDF also makes a significant contribution to job creation (Regulation (EC) No 1783/1999 of the Parliament and of the Council of 12 June 1999 (OJ L 213, 13.8.1999).
[3] In many Structural Fund programmes, ESF will work alongside other Community funds e.g. ERDF.
[4] Regulation (EC) No 1261/1999 of the Parliament and of the Council of 21 June 1999 (OJ L 161, 26.6.1999).
[5] Communication from the Commission to the Council, the Parliament, the Economic and Social Committee and the Committee of the Regions: Social Policy Agenda COM(2000) 379 final.

(2001/C 350 E/027) **WRITTEN QUESTION E-0683/01**

by Michl Ebner (PPE-DE) to the Commission

(8 March 2001)

Subject: Increased funding for cross-border co-operation

Can the Commission state whether it is planning to increase the budget currently available for the Interreg III programme for the programming period up to 2006 for the purposes of cross-border co-operation with particular reference to areas adjoining what will then be the new Central and East European Member States?

Answer given by Mr Barnier on behalf of the Commission

(14 June 2001)

The Community initiative Interreg is the most important one in financial terms during the programming period 2000-2006. According to the conclusions of the European Council of Berlin, due attention should be given to cross-border activities, in particular in the perspective of enlargement and for Member States which have extensive frontiers with the applicant countries.

On the basis of indicative financial allocations per Member State established by the Commission specifying the margins of flexibility between the different strands of Interreg, Member States make a breakdown of funding by strand, border and region, as appropriate. In breaking down this amount, Member States have to ensure that, on an indicative basis, at least 50 % of their total allocation for Interreg III is allocated to cross-border co-operation under strand A. As all Interreg III strand A programme proposals have in the meantime been submitted, it can be stated that about 67 % of the Interreg allocation will be dedicated to cross-border co-operation.

The Commission is currently in the process of negotiating the Interreg programmes drawn up by the authorities designated by the Member States. Once the Commission has approved those programmes, all resources with the exception of a certain amount set aside for networking in the framework of Interreg will be allocated. No additional financial resources will be available during the current programming period, as the Commission is required to respect the financial perspectives agreed at the European Council of Berlin.

Following the request made by the European Council of Nice, the Commission is preparing a communication on regions bordering candidate countries. The communication will evaluate their socio-economic situation, analyse the potential impact of enlargement on those regions and examine the existing Community instruments. In addition, the communication will include proposals for actions to optimise and better co-ordinate the existing Community instruments in place to support border regions. The communication is likely to be adopted before the summer break.

(2001/C 350 E/028) **WRITTEN QUESTION E-0695/01**

by Glenys Kinnock (PSE) to the Commission

(8 March 2001)

Subject: Textiles industry in Bangladesh

Does the Commission intend to respond to calls from the Bangladeshi Prime Minister, Sheikh Hasina, for the US to extend duty, and quota, free access, which is already offered to 33 least developed countries, to Bangladeshi textiles and garments? Will direct contact be made with the EU's trade counterparts in the United States?

(2001/C 350 E/029) **WRITTEN QUESTION P-1068/01**

by Caroline Lucas (Verts/ALE) to the Commission

(26 March 2001)

Subject: The US 'New Africa' Initiative and Bangladeshi textiles

In its offer of duty-free and quota-free access, the US Trade and Development Act 2000 makes a critical distinction between ACP least-developed countries, and non-ACP least-developed countries. This somewhat arbitrary distinction is already having a very negative impact on the textiles and garments sector in Bangladesh, for which the US market is extremely important. This is particularly regrettable, since it is precisely the growth of this sector which has enabled many thousands of Bangladeshi women to earn an independent income and to make significant progress towards greater equality.

In the light of its own Everything-But-Arms initiative, will the Commission contact its trade counterparts in the United States and argue for the extension of duty-free and quota-free access for all least-developed countries?

Joint answer
to Written Questions E-0695/01and P-1068/01
given by Mr Lamy on behalf of the Commission

(14 May 2001)

The Commission understands the concern of Bangladesh about its market position and market share following the adoption of the American Trade and Development Act (USTDA 2000) from which, together with the other Asian least developed countries (LDCs), it is excluded.

As far as the Community is concerned, Bangladesh's status as least developed country implies duty- and quota free access for its textile and clothing exports to the Community and this has enabled the country to significantly increase its exports of these products to the European market, becoming the Community's 10th largest supplier.

The Commission would encourage other developed countries to grant similar treatment to LDCs, and is in this respect encouraged by the reaction of countries such as Chile and New Zealand to the Community's 'Everything but Arms' initiative (EBA initiative) which extends duty and quota-free access to the Community market for all products from the 49 least developed countries.

The EBA initiative reflects the importance the Community attaches to a full integration of developing countries, in particular the least developed countries, into the multilateral trading system. This is of course a subject of discussion with other developed country trading partners, including the United States.

(2001/C 350 E/030) **WRITTEN QUESTION E-0697/01**

by Eurig Wyn (Verts/ALE) to the Commission

(8 March 2001)

Subject: Suckler cow premiums

Would the Commission agree that the recent 'seven point plan' for the UK is unfavourable to beef production in the UK, and especially for Wales? Given the proposal to reduce the number of productive suckler cows eligible for the suckler cow premium, the UK will be affected disproportionately — with 18 % of the suckler cows population in the UK compared with only 11 % of total EU beef production.

Does the Commission accept that it is unfair that the UK has to introduce these changes when we already have in place an over thirty month scheme that has removed animals from the market for the last five years?

Does the Commission also accept that reducing the number of suckler cows in the market will have a negative effect on consumers as it will reduce the higher quality beef being produced for the European consumer?

Is it not also illogical to further concentrate beef production from dairy herds where a much higher incidence of BSE has occurred.

Finally, will the Commission look again at the calf slaughter premium scheme? This scheme can be carried out at lower cost than the other measures being proposed by the Commission such as the change to the suckler cow scheme. It will remove the lower quality animals from the market and will also have a more rapid impact in the re-balancing of the market.

Answer given by Mr Fischler on behalf of the Commission

(2 May 2001)

The Commission proposals are covering the short term as well as the longer term and are including measures in favour of a higher quality production.

The measures proposed for the suckler cow premium are focusing in particular on limiting production in the future so as to contribute to market equilibrium. The application of these measures in the whole Community is the condition for their full effectiveness.

Since beef and veal production depends largely on the number of cows, future meat production can be reduced by cutting down the number of suckler cows. Nevertheless, the measures are formulated in such a way that the impact on the farmer's income is small. The minimum number of heifers keeps the number of premium paid to the farmer unchanged but reduces the number of calves born.

The number of dairy cows is determined by the total reference quantity of milk allocated to the producer. Therefore, the premium for processing of calves would be a solution to achieve a reduction of the meat quantities put on the market in the short term. Nevertheless, this solution appears to be a theoretical one. The Commission recalls that such a premium was under severe attack from a lot of animal welfare organisations and the Berlin European Council agreed that this kind of premium should only be kept as a possible measure to be financed by national aids.

(2001/C 350 E/031) **WRITTEN QUESTION E-0709/01**

by Isidoro Sánchez García (ELDR) to the Commission

(8 March 2001)

Subject: Entry into force of the new COM in bananas

On 19 December European Union Agriculture Ministers approved the COM in bananas, which was to enter into force on 1 April or, if more time was needed to finalise the technical details, on 1 July.

The first date is now a month and a half away. In view of this, and given that the COM is a step forward for Canary Islands banana producers in that it limits the quantities of bananas from non-European producers allowed onto the Community market by means of a 'first come, first served' quota system, when does the Commission think that the necessary technical measures will be completed to enable these arrangements to take effect?

Answer given by Mr Fischler on behalf of the Commission

(16 May 2001)

The second paragraph of Article 2 of Council Regulation (EC) No 216/2001 of 29 January 2001 amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas [1] provided for application of the new importation arrangements to be deferred until 1 July 2001.

The Commission did indeed defer their application until 1 July 2001 by means of Commission Regulation (EC) No 395/2001 of 27 February 2001 fixing certain indicative quantities and individual ceilings for the issuing of Community import licences for bananas for the second quarter of 2001 under the tariff quotas or as part of the quantity of traditional ACP bananas [2].

Following intensive discussion with the other trading partners the Commission has since reached a common basis of understanding with the United States and Ecuador, thereby enabling the banana dispute to be resolved.

The solution agreed is based on applying a transitional system of banana import tariff quotas until a tariff-only system enters into force from 1 January 2006 at the latest as scheduled.

The three tariff quotas, comprising a total quantity of 3 410 000 tonnes, will be administered as follows:

— for 83 % of the total, allocation will be based on the historical references of the traditional operators who undertook primary importation during the period 1994-1996 and whose reference quantities were recorded in 1998;

— for 17 % of the total, import licences will be allocated to non-traditional operators by means of the simultaneous examination method.

In addition, before the end of this year the Commission will propose to the Council that from 1 January 2002 onwards a quantity of 100 000 tonnes should be transferred from quota C to quota B and that quota C should be reserved exclusively for the ACP supplier countries.

On 7 May 2001 the Commission adopted the Regulation containing detailed rules for applying the new importation arrangements. The Regulation was published on 8 May and will apply from 1 July 2001.

(1) OJ L 31, 2.2.2001.
(2) OJ L 58, 28.2.2001.

(2001/C 350 E/032) **WRITTEN QUESTION E-0736/01**

by Roy Perry (PPE-DE) to the Commission

(9 March 2001)

Subject: Internet access for schools

The 2000 Lisbon European Council called on 'the Member States to ensure that all schools in the Union have access to the Internet and multimedia resources by the end of 2001, and that all the teachers needed are skilled in the use of the Internet and multimedia resources by the end of 2002.'

Does the Commission believe that these targets will be met, and what evidence can it supply to support its view?

Answer given by Mrs Reding on behalf of the Commission

(12 June 2001)

The Commission is pleased to report that these ambitious targets will probably be met by most Member States.

Data facilitated by Member States for the Report 'Realising the European Union potential: Consolidating and extending the Lisbon Strategy' (1), presented by the Commission to the Stockholm Summit, shows great progress in the connection of schools to Internet. In fact, for secondary schools, several of the Member States have already achieved a connection rate of 100 %, although the number of pupils per computer varies between countries (see attached page 19 from the above mentioned report).

As for equipment in multimedia computers and training of a sufficient number of teachers, a recent Eurobarometer survey of teachers and headteachers (soon to be published) gives reasons for optimism. European teachers seem predominantly open towards new technology and its use in teaching. 55 % of European teachers have already received training. About 7 out of 10 teachers have an Internet connection at home.

(1) COM(2001) 79.

(2001/C 350 E/033) **WRITTEN QUESTION E-0746/01**

by Nicholas Clegg (ELDR) to the Commission

(13 March 2001)

Subject: Launching a case within the WTO's dispute settlement procedures (Commission's recommendation)

When the Commission recommends to the Council of Ministers that it is to launch a case within the WTO's dispute settlement procedures, are the details of the recommendation made available to the public before the Council of Ministers takes its own decision? If not, why not?

(2001/C 350 E/034) **WRITTEN QUESTION E-0747/01**

by Nicholas Clegg (ELDR) to the Commission

(13 March 2001)

Subject: Launching a case under the WTO's dispute settlement procedures (Council of Ministers' instruction)

When the Council of Ministers instructs the Commission to launch a case within the WTO's dispute settlement procedures, what procedures are in place to ensure that the reasons for launching the case are immediately made available to the public?

Joint answer
to Written Questions E-0746/01 and E-0747/01
given by Mr Lamy on behalf of the Commission

(11 May 2001)

As the Honourable Member knows, there are two possible ways for the Commission to ensure the enforcement of the rights of the Community through World Trade Organization (WTO) dispute settlement procedures.

The first one is action under the Trade Barriers Regulation, i.e. Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the WTO [1].

Article 8 paragraph 1(a) of that Regulation provides that when the Commission considers that there is sufficient evidence to justify the initiation of an examination procedure, it publishes a notice in the Official Journal of the European Communities giving a summary of the information received and inviting interested parties to submit comments.

If, at the end of the examination procedure, the Commission decides to initiate a WTO dispute settlement procedure, Article 12 paragraph 4 of the Council Regulation provides that such decision shall state the reasons on which it is based and again be published in the Official Journal of the European Communities. A similar publication happens in case no action is undertaken.

As the guardian of the Treaties, including international agreements, the Commission may also enforce the negotiated rights of the Community outside the specific framework of the Trade Barriers Regulation (see Article 15 of the Council Regulation).

In that case, the Commission consults the special committee established under Article 133 paragraph 3 of the EC Treaty.

In both instances, the current Commission has decided, in a spirit of increased transparency, to make available on the website of Directorate General for Trade the texts of the requests for WTO consultations and of the requests for the establishment for a WTO panel submitted by the Commission on behalf of the Community. These documents provide a description of the measure or practice challenged in the WTO, as well as the indication of the legal provisions which allegedly are breached.

(1) OJ L 349, 21.12.1994. A description of that regulation is also available on the website of DG Trade.

(2001/C 350 E/035) **WRITTEN QUESTION E-0768/01**

by Charles Tannock (PPE-DE) to the Commission

(13 March 2001)

Subject: Turbo pigs

What action has the Commission taken to protect European consumers in the aftermath of the 'turbo pigs' scandals in Austria and Germany involving revelations about the illegal use on Austrian and German pig farms of antibiotics, growth-inducing hormones and vaccines smuggled into Europe from the Far East and the United States, and what measures it has taken to ensure that no animal sold within the EU has been treated with illegal substances?

Answer given by Mr Byrne on behalf of the Commission

(6 June 2001)

Council Directive 96/23/EC of 29 April 1996, on measures to monitor certain substances and residues thereof in live animals and animal products (1) requires that Member States and third countries exporting food of animal origin to the Community should control use, misuse and illegal use of veterinary medical products.

Controls can be carried out by the Member States at the farm, in the slaughterhouse or at border inspection posts. Moreover, the Commission, through its Food and Veterinary Office, evaluates the ability of Member States or third countries to carry out their controls through audits and inspections. Depending on the findings of such audits and inspections, the Commission may recommend improvements, initiate infringement procedures, delete a third country from the list of countries authorised to export food of animal origin to the Community or apply a safeguard measure.

Therefore, the Commission considers that the current framework, if properly implemented, provides the tools to ensure consumer protection from misuse and illegal use of veterinary medical products in food producing animals.

(1) OJ L 125, 23.5.1996.

(2001/C 350 E/036) **WRITTEN QUESTION E-0781/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(13 March 2001)

Subject: Publication of an OLAF report

It is undoubtedly very much in the general interest that instances of fraud at the Commission's Stockholm Information Office be fully and publicly clarified, so as to prevent further speculation.

Will the Commission publish the OLAF report on fraud at the Commission's Stockholm Information Office? If not, will it state the reasons why the report is to remain secret?

Answer given by Mr Prodi on behalf of the Commission

(29 June 2001)

The Commission has already had the opportunity to set out its position on publication of the report on this case by the European Anti-Fraud Office (OLAF) in its answer to Written Question P-3457/00 by Mme Paulsen [1]. In its answer, the Commission states that, in accordance with Regulation (EC) No 1073/1999 [2] of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by OLAF, the investigation report was sent to the Commission and to the Swedish judicial authorities. Information communicated and obtained in this context is subject to professional secrecy and may not be passed on to persons other than those within the Community institutions or in the Member States whose duties require them to know it, nor may it be used for purposes other than to combat fraud and corruption.

In adopting Regulation (EC) No 1073/1999, the co-legislators thus decided that it was in the public interest for this kind of report to remain confidential.

Following authorisation by the Swedish judicial authorities, OLAF has stated that it sent its report in confidence to Parliament's Committee on Budgetary Control, at its request, on 19 March 2001.

Judicial proceedings are still in motion in Sweden.

The Commission will keep Parliament informed of the outcome of the proceedings in due course.

[1] OJ C 163 E, 6.6.2001.
[2] OJ L 136, 31.5.1999.

(2001/C 350 E/037) **WRITTEN QUESTION E-0787/01**

by Daniela Raschhofer (NI) to the Commission

(13 March 2001)

Subject: Rotation of A1 and A2 Commission officials

According to the Commission document (SEC(2000) 2305/5), it is a general rule that A1 and A2 officials are appointed for a maximum period of five years. The Commission's administrative reform is particularly geared towards enhancing performance. The purpose of rotating officials is to counter job fatigue, which can develop after occupying the same post for five years. In special cases, the period can be extended by a further two years, resulting in a total of seven years.

There are Commission officials who have occupied their posts for more than seven years.

Why has the Commission not complied with its own rules?

Which officials have held the same position for over seven years and why?

Does this signal the failure of the Commission's internal reform?

Answer given by Mr Kinnock on behalf of the Commission

(11 June 2001)

The Commission's commitment to the job rotation of senior personnel set out in its decisions of September 1999 and December 2000 is clear, and significant progress has already been made by the Commission in implementing its stated objectives.

The Honourable Member will appreciate the reality that implementation must, for practical reasons, be a process rather than an event and, in 1999 and 2000, the Commission launched two major initiatives for job rotation of its senior management:

— Directly after taking up office in September 1999 the Commission decided on a series of appointments of Directors-General resulting in the rotation of 10 DGs (about a third of the total). An important factor in this decision was the period of time a Director-General had occupied the same post.

— In January 2000 the Director-General for Personnel and Administration launched an initiative which identified A2 officials who had occupied the same posts for more than five years. These officials were asked to indicate, in order of preference, three desired alternative posts.

These two initiatives have contributed to developments which mean that, since 1999, new job-holders have been appointed to more than 40 % (36 A1 and 76 A2) of all A1 and A2 posts:

— in 1999, 13 A1 (four new appointments, nine internal transfers) and 26 A2 (11 new appointments, 15 internal transfers) positions were filled by new appointees. In 2000, a further 23 A1 (15 new appointments, eight internal transfers) and 50 A2 (37 new appointments, 13 internal transfers) jobs changed hands,

— as of April 2001, six A1 and 21 A2 officials four of whom are due to retire in 2001/2002) have been in their posts for more than seven years. These figures represent 10 % of both the A1 and A2 cohorts respectively. A list of the officials concerned is transmitted direct to the Honourable Member and to Parliament's Secretariat.

The Honourable Member will appreciate that the implementation of the Commission decision of 21 December 2000 [1] on senior management requires new procedures and systems to be put in place.

The Commission intends, meanwhile, to begin another job rotation procedure during 2001. Feedback from the senior management appraisal system will be incorporated into this ongoing process. The new appraisal system is scheduled for approval by the College at the end of 2001. Once approved it will be implemented during 2002, in accordance with the timetable set out in the above-mentioned decision of December 2000.

Factual detail of what has been done and is being done, and of constructive policy that will be implemented completely contradicts the Honourable Member's negative assumptions about the progress of reform.

[1] SEC(2000) 2305/5.

(2001/C 350 E/038) **WRITTEN QUESTION E-0790/01**

by Eurig Wyn (Verts/ALE) to the Commission

(13 March 2001)

Subject: Export of live horses

The export trade in live horses for slaughter for meat has increased within Europe since the escalation of the BSE crisis.

Is the Commission aware of the appalling conditions in which the horses are transported and the inhumane treatment they receive prior to death?

Does the Commission support stricter regulations on the live transport of horses and all other animals?

Does the Commission support stricter regulations for the humane treatment of these animals?

Answer given by Mr Byrne on behalf of the Commission

(13 June 2001)

At the Agriculture Council meeting of January 2001 the Commission presented a report on the experience acquired by Member States since the implementation of the Directive on the protection of animals during transport ([1]). This document has also been submitted to the Parliament.

The report indicates that given the gravity and frequency of the problems currently arising from the transport of horses for slaughter from Central and Eastern Europe into some Member States, stricter measures are needed.

The Commission considers stricter rules essential for the improvement of the current situation and has already taken initiatives in this direction:

— The Commission adopted Decision 2001/298 of 30 March 2001 amending the Annexes to Council Directives 64/432/EEC, 90/426/EEC, 91/68/EEC and 92/65/EEC and to Commission Decision 94/273/EC as regards the protection of animals during transport ([2]), to amend veterinary certificates for intra-Community trade of livestock including horses in order to refer to the fitness of the animals to be transported. This measure will enter into force from 1 August 2001.

— On 9 April 2001 a proposal for Council Regulation concerning ventilation systems of road vehicles used for journeys exceeding eight hours ([3]), including requirements for a minimum ventilation rate and mandatory systems for the monitoring the temperature inside the lorries has been adopted by the Commission.

Specific measures for the protection of horses including a provision to unload, rest, water and feed the animals arriving at the border of the Community will be addressed before the end of the year. The Commission has requested the Scientific Committee on Animal Health and Animal Welfare to report on animal transport, with particular reference to travelling times and loading densities. On receipt of the report, expected for the end of 2001, the Commission will propose the appropriate revision of legislation in this area.

([1]) COM(2000) 809 final.
([2]) OJ L 102, 12.4.2001.
([3]) COM(2001) 197 final.

(2001/C 350 E/039) **WRITTEN QUESTION E-0794/01**

by Luigi Vinci (GUE/NGL) and Fausto Bertinotti (GUE/NGL) to the Commission

(13 March 2001)

Subject: Pernod-Ricard and Havana Club Rum

In 1999 the USA took legal proceedings, under the so-called Helms-Burton law, against Pernod-Ricard, which had begun negotiations with the Cuban Government with a view to becoming joint proprietor of Havana Club Rum, a Cuban company. This had formerly belonged to U.S. citizens, and had then been confiscated in its entirety by the Cuban Government. The European Commission subsequently lodged an appeal against the USA with the World Trade Organisation, on the grounds that it was invalid to claim that legal persons not having U.S. nationality and operating outside the USA were obliged to comply with US legislation.

Can the Commission provide information on the progress of these proceedings, and the probable outcome?

Answer given by Mr Lamy on behalf of the Commission

(14 May 2001)

In September 2000, the Community requested the establishment of a World Trade Organisation (WTO) panel on Section 211 of the 1998 United States Omnibus Appropriations Act.

It is important to note that Section 211 does not deal with the issue of the expropriation of trademarks or other intangible or tangible assets by the Cuban Government. Section 211 only deals with American trademarks, i.e. trademarks registered in the United States itself. Ownership of such trademarks could not have been affected by the confiscations operated by the Cuban authorities in Cuba, as the American courts have never recognised any effects of Cuban expropriations on the ownership of assets located in the United States.

Section 211 applies to situations where the 'original' American trademark (i.e. the trademark held by the owner of the expropriated Cuban trademark) has ceased to exist, e.g. for lack of renewal by its owner, or where such a right has never existed in the United States. It disallows any transaction related to the registration and renewal in the United States of trademarks where a Cuban national, or Cuba, has an interest, taking away — over time — existing American trademarks from their lawful owners, as they will no longer be able to renew the trademark registration. Section 211, moreover, prohibits American courts from enforcing any such American trademark in the United States on the request of a Cuban national or any foreign successor-in-interest. In other words, it deprives the trademark of any practical value because a trademark cannot be enforced in any other meaningful way than through recourse to the Courts.

The Community considers that Section 211 entails a denial of trademark rights, which is in breach of several provisions of the WTO Agreement on Trade-Related Intellectual Property Rights. The Community's WTO case is in the interest of all Community holders of an American trademark legally acquired directly or indirectly from a Cuban owner, which are potentially affected by Section 211.

The Community has already made its views known to the panel, both orally and in writing. The second and last hearing before the panel took place on 7 March 2001. The panel is now examining the case and is expected to rule on the issue by May 2001.

(2001/C 350 E/040) **WRITTEN QUESTION E-0801/01**

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

(19 March 2001)

Subject: BSE controls and imports of Argentinian beef

Against the background of the BSE crisis, increasing quantities of Argentinian beef are being imported into Europe.

This gives rise to the following questions:

1. Are such imports of beef from Argentina previously tested for BSE?

2. Does the Commission insist vis-à-vis the Argentine authorities on a BSE test?

3. What animals are in general tested for BSE in Argentina?

4. Is it the case that imports of beef from Argentina do not normally previously undergo a BSE test?

5. Is it the case that in previous years European animal meal products have been imported into South America, including Argentina?

6. If that is the case, to which South American countries have animal meal products been exported?

Answer given by Mr Byrne on behalf of the Commission

(21 June 2001)

Currently no tests are available to detect bovine spongiform encephalopathy (BSE) in the meat itself. Testing is carried out on animals. The rapid tests used in the Community are capable of detecting BSE affected animals in the clinical phase of BSE or close to the clinical phase, when applied to the brain or spinal cord after the death or slaughter of the animal. These tests have a valuable role in ensuring that animals in the late stages of incubation of BSE do not enter the food chain. However, they are not able to detect infection in the early stages.

With regard to the aspect of human health, it is clear that the removal of specified BSE risk material remains the key measure. The Commission cannot over-emphasise the importance of effective removal of these specified risk materials.

However, the conclusion of the geographical BSE risk (GBR) assessment carried out by the Scientific Steering Committee for Argentina was that it is highly unlikely that domestic cattle in Argentina has been infected with the BSE-agent. As a result, Argentina has therefore been exempted from the requirements laid down in the Commission Decision 97/534/EC of 30 July 1997 on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies ([1]).

So far, no third country exporting to the Community has been required to carry out systematic BSE testing as an export condition. The need to require such testing in the future will be examined in the framework of a further harmonisation of the import conditions pursuant to the proposed Regulation of the Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ([2]). The BSE risk in the exporting country, the most appropriate way to manage that risk and the international standard will have to be taken into account. Currently the international standard does not recommend BSE testing as a trade condition.

As regards testing of animals already carried out in Argentina, a BSE surveillance system was established in 1992 to determine the prevalence of BSE in the livestock population. Testing has been carried out, mostly on cattle over 24 months, but also on sheep, goats, deer and lamas. Between 1992 and 1999, 4 453 samples have been examined, out of which 680 were from animals with suspect clinical signs; all were negative with regard to BSE.

No exports to Argentina of processed animal protein from the Community have been recorded in the Statistical Office of the European Communities (Eurostat) and Statistics on external trade (Nimexe) databases since 1980.

Exports to the South American countries, that have already been assessed by the Scientific Steering Committee with regard to their geographical BSE-risk (Argentina, Brazil, Chile, Colombia, Paraguay and Uruguay) of 'flours, meals and pellets made from meat or offal, greaves, not fit for human consumption', have been very small in the last 20 years. In the GBR terminology they have been negligible.

([1]) OJ L 216, 8.8.1997.
([2]) OJ C 258, 10.9.1999.

(2001/C 350 E/041) **WRITTEN QUESTION E-0803/01**

by Hiltrud Breyer (Verts/ALE) to the Commission

(19 March 2001)

Subject: BSE crisis: liability and compensation issues and measures by the Commission

1. Is the Commission aware of any instance of criminal proceedings being initiated or claims for compensation being made against the producers of animal feedingstuffs owing to irregular production procedures either in the EU or elsewhere? If not, how does it view the fact that no criminal proceedings have been initiated against them?

2. Does it consider that in the event of a violation product liability should be suspended?

3. What measures will it take to amend the directive on product liability in view of the BSE crisis?

4. Does it intend to take measures to institute an open declaration of animal feedingstuffs?

5. Does it intend to take measures to draw up a positive list of ingredients of animal feedingstuffs and thus to institute a clear declaration stating whether animal feedingstuffs are of animal or plant origin?

6. What measures does it intend to take to develop alternatives to the use of animal meal — meal from animal carcasses — in animal feedingstuffs?

7. When does it intend to organise a conference on animal meal, similar to the conference it organised in July 1997?

Answer given by Mr Byrne on behalf of the Commission

(4 July 2001)

Although the Commission does not have information that any such case has been brought before a criminal court for hearing in any Member State, it is aware that at least one complaint lodged by a civil party in France is currently being examined under a preliminary instruction.

Council Directive 85/374/EEC of 25 July 1985 on liability for defective products [1] introduced in the Community the principle of liability without fault. According to it, any producer of a defective movable must compensate any damage caused to the physical well-being or property of individuals, independent of whether or not there is negligence on the part of the producer. However, it should be noted that in accordance with the general rules on liability, article 4 of the Directive recalls that 'The injured person shall be required to prove the damage, the defect and the causal relationship between defect and damage'; futhermore, article 7 which provides for the conditions under which the producer is exempted from its liability, includes under its point (e) the case where 'the state of scientific and technical knowledge at the time when he put the product into circulation was not such as to enable the existence of the defect to be discovered'.

The Directive covered in its original version all movables, with the exception of primary agricultural products and game. Primary agricultural products meant products of the soil, of stock-farming and of fisheries, excluding products which have undergone initial processing. Therefore, animal feedingstuffs, which in principle have undergone initial processing, were already covered by Council Directive 85/374/EEC.

In the light of the bovine spongiform encephalopathy (BSE) crisis, the Commission proposed to amend the Directive and to extend its scope of application also to primary agricultural products and game. Directive 1999/34/EC of the Parliament and of the Council of 10 May 1999 amending Council Directive 85/374/EEC on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products [2] now obliges the Member States to apply strict liability to unprocessed agricultural products. The Honourable Member's attention is drawn to the Commission report on the application of Directive 85/374/EEC, which it adopted on 31 January 2001 [3].

On 7 January 2000, the Commission adopted a proposal to introduce a new labelling regime [4]. This proposal is now before the Parliament and the Council. The Commission's proposal provides for each ingredient in compound feedingstuffs to be mentioned on the label in order to enable the farmer to make an informed choice. Group names of ingredients will no longer be allowed. This proposal is still under discussion in the Council and in the Parliament under the co-decision procedure.

The Commission is considering launching a feasibility study on this issue, with special reference to laying down rules for establishing and maintaining a positive list.

Following the Council's decision to extend to non-ruminants the ban on the use of processed animal protein in animal feed in order to strengthen the guarantees provided to consumers on food safety, and following its request for an analysis of the supply of and demand for plant protein, the Commission submitted two documents to the Parliament and the Council, to which the Honourable Member is invited to refer:

— the first is a working document [5] on the supply of and demand for protein-rich plants in the Community following the BSE crisis,

— the second is a Communication [6] to the Parliament and the Council concerning options to promote the cultivation of plant proteins in the Community, based on the working document.

A follow-up of the conference on animal protein organised in July 1997 is not foreseen in the current year 2001.

[1] OJ L 210, 7.8.1985.
[2] OJ L 141, 4.6.1999.
[3] COM(2000) 893 final.
[4] COM(1999) 744 final.
[5] SEC(2001) 431.
[6] COM(2001) 148 final.

(2001/C 350 E/042) **WRITTEN QUESTION E-0804/01**

by Daniela Raschhofer (NI) to the Commission

(19 March 2001)

Subject: Exports of animal meal and imports of beef and veal

From 1 December 2000 the use of meat and bone meal in animal feed has been banned throughout the EU, since it is seen as a possible source of BSE.

Will the Commission say:

— Is animal feed containing meat and bone meal exported to the CEECs? If so, what amounts are exported to which countries?

— How many head of cattle and tonnes of beef and veal are imported every year into the EU from the CEECs?

— How many head of cattle and tonnes of beef and veal are imported into the individual Member States?

— What scope does the Commission have to prevent exports of meat and bone meal to the CEECs and to put an end to imports of beef and veal from the CEECs in order to protect consumers? What measures does the Commission intend to take in this connection?

Answer given by Mr Byrne on behalf of the Commission

(11 June 2001)

Since the entry into force of Council Decision 2000/766/EC of 4 December 2000 concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein [1] on 1 January 2001, exports of animal feedingstuffs containing meat and bone meal, or processed animal proteins, and destined for feeding farmed animals destined for human consumption, have been prohibited.

Prior to the entry into force of this Decision Member States have exported processed animal proteins and animal feedingstuffs containing these products to almost all Central and Eastern European countries (CEEC). Whereas the figures for exports of processed animal protein from the Community to CEEC can be derived from the available statistics, it is difficult to estimate the amount of exports of animal feedingstuffs containing such products with any precision.

In the context of the ongoing scientific risk assessment conducted by the Scientific Steering Committee of the bovine spongiform encephalopathy (BSE) risk in third countries, known as the geographical BSE-risk (GBR), the export figures for processed animal protein are being scrutinised for the third countries, having forwarded a dossier. The outcome of these risk assessments, which include these figures, are made available on the Internet.

The Commission is sending direct to the Honourable Member and to Parliament's Secretariat tables containing the information requested in her second and third questions [2].

In relation to BSE certain conditions for exports from the Community of meat and bone meal, or processed animal proteins, are laid down in Council Decision 2000/766/EC. It follows from Article 3 of this Decision that exports from Member States of processed animal proteins intended for the feeding of farmed animals for food production is prohibited. This does not apply to milk and milk products, gelatine of non-ruminants for coating, hydrolysed protein, and fishmeal intended to animals other than ruminants. Member States may export processed animal protein destined for other use to third countries, provided a bilateral agreement exists, which includes an undertaking by the third country to respect the final use and not to export the product, unless incorporated in a product destined for uses not prohibited by the Decision.

Commission Decision 2000/418/EC of 29 June 2000 regulating the use of material presenting risks as regards transmissible spongiform encephalopathies and amending Decision 94/474/EC [3]provides that imports into the Community of beef and meat products from 1 April 2001 will be subject to certification that the products meet the specific Community requirements concerning specified risk material and slaughter method. The GBR will be the basis for determining for which third countries a derogation from this requirement can be given.

[1] OJ L 306, 7.12.2000.
[2] Source: Comext — Period 1997-1999.
[3] OJ L 158, 30.6.2000.

(2001/C 350 E/043) **WRITTEN QUESTION E-0806/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(19 March 2001)

Subject: Unequal treatment of Greek fishermen

In its answer to my question concerning the unequal treatment of Greek fishermen compared with fishermen from other countries owing to the difference in the range of their exclusive fishing zone, the Commission stated that this situation arose because Greece had fixed the boundary of its territorial waters at 6 nautical miles and that the Commission was unable to intervene over the consequences of that fact (answer No P-0149/01 [1]).

Regardless of whether the Member State or the Commission is competent in this case, Greek fishermen continue to be unfairly treated because their exclusive fishing zone is less wide. Does such discrimination constitute sufficient grounds for compensatory aid?

[1] OJ C 235 E, 21.8.2001, p. 129.

Answer given by Mr Fischler on behalf of the Commission

(15 May 2001)

The Commission refers the Honourable Member to the answer it gave to his Written Question P-0149/01 on 16 February 2001 [1].

In the Commission's view, the size of the exclusive fishing zone, which is determined by the Member State, does not constitute grounds for granting compensatory aid at Community level.

(1) OJ C 235 E, 21.8.2001, p. 129.

(2001/C 350 E/044) **WRITTEN QUESTION E-0809/01**

by Mihail Papayannakis (GUE/NGL) to the Commission

(19 March 2001)

Subject: Thameslink 2000 project

Railtrack PLC, a London-based company, has proposed the Thameslink 2000 scheme, at present the subject of a Transport & Works Act public inquiry, requiring the construction of a series of new steel and concrete viaducts through the Borough Market. The project involves the total demolition of 16 buildings, nine listed Grade II (including the whole of the Georgian Terrace designed by Sir Robert Smirke, architect of the British Museum) and the reconfiguration of a further eight, seven of which are listed, in the heart of the Borough Street Conservation area.

The Borough Market is the oldest municipal fruit and vegetable market still trading on its original site, where Shakespeare acted and Dickens lived, and has recently seen a remarkable regeneration with the establishment of Tate Modern and Shakespeare's Globe Theatre. It is of such unique environmental significance and quality that there should be a presumption against permitting the irreparable damage the project would cause. In the light of the 1954 European Convention and the 1985 Convention for the Protection of the Architectural Heritage of Europe, will the Commission intervene and investigate the matter?

Answer given by Mrs Reding on behalf of the Commission

(15 May 2001)

Article 151 (ex Article 128) of the EC Treaty gives the Community the power to encourage co-operation between Member States in the sphere of culture. The question raised by the Honourable Member is not within the Community's jurisdiction; by virtue of the principle of subsidiarity, it is the exclusive responsibility of the Member State.

Moreover, the Community is not a party to the European Cultural Convention of 19 December 1954 or to the Convention for the Protection of the Architectural Heritage of Europe of 3 October 1985; it is therefore not within the Commission's remit to examine possible infringements.

(2001/C 350 E/045) **WRITTEN QUESTION E-0823/01**

by Michl Ebner (PPE-DE) to the Commission

(19 March 2001)

Subject: Treatment of raw milk

In view of the forthcoming comprehensive overhaul of food hygiene regulations and the aim to allow treatment of raw milk by milk producers (for example by microfiltration):

— Is the Commission aware that this means that a parameter indicative of udder health and the general state of health of the herd may be legally removed, and that a farmer may consequently falsely present

the raw milk as being of a higher quality than is in fact the case, and purchasers of raw milk under quality milk programmes may be deceived as to its quality?

— In the light of these facts, will the Commission say whether it still intends in future to allow treatment at the level of raw milk production (for example microfiltration altering the content of natural milk components, for example the cell count)?

(2001/C 350 E/046) **WRITTEN QUESTION E-0824/01**

by Michl Ebner (PPE-DE) to the Commission

(19 March 2001)

Subject: Treatment of raw milk

In view of the forthcoming comprehensive overhaul of food hygiene regulations and the aim to allow treatment of raw milk by milk producers (for example by microfiltration), would the Commission answer the following questions:

— Are there reliable methods for detecting by means of analysis the use of microfilters to remove cells from raw milk, altering the cell count?

— At a time when so many food scandals have been occurring, is there not a risk that the sense of uncertainty felt by consumers may be further added to if the guarantee of the purity of this raw product is undermined by making microfiltration treatment legal?

Joint answer
to Written Questions E-0823/01 and E-0824/01
given by Mr Byrne on behalf of the Commission

(27 June 2001)

Microfiltration is a technological process which allows biochemical or organic milk components to be selected according to size by using membranes with varying degrees of permeability. For optimum effect, microfiltration usually involves a rise in temperature to above 40 °C, which no longer complies with the definition of raw milk. It is also difficult to carry out on the farm.

The draft text on the simplification of veterinary legislation, as mentioned by the Honourable Member, proposes the following definition of raw milk: 'milk which has not been heated beyond 40 °C; treatments such as homogenisation and standardisation which have an effect on the quality of the milk may be carried out'.

This definition does not mean that microfiltration can be used to modify lactic flora or distort the assessment of its initial quality. Moreover, the draft regulation makes it compulsory to use guides to good practice in primary production, which are designed to help producers manage risks at this crucial stage for safety and quality.

It is true that there are no direct methods to reveal the use of microfiltration of milk, as there are for pasteurisation and sterilisation. However, if a producer uses this technology, he will have to justify it when the relevant authority carries out its checks. For example, he will have to provide data on hygiene control on his farm, health monitoring of his herd, and the results of microbiological analyses of the milk before it is collected. These results will have to be within the limits proposed by Community legislation, in terms of both standards and microbiological criteria, until standards are laid down by more specific legislation on the quality of milk and dairy products. The Commission has been informed of discussions begun in some Member States between dairy industry representatives and producers with a view to proposing that the

representatives of these Member States in the Council amend the definition of raw milk as it stands in their current draft. Their aim is to provide the consumer with full information on the treatments used in milk.

This approach could include a proposal to use labelling similar to that used for milk which has undergone heat treatment, such as the 'pasteurised milk' classification which is today easily identifiable and understood by the consumer.

(2001/C 350 E/047) **WRITTEN QUESTION E-0831/01**

by Mihail Papayannakis (GUE/NGL) to the Commission

(20 March 2001)

Subject: Toxic waste in the port of Patras

A shipment of 100 tonnes of hazardous and toxic liquid waste produced by the Greek arms industry was stopped on 23 January 2001 at the port of Patras because the port commission and the Central Port Authority of Patras rightly refused to allow the loading of such a dangerous cargo owing to the lack of facilities required for that particular operation.

The toxic waste was bound for a disposal plant in Germany by way of Italy, though at present where it is stored remains a mystery.

In view of the fact that:

— according to reliable information, shipments of toxic waste have been effected in the past without observance of the applicable legal provisions and safeguards,

— the port of Patras does not have adequate facilities for handling toxic waste and there are, therefore, inherent public health and environmental hazards in any attempt to load such material,

— Commission Decision 94/774/EC [1], concerning the supervision and control of shipments within the Community, requires the use of a standard consignment note for the notification and tracking of shipments of waste, as provided by Regulation (EEC) 259/93 [2],

— Greece is in breach of Community legislation on the disposal and management of waste,

will the Commission say:

1. where the hazardous waste is stored in Greece;

2. where it is recycled (the Greek authorities claimed to have recycled 95 760 tonnes in Greece despite having no waste reprocessing plants);

3. how many shipments of such cargos have taken place, during which periods and in what quantities, and whether Community provisions are observed in relation to those shipments; and

4. what steps it will take to deal effectively with the current situation arising from the presence of toxic waste in the port of Patras and to avoid any similar occurrence in the future?

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[1] OJ L 310, 3.12.1994, p. 70.
[2] OJ L 30, 6.2.1993, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(6 June 2001)

From the information provided by the Honourable Member it would appear that the shipment from Greece to Germany (via Italy) of the waste in question has not taken place as it was prevented from leaving the port of Patras due to the lack of facilities for the operation. In view of this, it would not appear that Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the Community [1] is material at this stage.

As far as the storage of the liquid toxic waste is concerned, the Commission has no information as to its whereabouts or management, as under the Community system of waste management, there is no obligation to inform the Commission of all particular incidents.

It is the role of Member States to ensure a correct implementation of their Community Law obligations in particular pertaining to the environmentally sound management of their waste, as prescribed notably under the Directive on Waste, Council Directive 91/156/EEC of 18 March 1991 amending Directive 75/442/EEC on waste [2].

If it transpires that Greece has failed to comply with this obligation (and to establish this, more information and evidence would be required), it is open to the Honourable Member or to any other person concerned to file a complaint with the Commission.

[1] OJ L 30, 6.2.1993.
[2] OJ L 78, 26.3.1991.

(2001/C 350 E/048) **WRITTEN QUESTION E-0836/01**

by Giovanni Pittella (PSE) to the Commission

(22 March 2001)

Subject: Hive-off of Major Repairs Shop in San Nicola (Melfi)

The company Trenitalia S.p.A. of the FS Group (Italian state railways) has decided, without the consent of the national and local social partners, to hive off the Major Repairs Shop in San Nicola di Melfi, a factory which repairs low-power diesel engines and switching locomotives and whose infrastructure is one of the newest and most technologically advanced of those of the 'Rolling Stock Technologies' unit.

Some work orders are currently being diverted to the sister repair shop in Rimini, whilst others are being blocked in the various factories belonging to Trenitalia's customers.

The factory in question was perhaps the only one which constructively complied with all Community regulations, also in the field of environmental protection.

Its closure has led to the loss of 200 jobs in the region and has greatly damaged the economy of an area in which there is already a great deal of unemployment.

It would also appear that no private company is able to repair this kind of engine at such low costs as those achieved by the Melfi factory, with the same guarantee of quality.

Can the Commission say what measures it intends to take, in collaboration with the Italian Government, to help bring about a positive outcome to this affair?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(5 July 2001)

The Commission attaches the greatest importance to the central issue of social consequences of corporate restructuring.

As far as existing European legislation on the protection of employees in cases of corporate restructuring is concerned, national legislation implementing a number of Directives in the field of labour law and industrial relations apply and have to be respected, in particular Council Directive 98/59/EC of 20 June 1998 on the approximation of the laws of the Member States relating to collective redundancies; [1] and Council Directive 77/187/EC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or part of businesses [2], modified by Council Directive 98/50/EC of 29 June 1998 [3].

As these Directives have been transposed into national law, it is up to the national administrative or judicial authorities to decide if any infringements have taken place in the case concerning the company Trenitalia S.p.A. of the FS Group.

The Commission has repeatedly stressed the need to ensure that corporate restructuring is done in a socially acceptable way and, as a consequence, has underlined the urgency of strengthening employees' information and consultation rights, particularly in the context of the spate of restructuring and the numerous mergers and take-overs we are faced with on an almost daily basis.

This was the central preoccupation of the Commission in the preparation of its proposal for a Council Directive establishing a general framework for informing and consulting employees in the Community [4] on which political agreement on a common position was reached by the Council of Ministers on 11 June 2001. The aim of the Directive is to improve the information and consultation rights of workers employed in individual companies as well as to fill in the gaps in provisions for employee information and consultation at national and Community levels. The directive has to be seen as one concrete answer at Community level to the concerns of European citizens resulting from the insecurity emerging from successive waves of mass operations of corporate restructuring, mergers, acquisitions, etc, normally accompanied by job-losses.

This Directive once finally adopted by the Council and the Parliament and implemented in the Member States will afford to employees in companies of at least 50 workers (even if they are subsidiaries of a multinational group) a number of basic rights: the right to information about recent and upcoming developments in company activity, about the company's economic and financial situation, the right to be informed and consulted on employment issues and on decisions likely to lead to substantial changes in work organisation as well as the right to know how the company proposes to handle those changes.

In its Social Policy Agenda [5], the Commission proposed the creation of an observatory on change to be developed in the Dublin Foundation. The proposal was endorsed by the Stockholm European Council stating that such an observatory should be set up as soon as possible

Moreover, the Commission intends to present a Green Paper in July 2001 on corporate social responsibility underlining that restructuring in a socially responsible manner means to balance the interests and concerns of all the stakeholders who are affected by the changes and decisions.

In conclusion, Europe must face industrial restructuring — which can contribute to increased competitiveness and economic growth — and its social consequences by combining innovation with social cohesion and improving its capacity to manage change. The Commission takes a comprehensive approach as

outlined above through improving our capacity to anticipate and manage change through the Dublin Observatory; by creating legal mechanisms to ensure adequate protection of workers in situations of industrial restructuring; and by developing corporate social responsibility.

(1) OJ L 225, 12.8.1998.
(2) OJ L 61, 5.3.1977.
(3) OJ L 201, 17.7.1998.
(4) OJ C 2, 5.1.1999.
(5) COM(2000) 379 final.

(2001/C 350 E/049) **WRITTEN QUESTION E-0838/01**

by Bart Staes (Verts/ALE) to the Commission

(22 March 2001)

Subject: Publication of limits on residues by the 15 EU Member States

On 30 March 2000, John McCartin, MEP, tabled a written question to the Commission concerning 'maximum permissible residue limits and residue surveillance policy' (E-1114/00 (1)). On the basis of data provided by the pharmaceutical industry, the CVMP in London determines maximum permissible residues for the active ingredients of veterinary medicines destined for use in food-producing animals.

The 15 EU Member States are required by law to submit their food-residue monitoring programmes for the coming year and the results for the previous year to the Commission. The results indicate the incidence of residues from veterinary medicines in food samples from the European Union.

Only one EU Member State — the United Kingdom — publishes such detailed results every three months. The other Member States fail to comply or else publish incomplete information, in some cases on the Internet. Yet complete and transparent publication of such residue results by all EU Member States could promote consumer confidence.

Can the Commission confirm that only one EU Member State — the United Kingdom — publishes a detailed overview of residues of veterinary medicines detected in food samples every three months? If not, do other EU Member States similarly publish (at the same intervals and in the same degree of detail) the quantities of residues detected in food samples?

(1) OJ C 53 E, 20.2.2001, p. 77.

Answer given by Mr Byrne on behalf of the Commission

(18 June 2001)

According to Council Directive 96/23/EC of 29 April 1996, on measures to monitor certain substances and residues thereof in live animals and animal products (1), 'Member States shall forward to the Commission, on a yearly basis, the results of their residue and substance detection plans and of their control measures. Member States shall make public the outcome of the implementation of the plans'.

In accordance with these requirements, every year, before 31 March, the Commission receives the monitoring plans of the Member States and the results of their plan of the previous year. It is the task of the Commission to evaluate this information. However, it is the responsibility of the Member States to make public their results, but the Directive does not specify under which form.

The Commission is not aware of the refusal of any Member State to provide this information upon request.

As regards the two precise questions posed by the Honourable Member, the Commission can confirm that the United Kingdom transmits yearly to the Commission a full public report on the results of their residue control plans, as do all other Member States in various forms.

(1) OJ L 125, 23.5.1996.

(2001/C 350 E/050) **WRITTEN QUESTION P-0843/01**

by Karin Riis-Jørgensen (ELDR) to the Commission

(13 March 2001)

Subject: Breaches of Community rules

With regard to possible breaches of Community rules, will the Commission provide details of instances in which Denmark has drafted legislation and taken decisions which have ultimately had to be reworked at the request of the Commission and, if a summary of that information is available, could the Commission forward it to me?

Where there were differences between Danish legislation and Community rules, was it possible to resolve those inconsistencies bilaterally or was it ever necessary to take matters to the court? Is there a summary available of the methods used to resolve any inconsistencies there may have been?

Answer given by Mr Prodi on behalf of the Commission

(23 April 2001)

Breaches of the Community rules are so many and varied that there is no specific list or instrument showing the cases where legislation or decisions adopted by a Member State have had to be reworked at the request of the Commission in the course of infringement proceedings.

Some information may be gleaned, however, from the statistics on infringement proceedings which are to be found in the annual reports on monitoring the application of Community law (1). Over the period 1979-1999, for example, about 1 300 infringement proceedings were initiated against Denmark. Over the same period the Court of Justice gave judgment on 11 applications lodged in this context, ruling in favour of the Commission in nine of the cases. About one hundred infringement procedures against Denmark are currently in progress.

Almost 50 % of all infringements involved a failure to notify national measures transposing Community directives (non-notification), whilst in 10 % of cases the said measures did not comply with the requirements laid down in the directives (non-compliance) and almost 40 % of cases related to improper application of the Community rules, either in general or in particular respects. It is mainly in such cases of improper application that the Commission may request Member States to amend national measures since cases of 'non-notification' and 'non-compliance' are covered by the obligation to transpose Community directives correctly. It should also be pointed out that some 40 % of cases are cleared up before a letter of formal notice is sent out, the complaint having been found to be unjustified.

(1) For the 1999 report, see OJ C 30, 30.1.2001.

(2001/C 350 E/051) **WRITTEN QUESTION E-0847/01**

by Graham Watson (ELDR) to the Commission

(22 March 2001)

Subject: Blister packs containing medicines

There is concern surrounding the increase in the amount of medication being packaged in blister packs. This has serious implications for blind and partially-sighted people, who cannot distinguish one type of medication from another if, once the external packaging is removed, each strip appears identical.

Has the Commission given any consideration to this problem and to how it might be overcome?

Answer given by Mr Liikanen on behalf of the Commission

(15 May 2001)

While aware of the problem raised by the Honourable Member, the Commission recalls that responsibility for the choice of the pharmaceutical form and the packaging of medicinal products lies with the holder of the authorisation for placing the product on the market. Community law does not regulate these aspects beyond requiring that package leaflets and outer packaging give patients information on medicinal products (Council Directive 92/27/EEC of 31 March 1992 on the labelling of medicinal products for human use and on package leaflets [1]). Information to be provided on small packaging such as blister packs is also laid down. It should also be stressed that Community law permits information in Braille to be provided on outer packaging.

Without overlooking the difficulties which certain patients encounter, the Commission and the Member States are at pains to ensure that the mandatory information laid down by the regulations is included in the packaging and is legible.

Lastly, it should be noted that blister packs permit better preservation of medicinal products.

[1] OJ L 113, 30.4.1992.

(2001/C 350 E/052) **WRITTEN QUESTION E-0849/01**

by Christopher Huhne (ELDR) to the Commission

(22 March 2001)

Subject: Number of slaughterhouses

Will the Commission list the number of licensed slaughterhouses in each Member State in the most recent year for which figures are available, five years ago, 10 years ago and 15 years ago?

Answer given by Mr Byrne on behalf of the Commission

(25 June 2001)

Member States are required to maintain a list of approved establishments under a range of Community legislation on veterinary health and food hygience. These lists include, for example, slaughterhouses, meat processing plants and rendering plants. These lists are required to be updated and circulated to the Commission and the Member States. Examples are to be found on the website of the Directorate General for Health and Consumer Protection at the following address (http://forum.europa.eu.int/irc/sanco/vets/info/data/listes/public-ms.html). This site is under further development and will be expanded in scope and coverage in line with information requested from the Member States.

However, there is no historical data available on the evolution of the number of slaughterhouses over the past 15 years, as requested by the Honourable Member. The purpose of the lists is to ensure that the relevant products in Community trade are produced in approved plants and that this can be verified by the relevant authorities. It had not been the intention to provide statistical information on the number of plants.

The Commission will review future possibilities for making better use of these lists for statistical purposes, in line with its resources and other competing priorities.

(2001/C 350 E/053) **WRITTEN QUESTION E-0850/01**

by Christopher Huhne (ELDR) to the Commission

(22 March 2001)

Subject: Prior notification of fiscal policy actions

Will the Commission indicate whether it believes that the Finance Ministers of the Member States should notify the Commission of proposed fiscal policy actions before they take them and, if so, why?

Answer given by Mr Solbes Mira on behalf of the Commission

(20 June 2001)

In its Communication on strengthening economic policy co-ordination within the euro area [1], the Commission proposed that the principle of informing beforehand other members of the euro area and the Commission, before adopting an economic policy measure, should form part of a set of rules of conduct outlined in the Communication.

This pre-informing should take place at the Eurogroup or at the Eurogroup working party of the Economic and Financial Committee, and should provide the authorities of the Member State concerned with the reactions or the messages even before the finalisation of the measure at hand.

Similarly, the main points of the stability programmes should be transmitted to the Commission before their adoption by the Member States.

The Commission has indicated with its Communication that the principle that Member States inform beforehand the Eurogroup and the Commission of proposed fiscal policy actions before they take them is important as it allows to assess national policies in the light of the economic situation of the euro area as a whole and consider the repercussions on other European Monetary Union (EMU) participants.

[1] COM(2001) 82 final.

(2001/C 350 E/054) **WRITTEN QUESTION E-0852/01**

by Christopher Huhne (ELDR) to the Commission

(22 March 2001)

Subject: Budgetary rigour

Will the Commission estimate the impact on GDP after one year and the impact on consumer price inflation after two years of a 1 percentage point discretionary tightening in the general government budget balance for Ireland and for Germany?

Answer given by Mr Solbes Mira on behalf of the Commission

(21 June 2001)

The quantitative effect of fiscal tightening on real gross domestic product (GDP) and on inflation depends on a number of factors, which do not allow attaching a single number to the economic multipliers. An important determinant is the degree of openness of an economy. Effects for small open economies such as Ireland tend to be smaller than in large economies such as Germany because a larger share of the impulse would be transmitted to the trading partners. This would apply in particular to a reduction in government procurement, where a substantial share is imported and the domestic multiplier effect in the Member State would be accordingly relatively small. If, however, the fiscal tightening were to be achieved by reducing government employment, the effect would be substantially larger, since this would more directly impact on the labour market and therefore wages. This is more so for Ireland in current circumstances, which despite its relative openness to labour migration is characterised by increasing labour shortages. The nature of the fiscal tightening and the circumstances in relation to capacity constraints are therefore crucial elements in the assessment.

(2001/C 350 E/055) **WRITTEN QUESTION E-0877/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(27 March 2001)

Subject: A. Papandreou Avenue in Piraeus

The construction of A. Papandreou Avenue in Piraeus which, according to the original plans, will link up Poseidonos Avenue with Schistou Avenue and began over three years ago has come to a stop, causing enormous traffic congestion, and its future is now in doubt. The Municipality of Piraeus has reacted to the construction of the project by calling for underpasses to be built instead of flyovers, and it will probably ask the courts to issue an injunction.

Given that there are indications at the site that the project is being funded by the EU, will the Commission say:

1. Can it provide information about the progress of the project, the take-up of funds and the timetable for completion?

2. Why have delays occurred?

Answer given by Mr Barnier on behalf of the Commission

(21 June 2001)

The 'Andreas Papandreou Avenue' project is being cofinanced by the regional operational programme for Attica under the Community Support Framework for the 1994-1999 period.

According to information provided to the European Commission by the Greek authorities responsible for the management of the programme, the initial contract was cancelled on 15 September 2000 by decision of the Ministry of Physical Planning and Public Works (MPPPW). The explanations given for this decision concerned problems relating to expropriation procedures and archaeological findings on the site. At that time, 20 % of the project had been completed entailing an expenditure of GRD 1,86 billion.

Attempts to negociate a new contract have been stalled by discussions in relation to technical aspects of the project between the MPPPW the municipality of Piraeus. The Commission has written to the Greek authorities asking them to take the necessary steps to ensure the completion of this project within a reasonable timeframe.

(2001/C 350 E/056) **WRITTEN QUESTION E-0905/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(28 March 2001)

Subject: Greek Médecins sans Frontières

In my previous Question (No P-2266/99 ([1])) I expressed concern regarding the expulsion of the Greek section of Médecins sans Frontières (MSF Greece), on the grounds that, according to the international organisation, it had 'helped both sides involved in the Kosovo crisis without permission'. In the same question I expressed concern regarding the treatment of MSF Greece with regard to impartial approval by ECHO and the Commission of the funding of humanitarian programmes. However, approximately one and a half years later, it seems that MSF Greece is being treated in a discriminatory fashion. This can be seen in the Commission's obstructionism to date over the approval of the Framework Partnership Agreement (FPA), and the fact that in a document from the Development Directorate-General dated 23 November 2000 it is suggested that the MSF Greece programme in Palestine should be suspended, pending the resolution of the conflict between the two organisations.

1. How does the Commission account for the lengthy delay in approving the FPA, and the existence of such a document?

2. Does the Commission consider that MSF Greece has lesser rights than other organisations?

3. Where should an organisation which considers that it has received discriminatory treatment from EU bodies turn in order to assert its rights?

([1]) OJ C 203 E, 18.7.2000, p. 160.

Answer given by Mr Nielson on behalf of the Commission

(5 July 2001)

The Honourable Member's question refers to relations between the Humanitarian Aid Office (ECHO) on the one hand and the Directorate-General for Development on the other with Médecins sans Frontières (MSF)-Greece. The Commission would like to point out that its departments have dealt with the files on this issue independently and on a case by case basis.

The decision to accept a bid is based on a large number of criteria to ensure that the Community budget is well managed and implemented locally. Legal certainty is clearly a major element, although other factors such as experience on the ground and available operational resources are just as important.

The internal document to which the Honourable Member refers has no official status. However, it is true that MSF-International opposed the use of the name MSF-Greece and the Commission gave MSF-Greece the opportunity to clarify its legal position in its letter of 19 April 2001 (see below).

The Commission would like to draw the Honourable Member's attention to the following points regarding the treatment of MSF-Greece's application to sign a Framework Partnership Agreement with ECHO in March 1997.

Signature of a Framework Partnership Agreement (FPA) with ECHO concludes a process of selection and checking of the criteria established under Article 7 of Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid. ECHO uses this instrument to determine the most efficient partners.

MSF-Greece did not meet these criteria when submitting its application due to a lack of autonomous operational capacity.

A new FPA came into force in January 1999. ECHO then prioritised the conclusion of Framework Partnership Agreements with former partners and NGOs which had already worked with it. Around 300 applications were examined during 1999 and 2000, leading to the conclusion of 184 Partnership Agreements.

MSF-Greece submitted a new application to sign a Framework Partnership Agreement in October 1999.

Soon afterwards, it submitted an application for funding for a project regarding the tuberculosis department of the Toponica psychiatric hospital. It was not selected for reasons connected with the application of Article 7(2) of Regulation (EC) No 1257/96. To check on the NGO's compliance with this Article, and in particular whether it had operational and financial capacities required to implement the project, it was necessary first to carry out an audit, since MSF-Greece had not signed the Framework Agreement. This would have delayed the action well beyond the implementation deadline of the Commission's financial decision.

ECHO intends to begin selecting new partners under Framework Agreements at the beginning of 2002 targeting applications from NGOs which have never worked with the Office, including MSF-Greece. The appraisal procedure was initially postponed to allow the revision of implementation procedures for Framework Partnership Agreements in 2000, and subsequently the drafting of the new FPA, planned for 2001. As a result, this year priority was again given to partners with proven experience of Framework Agreements and those who have already carried out operations. On 19 April 2001 a letter was sent to MSF-Greece giving them an opportunity to confirm their eligibility. An answer is expected which would allow them to submit their application.

The person responsible for relations with NGOs met an MSF-Greece delegation in December 2000 to ensure transparency. A detailed explanation of the reasons justifying the delay in processing the partnership application was given and allegations of discrimination due to pressure from the MSF international movement against its former section were formally rebutted.

The Commission fully respects the independence of its partner NGOs. However, it notes that there is still doubt over the use of the name 'MSF-Greece'. It will naturally apply court rulings on the right to use the MSF name and logo. Meanwhile it is up to MSF-Greece to provide the necessary assurances of its entitlement to use the name and logo, so that the Commission can plan a contract in compliance with the rules on sound financial management.

ECHO will examine in detail and with interest partnership applications from MSF-Greece and any other NGO.

If MSF-Greece feels its rights have been infringed it can seek redress against the Commission via the European Ombudsman.

(2001/C 350 E/057) **WRITTEN QUESTION E-0907/01**

by Antonios Trakatellis (PPE-DE) to the Commission

(28 March 2001)

Subject: Granting of radio station licences and preserving pluralism in the mass media

Under the new legislative arrangements introduced by the Greek Government for the granting of radio station licences, three stations were put in joint last place, including Skai, the station with the highest ratings, which on many occasions does not follow the official Greek Government line.

Since, under Article 6 of the EU Treaty, the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, and since, under the protocol incorporated into the Amsterdam Treaty, the system of public broadcasting in the Member States

is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism:

1. Is there or is there not an express requirement that the Member States should respect and protect the above-mentioned principles, and in particular the principle of media pluralism?

2. Has it been ensured that the Greek legislative framework on broadcasting is in harmony with Community legislation and Treaty rules?

3. Is Community legislation being breached, and what does the Commission intend to do to prevent both the obvious breach of basic and fundamental principles in the case of Skai and other cases where the free and pluralistic functioning of the media in the Union is under attack?

4. What steps does the Commission intend to take to preserve pluralism, the provision of information on equal terms and journalistic standards, as well as the meritocratic organisation of the National Broadcasting Council and the competence to withdraw licences in cases where transparency rules are breached?

5. What is the Commission's position in more general terms towards the Member States under Article 11(2) of the Charter of Fundamental Rights of the European Union, which states that 'the freedom and pluralism of the media shall be respected'?

Answer given by Mr Vitorino on behalf of the Commission

(17 July 2001)

The Commission takes the view that respect for pluralism in the media is one of the fundamental principles on which democracy and the rule of law are based, as is reflected in Article 11(2) of the Charter of Fundamental Rights of the European Union.

It would point out that the granting of radio station licences, in the domestic context described by the Honourable Member, does not fall within the scope of Community law in the light of case-law handed down by the Court of Justice. The Honourable Member's questions should be raised with the Greek regulator, the National Broadcasting Council.

Article 51(1) of the Charter states that the Charter is addressed to the Member States only when they are implementing Union law.

Lastly, the Commission would point that, if freedom of expression is deemed to have been infringed, the matter may be brought before the European Court of Human Rights, sitting in Strasbourg under the aegis of the Council of Europe, once remedies in domestic law have been exhausted.

(2001/C 350 E/058) **WRITTEN QUESTION E-0916/01**

by Ilda Figueiredo (GUE/NGL) to the Commission

(28 March 2001)

Subject: Recombinant vaccine

The Portuguese Hunting Federation has told the European Agency for Medicinal Products that the recombinant vaccine for the control of viral haemorrhagic disease and mixomatosis in wild rabbits needs to be made available as soon as possible.

According to the Federation this vaccine must be licensed as soon as possible so that it can be marketed, since the rabbit population has already been decimated by the above-mentioned diseases.

Can the Commission therefore say what measures are to be taken to solve the problem of these diseases in rabbits?

(2001/C 350 E/059) **WRITTEN QUESTION P-1200/01**

by Arlindo Cunha (PPE-DE) to the Commission

(4 April 2001)

Subject: Authorising a vaccine for wild rabbits

The wild rabbit (oryctolagus cuniculus) is on the verge of extinction in the Iberian peninsula, thanks to two terrible diseases, viral haemorrhagic disease and myxamatosis.

There is an ecological recombinant vaccine which can cure these diseases, namely Lapinvac-FI, which is awaiting approval by the European Medicines Evaluation Agency.

Given the extremely urgent need to avert a potential catastrophe, will the Commission state what stage the approval process has reached?

Joint answer
to Written Questions E-0916/01 and P-1200/01
given by Mr Liikanen on behalf of the Commission

(11 May 2001)

The two rabbit diseases mentioned by the Honourable Member are not compulsory notifiable by the Member States to the Commission and the wild rabbit is not an endangered species.

The scientific evaluation of any individual application for marketing authorisation of a veterinary medicinal product submitted to the European Medicines Evaluation Agency in accordance with Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products [1] is the responsibility of the Committee for Veterinary Medicinal Products. The Commission thereafter receives an opinion of the Committee on the quality, safety and efficacy of the product within a specific time frame and proceeds on the basis of this opinion, to draw up a draft decision to be adopted in accordance with the procedure laid down in Article 73 in the aforementioned Regulation. However, the Commission may in no way interfere in the scientific evaluation process.

[1] OJ L 214, 24.8.1993.

(2001/C 350 E/060) **WRITTEN QUESTION E-0925/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: Funding of the Alquera Dam project

The Alquera dam project in Portugal is being co-financed by contributions from the EU. However there have been criticisms of the project as there may not enough water to fill the lake. Nor will the farmers necessarily be able to pay to transport the water to their fields. The pumping stations and pipelines to transport the water to the growing areas will also have to be constructed and who will pay for them?

The Commission document expressed some doubt about the success of the project, but we have carried on funding it. Does the Commission believe that the problems mentioned can be solved, and does it intend to take part in the further funding required for the items mentioned above?

Answer given by Mr Barnier on behalf of the Commission

(7 June 2001)

The decision to part-finance the Alqueva project was adopted on 28 July 1997 [1] following a number of studies on the basins of the rivers common to both Portugal and Spain which had concluded that the Guadiana contained enough water for the project to be viable.

The Spanish authorities have given assurances regarding the quantity and quality of the water supply from the dam. They undertook to abide by the requirements of Directives 91/271/EEC [2] and 91/676/EEC [3] as well as reaffirming their commitment to the relevant international or bilateral treaties, in particular the Spanish-Portuguese agreement (the Convention between Portugal and Spain on regularising the use of water from cross-border rivers), under which the use of the Guadiana river (between Caia and Cuncos) and its waters is reserved for Portugal.

The Portuguese authorities also reaffirmed their commitment to the Community directives and the international and bilateral treaties, especially the Spanish-Portuguese Convention.

The Community part-financing laid down in the Commission Decision of July 1997 on the specific integrated development programme for the Alqueva area was intended mainly to fund the construction of the dam and the irrigation systems for conducting the water to the farms. Small dams and pumping stations within this network will be also eligible for Community part-financing.

Measures to complete these irrigation systems are contained in the operational programme for the 2000-2006 Community Support Framework for Alentejo [4].

(1) Decision C (97) 2350.
(2) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991).
(3) Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991).
(4) Decision C (2000) 1777 of 28 July 2000.

(2001/C 350 E/061) **WRITTEN QUESTION E-0927/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: Recovery of EU contributions in the event of irregularities

Media reports have revealed that 90 % of the money claimed back by the Community when fraud is discovered is in fact never repaid.

What percentage is repaid of the funds the Commission claims back? Can the Commission account for these repayments in percentages for each Member State? What is the Commission doing to ensure that 100 % is recovered?

Answer given by Ms Schreyer on behalf of the Commission

(19 July 2001)

A distinction should be made between irregularities in indirect expenditure by the European Agricultural Guidance and Guarantee Fund (EAGGF-Guarantee structural operations), where the recovery of amounts unduly paid is the responsibility of the Member States, and irregularities in direct expenditure, where it is for the Commission to recover amounts unduly paid.

Statistics and analyses of the financial monitoring of indirect expenditure are available in:

— the most recent annual Commission reports (1999 [1]) and 2000 [2]) on the protection of the Communities' financial interests and the fight against fraud and attached tables; and

— the first OLAF report on operational activities (1 June 1999 to 31 May 2000) [3].

With regard to indirect expenditure, the Member States are responsible for starting the appropriate proceedings in accordance with the applicable national procedures in compliance with Community rules.

At present the Commission does not have the percentages for the amounts recovered in connection with irregularities in direct expenditure.

It should be noted that where fraud is suspected in a direct expenditure context, the Commission refers the matter to OLAF, which investigates it and, where necessary, starts criminal proceedings; in appropriate cases the Commission joins a civil claim.

Matters relating to the recovery of debts are dealt with in Action 96 of the Reform White Paper [4] relating to more effective management of recovery of unduly paid funds.

[1] COM(2000) 718 final.
[2] COM(2001) 255 final.
[3] http://europa.eu.int/comm/anti_fraud/documents/rapport_en.pdf.
[4] SEC(2000) 2204/3.

(2001/C 350 E/062) **WRITTEN QUESTION E-0930/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: Disciplinary board procedure at the Commission

As we know, the former director of ECHO, Mr Gomez-Reino, was cleared by the Disciplinary Board of his peers which considered his case in 1999. The outgoing Commission endorsed the Disciplinary Board's opinion. Former Commissioner Gradin has stated that she was faced with a fait accompli in endorsing the disciplinary board's recommendation to clear Mr Gomez-Reino.

Will the Commission abolish the disciplinary board procedure and find another way of investigating and judging officials suspected of fraud?

Answer given by Mr Kinnock on behalf of the Commission

(28 June 2001)

The deliberations and the working procedures of the Disciplinary Board are regulated in Title VI and annex IX of the Staff Regulations. According to long-standing case-law of the Court of Justice and the Court of First Instance, a disciplinary measure may only be adopted where the facts alleged against the official are clearly proved. It is the Disciplinary Board which gives an opinion on that matter and on any penalty, if any, that is appropriate. The final decision is for the Appointing Authority which, in the case of A1 and A2 officials, is the College of Commissioners. Under the terms of the Staff Regulations, the Appointing Authority may decide to adopt a penalty that is more severe than that proposed by the Disciplinary Board, provided that it gives full and relevant reasons for its choice. The Appointing Authority cannot, however, convict an official whose guilt is not considered by the Disciplinary Board to have been proved. In the case referred to by the Honourable Member in his question, the Disciplinary Board concluded that they did not consider that guilt had been proved.

In the course of the Reform being undertaken in the Commission, on 28 November 2000 the College adopted a consultative document [1] on the reform of disciplinary proceedings. That document sets out the details and reasons for the Commission's proposals for making changes to the rules relating to the composition and working procedures of the Disciplinary Board and to other features of the disciplinary system. The Commission proposes to maintain the role of the Disciplinary Board, whilst modifying certain procedural rules concerning its composition and working procedures.

[1] SEC(2000) 2079.

(2001/C 350 E/063) **WRITTEN QUESTION E-0931/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: Lost − 16 million kronor

Messrs Perry Lux of Luxembourg were hired by ECHO to carry out three aid projects in Bosnia for a sum corresponding to 24 million Swedish kronor. The project fizzled out in a large-scale fraud case. The equivalent of some 16 million Swedish kronor disappeared.

What is the Commission doing to locate the missing money and is it giving serious consideration to ways of calling the officials responsible to account for their errors in connection with the fraud case?

Answer given by Mr Nielson on behalf of the Commission

(25 June 2001)

Based on information obtained in March 1997 that four operational contracts totalling € 4 million for humanitarian aid were suspicious, UCLAF launched an inquiry with controls on the spot in Luxembourg, Ireland and former Yugoslavia. The inquiry report concludes, among other things, that further inquiries are necessary by the national judicial authorities to establish the ultimate beneficiaries of funds which have not been traced to date.

As suggested by UCLAF ECHO has issued immediately a recovery order against 'Perry Lux Informatic' for one of the four contracts. This recovery order was contested within a law suit filed in April 1998 in the Court of First Instance of the European Communities (T-132/98). Later on this company went bankrupt and the liquidators requested that the Court suspend the proceedings, awaiting the outcome of a penal procedure launched by the judicial authorities of Luxembourg. The Court accepted this request on 25 June 1999. The penal procedure is still ongoing and the Commission is defending the financial interests of the Community as a civil party in this procedure.

As far as the three other contracts which were concluded with two subsidiaries of Perry-Lux in Ireland: The two subsidiaries were already dissolved in 1996, before the UCLAF investigation started. The investigation has not enabled the Commission to identify, for example, a liquidator against whom a recovery could have been launched. Therefore, the Commission will defend the Communities' financial interests as described under 2 within the on-going penal procedure in these cases as well.

As concerns the disciplinary measures taken in relation to this matter, the Commission refers to the detailed answers it has already given in the framework of the discharge procedure for the general budget 1999 (Blak-report).

(2001/C 350 E/064) **WRITTEN QUESTION E-0933/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: Speeding up emergency aid

'The Eurocrats', a Danish TV programme broadcast on 11 February 2001 on Swedish television, reported inter alia on the time taken to process emergency aid and aid projects in general. One example was a project to save the rainforests in Bolivia. The project application was lodged with the Commission in December 1997. It was formally approved by the Commission five months later, but the work on the contract and the budgetisation etc. has dragged on. Commissioner Nielson stated in February 2000 that the finance had been arranged, but in November 2000 nobody yet knew whether the project would be allowed to go ahead.

Another example quoted was the emergency aid following the devastation caused by Hurricane Mitch in Central America in November 1998. In December 1998 and May 1999 the Commission promised € 200-250 million as disaster aid. The appropriations were approved in May 2000 which was followed by the procedure to launch the emergency aid project. The project began three years after the disaster.

The handling of these emergency aid projects reveals only too well the bureaucratic inefficiency involved. Has the Commission reviewed its emergency aid procedures and produced any proposals for establishing a fast-track emergency aid procedure which does not take years?

Answer given by Mr Patten on behalf of the Commission

(19 June 2001)

The Commission would refer the Honourable Member to its answer to Written Question P-1085/01 by Mr Schmidt [1].

The Commission would like to underline yet again that there is a confusion between humanitarian aid provided by the European Community's Humanitarian Aid Office (ECHO) and the longer-term development aid provided by other Community instruments. Therefore, it reaffirms that humanitarian aid to victims of hurricane Mitch was delivered in a record period and the amount committed (around € 40 million) has been totally disbursed.

The development projects that are being implemented have had to be agreed with national authorities and have had to undergo a long phase of preparation (needs assessment, appraisal, design of proposals, etc. …). This necessarily implies a longer-term approach.

Nevertheless, the Commission has recognised the need for urgent and major improvements in the speed and quality of aid delivery, and is currently working on it in the context of the reform of Community's external aid.

[1] OJ C 318 E, 13.11.2001, p. 197.

(2001/C 350 E/065) **WRITTEN QUESTION E-0935/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: Responsibility of a Commission official

In the fraud case involving Messrs. Perry Lux, some of the few project documents that remained showed that Mr Gomes-Reino, the Director of ECHO, had signed three or four contracts with Perry Lux and Hubert Onidi one. The latter was forced out of his post at the Commission. Mr Gomes-Reino on the other hand was absolved by the Commission.

Does the Commission thereby consider that a Commission official holding a director's post can sign and hence approve a project but not subsequently have to take responsibility for its negative consequences?

Answer given by Mr Kinnock on behalf of the Commission

(11 June 2001)

The Commission draws the attention of the Honourable Member to the fact that the various disciplinary proceedings opened in connection with the Perry Lux-European Community's Humanitarian Office (ECHO) file included a case against Mr Gómez Reino.

The proceedings were instituted to clarify Mr Gómez Reino's responsibility as Director of ECHO. Particular attention was given to the lawfulness of certain contracts signed by him for the intended purpose of implementing humanitarian aid measures but inter alia used instead to obtain the human resources needed for implementing those measures.

Following due disciplinary process, none of the allegations against Mr Gómez Reino was found to be justified in fact or in law. He was cleared of the charges brought against him in the disciplinary proceedings on the grounds that he could not be held responsible for the acts of which he was accused since they were concealed from him. At no time was Mr Gómez Reino accused of deriving any personal benefit from any irregularities.

As in all other cases, the decision taken in the disciplinary proceedings which were the subject of the Honourable Member's question is final unless new evidence comes to light. No new evidence has become available.

(2001/C 350 E/066) **WRITTEN QUESTION E-0940/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 March 2001)

Subject: The value of further-processing aid

The EU further-processing aid paid to the food industry in Sweden during the 1995-1999 programming period to improve production efficiency has turned out to have had no effect on either productivity or raw material consumption in the industry. It was therefore of no benefit to agriculture either. On the other hand the companies receiving the aid believed that it was helping to achieve its purpose. These were the findings of an assessment carried out by the Swedish Institute for Food and Agricultural Economics, the SLI, published in February 2001.

According to the analyses carried out by the SLI, there was no evidence of any effect produced by the aid. The companies' main investments would have been made even without the aid. The conclusion was that the aid acted as transfer of money to the companies and thus increased their profits. Over the period in question the investment aid has turned out to be an ineffective instrument for its purpose.

There are also considerable constraints on the use of the aid, which reduce the likelihood that it will have any decisive effect on the viability of the industry. Public investment aid in Sweden amounted to some SEK 329 million in 1996-1999. The cost of administering the aid has been calculated at about SEK 15 million. Further-processing aid is continuing for the 2000-2006 programming period.

If financial aid produces no benefits, should it continue? Does the Commission believe that further processing aid is producing benefits, and have similar assessments been carried out in other Member States?

Answer given by Mr Fischler on behalf of the Commission

(1 June 2001)

The Commission officially received the report referred to by the Honourable Member at the beginning of March 2001 and is currently studying it.

Any examination of an evaluation report must ensure that the evaluation work was carried out in accordance with standard practice and meets the minimum quality requirements. Where an evaluation report draws conclusions, it is important to examine whether the conclusions are tied to the context in which the measures were applied or if they have a wider significance.

The Swedish evaluation report to which the Honourable Member refers was drawn up in accordance with the Community guidelines requiring the Member States to assess the impact of the measures on the processing and marketing of agricultural products. In particular, the guidelines call for answers to a number of common assessment questions covering competitiveness, the situation of the basic agricultural products, the environment, and the implementation and targeting of the measures. They also recommend that the Member States should assess the quality of the individual reports by reference to eight standard criteria.

All the Member States must send the Commission evaluation reports on these measures by 30 September 2001. About forty reports have been announced. The Commission plans to conduct an assessment at Community level, essentially based on the reports provided by the Member States, and intends to publicise the results of the survey. For the reasons indicated above, it is not possible at present to arrive at a verdict on the validity of the conclusions of the Swedish study to which the Honourable Member refers.

The Commission notes that, for the 2000-2006 programming period, the Swedish authorities decided to continue with the processing and marketing measure, as is permitted under Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [1]. However, in the light of the conclusions of the above report, they opted for a more targeted approach, focusing the measure on small and medium-sized enterprises.

[1] OJ L 160, 26.6.1999.

(2001/C 350 E/067) **WRITTEN QUESTION E-0942/01**

by Johannes Voggenhuber (Verts/ALE) to the Commission

(28 March 2001)

Subject: Conclusion of an aid contract with the designated Austrian national agency for the EU's 'Youth' programme

The Republic of Austria has designated EuroTech Management Consulting GmbH as the Austrian national agency for the EU's 'Youth' programme.

This appointment may be in contravention of Commission directives. In particular, as a 'GmbH' (limited liability company) EuroTech is by definition a profit-making organisation and has expressed a gainful intent with regard to its activity as a national agency. An inquiry is under way in Austria.

Was there any reason why the Commission did not continue to use the existing national agency? Why was EuroTech preferred to the existing national agency?

What specific experience and specialist competencies does EuroTech have in the field of youth exchanges, international/intercultural education, the further training of youth workers, the handling of EU action programmes and/or the management of EU funds on behalf of third parties? Did EuroTech have staff with appropriate qualifications at the time when it was nominated?

Is it possible that EuroTech will make a profit through its activity as national agency? Is it not the logical conclusion from Commission directives that only a 'non-profit-making' organisation can be used as a national agency?

Is the Commission planning to cofinance the Austrian national agency to the maximum amount of 50 %, even though EuroTech's gross contract price is some € 40 000 higher than that of other tenderers?

Is it true that EuroTech is planning to invest only about half as many man-hours as other tenderers in its activity as national agency, even though the gross costs are higher?

Would an aid contract between the Commission and EuroTech be in contravention of the law?

What is the potential damage to the Commission if it concludes an aid contract with EuroTech and the supervisory bodies to whom an appeal has been made subsequently declare the grant to EuroTech to be illegal?

Answer given by Mrs Reding on behalf of the Commission

(14 June 2001)

The Community YOUTH programme is implemented through a network of national agencies. The Commission has adopted provisions, after the approval by the YOUTH Programme Committee, relating to the responsibilities of the Commission and of the Member States concerning the national agencies.

According to the provisions, the authorities in the Member States are responsible for the designation of an agency in their country. In Austria, the Federal Ministry of Social Security and Generations has designated EuroTech as national agency following a call for tender.

In addition, the provisions establish the minimum requirements, which apply to the national agencies. According to the provisions the body designated as the national agency must, among other things, have at their disposal personnel qualified for administrative work in an environment of international co-operation. Language, management, financial management and computer skills as well as knowledge on the youth sector are very desirable.

The Commission has verified that the appointed national agency complies with these requirements. For this purpose, the Commission has visited EuroTech in their premises in Vienna. The personnel of EuroTech covers a wide range of competencies including experience with youth research, management of Community programmes and funds (including the European Voluntary Service) as well as general management and financial management skills. The proposed organisation and number of man-hours seem to be appropriate for the expected tasks.

The Community contribution is limited to 50 % of the operating costs of the agency. The contribution is calculated on the real operating costs of the agency and excludes any possible profits.

The Commission will, in the contract with the new agency, protect its interest with regard to any possible outcome of the ongoing appeal.

(2001/C 350 E/068) **WRITTEN QUESTION E-0952/01**

by Christopher Huhne (ELDR) to the Commission

(28 March 2001)

Subject: Notification of fiscal policy changes

Does the Commission believe that the Finance Ministers of the Member States should notify any intended fiscal policy changes to the Commission before they are announced or implemented? If so, why?

Answer given by Mr Solbes Mira on behalf of the Commission

(20 June 2001)

The Commission would refer the Honourable Member to its answer to his Written Question E-0850/01 [1].

That answer is still valid.

[1] See page 51.

(2001/C 350 E/069) **WRITTEN QUESTION E-0954/01**

by María Valenciano Martínez-Orozco (PSE) to the Commission

(28 March 2001)

Subject: Gender equality in the Territorial Pacts for Employment programmes

In 1996 the Commission launched an initiative entitled 'Territorial Pacts for Employment' which enabled 89 programmes to be carried out, involving all the EU Member States. The programmes received funding from the Directorate-General for Regional Policy in respect of technical assistance and most of the programmes have been completed or are drawing to a close thanks to financial support from the operational programmes of each country or region involved.

One of the most important guidelines laid down by the Commission for use by the Member States when selecting projects is the need to include measures and initiatives based on the Community's equal opportunities policy.

Similarly, the Guide to the 2000-2006 Territorial Pacts for Employment recommends that the equal opportunities policy be incorporated into the new programmes in the local areas in which they are implemented.

Has the gender impact of the programmes implemented under the 89 Territorial Pacts been assessed with a view to incorporating the experience gained from those programmes into new projects relating to the current planning period and for the purpose of assessing the continuity or otherwise of programmes which are coming to an end but which are to be repeated?

If not, what procedure will be applied for the purpose of identifying the best practices implemented and learning the lessons which may be drawn from them?

Answer given by Mr Barnier on behalf of the Commission

(7 June 2001)

As the Honourable Member says, ever since they were launched in 1997, the Territorial Employment Pacts (comprising projects financed by all the Structural Funds) have incorporated and encouraged measures to promote equal opportunities between men and women. The rules applying in 1994-1999, less specific than those introduced for 2000-2006, stipulated that projects financed by the Structural Funds must respect the principle of equality.

Moreover, as one of the four pillars of European employment policy, equality in the broadest sense (encompassing minorities and social exclusion as well as gender aspects) was given prominence in action plans under the pacts. Innovative projects initiated by the pacts were promoted at two conferences in 1999 and 2000, the proceedings of which are available on the Inforegio site (http://www.inforegio.cec.eu.int/). In addition, a database has been established to provide information on projects under the 89 pacts, classified according to the four European employment policy priorities. This base will be operational on the Inforegio site within the next few months.

A list of the main projects under the pacts considered to promote equality is being sent to the Honourable Member and to the Secretariat-General of Parliament. Some of these projects are to be continued and extended in the new Structural Fund programming period 2000-2006.

Among the projects with a major favourable impact on equal opportunities, the Commission would mention the women's employment foundation, FAST, presented at the November 1999 'ideas exchange'. This foundation, promoted by the Vienna pact, is intended especially for women with fairly basic skills, to help them broaden the range of employment opportunities open to them. Other exemplary measures will be described (after verification by experts), in the guide to transferable instruments and good practice gleaned from the territorial employment pacts, to appear in June 2001.

Gender equality is a priority throughout the European Union, and will be taken into account in the thematic evaluation of the territorial employment pacts, to start by the end of 2001.

(2001/C 350 E/070)

WRITTEN QUESTION E-0966/01

by Ian Paisley (NI) to the Commission

(30 March 2001)

Subject: Secondment from the European Commission

Could the Commission indicate the terms and dates of employment and the amount of European monies paid to Mr Logue and Mr Larkin who have been seconded from the European Commission to the office of the Deputy First Minister of Northern Ireland?

Answer given by Mr Kinnock on behalf of the Commission

(14 June 2001)

As part of the evidence of its practical commitment to the Northern Ireland peace process and the administration of the newly created Northern Ireland Assembly, the Commission has approved the secondments of Mr Larkin, an official of grade A3, and Mr Logue, an official of grade A4, as special advisers to the Deputy First Minister in the Office of the First and Deputy First Ministers of the Northern Ireland Executive. These secondments are due to terminate in the third quarter of 2002. The salaries and allowances paid by the Commission to Mr Larkin and Mr Logue are commensurate with their respective grade and domestic arrangements (family allowance, education allowance, etc.).

(2001/C 350 E/071)

WRITTEN QUESTION E-0983/01

by Gorka Knörr Borràs (Verts/ALE)
and Alexander de Roo (Verts/ALE) to the Commission

(30 March 2001)

Subject: Risk which the Itoiz reservoir presents to public safety

The Confederación Hidrográfica del Ebro [Ebrus Hydrographic Confederation] has decided to begin filling the Itoiz reservoir in Navarra this spring, despite a new report by Professor Arturo Rebollo Alonso, a geologist and engineer who maintains that the project presents a serious threat to public safety on account of the instability of the clay soil found in the area in which the dam is located. According to the report it is highly probable that land slippage will block the filters built into the dam, thereby causing the water level to increase and thus exposing nearby towns to the risk of flooding and placing extreme pressure on the structure of the dam. This could make the reservoir overflow or even cause a breach in the dam, which would be a full-blown human disaster and would threaten the safety of the Asco nuclear power station.

The new report backs up earlier studies, including a report by Spain's Environment Ministry, which describes the project as constituting 'maximum risk'. Antonio Casas, Head of the Department of

Geodynamics at the University of Zaragoza, also submitted a report a few years ago in which he warned of the 'disastrous consequences' which may ensue if the reservoir is filled.

1. Does the Commission not consider that the Spanish Government is contravening Articles 1, 6 and 17 of the Convention on Nuclear Safety which was drawn up under the auspices of the International Atomic Energy Agency and to which Spain and Euratom are signatory?

2. Would the Commission support local communities and international environmental groups, including Friends of the Earth Europe, the WWF and the International Rivers Network, which are calling on the Spanish authorities to impose a moratorium on the filling of the reservoir until an international group of experts have certified that it is safe?

3. Is the Commission aware of the significance and the impact of the Itoiz reservoir within the National Hydrological Plan as an item of water redistribution infrastructure within the projected scheme for diverting water from the Ebrus?

Answer given by Mrs Wallström on behalf of the Commission

(6 July 2001)

1. The Euratom Community has acceded to the Convention on Nuclear Safety. The scope of the Euratom Community competence under the Convention, except for Articles 15 and 16(2) thereof, is under the assessment of the Court of Justice. It is not for the Commission to say whether Spain is in contravention of the Convention.

However, it must be mentioned that Chapter 3 of Title II of the Euratom Treaty headed 'Health and Safety' and the secondary legislation adopted thereunder are laying down rules for protection of general public against risk arising from ionizing radiation, both in normal circumstances and in case of radiological emergencies. In accordance with Article 124 of the Euratom Treaty, the Commission will ensure that these rules are correctly applied in the specific context of the Itoiz reservoir, particularly in relation to the nuclear plant of Asco.

2. As regards the environmental law deriving from the EC Treaty, the Commission is, under Article 211 (ex Article 155) of the EC Treaty, responsible for ensuring that Community law is correctly applied by the Member States. However, it has to be stressed that the Commission is unable to intervene in matters which are not covered by Community law.

The safety of the reservoir at the Itoiz dam is a matter which falls outside the scope of Community environmental law. Questions relating to the technical quality of a project are outside the scope of the impact assessment directive [1]. There are thus no legal grounds for the Commission to take any action with regard to this issue.

3. The Spanish Government has informed the Commission of its proposed National Hydrological Plan. The Commission has brought to the attention of the Spanish authorities the need to ensure, in the course of the formal adoption procedure for the final Plan and subsequently in the process of its implementation, the full respect of all relevant Community environmental legislation and policy.

[1] Council Directive 85/337/EEC (OJ L 175, 5.7.1985).

(2001/C 350 E/072) **WRITTEN QUESTION E-1000/01**

by Paulo Casaca (PSE) to the Commission

(30 March 2001)

Subject: 1999 discharge — agriculture

The information provided by the Commission in connection with question 2.7 of the second questionnaire on the granting of the discharge in respect of the implementation of the general budget of the European Union for the 1999 financial year does not reply to the Questions raised in various aspects. Can the Commission therefore clarify the following points:

With regard to question 2.7(c): The reply does not correspond to the question. The question refers to fraud and irregularities, and not the common organisations of the market designed to restrict surplus production. Consequently, the Commission is asked once again to reply to the above question.

Answer given by Mr Fischler on behalf of the Commission

(8 June 2001)

The question in point 2.7(c) of the second 'Blak' questionnaire for the 1999 discharge, which the Honourable Member is referring to, was:

> Will the Commission indicate where in the regulatory framework regarding consumption aid for Skimmed milk, or any other dairy product, penalties up to eight times the amount of the subvention can be claimed (e.g. consumption aid for olive oil, paragraph 6, article 12, Commission Regulation (EEC) No 643/93, of 19 March 1993 amending Regulation (EEC) No 2677/85 laying down implementing rules in respect of the system of consumption aid for olive oil [1]).

In the reply given to point 2.7 (c) the Commission explained the procedure for paying aid for the use of skimmed milk powder or butter in certain industrial products and gave examples of sanctions in the milk sector.

It is correct that the Commission did not explicitly reply to the question of where in the milk sector sanctions of up to eight times an aid can be claimed. However, the Commission can inform the Honourable Member that such an explicit provision is not foreseen in any of the regulations governing the milk sector.

Aid for the use of skimmed milk powder in animal feed and for butter used in ice cream, pastry etc. is only paid to undertakings approved by the Member States (Commission Regulation (EC) No 2799/1999, of 17 December 1999 laying down detailed rules for applying Regulation (EC) No 1255/1999 as regards the grant of aid for skimmed milk and skimmed-milk powder intended for animal feed and the sale of such skimmed-milk powder [2], article 9, and Commission Regulation (EC) No 2571/1997, of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs [3], article 10). The approval is subject to a number of conditions. If controls reveal that an undertaking does not comply with these conditions, in addition to the loss of the aid, the approval can be suspended for one to twelve months, depending on the seriousness of the irregularity. This may indeed in itself constitute a heavy sanction.

In order to complete the information, it may be of interest to the Honourable Member to know that for area based aid schemes subject to controls under the Integrated Administration and Control System, a sanction can reach almost five times the aid unduly applied for or already paid. If a control reveals a discrepancy of more than 20 %, the beneficiary loses the total amount of the aid.

[1] OJ L 69, 20.3.1993.
[2] OJ L 340, 31.12.1999.
[3] OJ L 350, 20.12.1997.

(2001/C 350 E/073) **WRITTEN QUESTION E-1001/01**

by Paulo Casaca (PSE) to the Commission

(30 March 2001)

Subject: 1999 discharge — agriculture

The information provided by the Commission in connection with question 2.7 of the second questionnaire on the granting of the discharge in respect of the implementation of the general budget of the European Union for the 1999 financial year does not reply to the questions raised in various aspects. Can the Commission therefore clarify the following points?

With regard to question 2.7(a):

— Point 36. Can the Commission provide the relevant OLAF report?

— Point 42. The reply does not correspond to the question. The question concerned the actions of the Dutch authorities mentioned in point 42 and not those of the Belgian authorities mentioned in the same point. Consequently, the Commission is asked once again to reply to question 2.7(a).

Supplementary answer
given by Mr Fischler on behalf of the Commission

(18 June 2001)

The inquiries conducted in conjunction with the European Anti-Fraud Office (OLAF) were carried out in accordance with Council Regulation (EEC) No 595/91 of 4 March 1991 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organisation of an information system in this field [1]. Under that Regulation, information exchanged between the Member States and the Commission is confidential and may not be divulged to persons other than those in the Member States or within the Community institutions whose duties require that they have access to it, while names of natural or legal persons may be disclosed to another Community institution only in so far as this is necessary in order to prevent or prosecute an irregularity or to establish whether an alleged irregularity has taken place. The Honourable Member should also refer to the Commission's answer to his Written Question E-27/01 [2]. That answer stated in particular that OLAF has concluded that there were no grounds for holding that irregularities had taken place and that the two Member States concerned have been informed of this.

As far as point 42 of the Court of Auditors' Special Report No 1/99 is concerned, the Commission wishes to inform the Honourable Member that the sum of NLG 5 136,89 to be reimbursed by the Dutch company was refunded and credited to the European Agricultural Guidance and Guarantee Fund (EAGGF) in December 1997. In its answer to question 2.7 referred to by the Honourable Member, the Commission confined itself to what it regarded as the most important aspect, i.e. the measures taken with regard to whey. The question to which the Honourable Member returns in his written question represents 3 350 kilograms or approximately 0 002 % of the quantity of skimmed-milk powder incorporated in compound feedingstuffs in the Netherlands in 1997. In its reply to the Court of Auditors' Special Report No 1/99 the Commission has already stated that the amount was reimbursed. The Honourable Member must share the Commission's view that, if it is to ensure that controls are effective, it has to concentrate its efforts on questions that represent a material risk of expenditure, bearing in mind that managing the aid and any reimbursements is the responsibility of the Member States.

[1] OJ L 67, 14.3.1991.
[2] OJ C 187 E, 3.7.2001, p. 162.

(2001/C 350 E/074) **WRITTEN QUESTION E-1039/01**

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

(3 April 2001)

Subject: Deaths of Galician seafarers in accidents at sea and European Union policy against marine accidents

The deaths of Galician seamen in accidents at sea provide tragic evidence of the unavoidable need for urgent action to bring about a drastic reduction in the dreadful accidents affecting Community fleets in general. Three hundred Galician fishermen have lost their lives in the past decade — 80 % of the total number of such deaths for the whole of Spain — and there have already been tragic accidents involving the Galician fleet in 2001, such as those which occurred off Lisbon in January, in which seven Galician seamen died, and more recently in Scottish waters, which claimed the lives of a further six seamen.

Leaving aside the harsh working conditions faced at sea, experience shows that accidents and deaths are largely due to the lack of safety equipment, which should be covered by legal instruments and required by both the European Union and the Member States.

What urgent measures will the Commission introduce to prevent the tragic deaths of seamen?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(21 June 2001)

The Commission fully shares the Honourable Member's concern about the occupational accident situation at sea, particularly with regard to the deaths of the Galician seamen.

It would like to emphasise the fact that since 1989 a substantial amount of Community legislation has been adopted, covering both measures to promote improvements to the safety and health of workers at work and the safety of fishing vessels.

Legislation intended to help improve health and safety conditions for workers and reduce work accidents and occupational diseases consists of the Framework Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [1] and the following individual directives: Council Directive 93/103/EC of 23 November 1993 concerning the minimum safety and health requirements for work on board fishing vessels [2]; Council Directive 90/269/EEC of 29 May 1990 on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers [3]; Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work [4] as amended by Council Directive 95/63/EC of 5 December 1995 [5]; Council Directive 89/656/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use by workers of personal protective equipment at the workplace [4]; and Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels [6].

With regard to the safety of fishing vessels, Council Directive 97/70/EC of 11 December 1997 [7], as amended by Commission Directive 1999/19/EC of 18 March 1999 [8], sets up a harmonised safety regime for fishing vessels of 24 metres in length and over. This Directive is based on the Torremolinos Protocol of 1993 (Article 3(4)), but extends its scope, as the Protocol only applies to vessels of 45 metres and over. The Directive provides for the inspection of fishing vessels by the flag State, for the purpose of issuing certificates of compliance, in accordance with Article 6 of the Directive. Port State control inspections of fishing vessels are also provided for in accordance with Article 7 of the Directive, which refers to Article 4 of the Torremolinos Protocol.

This latter provision therefore allows for the inspection of a vessel flying the flag of one Member State while in the port of another Member State.

The utmost importance attributed by the Commission to maritime safety in general is manifested by the presentation of six specific proposals in the course of the year 2000 — known as ERIKA I and ERIKA II packages — currently under discussion at the Council and Parliament. Once adopted, these measures will contribute to safer shipping and cleaner seas.

[1] OJ L 183, 29.6.1989.
[2] OJ L 307, 13.12.1993.
[3] OJ L 156, 21.6.1990.
[4] OJ L 393, 30.12.1989.
[5] OJ L 335, 30.12.1995.
[6] OJ L 113, 30.4.1992.
[7] OJ L 34, 9.2.1998.
[8] OJ L 83, 27.3.1999.

(2001/C 350 E/075) **WRITTEN QUESTION E-1059/01**

by Nicholas Clegg (ELDR) to the Commission

(5 April 2001)

Subject: GATS applied to public services in public or private ownership

Do the GATS rules apply differently to public services depending on whether such services are in public or private ownership? Can governments and public authorities restrict access to third-country service providers in domestic public service markets which have already been privatised?

Answer given by Mr Lamy on behalf of the Commission

(5 June 2001)

Provisions under the General Agreement on Trade in Services (GATS) apply throughout, irrespective of whether ownership of the service provider is private or public. However, all activities linked to the exercise of governmental authority are excluded from the scope of the GATS.

These general provisions must be read in connection with the specific commitments that each World Trade Organisation (WTO) Member has taken. This reflects the bottom-up approach of GATS, based on voluntary, sector-by-sector commitments for the opening to foreign service suppliers. These commitments indicate the level of market opening for each member in each services sectors and are included in country annexes attached to the treaty.

It must be underlined that the commitments entered into by the Community and its Member States during the Uruguay Round do not impair the prerogatives of Member States with regard to the establishment of the most appropriate organisation of the sector concerned: Members are neither obliged to privatise any part of the public sector, nor to limit the possibility of subsidising a service.

Whether governments and public authorities can, under GATS rules, restrict access to third country service providers in domestic public service markets is not a question of whether these have been privatised or not (which is a domestic policy decision), but depends on whether the Community and its Member States took any commitments in this respect during the Uruguay Round and if so, what commitments … This means that any decision on privatisation in a specific sector, if not linked to a specific Community GATS commitment in the sector concerned, does not provide a legal framework for the provision of services by foreign suppliers.

(2001/C 350 E/076) **WRITTEN QUESTION E-1062/01**

by Erik Meijer (GUE/NGL) to the Commission

(5 April 2001)

Subject: Delays in large-scale protection against the parasite disease bilharzia because the pharmaceuticals industry does not regard a drug as profitable

1. Is the Commission aware that many thousands of deaths are caused every year in Africa not just by AIDS, tuberculosis and malaria — control of which is one of the Commission's concerns — but also by the tropical disease bilharzia which is caused by the minuscule schistosoma flatworm parasite, which lives in fresh water and water snails, laying eggs in human blood vessels which affect the bladder, intestines and liver, resulting in many people dying within 10 years?

2. Is the Commission also aware that there is no simple pill or vaccine available for bilharzia, which occurs on a large scale amongst the inhabitants of some African countries, although a pill called 'Praziquantel' (Biltricide) is available for returning European tourists affected by bilharzia after bathing or drinking?

3. Can the Commission confirm that in 1991 researchers Tendler (parasitologist) and Simpson (molecular biologist) discovered a new drug, R-SM 14, which should be suitable in vaccine form for large-scale use, and that research has also been carried out by the World Health Organisation but that so far no pharmaceutical firm has been willing to produce a vaccine because the purchasing power in the countries where there are epidemics of bilharzia is low and therefore no profit can be made?

4. Does the Commission agree that, following previous successful campaigns against smallpox and polio using vaccination, many human lives at risk or already damaged could be saved if public health took precedence over commercial considerations?

5. What contribution does the Commission think it can make to encouraging a substantial European input for a mass vaccination programme aimed at combating and ending the unnecessary epidemics of bilharzia in the Third World?

Source: Swedish television documentary broadcast on TV 1 in the Netherlands (23 February 2001), 'Netwerk' current affairs programme.

Answer given by Mr Nielson on behalf of the Commission

(14 June 2001)

The Commission agrees that bilharzia (schistosomiasis) is important in terms of socio-economic and public health in tropical and subtropical areas. Despite the progress in control, the disease still remains endemic in 76 developing countries where over 20 million people are currently estimated to be infected; 200 000 dying every year.

Given the difficulties in sustaining large-scale specific programmes in Africa, the core of the current strategy against bilharzia disease consists of a simple and effective control package (by means of drug treatment) which can be implemented through existing health and educational services and provision of safe water. The Community, therefore, supports bilharzia control in the context of its existing assistance for health sectors in developing countries.

After extensive research efforts, where funding from Community research programmes was crucially important to set-up appropriate North-South collaboration and with industry, important progress in vaccine development has been reported. Extensive trials are hampered now by the profitability requirements for private industry to undertake such large-scale investments. In this regard, the Commission believes that private industry should be further encouraged to invest in vaccines and medicines in this area.

The recent Communication and Programme for Action on HIV/AIDS, malaria and tuberculosis in the context of poverty reduction [1], highlights the importance for further investments and public private partnerships for public health priorities in developing countries and those could also influence decisions towards development of new drugs and vaccines for bilharzia. Finally, it is worth noting that Praziquantel, the main available drug, is produced extensively locally, an area also targeted strongly supported by Community policy.

[1] COM(2001) 96 final.

(2001/C 350 E/077) **WRITTEN QUESTION P-1106/01**

by John Cushnahan (PPE-DE) to the Commission

(28 March 2001)

Subject: EU-Israel Association Agreement

In its May 1998 Communication to the Council and the European Parliament, the Commission stated: 'Preferential access to Community markets for exports originating in Israeli settlements in the West Bank

and Gaza Strip and those from East Jerusalem and the Golan Heights contravene agreed rules of origin since these territories do not form part of the State of Israel under public international law. There are indications that these exports are taking place. The European Community will take steps to verify the accuracy of this information … Should it be confirmed, such violations of rules should be brought to an end.'

In September 1998 Israeli officials confirmed to the Commission that as a matter of official policy Israeli Customs was routinely certifying products wholly produced or substantially processed in Israeli settlements as originating in the State of Israel. After several cases of fraudulent imports of settlement products under preferences were uncovered by Member States' customs services, the Commission informed us that 'the interpretation of the territorial scope of application of the agreement adopted by Israel does not coincide with the interpretation accepted by the European Union'. However, the Commission also assured us that 'the verification procedure for the origin of products makes it possible to determine whether a product may benefit from the right to preferential treatment even where there is a failure to co-operate in the determination of origin on the part of the third country concerned.' After the Commission moved to coordinate a posteriori verifications by the Member States' customs services for a number of imports of settlement-produced goods, Israeli officials announced publicly that Israel would respond to the Member States' verification inquiries by reaffirming the originating status of the products concerned. Can Israel 'fail to co-operate in the determination of origin' without violating an essential provision of its agreement with the EU? Does such a failure to co-operate encumber and diminish the capacity of the Member States' customs services to detect and prevent customs fraud? Does the Commission tolerate an inferior standard of customs fraud deterrence and prevention on the Member States' parts where Israeli exports of settlement products are concerned?

Answer given by Mr Patten on behalf of the Commission

(15 May 2001)

As the Honourable Member may know, the Union-Israel Association Agreement establishes a procedure for the verification of the proof of origin, whereby the customs authorities of the importing country return the certificate of origin to the customs authorities of the exporting country, if they have a reasonable doubt as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of Protocol 4 of the Agreement. The verification is carried out by the customs authorities of the exporting country. This process is presently taking place.

About 2000 certificates of origin have been sent back to Israel's customs authorities by Member State customs authorities. The Union-Israel Association Agreement foresees that Israel's customs authorities have up to 10 months to send an answer to Member States custom authorities. In case Israel customs authorities fail to answer or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall refuse entitlement to the preferences.

On the occasion of the first Association Council on 13 June 2000, the Union Presidency, in the official speech, expressed its particular attachment to the respect of the territorial coverage of the Association Agreement with Israel. The Commission, in full co-ordination with Member States, will ensure the respect of the Association Agreement.

(2001/C 350 E/078) **WRITTEN QUESTION E-1115/01**

by Esko Seppänen (GUE/NGL) to the Commission

(6 April 2001)

Subject: Food aid programme for Russia

In the winter of 1998-1999 the EU decided — evidently in order to use up its stocks — to grant food aid to Russia. It was agreed with the Russian government that 20 % of the income from the sale of this food would be directed to a special social fund. Has the Commission had any details of the use of the resources from this fund?

Answer given by Mr Patten on behalf of the Commission

(21 June 2001)

In the context of the Programme to supply agricultural products to the Russian Federation, Council Regulation (EC) No 2802/98 of 17 December 1998 provides for the sale of product delivered and the use of sale proceeds for social measures.

The Memorandum of Understanding (MoU) further provides for Special Account receipts to be disbursed for the payment of pensions (80 %) and for specific social purposes (20 %). The MoU also obliged the Russian authorities to provide regular reports on receipts to and disbursement from the Special Account. These reports are presented by the Ministry for Finance to the Joint Working Group (JWG), which meets regularly to manage the Programme. No disbursement from the Special Account can be made unless approved by the Commission upon the recommendation of the JWG.

According to the latest reports the disbursement of funds from the Special Account to the agreed areas is as follows:

— Pension Fund: € 177 million,

— Ministries for Health and Labour: € 44 million (22 million to each).

The current balances remaining on the Account are:

— Pension Fund: € 13 million,

— Ministries for Health and Labour: € 3,2 million.

Reports relating to disbursement to the Pension Fund include details as to the amount and date of receipt from the Special Account, payments from the State Pension Fund to regional branches including the amount and date of transaction. In the context of control the Commission's Technical Assistance Unit has undertaken a number of audit missions to beneficiary regions. These missions have verified that there is a clear audit trail identifying the flow of funds from the State Pension Fund to the final recipient i.e. the pensioner.

The reports received in respect of usage of Special Account funds by the Ministries for Health and Labour clearly show that these funds have been dedicated for the purchase of equipment for hospitals, medical institutions and children's clinics/schools. The equipment purchase includes wheelchairs, computers for boarding schools, beds for hospitals, clothes and laundry equipment.

(2001/C 350 E/079) **WRITTEN QUESTION E-1117/01**

by Esko Seppänen (GUE/NGL) to the Commission

(6 April 2001)

Subject: Renovation of the Berlaymont building

The Commission's headquarters in the Berlaymont building has been out of use for several years. Its renovation was in view of future use. How much has the Commission committed itself to paying for the renovations and how will this amount be taken into account in the rents charged on the building?

Answer given by Mr Kinnock on behalf of the Commission

(21 June 2001)

The Berlaymont Building was vacated by the European Commission in 1991 when proof was provided that the condition of the asbestos used in its construction had deteriorated to the point where it breached safety requirements.

As already pointed out in the reply to Written Question E-936/01 by Mr Sjöstedt [1], 'the Commission has not signed any contract relating to the Berlaymont building. In July 1997 the Commission signed a Memorandum of Understanding with the Belgian State and the not-for-profit development company S.A. Berlaymont 2000 (70 % owned by the Belgian State and 30 % owned by two banks). That Memorandum included the provision that the Commission would only return to the building and bear relevant costs of renovation works if renovation was completed satisfactorily and according to best practice.' The costs of renovating the building after removal of the asbestos were estimated to be € 324 million.

The provision mentioned above retains its validity. Meanwhile, the Commission and the Belgian Government are currently re-examining the Memorandum of Understanding with a view to establishing a contract which fixes the final cost of the building, precisely describes the work covered by the contract, and sets down a firm delivery date.

[1] OJ C 318 E, 13.11.2001, p. 155.

(2001/C 350 E/080) **WRITTEN QUESTION E-1119/01**

by Esko Seppänen (GUE/NGL) to the Commission

(6 April 2001)

Subject: The Fléchard affair

What measures has the Commission taken to resolve the 'Fléchard affair' and to find possible culprits among the Commission's own officials?

Answer given by Mr Fischler on behalf of the Commission

(13 July 2001)

The so-called 'Fléchard' case has during more than two years been exhaustively examined by the Commission, the Parliament Committee on Budgetary Control, the European Court of Auditors and the European Anti-Fraud Office (OLAF). The Commission has over this time on numerous occasions supplied information to the various bodies. The Honourable Member is advised to consult this comprehensive documentation available to the Parliament, f. ex. the Commission reply of 10 May 2000 to the Court of Auditors presidential letter, the reply of 19 March 2001 to the questionnaire addressed to the Commission by the 'Fléchard' working group of the Committee on Budgetary Control and the member responsible for Budget's statement to the Parliament in April 2001 for the 1999 discharge. In addition, OLAF transmitted in March 2001 its report concerning the minutes of the Commission interservice meeting of 7 January 1994 to the Commission and to the Parliament.

The Commission is of the view that the case is thoroughly documented and does not see any possibility, nor need, to take further measures to resolve it.

(2001/C 350 E/081) **WRITTEN QUESTION E-1120/01**

by Esko Seppänen (GUE/NGL) to the Commission

(6 April 2001)

Subject: The Commission's staff policy

The Commission is reforming its staff policy with the aim of improving the efficiency of its operations. This is a perfectly correct objective. Some staff representatives have already threatened legal action if the reforms do not satisfy officials. If a strike occurs, will the Commission take the line that the officials should be paid for the time they are on strike?

Answer given by Mr Kinnock on behalf of the Commission

(20 June 2001)

The payment of salaries during a strike is not provided for in the Staff Regulations. Point 10 of the Annex to the Framework Agreement between the trade unions and staff associations and the Commission of 1974 stipulates that 'the Commission and the trade unions and staff associations involved in the dispute shall together decide on the conditions for resuming work'. This implies that the question is addressed on an ad hoc basis following a strike.

The Commission's practice is to deduct from the salary of officials who participate in a strike an amount equivalent to their pay over the period of the strike. This practice was followed most recently on the occasion of a half-day strike by some officials of the Commission services in Luxembourg on 31 January 2001.

(2001/C 350 E/082) **WRITTEN QUESTION E-1125/01**

by Ilda Figueiredo (GUE/NGL) to the Commission

(6 April 2001)

Subject: Special levy on alcoholic beverages and rate of VAT on wine

On 19 March 2001 the Portuguese press reported that the Commission was preparing to withdraw the exemption for wine from the special levy on alcoholic beverages and end the possibility of applying a reduced rate of VAT, with a consequent increase from 5 % to 17 %. It was also stressed that the Commission is set to bring about these changes without consulting Portugal or Greece, having received the tacit agreement of France and Italy.

Everyone is aware of the socio-economic and cultural importance of the wine sector, particularly for southern countries. It is also well known that wine is essentially an agricultural product and that it is largely produced outside the industrial structures found in the case of other alcoholic beverages such as beer. Changing the exemption from the special levy would lead to wine prices increasing by Esc 30 per litre. The combined impact of this measure and changes in the VAT rate would be a dramatic rise in consumer prices and a reduction in the consumption of wine in favour of other products, which would have a detrimental effect on the sector. This is of course the aim of the strong lobby representing multinational beer companies, chiefly concentrated in northern Europe.

In this context, can the Commission confirm the reports published in the Portuguese press?

If so, does it not consider that this proposal runs counter to the protection of multifunctional, sustainable agriculture which respects the environment and produces quality, safe products for consumers, such as wine-growing and wine-producing, and that the exemption from the special levy should therefore be maintained?

Have any studies been made to assess the impact of these measures on producer countries, particularly Portugal?

Will the Commission consult Portugal on the proposed measures?

Answer given by Mr Bolkestein on behalf of the Commission

(29 May 2001)

The Commission would like to inform the Honourable Member that the end of the application of a reduced VAT rate to wine in Portugal is the result of a recent judgement of the Court of Justice, of 8 March 2001 (Case C-276/98), in which such practise was considered as infringing the Sixth Vat Directive, Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment [1].

At present, the Commission is preparing its second report on the levels of the minimum excise duty rates and the excise duty rates applied by Member States on alcoholic beverages. In this context, all Member States have been consulted on the basis of a detailed questionnaire covering the various elements that the Commission has to address in its report. These elements are the proper functioning of the Internal Market, competition between different types of alcoholic beverages, the real value of the rates and other objectives of the EC Treaty, such as health and agricultural policy. Regarding the last point, the Commission is well aware of the concerns expressed by a number of wine-producing Member States about the impact of the introduction of a positive rate on wine, particularly upon the production of table wines.

Based on all the information and opinions received, the Commission is drafting its report, which should be adopted during the coming months. The issue raised by the Honourable Member will be addressed in the report. As yet, no decision has been taken on whether or not this report should be accompanied by a proposal for a Directive changing the minimum rates of excise duty on alcoholic beverages.

(1) OJ L 145, 13.6.1977.

(2001/C 350 E/083) **WRITTEN QUESTION E-1126/01**

by Jorge Moreira Da Silva (PPE-DE) to the Commission

(6 April 2001)

Subject: Cais dos Vapores river jetty, Montijo, Portugal

The Civic Platform for the Defence of Cais dos Vapores jetty has informed me that Montijo town council plans to transfer the river station there to another jetty, Cais do Seixalinho.

The citizens' group concerned takes the view that the option chosen by Montijo town council would have a highly negative social and environmental impact.

Can the Commission answer the following questions:

1. Has any Community funding been allocated to this project?

2. Given that the area in which Cais do Seixalinho jetty is situated forms part of a significant ecosystem for birds and aquatic species, what type of environmental impact assessment has been carried out?

3. Does this project comply with the Directive on the conservation of wild birds and the Directive on the conservation of natural habitats and of wild fauna and flora?

Answer given by Mrs Wallström on behalf of the Commission

(20 June 2001)

The project mentioned by the Honourable Member, to transfer the river station from the Cais dos Vapores to the Cais do Seixalinho is not the object of Community co-financing.

The Cais do Seixalinho lies outside the Special Protection Area 'Estuário do Tejo' designated by Portugal under the Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (1) and the proposed site of Community importance of the same name designated under the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (2). However, according to article 6 of the Council Directive 92/43/EEC, all projects likely to have a significant impact on the sites, even if located outside those sites, must be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. The Commission is therefore asking the Portuguese authorities for the necessary information concerning the project, including what type, if any, of impact assessment has been carried out.

The elements supplied by the Portuguese authorities will also allow an evaluation of the compliance with the Council Directive 97/11/EEC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [3].

[1] OJ L 103, 25.4.1979.
[2] OJ L 206, 22.7.1992.
[3] OJ L 73, 14.3.1997.

(2001/C 350 E/084) **WRITTEN QUESTION E-1131/01**

by Karl von Wogau (PPE-DE) to the Commission

(10 April 2001)

Subject: Traceability and information system for cattle

The information system allowing cattle movements to be traced gathers all data covering animals. The notification of all animal movements is compulsory.

However, access to these data which can be consulted on the Internet varies considerably. Unlike other interested parties, farmers who have sold the animals have no access to information about the carcass weight of these animals.

What is the justification for this arrangement, and does the Commission intend to amend it, if appropriate?

Answer given by Mr Byrne on behalf of the Commission

(13 June 2001)

With the adoption in 1997 of Council Regulation (EC) 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products [1], the existing provisions for identification and registration of bovine animals (Council Directive 92/102/EEC of 27 November 1992 [2]) were reinforced. This reinforcement was necessary as experience and notably the bovine spongiform encephalopathy crisis had shown that the implementation of the existing rules for identification and registration had not been entirely satisfactory and needed further improvement.

The obligation on Member States to set up a computerised database was introduced as part of the reinforced system for the identification and registration of bovine animals which in addition comprises of eartags to identify animals individually, animal passports and individual registers kept on each holding.

These provisions have been carried over in Regulation (EC) 1760/2000 of the Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 [3].

Hence each Member State shall create a national computerised database which will record the identity of bovine animals, all holdings on its territory and the movement of the animals for the purpose of rapid and accurate tracing of animals for reasons relating to the control of Community aid schemes. Furthermore the localisation and the tracing of animals is of crucial importance for the control of contagious diseases.

Since the database serves for management of Community aid schemes and disease control, the information, which the computerised database must contain as laid down in Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine [4] includes information on the date of death or slaughter to be recorded for each animal, but not on the carcass weight. It is not the intention of the Commission at this stage to propose further amendments

to Regulation 1760/2000 to require information on the carcass weight. In this respect, such information was not considered a priority by the Council or the Parliament in the discussions leading to agreement on this Regulation.

(1) OJ L 117, 7.5.1997.
(2) OJ L 355, 5.12.1992.
(3) OJ L 204, 11.8.2000.
(4) OJ 121, 29.7.1964.

(2001/C 350 E/085) **WRITTEN QUESTION E-1135/01**

by Christopher Huhne (ELDR) to the Commission

(10 April 2001)

Subject: Electric shock weapons

Is the Commission aware of evidence that electric shock weapons, for example electric-shock batons, electric-shock shields, stun guns, and lasers are being used in certain countries as instruments of torture?

Will the Commission state which Member States currently impose restrictions on the sale, manufacture, or transfer of such weapons?

Do any EU-wide restrictions on electric shock weapons currently exist and if not, does the Commission consider that such restrictions would be desirable?

Answer given by Mr Patten on behalf of the Commission

(18 June 2001)

On 9 April 2001, the Council adopted Guidelines on Union Policy towards third countries on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1). It referred to ongoing work to introduce Community-wide controls on the exports of paramilitary equipment as an example of a measure within the Common foreign and security policy (CFSP) to effectively work towards the prevention of torture and ill-treatment.

The Commission is currently considering a proposal to that end. It is aware of allegations that (high voltage) electro-shock equipment, such as belts and batons, could be used as instruments of torture in a number of countries, for example as mentioned in Amnesty International's recent report 'Stopping the Torture Trade'.

In the internal market, manufacturing and trading of high-voltage electro-shock equipment designed for protection against, or controlling of, violent persons is not subject to specific regulation at Community level. However, Council Directive 91/477/EEC of 18 June 1991, on control of the acquisition and possession of weapons (2) provides a general framework for transfers within the internal market. As regards weapons other than firearms, Member States must in particular prohibit their entry into their territory provided that the national provisions of the Member State in question so permit. The fact that Directive 91/477/EEC does not apply to the acquisition or possession of weapons by the armed forces, the police, the public authorities, or collectors and bodies concerned with the cultural and historical aspects of weapons, and recognised as such by the Member State in whose territory they are established, does not appear to have given rise to specific problems in Member States.

Moreover, the abuse of electro-shock equipment for the purpose of torture is a crime in the legal systems of the Member States, as the prohibition against torture is included in a number of United Nations (UN) and Council of Europe Conventions.

The Commission is not fully informed when it comes to restrictions that Member States may currently apply as regards the sale or manufacture of electro-shock equipment in their territory, and as regards the export to or import from third countries. Such restrictions should, however, be in line with relevant Community law. Thus, restrictions on imports should in particular be compatible with either Council Regulation (EC) No 3285/1994 of 22 December 1994, on common rules for imports [3] or Council Regulation (EC) No 519/1994 of 7 March 1994, on common rules for imports from certain third countries [4]. Restrictions on exports should in particular be compatible with Council Regulation (EC) No 2603/1969 of 20 December 1969 establishing common rules for exports [5].

(1) http://ue.eu.int/newsroom/main.cfm?LANG=1.
(2) OJ L 256, 13.9.1991.
(3) OJ L 349, 31.12.1994.
(4) OJ L 67, 10.3.1994.
(5) OJ L 324, 27.12.1969.

(2001/C 350 E/086) **WRITTEN QUESTION E-1137/01**

by Christopher Heaton-Harris (PPE-DE) to the Commission

(10 April 2001)

Subject: European employment policy

The recent changes to the football transfer fees system state that professional football players now have different rights according to their age, with greater compensation being awarded for the transfer of players up to the age of 23.

How can the value of employees in terms of age be reconciled with other European employment legislation? Will it set a precedent for any other employment sectors?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(21 June 2001)

The Commission first reminds that the Court of Justice recognised in its Bsoman judgment that the aim of encouraging the recruitment and training of young players is legitimate and can justify an obstacle to the free movement of workers.

According to the general principles set out in the outcome of the discussions between the Commission and International Federation of Football Associations/Union of European Football Associations (FIFA/UEFA) on FIFA regulations on international football transfers, in the case of players aged under 23, a system of training compensation should be put in place to encourage and reward the training efforts of clubs, in particular small clubs.

The sum paid in that situation will specifically compensate for the training provided to young players. As this compensation is applied to a different situation, it cannot be regarded as being discriminatory.

Taking into account that this system aims to meet the specific needs of sport, it is not transposable to other industries.

(2001/C 350 E/087)

WRITTEN QUESTION E-1140/01

by Giles Chichester (PPE-DE) to the Commission

(10 April 2001)

Subject: Impact assessments

Does the Commission believe it has a satisfactory basis for making cost impact assessments on all legislative proposals that will affect business and industry? If not, what research is being undertaken into possible methodologies and when will this research yield results? Does the Commission agree such assessments should be undertaken by independent experts with commercial experience rather than the Commission itself?

Answer given by Mr Liikanen on behalf of the Commission

(8 June 2001)

As the Honourable Member is aware, the Commission developed a system for business impact assessment (BIA) already in 1986. Following the revision of the system in 1990 into its current form, it was decided that a business impact assessment should be an obligatory attachment to legislative proposals with significant impact on business.

The business impact assessment obliges the Commission to answer a number of questions related to the likely impact a legislative proposal may have on business, including what business will have to do to comply with it. In order to answer this question, it is recommended (in the existing BIA guidelines) that quantitative estimates be elaborated for the expected compliance costs and administrative burdens that a proposal may impose on business.

Although the business impact assessment system has, over the years, proven to be a useful tool for assessing the impact of legislation on business, including cost impact, certain shortcomings of the system have also become evident over the years.

Against this background, the Commission launched the BIA Pilot Project in September 2000. It will run to February 2002, with preliminary conclusions to be drawn in the autumn of 2001. The aim of the BIA Pilot Project is to streamline and strengthen the business impact assessment methodology and techniques.

One of the key elements being examined is the need for a more systematic approach towards economic analysis as a tool for assessing the quantitative impacts (costs and benefits) of legislative proposals. The benefits and limits of different kinds of economic analysis, such as cost-benefit analysis, cost-effectiveness analysis and compliance cost analysis, are being investigated.

The BIA Pilot Project draws upon the practical experiences of a selected number of legislative proposals underway in the Commission, for which different kinds of economic studies have been launched. Moreover, research that is being undertaken includes the review of relevant literature and good practices in Community and Organisation for economic co-operation and development (OECD) Member States. To this end, the Commission also launched in February 2001 a project under its 'Best procedure' on 'Business Impact Assessment in Member States' in order to take account of good practices and lessons learned regarding two main elements of impact analysis, namely, economic impact analysis and external consultation. A preliminary report will be presented at a Workshop on 26 June 2001, to which the Parliament will be invited.

The research undertaken within the framework of the BIA Pilot Project is fully in line with the Commission's interim report to the Stockholm European Council on improving and simplifying the regulatory environment [1]. This report was the Commission's initial response to the request of the Lisbon European Council last spring to 'set out by 2001 a strategy for further co-ordinated action to simplify the regulatory environment' and sets out the main principles for improving and simplifying the regulatory environment in the Community. One of the principles to which the Commission intends to adhere is to carry out wide-ranging consultations and impact assessments before bringing forward any proposal. These impact assessments should be comprehensive, objective and transparent and should include both qualitative and quantitative analysis.

Building upon the principles outlined in the Stockholm interim report, the Commission will present a more detailed action plan for improving and simplifying the regulatory environment to the Laeken European Council at the end of this year, which will also take account of the recommendations set out in the upcoming White Paper on European Governance.

Regarding the issue of whether impact assessments should be undertaken by independent experts or the Commission itself, the Commission is of the opinion that final impact assessments of legislative proposals should be carried out in-house. However, input from various external experts (e.g. scientific, technical, commercial, economic, social and environmental) is needed for specific issues as well as for data collection (e.g. compliance costs for business). This viewpoint is in accordance with experiences from impact assessment systems in several OECD countries, such as the United Kingdom and the United States.

The Commission is highly committed to assess the costs and benefits of proposed regulatory measures (to the extent possible) on all the parties concerned, including business. Moreover, it believes that such assessments could favourably look at costs and benefits of various levels of stringency of proposed regulatory measures, since such information could be useful throughout the decision-making process. Indeed, regulatory quality and simplification at Community level is an issue of common concern, which requires joint commitment from all Union institutions.

(1) COM(2001) 130 final.

(2001/C 350 E/088) **WRITTEN QUESTION E-1141/01**

by Theresa Villiers (PPE-DE) to the Commission

(10 April 2001)

Subject: Partnership with civil society to promote information on the euro

On 7 March 2001 the Commission announced that it had selected 34 projects out of 158 proposals received to subsidise in the context of the information programme for European citizens (PRINCE). It was stated in MEMO/01/66 that 'only transnational actions involving at least three Member States, at least one of which is in the euro area, and with the greatest possible multiplier effect, will qualify for financial support'.

Six of the selected projects will be undertaken by organisations with partners in the United Kingdom:

— Eurochambres,

— Industrie-und Handelskammer Trier,

— Association Pour l'Union Monétaire de l'Europe (AUME),

— European Union of the Deaf,

— Institut Européen interrégional de la Consommation (IEIC),

— ASFORM (Asociación para el Fomento de la Formación Ocupacional y Continua el la Margen Izquierda).

1. Could the Commission confirm that it has secured guarantees from these organisations that funding will not be channelled into promotional projects in the United Kingdom, which has not expressed the wish to join the euro?

2. Could the Commission explain why it is considering proposals from transnational organisations involving at least three Member States, where only one of the three Member States has joined the euro, and the other two countries have not expressed a wish to join?

Answer given by Mr Solbes Mira on behalf of the Commission

(3 July 2001)

A careful examination of the title and the text of the call for proposals published in the Official Journal of the European Communities [1] clearly shows that it was never intended to foster promotional activities in any Member State, let alone in Member States having not expressed the wish to join the euro. Furthermore, no project promoted by an organisation based in the United Kingdom has been registered, so that no British organisation appears as project leader in this framework.

Out of the six organisations mentioned, four are at European level, and naturally also have members in the United Kingdom. As for the two remaining ones (Industrie-und Handelskammer Trier and Asform), they are used to working with a certain number of partners, one of them happening to be British. Each promotor is free to choose its partners in a given project and each project rests on a division of labour between the partners, so that a British partner can never retain a major share in a project.

This allows the Commission to confirm that funding will not be channelled into promotional projects in the United Kingdom, as none was received in the framework of the call for proposals. Moreover, all projects are controlled during their implementation and financial reports are due halfway and after completion of each project to obtain payment of the second and of the last part of the grant awarded.

The text 'transnational actions involving at least three Member States, at least one of which is in the euro zone' should not be read as imposing one member of the euro zone and two having not expressed the wish to join, but sets one of the minimal conditions at which a given project can be taken into consideration, at the risk of otherwise becoming pointless. None of the 34 selected projects actually presents such a configuration, which means that there was no misunderstanding regarding this point among the applicants.

The euro is nevertheless of concern to British enterprises, and notably to small and medium-sized enterprises (SMEs) involved in imports and exports. In this respect it is worth noting that the British Government has spent several million pounds on informing them on the implications of the changeover to the euro.

[1] OJ C 212, 25.7.2000.

(2001/C 350 E/089) **WRITTEN QUESTION E-1143/01**

by Erik Meijer (GUE/NGL) to the Commission

(10 April 2001)

Subject: Combating the further spread of foot-and-mouth disease by resumption of vaccination

1. Can the Commission confirm that vaccination of livestock against foot-and-mouth disease, which was used to tackle periodic epidemics of the disease in the past, has been systematically abandoned since the early 1990s?

2. To what extent was the policy of non-vaccination based on the expectation that the disease had virtually been eradicated and vaccination was therefore superfluous?

3. To what extent was the policy of non-vaccination based on the expectation that it would boost the export of European meat to the United States given that the US wrongly tended to equate vaccination with evidence of the disease?

4. Does the Commission think that the current massive outbreak of foot-and-mouth disease in the United Kingdom and the further spread of the disease in the Netherlands and France, resulting in the massive slaughter of livestock, a ban on all exports and restrictions on the movement of people and goods, can still be brought to a permanent end without the rapid re-introduction of vaccination?

5. When will it be technically feasible to make vaccination compulsory for all livestock susceptible to the disease?

6. Is the Commission prepared to play an active role in bringing the policy of non-vaccination to an end as soon as possible?

Answer given by Mr Byrne on behalf of the Commission

(29 June 2001)

In the early 1990s, in the framework of the establishment of the internal market, the Community adopted a non-vaccination policy against foot and mouth disease (FMD), taking into consideration that this disease had been successfully eradicated from its territory and the limitations of vaccination.

These limitations include:

- after infection with FMD virus, vaccinated animals may act as virus carriers, although they do not show signs of disease. This may lead to further spread and persistence of FMD virus in the animal population. As a result of this risk, the movement of vaccinated animals and the trade of their products such as milk and meat must be subjected to certain restrictions;

- there is no test to distinguish vaccinated animals from infected ones;

- there are seven strains of FMD, each with several sub-strains. Vaccination is only effective against the targeted strain and for a limited period only. In the absence of disease in the territory of the Community, the choice of the appropriate targeted strain for large-scale prophylactic vaccination would be very difficult;

- there are over 300 million susceptible livestock (cattle, sheep, pigs, goats) in the Community which would need to be vaccinated to give total coverage;

- the application of a generalised prophylactic vaccination policy would make it extremely difficult to export live FMD-susceptible animals, as well as their products, such as meat and milk, to third countries where FMD is absent and vaccination forbidden, including the United States. In a similar manner, the free Community market for these goods would not be possible unless all Member States adopted a common approach to vaccination.

However, the Community's non-vaccination policy does not exclude the possibility for Member States to resort to emergency vaccination, if there is a serious risk of disease spread. Indeed, vaccination has been applied in the Netherlands during the recent epidemic, in accordance with the conditions laid down in Commission Decisions 2001/246/EC of 27 March 2001 laying down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC [1] as modified by Commission Decision 2001/279/EC of 5 April 2001 [2].

Similar provisions were also adopted for the United Kingdom, which, however, decided not to make any use of vaccine. Vaccination was not used in France and Ireland, where FMD was quickly eradicated.

The Commission intends to review the current policy on FMD in the light of the experience of the recent outbreak. This review will include the conditions under which vaccination may be applied. The on-going development of new laboratory tests, which are aimed at distinguishing the vaccinated animals from infected ones, might increase the available vaccination options.

[1] OJ L 88, 28.3.2001.
[2] OJ L 96, 6.4.2001.

(2001/C 350 E/090) **WRITTEN QUESTION E-1151/01**

by Christopher Huhne (ELDR) to the Commission

(10 April 2001)

Subject: Financial services and e-commerce

Will the Commission state what agreements have, to its knowledge, been negotiated between third countries for the mutual recognition of financial services businesses taking advantage of the opportunities of e-commerce?

Will it confirm that Australia and Singapore are among these countries?

Answer given by Mr Lamy on behalf of the Commission

(18 June 2001)

The Commission is not aware of any agreement between third countries for mutual recognition of financial services that would take particular advantage of the opportunities of e-commerce.

The only Mutual Recognition Agreement (MRA) on Financial Services between third countries notified before the World Trade Organisation (WTO), under the General Agreement on Trade in Services (GATS) Article VII, is the Agreement between the Principality of Liechtenstein and the Swiss Confederation on direct insurance, which entered into force on 9 July 1998. In the case of Singapore: this country has notified the WTO that it does not maintain recognition measures based on agreements or arrangements of the type referred to in GATS VII, but that it accords recognition autonomously.

As to agreements currently under negotiation between third countries, the Commission has taken note of press reports concerning trade talks between Australia and Singapore with the aim of establishing a free trade area by the end of 2001. According to these sources, the negotiations should lead to improved reciprocal market access for financial services and telecommunications.

(2001/C 350 E/091) **WRITTEN QUESTION E-1160/01**

by Mihail Papayannakis (GUE/NGL) to the Commission

(19 April 2001)

Subject: Regulatory framework video games

Recent research by the American Psychological Association (APA) has demonstrated that certain violent video games can trigger aggressive thoughts, feelings and behaviour in minors but also in adult users and affect them much more than television or the cinema. It has also shown that many video games make children more aggressive, and their effect on human psychology may be even more harmful than violent scenes on TV or in the cinema, owing to the interactive nature of video games.

However, according to the Commission's evaluation report to the Council and the European Parliament (COM(2001) 106 final, 27.2.2001) concerning the protection of minors and human dignity, legislative provisions concerning a rating system for video games exist in only six Member States.

There are substantial differences in the approaches adopted by the various Member States in this matter (for instance, France has established a legislative framework to ban violent video games, Sweden is considering grading material according to the age of users and only very few Member States practice self-regulation for rating video games). In view of this, does the Commission intend to promote a uniform scheme for regulating this area in all Member States and, if not, what measures does it intend to take to ensure the protection of minors from the harmful effects of video games?

Answer given by Mrs Reding on behalf of the Commission

(20 June 2001)

The Commission does not currently intend to promote a uniform scheme in all Member States specifically for rating video games. At Community level, games are already covered by Council Recommendation 98/560/EC of 24 September 1998 on the development of the competitiveness of the European information and audiovisual services industry by promoting national frameworks aimed at achieving a comparable and effective level of protection of minors and human dignity [1].

The evaluation report from the Commission to the Council and the European Parliament on the application of Council Recommendation of 24 September 1998 concerning the protection of minors and human dignity [2] notes that the Recommendation was applied consistently across the Member States and that most of their activities in this area related to the use of the Internet. It concludes that the challenges with respect to the protection of minors and human dignity are to be met across all media: the Internet, radio and television, video games, video cassettes and digital video discs (DVDs).

The Commission will examine the need for Community action in this field as part of the revision of the 'Television without Frontiers' Directive planned for 2002.

[1] OJ L 270, 7.10.1998.
[2] COM(2001) 106 final.

(2001/C 350 E/092) **WRITTEN QUESTION E-1168/01**

by Pere Esteve (ELDR) to the Commission

(19 April 2001)

Subject: Lack of air traffic controllers

European air traffic management and control is one of the major challenges which the EU has taken up. The move towards harmonising air traffic control means that proper training to cope with the new situation is required, given the significance of the human factor and the sheer importance of the work of air traffic controllers.

What is required is the introduction of a European air traffic controllers' diploma.

Furthermore, while current figures show that this highly specialised workforce is between 800 and 1 600 short of a total of 15 000, this situation is forecast to deteriorate in the immediate future due to the number of retirements coming up.

Given the new situation looming, what steps is the Commission going to take to deal with the lack of air traffic controllers and the need to update and provide suitable training?

Answer given by Mrs de Palacio on behalf of the Commission

(25 June 2001)

The situation described by the Honourable Member was discussed by the High Level Group on the creation of the Single European Sky as one of the strategic issues to be addressed at the European level as a matter of urgency. The Group's report is available at 'http://europa.eu.int/comm/transport/themes/air/english/single_eur_sky_en.html'.

The Commission is currently preparing proposals to give effect to the report. These proposals will include measures to alleviate the shortage of air traffic controllers by stimulating training and mobility and to initiate the harmonisation of controller licences.

(2001/C 350 E/093) **WRITTEN QUESTION E-1170/01**

by Antonio Tajani (PPE-DE) to the Commission

(19 April 2001)

Subject: World-wide genocide of Christians

The United Nations and several human rights organisations have recently sounded the alarm over the increase in persecutions of Christians world-wide: in 2000, 165 000 were killed and 200 million persecuted.

Europe, which still bears unhealed scars from the shame of the Holocaust, has a duty to take action to guarantee the right to freedom of religion.

What initiatives does the Commission intend to take to safeguard and guarantee freedom of religion — to which everyone has a right — in Europe and the rest of the world?

How does the Commission plan to act to stem these cases of intolerance and religious discrimination and to protect laymen and missionaries at work, as they daily put their lives at risk?

Answer given by Mr Patten on behalf of the Commission

(20 June 2001)

The Union condemns all forms of discrimination and intolerance based on religion or belief, a point which it underlined at the 57th United Nations (UN) Commission on Human Rights in Geneva this year. This stance was reflected, inter alia, in the support offered by Member States for the resolution introduced by Ireland on the Elimination of All Forms of Religious Intolerance and in the Union Statement on Civil and Political Rights which condemned all forms of discrimination and intolerance based on religion or belief. The Union also calls on all Governments to ensure that their domestic legal systems provide effective guarantees for the exercise of the freedom of religion and belief to all without any discrimination. It supports the continuing efforts of the Special Rapporteur to examine incidents in all countries that are incompatible with the relevant international standards, in particular the Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief.

The Commission, which played an active role in Geneva, fully supports the importance attached to freedom of religion. Activities to promote and defend this freedom in third countries are eligible for support under the European initiative for Democracy and Human Rights.

Article 10 of the European Union Charter of Fundamental Rights also emphasises the importance of freedom of religion.

The European Union raises and will continue to raise religious freedom in its various dialogues with third countries where this is appropriate.

(2001/C 350 E/094) **WRITTEN QUESTION E-1178/01**

by Helmuth Markov (GUE/NGL) to the Commission

(19 April 2001)

Subject: Scrutiny for compatibility with competition law of the merger between the IVG and Hochtief Consortia for the construction of the Berlin Brandenburg International Airport (BBI)

On 5 February 2001, the European Commission authorised Hochtief and IVG, which had previously been competitors, to submit a joint tender for the construction of the planned Berlin Brandenburg International Airport (BBI). In the opinion, reported in the media, of the Directorate-General for Competition, the

project in its proposed form would not lead to any restriction of competitive positions among European airports. However, the opinion apparently expressly leaves open the issue as to whether the entire tendering procedure for the construction and operation of the BBI was actually valid in law.

Can the Commission answer the following:

1. What was the actual substance of the application made to the European Commission by the IVG and Hochtief Consortia for its merger for the construction and operation of the BBI to be scrutinised for its compatibility with competition law?

2. Which individual aspects of the merger did the Commission scrutinise on the basis of that application?

3. What was the actual outcome of the scrutiny notified by the Commission to the aforementioned applicants on 5 February 2001?

4. Were any specific issues in the merger between IVG and Hochtief not scrutinised before the Commission took its decision on 5 February 2001? If so, which issues were not scrutinised, and why not?

5. When the Commission scrutinised the merger between IVG and Hochtief for its compatibility with competition law, was any account taken of the infringements in the tendering procedure for the privatisation of Berlin Brandenburg Airport Holding and the construction of the BBI which were established by the Brandenburg Higher Regional Court by decision of 3 August 1999? If so, from what angle? If not, why was no account taken of the legality of the tendering procedure referred to above when the Commission took its decision on 5 February 2001?

6. Does the Commission's decision of 5 February 2001 include any restrictions on or requirements of the bidders? If so, what are they?

7. Does the Commission's decision of 5 February 2001 include any provisos on the basis of which authorisation was granted for the joint construction and joint operation of the BBI by the IVG and Hochtief Consortia?

Answer given by Mr Monti on behalf of the Commission

(16 July 2001)

1. On 22 December 2000 IVG Holding AG (IVG) and Hochtief AirPort GmbH (HTA) notified pursuant to Article 4 of Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings [1] (the Merger Regulation) their proposal to acquire joint control of Berlin Brandenburg Flughafen Holding GmbH (BBF). BBF is charged with operating the commercial airport system in the Berlin/Brandenburg region and with developing the system in future. Berlin's three existing commercial airports at Tegel, Tempelhof and Schönefeld are operated by wholly owned subsidiaries of BBF. BBF is to construct and operate the future Berlin Brandenburg International Airport (the BBI). This is a compulsory application according to the said Regulation, on the basis of which the Commission has to examine whether the concentration is compatible with the Common Market. Such examination must be based on the criteria laid down in Article 2 of the said Regulation (see answer to the following question).

2. The Commission examined under Article 2 of the Merger Regulation whether the merger created or strengthened a dominant position as a result of which effective competition would be significantly impeded in the common market or in a substantial part of it, or whether the acquisition by IVG and HTA of joint control of the BBI has as its object or effect the coordination of the competitive behaviour of undertakings which remain independent. In so doing it assessed the merger's impact on the various markets for the operation of airports on which IVG, HTA and the BBI are directly or indirectly active through shareholdings.

Further details can be obtained from the Commission decision of 5 February 2001, available on the Internet at www.europa.eu.int/comm/competition/mergers/cases.

3. In its decision of 5 February 2001 the Commission declared the merger compatible with the common market under Article 6(1)(b) of the Merger Regulation.

4. In its decision the Commission considered all aspects of the merger within the meaning of the Merger Regulation — that is to say of the acquisition of joint control by IVG and HTA of the BBI — in the light of the Regulation.

5. In the proceedings under the Merger Regulation the Commission did not consider the legality of the tendering procedure which took place prior to the merger. It was not empowered to do so under the Regulation, the sole purpose of the merger control procedure being, as already indicated, to determine whether a merger would have one of the effects mentioned in Article 2 of the Merger Regulation (see answer to the second question). The question of the legality of the tendering procedure falls to be decided solely in accordance with the relevant public procurement or antitrust provisions, the application of which is a matter first and foremost for the competent national authorities and courts.

6. Since the merger as notified did not give rise to any serious doubts as to its compatibility with the common market, the Commission declared it compatible with the common market under Article 6(1)(b) of the Merger Regulation without attaching any conditions or obligations.

7. No (see the answer to question No 6).

(1) OJ L 395, 30.12.1989.

(2001/C 350 E/095) **WRITTEN QUESTION E-1190/01**

by Luis Berenguer Fuster (PSE) to the Commission

(19 April 2001)

Subject: European Social Fund and the Valencia region

In the course of this week, contradictory information has emerged from the Valencia region regarding the administration of the subsidies provided by the Valencia Regional Government for the running of vocational training courses by approved partner training centres.

During the 2000 financial year the regional government had to pay back 687 million pesetas to the ESF whilst at the same time many partner bodies and organisations had to abandon courses which had already been scheduled, since the regional authority was unable to monitor them and check that they met the required standards.

In the local press there have been reports concerning a former (1995/6) Director-General of Employment within the Valencia Regional Government — José Linfante Vidal — who was responsible for such training initiatives during his time in office and who now runs businesses in the vocational training sector, the basic activity of which is involvement in programmes co-financed by the European Social Fund. Their services range from advising on the running of vocational training projects to the teaching of, for example, courses providing an introduction to new information and communication technologies. Mr Linfante Vidal's case would appear to be somewhat unethical since some of the schools which he runs have doubled their revenue since 1995.

Within the Valencia Regional Parliament, questions have been asked regarding the identity of the companies and public bodies which have received subsidies, the value of those subsidies, the number of students enrolled and the degree of success achieved by former students in finding jobs. No answers have so far been forthcoming.

Is the Commission aware of these facts? To what extent do they affect the beneficiaries of the ESF?

In what way does the Commission work with the Member States' authorities in order to meet the needs of an Objective 1 region, pursuant to the regulations applicable?

Is the Commission intending to take any action regarding the administration of ESF funds in the Valencia region?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(29 June 2001)

Concerning the questions relating to the information from Valencia (regional parliament, press), the Commission does not at this stage possess enough details to express an opinion or take any measures which might be necessary. It has immediately contacted the Spanish authorities in order to obtain replies to the questions raised by the press and the regional parliament. As soon as it receives this information, it will inform the Honourable Member and provide him with its analysis of the situation.

Concerning the question on co-operation between the Commission and the Member States, Article 8 of Council Regulation (EC) No 1260/1999 ([1]) provides for application of the 'principle of subsidiarity', under which the implementation of assistance is the responsibility of the Member States at the appropriate territorial level.

The same regulation also makes provision for arrangements for Commission participation in the implementation of assistance, in particular budgetary procedures, arrangements for payments to Member States, and Commission involvement in operational programme monitoring committees. Similarly, Commission regulations have been adopted establishing rules and procedures for the implementation, management and control of assistance granted (Regulation (EC) No 438/2001 ([2])) and an obligation to report irregularities and fraud to the Commission (Regulation (EC) No 1681/94 ([3])).

In the specific case of the Autonomous Community of Valencia, the operational programme for the period 1994-1999 (Programa Operativo de la Comunidad Autónoma Valenciana) has not yet been wound up, as the Commission has not yet received a request for payment of the balance, the final report or the certification to be provided by the national managing authorities pursuant to Regulation (EC) No 2064/97 ([4]). The deadline given to the Spanish authorities to submit all the necessary documentation to the Commission is 30 June 2002.

As regards the operational programme for the period 2000-2006 (Programa Operativo Integrado de la Comunidad Autónoma Valenciana), the first meeting of the monitoring committee will take place in Valencia during June. At this meeting the Spanish authorities will have to report on implementation of the assistance. The Commission is also due to receive very soon the first annual report for the current period, describing the implementation and management of this operational programme.

([1]) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999).

([2]) Commission Regulation (EC) No 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds (OJ L 63, 3.3.2001).

([3]) Commission Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field (OJ L 178, 12.7.1994).

([4]) Commission Regulation (EC) No 2064/97 of 15 October 1997 establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds (OJ L 290, 23.10.1997).

(2001/C 350 E/096) **WRITTEN QUESTION E-1194/01**

by Luciana Sbarbati (ELDR) to the Commission

(19 April 2001)

Subject: Population ageing and misdirected Community measures

At the Lisbon European Council in 2000 a decision was taken to instruct a high-level working party to draw up a study on future developments in European social protection from a long-term perspective. One subject to attract particular interest was the sustainability of pension systems beyond 2020.

Statistical projections on the ageing of Europe's population indicate that in 2050, 28 % of the population will be aged over 65 compared with the present 14 %. This trend, coupled with longer individual life expectancy, will entail high economic costs for the Member States.

The concept of an active role for older people has been devised in an attempt to cope with this phenomenon. It has also been proposed to put back the retirement age, since this would enable the Member States to shelve the problem for a few years and guarantee the stability of social security systems in the short term until such time as they could lay down a joint strategy.

By contrast, the European institutions are still following the practice of early retirement and do not renew the contracts of free-lance staff once they have reached age 65. Furthermore, the Commission's reform proposal speaks of the possibility (but not the need) of changing the retirement age (60) for officials and Community personnel.

Can the Commission explain the reasons for certain decisions which are casting doubt on the credibility of the European institutions?

Answer given by Mr Kinnock on behalf of the Commission

(9 July 2001)

The Commission would first like to point out that it is well aware of the phenomenon of an ageing population. The success of the Commission's European employment strategy, in particular, is crucial for the long-term future of social protection and pension systems. The Lisbon European Council set an ambitious goal: on the basis of a sustainable economic growth of three per cent of their gross domestic product (GDP), Member States should move towards an average employment rate of 70 per cent of the total workforce, and over 60 per cent of the female workforce by 2010. Clearly, this cannot be achieved if the current tendency to retire well before reaching the official retirement age is maintained. Currently, less than a quarter of people aged 60 to 64 are still in employment.

The structure of the Commission staff is well in line with these general policy objectives. The average retirement age of Commission staff is at present 62,8, with 47 % of officials aged 60 to 64 still being in employment.

Concerning the officials and temporary staff of the European institutions, the normal retirement age is currently fixed at 60 years (with maximum fixed at 65 years). It is essential to regularly evaluate the balance of the Institutions' pension regime. To maintain this balance, the Staff Regulations envisage the possibility of either adapting the financial contribution to the regime, or adapting the normal retirement age, i.e. delay it in the event of a deficit in the regime. Within the framework of the Commission reform, it is proposed to maintain these two possibilities in the Staff Regulations. It is in this sense that the possibility of modifying the retirement age must be interpreted. The reform proposes, moreover, the setting up of a periodic procedure for the monitoring of this balance. Within the framework of this procedure it will be advisable to consider periodically and under the Staff Regulations the measures to be taken to maintain the balance of the regime.

Currently early retirement is provided for in the European institutions from the age of 50 with a substantially reduced pension. In addition, the official loses entitlement to social security cover from the employer. In reality, it is therefore rarely sought: on average there are less than 10 retirements per year before the age of 60 in the Commission. The proposal forwarded by the Commission to the European Parliament and the Council on 31 January 2001, to which the Honourable Member refers, does not aim to modify this 'permanent' system of early retirement. It concerns, instead, a specific measure linked to the on-going reform.

In order to address the issue of early retirement in a more structured way in future and to ease the integration of staff from new Member States, the Commission will put forward a consultative document on flexible retirement, as announced in the White Paper 'Reforming the Commission' [1] of 1 March 2000 (Part II, action 34).

Regarding freelance staff, following the adoption of Council Regulation (EC, ECSC, Euratom) No 628/2000 of 20 March 2000 amending regulation (EC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Communities [2], the conference interpreters engaged by the Commission are recruited, like those recruited by the Parliament, in the capacity of auxiliary staff. This new statute ensures the equal treatment of the auxiliary conference interpreters engaged by the European institutions, in the matter of, inter alia, the obligatory retirement age set down in the Staff Regulations of officials of the Communities. Consequently, neither the Commission, nor the Parliament, as European Institutions, can recruit conference interpreters of more than 65 years old, owing to Article 74 of the conditions of employment of other servants (RAA), according to which the engagement of the auxiliary agent legally comes to an end at the end of the month during which he/she reaches the age of 65.

As regards early retirement, the Commission does not apply these provisions to the conference interpreters whom it recruits.

[1] COM(2000) 200 final.
[2] OJ L 76, 25.3.2000.

(2001/C 350 E/097)

WRITTEN QUESTION E-1204/01

by Lord Inglewood (PPE-DE) to the Commission

(19 April 2001)

Subject: Authorisation of vaccination against foot and mouth disease

When did the UK Government first formally approach the EU Standing Veterinary Committee about the possible use of vaccination against foot and mouth disease in the United Kingdom?

Answer given by Mr Byrne on behalf of the Commission

(19 June 2001)

The United Kingdom raised the issue of the possible use of vaccination against foot and mouth disease in the meeting of the Standing Veterinary Committee on 27 March 2001.

On the same day, the Ministry of Agriculture, Fisheries and Food sent a fax to the Commission, requesting the examination of the circumstances under which vaccination of cattle to control foot and mouth disease might take place in the United Kingdom and the conditions that would be applied, were such vaccination to proceed.

On 28 March 2001 the Standing Veterinary Committee gave its favourable opinion to a draft Decision on this issue, which was then adopted by the Commission as Decision 2001/257/EC of 30 March 2001 laying down the conditions for the control and eradication of foot and mouth disease in the United Kingdom in application of Article 13 of Directive 85/511/EEC [1].

[1] OJ L 91, 31.3.2001.

(2001/C 350 E/098)

WRITTEN QUESTION E-1210/01

by Chris Davies (ELDR) to the Commission

(19 April 2001)

Subject: Killing of birds in Cyprus

The Commission will be aware of claims that up to 20 million birds, more than half being European migratory song birds, are being caught annually in Cyprus on lime sticks or in nets and killed in a brutal and inhumane manner.

1. How does the Commission reconcile the assurances given at the EU-Cyprus Joint Parliamentary Committee meeting on 26 March 2001 by its representative, James Pond, that the Cypriot authorities are taking seriously the issue of the enforcement of their own laws against bird-trapping, 'and are taking action', with the subsequent total failure of Foreign Minister Kasoulides, in response to a specific question from myself at the same meeting, to give any assurances or indication whatsoever that the Government of Cyprus is taking, or intends to take, action to enforce these laws?

2. How many prosecutions for illegal bird-trapping have taken place in Cyprus each year since EU accession negotiations began?

3. Does the Commission regard the statement by Foreign Minister Kasoulides at the JPC meeting that he 'did not think law enforcers would turn a blind eye if they saw bird-trapping taking place before their eyes,' as an adequate indication that firm action is being taken by the Cypriot authorities to enforce their own legislation?

4. What evidence will the Commission require from the Government of Cyprus to confirm that it will respect both the letter and the spirit of the Habitats and Birds Directives before it agrees to close the environment chapter of the accession negotiations with Cyprus?

Answer given by Mr Verheugen on behalf of the Commission

(12 June 2001)

The Commission is aware of claims that large numbers of birds are trapped and killed illegally in Cyprus. The issue has already been raised in the Parliament and has been the subject of several press reports. Commission officials have discussed the issue with the Cypriot authorities in consultations on environmental matters. The practice is illegal in Cyprus and the authorities have informed the Commission that they would step up efforts for effective enforcement of the law in question.

Through the accession negotiations and other preparations for Union membership, Cyprus is well aware of the obligations of a Member State in respect of the Community environmental legislation, including that relating to nature protection. Cyprus, together with the other candidates, is strongly encouraged to respect this legislation before accession. Cyprus is also party to the Bern Convention on the conservation of European wildlife and natural habitats.

The Commission is following closely the preparations by the candidate countries for transposing and implementing Community nature protection legislation (the 'Habitats Directive', Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1]) and 'Birds Directive', Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [2]), in the framework of the accession negotiations as part of the environment chapter.

Cyprus, like other candidates, will have to apply the protection measures foreseen in Article 6 (2), (3) and (4) of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora for all sites included in the list of sites eligible for the Natura 2000 network upon accession. Equally, Cyprus will have to apply the protection measures required under Directive 79/409/EEC on wild birds upon accession. The Commission, also through its Delegation in Cyprus, will continue to monitor Cyprus' progress in completing the harmonisation process and in establishing the administrative capacity necessary to implement the acquis.

[1] OJ L 206, 22.7.1992.
[2] OJ L 103, 25.4.1979.

(2001/C 350 E/099) **WRITTEN QUESTION E-1211/01**

by Joan Colom i Naval (PSE), Concepció Ferrer (PPE-DE) and Carles-Alfred Gasòliba i Böhm (ELDR) to the Commission

(24 April 2001)

Subject: Vehicle registration

Regulation (EC) No 2411/98 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered [1] does not prohibit Member States from laying down special provisions to enable regional origin to be indicated on a part of the registration plate other than that specified in the Annex to the Regulation.

The recently proclaimed Charter of Fundamental Rights of the European Union states that one of the Union's tasks is to safeguard cultural diversity.

Article 151 of the EC Treaty stipulates that 'The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore'.

Does the Commission agree that the inclusion of a regional distinguishing sign on the new Spanish registration plates would be more in keeping with the letter and the spirit of the Treaty?

[1] OJ L 299, 10.11.1998, p. 1.

(2001/C 350 E/100) **WRITTEN QUESTION E-1224/01**

by Carles-Alfred Gasòliba i Böhm (ELDR) and Concepció Ferrer (PPE-DE) to the Commission

(26 April 2001)

Subject: Vehicle registration

In view of the dynamism and the high profile of regions in all the EU Member States, and given that many of the Member States are structured on the basis of such regions, it would be a good idea if such identities were reflected on EU number plates.

The European Union should propose harmonisation of an EU number plate which would include the regions.

Is the Commission prepared to acknowledge Europe's realities and to endorse such a proposal?

Joint answer to Written Questions E-1211/01 and E-1224/01 given by Mrs de Palacio on behalf of the Commission

(21 June 2001)

The specifications of vehicle registration plates fall mainly under the competence of Member States, which apply their own legislation within the framework of the Vienna Convention of 1968 on road traffic, concluded under the auspices of the United Nations Economic Commission for Europe. This Convention provides that every motor vehicle in international traffic shall display at the rear, in addition to its registration number, a distinguishing sign of the Member State in which it is registered. (e.g.: 'E' for Spain).

In the light of the principle of subsidiarity, the Community only intervenes in the field of registration plates when it is necessary in order to ensure the free movement of goods and persons within the Community.

In recent years several Member States have introduced a model registration plate which, on the extreme left, displays a blue zone containing 12 yellow stars representing the European flag plus the distinguishing sign of the Member State of registration, the so called Euro Plate.

Because some Member States did not recognise the distinguishing sign on the Euro plate Council Regulation (EC) No 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 [1] was adopted. The purpose of the Regulation is to give equal status, in intra-Community traffic, to the distinguishing signs contained within the Euro plates and the distinguishing signs required by the Vienna Convention.

This is the only Community legislation on the subject of registration plates. Given the success of the Vienna Convention, the Commission has no plans to propose legislation harmonising national registration plates, and therefore to consider the question of regional or any other signs being included in them.

[1] OJ L 299, 10.11.1998.

(2001/C 350 E/101) **WRITTEN QUESTION E-1222/01**

by Glyn Ford (PSE) to the Commission

(26 April 2001)

Subject: Badgers and TB

Can the Commission indicate if it has carried out any studies into whether or not badgers spread TB?

If it has, can the Commission say what the results of such studies were?

If not, can the Commission indicate whether it has any plans to carry out any studies?

Answer given by Mr Byrne on behalf of the Commission

(29 June 2001)

The Commission is aware that badgers are suspected of spreading tuberculosis. Studies into whether or not and how badgers spread tuberculosis have been carried out by the British Ministry of Agriculture, Fisheries and Food (MAFF). Studies and reports (Krebs report) are published on MAFF's website (www.maff.gov.uk/animalh/tb).

The evidence so far strongly supports the view that, in the United Kingdom, badgers are a significant source of infection in cattle. It is not however possible to state quantitatively what contribution badgers make to cattle infection. Other wild life species also carry the disease, and the possibility of some contribution from these species cannot be ignored.

The Commission is currently funding FAIR-CT98-4373 'Concerted Action for the setting up of a European veterinary network on diagnosis, epidemiology and research of mycobacterial diseases'. One of the workshops held in the framework of this concerted action was 'Tuberculosis and Wildlife' which took place on 23-25 March 2000 in Dublin. Several aspects of tuberculosis in badgers were addressed at this workshop. Information on this concerned action is available at http://www.ucm.es/info/venom/.

With reference to Action 29 listed in the Action plan on Food Safety [1] a task force was created in 2000 for monitoring disease eradication in the Member States. Subgroups of the Task force have been established for the three most important co-financed diseases (sheep and goat brucellosis, bovine

brucellosis and bovine tuberculosis). The objectives of these subgroups are to support Member States in their attempts to develop and implement optimal disease eradication measures. It is planned to discuss this subject in one of the next tuberculosis sub-group meetings.

(1) COM(1999) 719 final.

(2001/C 350 E/102) **WRITTEN QUESTION E-1223/01**

by Jules Maaten (ELDR) to the Commission

(26 April 2001)

Subject: The case of Vinh Binh Trinh in Vietnam

Is the Commission aware of the case of Mr Vinh Binh Trinh, a Dutch citizen who was convicted in Vietnam for illegal investment in 1998, the circumstances of whose arrest and conviction were dubious, to say the least?

Does the Commission share the concern that cases like this may scare off other potential European investors and also that they may have a negative impact on relations between Vietnam and the European Union?

Will the Commission urge the Vietnamese authorities to reconsider the case of Mr Trinh, as they did last year with respect to similar cases concerning Canadian, Thai and Laotian investors?

Answer given by Mr Patten on behalf of the Commission

(18 June 2001)

The Commission has been informed that Mr Vinh Binh Trinh was convicted in the first instance by the Ba Ria — Vung Tau People's Court to 13 years of imprisonment and severe fines on charges of bribery and violation of the regulations on land management and protection. Mr Trinh appealed the decision of the Vung Tau People's Court to the People's Supreme Court of Ho Chi Minh City. The case was heard on 4 and 5 May 1999, when the Court upheld the decision of the Court of first instance, at the same time reducing the prison sentence to 11 years. Mr Trinh was awarded bail on medical grounds, but failed to report at Vung Tai prison by the due date of 30 September 1999. It is reported that he has fled the country for Thailand.

The Commission is not in a position to make any comment on the conduct of the case. It understands that Mr Trinh received consular assistance initially from the Dutch Consulate General in Ho Chi Minh City and subsequently from the Dutch Embassy to Vietnam, and has been advised to consider the available options of a further appeal, which is open to him under Article 242 of the Criminal Law of Vietnam, or a request for grace on humanitarian grounds. An appeal must be lodged in person and, since the warrant for his detention remains in force, Mr Trinh would face immediate imprisonment should he return to Vietnam.

The other cases referred to in the question apparently concern individuals who have been granted early release under general amnesties for serving prisoners. Such amnesties do not apply to persons who are not in prison.

The Commission is not aware that the case of Mr Trinh has had any impact on European investment in Vietnam or on relations between Vietnam and the Union. Together with other donors, the Commission regularly participates in the ongoing dialogue between foreign investors and the Government of Vietnam, where the various concerns of investors are fully discussed. In this context, concerns about certain elements of corruption in Vietnam have been raised, and both investors and donors have expressed support for the efforts of the Government of Vietnam to deal with this problem.

(2001/C 350 E/103) **WRITTEN QUESTION E-1226/01**

by Patricia McKenna (Verts/ALE) to the Commission

(26 April 2001)

Subject: Construction of the Ferrol waste-water treatment plant in a Natura 2000 Network area

In order to comply with EU requirements regarding the treatment of waste water, the Ferrol municipal authorities, together with the Regional Planning Ministry and the Northern Hydrographic Confederation, are intending to build a waste-water treatment plant covering six hectares in an area located within the Natura 2000 Network (Costa Artabra-Ensenada, located between Cape Prioriño Grande and Cape Prioriño Chico, Ferrol district).

Does the Commission consider that locating a waste-water treatment plant within an area included in the Natura 2000 Network is a suitable way of solving a serious environmental problem (the city of Ferrol discharges 60 000 m^3 per day of waste water into the estuary on which it stands)? Does it not think that an alternative solution should be found which will not affect the Natura 2000 Network site?

Answer given by Mrs Wallström on behalf of the Commission

(29 June 2001)

Article 4 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment [1] requires agglomerations of more than 15 000 population equivalent (population equivalent is a unit of measurement of organic pollution representing the average pollution produced per person per day) to be equipped with collecting systems and secondary (i.e. biological) treatment systems by no later than 31 December 2000. Ferrol falls into this category.

The fact that the project described by the Honourable Member is indeed located in an area designated a site of Community importance (SCI ES1110002 'Costa Artaba') by the Spanish authorities in accordance with Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [2] does not a priori prevent the project from being carried out, provided it does not have a significant effect on the site.

The question does not provide sufficient information for the Commission to establish whether Directive 92/43/EEC has been infringed.

However, the Commission does not rule out the possibility of investigating the problem raised by the Honourable Member should she be able to provide it with information proving that the project would have a significant effect on the site.

[1] OJ L 135, 30.5.1991.
[2] OJ L 206, 22.7.1992.

(2001/C 350 E/104) **WRITTEN QUESTION E-1236/01**

by Reimer Böge (PPE-DE) to the Commission

(26 April 2001)

Subject: Protection of animals during transport: follow-up measures to Commission report

In its report to the Council and the European Parliament of 6 December 2000 [1] on the experience acquired by Member States since the implementation of Council Directive 95/29/EC [2] amending Directive 91/628/EEC [3] concerning the protection of animals during transport, the Commission notes serious problems of animal protection, particularly as regards the transport of animals for slaughter.

The Commission report clearly whose that there has been documents the inadequate implementation of the Directive in several Member States.

What stage has been reached in the consideration of these Treaty violations?

When does the Commission propose to initiate proceedings against the Member States which have failed to meet their Treaty obligations?

(1) COM(2000) 809.
(2) OJ L 148, 30.6.1995, p. 52.
(3) OJ L 340, 11.12.1991, p. 17.

Answer given by Mr Byrne on behalf of the Commission

(27 June 2001)

Although several Member States failed to achieve transposition of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC, as amended by Directive 95/29/EC of 29 June 1995 by the required dates, all Member States subsequently communicated details of their legislation transposing these texts into their national legal systems.

At the present time therefore the principal problems in relation to this Directive concern:

— inadequate enforcement by Member States within their territories;

— difficulties arising from ambiguities and imprecisions in the present text;

— obsolescence of certain provisions in the light of current developments.

The Commission is aware of the current areas of difficulty, notably as a result of the examination of mission reports of its Food and Veterinary Office (FVO), complaints from animal welfare organisations and information communicated by Member States.

Infringement procedures have already been opened in a number of cases where Member States have failed to comply with Commission requests to take action to rectify deficiencies in implementation and enforcement. The Commission is prepared to open further infringement procedures in cases where adequate proof of those infringements exists.

Following its presentation of the report referred to by the Honourable Member, the Commission is also working on proposals for updating and improving the text of the Directive with the aim not only of laying down improved standards of animal welfare for transported animals but also clearer requirements in relation to enforcement.

(2001/C 350 E/105) **WRITTEN QUESTION E-1238/01**

by Graham Watson (ELDR) to the Commission

(26 April 2001)

Subject: An effective treatment for tuberculosis

Could the Commission explain why the European Union in its communication for action (1) 'Accelerated action on HIV/AIDS, malaria, and tuberculosis in the context of world poverty reduction', has failed to mention the DOTS- Directly Observed Treatment Short Course strategy, an effective and low-cost treatment for tuberculosis.

(1) COM(2001) 96 final.

Answer given by Mr Nielson on behalf of the Commission

(28 June 2001)

The Commission welcomes the interest of the Honourable Member for the Commission's proposals for accelerated action against the major communicable diseases including tuberculosis (TB) and wish to reassure the Honourable Member that the Commission supports the recommendations of the World Health Organisation (WHO) and the expansion of the DOTS approach.

The Commission has produced two recent Communications to guide an accelerated response. The first [1] detailed the global impact of the three diseases, and highlighted underused interventions with potential for greater use. The document did not address the detail of specific interventions but in the case of TB highlighted the Stop TB initiative and its agenda for action of which DOTS is a crucial component. The second Communication [2], the Framework for action, defined how the Commission would meet the challenges of this ambitious agenda.

DOTS is undoubtedly a key part of any successful national strategy to address TB and needs to be nested in a strong health system. Other priorities include the development of new diagnostics, drugs and an effective TB vaccine and action to increase the affordability of second line drugs, needed to treat resistant strains of tuberculosis. The Commission Programme for Action envisages action in all these areas.

(1) COM(2000) 585 final.
(2) COM(2001) 96 final.

(2001/C 350 E/106) **WRITTEN QUESTION E-1240/01**

by Graham Watson (ELDR) to the Commission

(26 April 2001)

Subject: Safe Harbour

Given that so few US companies have signed up to Safe Harbour, what impact will this have on the European Commission's forthcoming six-month review of the agreement? How does the Commission plan to assess the Safe Harbour agreement and its implementation and which criteria will it look at?

Answer given by Mr Bolkestein on behalf of the Commission

(26 June 2001)

The fact that fewer companies have joined the Safe Harbour so far than the American Department of Commerce originally expected has no impact on the Commission's undertaking to the Parliament to make an interim report this year on how the Safe Harbour works. The Commission is collecting factual information from a number of Community and American sources, with a view to determining whether all the elements foreseen in the arrangement are in place and whether there is any evidence that the Safe Harbour is either not providing the level of protection foreseen for data subjects or not providing the security and simplifying effect that it should for those involved in making data transfers.

(2001/C 350 E/107) **WRITTEN QUESTION E-1241/01**

by Juan Naranjo Escobar (PPE-DE) to the Commission

(26 April 2001)

Subject: Reducing private transport use in cities

The European Union is in favour of reducing the use of private transport in cities. In Madrid recently, the Environment Commissioner, Margot Wallström, and ministers from various EU Member States launched

the campaign for a European Car-Free Day on 22 September 2001, to which the European Commission will contribute € 1 million. It is predicted that this year the event will have a larger impact, since so far two new countries, Holland and Hungary, have decided to join the initiative. It is also possible that countries outside the Union may be called on to take part.

Such initiatives are one part of the effort that the EU must make to combat the effects of climate change, but they are far from sufficient. In view of this, what other kinds of initiatives does the Commission intend to take to halt the deterioration of the environment towards which, at the moment, we seem to be on an almost irreversible course? Is the Commission planning other measures designed to promote a climate favourable to public transport or to other less polluting means of transport?

Answer given by Mrs Wallström on behalf of the Commission

(21 June 2001)

The over-arching principle for action in this respect is that of integrating the environment into the sectoral policies with the aim of achieving sustainable development (Article 6 of the Amsterdam Treaty). In the transport sector, this process is being backed up by the joint Transport and Environment Expert Group which is jointly chaired by the two Directorates-General for Transport and Energy, and for Environment. The expert group has produced an analysis and recommendations for action in connection with the integration strategy of the Council (Transport). Its latest report is available on the Internet [1].

Concerning actions on modal shift towards public transport and other less damaging modes of transport, one has to distinguish between urban and inter-urban transport. With regard to the latter, the recent adoption of the 'railway package' [2] should help to achieve the stated Commission goal of revitalising the railways. The Commission is at an advanced stage of preparing a White Paper on the Common Transport Policy in which further action in this area will be laid out. Concerning urban transport, further to the awareness-raising activities in connection with the Car-Free Day, the Commission's competences are limited by subsidiarity. Actions include the exchange of best practice on urban transport [3] and the financing of demonstration projects through the City-vitality-Sustainability (Civitas) initiative [4]. The Commission's thinking on urban transport will be further developed through a forthcoming communication in the field of alternative fuels including a proposal for a directive establishing a requirement to use a certain percentage of bio-fuels and a forthcoming Communication on Clean Urban Transport that is foreseen for the end of 2001.

[1] http://europa.eu.int/comm/environment/trans/.
[2] OJ L 75, 15.3.2001.
[3] http://www.eltis.org/.
[4] http://europa.eu.int/comm/energy_transport/en/cut_en/cut_civitas_en.html.

(2001/C 350 E/108) **WRITTEN QUESTION E-1245/01**

by Francesco Turchi (UEN) to the Commission

(26 April 2001)

Subject: Pilot project to combat child exploitation

In connection with the 2001 budget the European Parliament has voted in favour of allocating 3 million euros to finance, during its first year of operation, a pilot project to combat child exploitation (heading B5-804), in particular by financing an information campaign to combat child exploitation and, in particular, paedophilia in the 15 Member States.

Would the Commission say what has been done so far and what is to be done in the future in order to implement the above project, and what is the intended timetable?

Answer given by Mr Vitorino on behalf of the Commission

(22 June 2001)

During the first and second readings of this budget line in Parliament, the Commission pointed out that this initiative overlapped with actions already pursued under the existing line B5-802, covered by the existing legal base of the Daphne programme. This programme was adopted under co-decision. The financial framework thus constitutes, according to the Interinstitutional Agreement of 6 May 1999, the primary reference for the budgetary authority during the annual budgetary procedure. The latter undertakes not to depart from the amount for such actions 'unless new, objective long-term circumstances arise for which explicit reasons are given, with account being taken of the results obtained from implementing the programme.'

Consistent with this, the Commission has carefully examined how best to meet the objectives underlying the budget line proposed while at the same time avoiding duplication and taking appropriate account of the human resources available to it for this purpose. It has decided to raise the profile of this year's Daphne call for proposals by including among the priorities the topics of paedophilia and child sexual abuses and exploitation. This will allow the Commission to treat proposals received under these headings in the same way and in parallel to the Daphne ones. By doing so, it will allow the Commission to use money from that budget line before the end of 2001.

The ultimate date for receipt of proposals was 28 May 2001. The evaluation of the proposals takes place during the summer and the accepted projects should be able to start around November-December 2001.

(2001/C 350 E/109) **WRITTEN QUESTION E-1246/01**

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

(26 April 2001)

Subject: Support for town twinning projects

In connection with the call for proposals DG EAC NO 00/75 — Support for actions to promote town-twinning 2001 [1] (2000/C/320/07) I have received a complaint on the treatment of project No 01/153, first tranche 2001.

This project was not eligible for support as it did not meet the registration conditions set out in the call for proposals. These registration conditions were changed on 1 January 2001. The applicants have assured both myself and the Commission that they were not informed of this change.

1. Does the Commission agree with me that, aside from the question of who was responsible for the failure to inform the applicants, it is a principle of proper administration that persons submitting projects should be given the opportunity of correcting errors before the final decision on the application is made? If so, why did that not happen in this case?

2. How many project applications in connection with the above-mentioned call for proposals did not meet the registration conditions?

[1] OJ C 320, 9.11.2000, p. 7.

Answer given by Mrs Reding on behalf of the Commission

(20 June 2001)

The new conditions governing the award procedure to support town-twinning measures were adopted in October 2000, following consultation of the national federations representing the twinning movement. These conditions, which were inspired by the principles governing the award of subsidies for other Community actions, were introduced to make the system more transparent and effective.

In order to ensure the information was disseminated as widely as possible, the Commission published the text of the call for proposals in the Official Journal [1] and on the Education and Culture DG's Internet page on the 'Europa' server. The latter allows interested parties to directly download the electronic version of the forms to be completed. The text of the call for proposals is also attached to all grant application forms sent out to interested parties.

With regard to the specific questions raised by the Honourable Member:

1. In the Commission's view, good management practice requires that the rules contained in the call for proposals are applied uniformly and without exception to all applications submitted, particularly as this leads to better and speedier administration, which benefits the recipients themselves.

   The call for proposals includes a closing date for the submission of completed grant applications; this date is the same for all interested parties. For reasons of equality, therefore, it is stated clearly in the last paragraph of the text of the call for proposals: 'After the deadline for submission of the application has elapsed the dossier may not be modified in any way'.

2. 187 of the applications submitted in the first tranche of the call did not fulfil the conditions of eligibility.

[1] OJ C 320, 9.11.2000.

(2001/C 350 E/110) **WRITTEN QUESTION E-1254/01**

by María Sornosa Martínez (PSE)
and María Rodríguez Ramos (PSE) to the Commission

(26 April 2001)

Subject: Use of dehydrated alfalfa for animal feed

Following the banning of meal of animal origin because of BSE disease, dehydrated alfalfa looks to be one of the most viable alternatives for feeding to cattle. Increasing the cultivation of this kind of fodder, of which five million tonnes are produced per year at present, could be the way of avoiding an increase in imports of genetically modified soya from third countries.

According to the European Inter-Union Committee for Dehydrated Foodstuffs (CIDE) alfalfa is preferable to soya for its nutritional qualities, financial viability, environmental properties and ease of traceability.

What is the Commission's view of the use of dehydrated alfalfa as an alternative to meal of animal origin for feeding to livestock?

Would the Commission be disposed to increase the volume of aid to this sector?

Answer given by Mr Fischler on behalf of the Commission

(15 June 2001)

The Honourable Member is referred to the Communication from the Commission to the Council and the European Parliament on options to promote the cultivation of plant proteins in the EU [1] and the working paper on which the latter is based [2]. While dehydrated alfalfa clearly has merits from the agricultural viewpoint and in terms of nutritional value in animal feed, the extra aid needed would generate additional expenditure and the average opportunity costs per extra tonne soya oilcake-equivalent seem to be relatively high.

[1] COM(2001) 148 final.
[2] SEC(2001) 431.

(2001/C 350 E/111)

WRITTEN QUESTION E-1256/01

by Bart Staes (Verts/ALE) to the Commission

(26 April 2001)

Subject: European Union attitude to the promotion of breast-feeding

Directive 91/321/EEC [1] of 14 May 1991 on the approximation of the laws of the Member States relating to infant formulae and follow-on formulae constitutes a version of the International Code of Marketing of Breast-Milk Substitutes drawn up by the World Health Organisation and Unicef and adopted by the World Health Assembly in 1981.

In its Resolution 49.15, adopted in 1996, the WHO urges the adoption of accompanying measures to prohibit the promotion of breast-milk substitutes for children under the age of six months so that mothers are encouraged to continue breastfeeding. Under normal circumstances, a new resolution would have been adopted last year, but the debate about the maintenance or scrapping of the six-month limit was held over to next May's Assembly.

Will the Commission argue at the forthcoming World Health Assembly for accompanying measures to prohibit the promotion of breast-milk substitutes for children under the age of six months, as called for in Resolution 49.15? If not, why will it not implement Resolution 49.15 of the World Health Organisation, given the significance of breast-feeding for health?

[1] OJ L 175, 4.7.1991, p. 35.

Answer given by Mr Byrne on behalf of the Commission

(5 July 2001)

The aim of the International Code of Marketing of Breast-milk Substitutes World Health Organisation (WHO) Code) is 'to contribute to the provision of safe and adequate nutrition for infants, by the protection and promotion of breast-feeding, and by ensuring the proper use of breast-milk substitutes, when these are necessary, on the basis of adequate information and through appropriate marketing and distribution'.

According to advice of our Scientific Committee for Food [1] and to the established WHO policy on infant feeding [2], breast-milk alone is usually adequate to sustain the normal infant's nutritional requirements during the first four to six months of life. Current Community legislation is in accordance with the above scientific advice and the relevant aims of the WHO Code.

The new Resolution discussed and adopted in the 54th World Health Assembly (WHA), held in May 2001, concerned the protection, promotion and support of exclusive breastfeeding for a certain period. The debate on this point took very much into account the outcome of an Expert Consultation on the optimal duration of exclusive breastfeeding, convened by the WHO on 28-30 March 2001. The adopted Resolution refers to its recommendations and conclusions.

The Expert Consultation noted that available good scientific evidence on the subject is limited (out of 3000 references considered, the review was based on two small controlled trials and 17 observational studies that varied in both quality and geographic provenance).

In summary it concluded that:

- Exclusive breastfeeding to six months confers several benefits on the infant and the mother. The most important potential advantage is the protective effect against diarrhoea, particularly in developing-country settings.

- Exclusive breastfeeding to six months can lead to iron deficiency in susceptible infants and depending on maternal iron status (this can be a problem both in developing and developed countries).

— The available data are insufficient to exclude several other potential risks with exclusive breastfeeding for six months, including growth faltering and other micronutrient deficiencies.

Based on the above conclusions the Expert Consultation recommends exclusive breastfeeding for six months, with the introduction of complementary foods and continued breastfeeding thereafter, noting however that this recommendation applies to populations rather than individual infants. The Expert Consultation also recognises that some mothers will be unable to, or choose not to, follow this recommendation and recommends that these mothers should be supported to optimise their infant's nutrition.

In view of the above the Commission will be arguing in the future for measures giving effect to the conclusions and recommendations of the Expert Consultation that take into account the specific individual needs of infants and mothers.

(1) Reports of the Scientific Committee for Food, 14th series, opinion expressed on 27.4.1983 and 24th series, opinion on essential requirements for weaning foods, expressed on 27.10.1989 and 30.3.1990.
(2) See paragraph 7 of WHO Report on Global strategy for infant and young child feeding (doc. A54/7, 9.4.2001).

(2001/C 350 E/112) **WRITTEN QUESTION E-1257/01**

by Bart Staes (Verts/ALE) to the Commission

(26 April 2001)

Subject: Distortions of competition in the Belgian Federation caused by failure to comply with Directive 91/321/EEC

In the Belgian Federation, Directive 91/321/EEC (1) of 14 May 1991 is implemented by the Royal Decree of 27 December 1993 relating to advertisements for infant formulae and the distribution of free samples. The Directive constitutes an incomplete version of the International Code of Marketing of Breast-Milk Substitutes drawn up by the World Health Organisation and Unicef and adopted in 1981 by the World Health Assembly.

In answer to a question about interpretation tabled by Senator Sabine de Bethune, the Federal Minister for Consumer Affairs, Public Health and the Environment, Mrs Magda Aelvoet, stated on 22 March that promotional campaigns undertaken by manufacturers of infant formulae were in breach of that Decree. The practice of distributing free samples — which equates to an advertisement for infant formulae — seems to be still very common in Belgian maternity wards. That approach is not only illegal, it is also incompatible with the EC Treaty (as regards distortion of competition) and thwarts the core objective of the WHO Code, i.e. the promotion of breast-feeding on health grounds.

1. Does the Commission acknowledge that the approach taken by manufacturers and distributors of infant formulae in the Belgian Federation is in breach of Directive 91/321/EEC of 14 May 1991? If not, what are the grounds on which the Commission deems the distribution of free samples of infant formulae by manufacturers and distributors in Belgian maternity wards to be legal and in accordance with Directive 91/321/EEC of 14 May 1991? If so, will it ensure that, henceforth, Directive 91/321/EEC of 14 May 1991 is fully and properly applied in the Belgian Federation?

2. Will the Commission take action so that the entire WHO Code may be incorporated into Directive 91/321/EEC? If not, why will it take no action so that the entire WHO Code may be incorporated into Directive 91/321/EEC?

(1) OJ L 175, 4.7.1991, p. 35.

Answer given by Mr Byrne on behalf of the Commission

(4 July 2001)

1. The Honourable Member is referred to the answer given to his Written Question P-1229/01 [1].

2. The International Code of Marketing of Breast-milk Substitutes World Health Organisation (WHO) Code, adopted as a recommendation, applies to the marketing of breast-milk substitutes, feeding bottles and teats. It covers a wide range of relevant issues including among others quality of products, their labelling and advertising, information and education to be provided to the public, responsibilities of health care systems and health workers.

In the Community competence on the different issues may be with the Commission, with Member States or be shared. Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae, is a specific Commission Directive that covers infant formula, the product that is considered as breast-milk substitute. This Directive cannot cover feeding bottles or teats. In addition the Directive can only include provisions that deal with those issues that could be covered by Community rules.

For the above reasons the Commission cannot incorporate the entire WHO Code into Directive 91/321/EEC.

[1] OJ C 318 E, 13.11.2001, p. 227.

(2001/C 350 E/113) **WRITTEN QUESTION E-1259/01**

by David Bowe (PSE) to the Commission

(26 April 2001)

Subject: Reclassification of trichloroethylene

Can the Commission confirm if the proposed labelling of trichloroethylene as R45 under the Solvent Emissions Directive (1999/13/EC [1]) would result in the prohibition of the use of trichloroethylene, and prohibition of the sales to consumers of substances labelled R45 under the 14th amendment (94/60/EEC [2]) of the Marketing and Use Directive (76/769/EEC [3])?

Does the Commission believe that such a prohibition will lead to industries reliant on the technical properties of trichloroethylene to source components from outside the EU, or move their own production to non-EU countries?

If not, why not?

[1] OJ L 85, 29.3.1999, p. 1.
[2] OJ L 365, 31.12.1994, p. 1.
[3] OJ L 262, 27.9.1976, p. 201.

Answer given by Mrs Wallström on behalf of the Commission

(4 July 2001)

The 28th adaptation of Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances [1] to technical progress, as approved by the Technical Progress Committee on 25 January 2001, classifies trichloroethylene as a category 2 carcinogen.

This classification does not automatically lead to restrictions of the marketing and use of trichloroethylene. However, Parliament and Council Directive 94/60/EC of 20 December 1994 [2], 14th amendment to Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of dangerous substances and preparations [3], introduces the policy of restricting the use by the general public of substances classified as carcinogens, mutagens or toxic to reproduction category 1 or 2 (CMR) and invites the Commission to present proposals to ban the use by the general public of substances newly classified as CMR category 1 or 2. Following the classification as a category 2 carcinogen the Commission will consider adding trichloroethylene to the list of substances banned for use by the general public in Council Directive 76/769/EEC.

With respect to the professional and industrial use, Article 5(6) of Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations [4] sets out that volatile organic compounds (such as trichloroethylene) classified as carcinogens, mutagens, or toxic to reproduction according to Directive 67/548/EEC shall be replaced as far as possible by less harmful substances or preparations within the shortest possible time. According to Article 7(1) of Directive 1999/13/EC, the Commission will publish guidance for such replacement. When developing such guidance, the economic consequences, in particular, the costs and benefits of the options available have to be considered. Industries reliant on the specific technical properties of trichloroethylene may therefore be able to continue using it, if this can be justified on cost-benefit grounds.

Furthermore, trichloroethylene is subject to risk assessment in the framework of Council Regulation 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances [5]. Following the finalisation of this risk assessment further risk reduction measures, including restrictions on the marketing and use, may be proposed if appropriate.

[1] OJ B 196, 16.8.1967.
[2] OJ L 365, 31.12.1994.
[3] OJ L 262, 27.9.1976.
[4] OJ L 85, 29.3.1999.
[5] OJ L 84, 5.4.1993.

(2001/C 350 E/114)

WRITTEN QUESTION P-1260/01

by Francesco Turchi (UEN) to the Commission

(19 April 2001)

Subject: Decision 2001/208/EC of 14 March 2001 concerning certain protection measures with regard to foot and mouth disease in France

Given that:

- the Italian text of Decision 2001/208/EC [1] stipulates that the commercial document required by Community legislation for intra-Community trade must be endorsed and must be accompanied by an attached copy of the official certificate stating that the production process has been audited and found in compliance with the appropriate requirements;

- a literal interpretation of this provision implies that both an endorsement of the commercial document and a further veterinary certificate stating that the production process has been audited and found in compliance with the appropriate requirements, a certificate which is valid for 30 days, are required;

- a literal translation of the French and English text of the Decision suggests that it is enough for the commercial document required by Community legislation for intra-Community trade to be endorsed by the attachment of a copy of an official certificate stating that the production process has been audited and found in compliance with the appropriate requirements;

- on the basis of the Italian text, each consignment must be inspected by a civil servant empowered to carry out checks, whereas, for example, a French seller of hides, in order to comply with the law applicable to him, must merely present, attached to the commercial document, the copy of a certificate which an official veterinary surgeon issues only once every 30 days;

— the difference is significant as regards compliance with the law and the swiftness of legal procedures.

Can the Commission state:

— which language version is authentic;

— what steps it intends to take to deal with this problem and how soon;

— whether this state of affairs might not give rise to breaches of the rules underpinning competition policy and the single market.

(1) OJ L 73, 15.3.2001, p. 38.

Answer given by Mr Byrne on behalf of the Commission

(18 June 2001)

Like the Honourable Member, the Commission noticed that the Italian version of Article 9 of Commission Decision 2001/208/EC of 14 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in France is indeed different from the other language versions published in the Official Journal of the European Communities. Contrary to what the Honourable Member says in his question, the Italian version of the above Decision does not require the consignment to be inspected by the official veterinarian responsible; it merely requires the latter to stamp the commercial document.

It was not the Community legislator's intention to impose a special stamp on the document accompanying the products to which the above Article 9 applies.

The Commission deeply regrets the error in the Italian version. It feels, however, that there would be no point in publishing an amendment in the Official Journal, because the provisions set out in Decision 2001/208/EC, as amended for example by Commission Decision 2001/250/EC of 29 March 2001 (1), no longer apply since 12 April 2001.

(1) OJ L 90, 30.3.2001.

(2001/C 350 E/115) **WRITTEN QUESTION E-1264/01**

by Jens-Peter Bonde (EDD) to the Commission

(26 April 2001)

Subject: Additives in organic food

Will the Commission explain why it wishes to ruin organic food production by authorising a long list of additives?

Answer given by Mr Fischler on behalf of the Commission

(25 June 2001)

Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (1) established the production rules, labelling provisions and inspection rules and precautionary measures for products of agricultural origin where such products bear or are intended to bear indications referring to the organic production method. Specific requirements have been laid down for ingredients of non-agricultural origin contained in food bearing indications referring to the organic production methods. In particular a limited list of additives for food composed essentially of one or more ingredients of plant origin has been established and very strict conditions preside to the amendment of this list according to Article 7 of Council Regulation (EEC) No 2092/91.

With the entering into force of the provisions concerning livestock products Council Regulation (EC) No 1804/1999 of 19 July 1999 supplementing Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs to include livestock production [2], the Commission has to consider the possibility of having a harmonised list also for additives to be used in foodstuffs composed of livestock ingredients. Presently in this sector only national rules apply. As a first step, the Commission has tried to establish a compilation of all the substances authorised in the 15 Member States in order to evaluate the actual situation in this field. As a second step the Commission will propose a list of substances for specific use in food of livestock origin and discuss this list with the Member States in the working group of the Standing Committee on Organic Farming. The Commission's objective is to get a list of substances as short as possible but respecting the particularities existing for traditional processing and preserving of organic meat or milk products in the various Member States.

[1] OJ L 198, 22.7.1991.
[2] OJ L 222, 24.8.1999.

(2001/C 350 E/116) **WRITTEN QUESTION E-1272/01**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(2 May 2001)

Subject: Non-compliance with Community legislation on waste water treatment

Ten years after the adoption of Community provisions on waste water treatment, some 37 towns and cities of more than 150 000 inhabitants continue to release their waste water into the environment without any treatment.

In addition to constituting a health hazard for the local population, this non-compliance sets a deplorable example for candidate states wishing to join the European Union who themselves are criticised for not harmonising their environmental legislation with that of the EU quickly enough.

Can the Commission say why it has not taken more resolute action to date against the offending parties and what measures it now intends to adopt in order to force the latter to comply with EU provisions and treat their waste water prior to disposal as provided for in said provisions.

Answer given by Mrs Wallström on behalf of the Commission

(4 July 2001)

The Council Directive 91/271/EEC of 21 May 1991 concerning urban wastewater treatment [1] (hereafter the urban waste water Directive) sets clear objectives in terms of deadlines and environmental objectives to achieve:

- designation by the end of 1993 of sensitive areas according to criteria set out in the Directive;
- by the end of 1998, tertiary treatment for all agglomerations above 10 000 population equivalent (p.e.) [2] in the catchment of such sensitive areas;
- by the end of 2000, secondary treatment for all agglomerations above 15 000 population equivalents in the catchment 'normal' areas (i.e. such waters not identified as sensitive);
- by the end of 2005, secondary treatment for all remaining agglomerations within the scope of the Directive.

It is evident that most Member States have major shortcomings with regard to all these deadlines and with the identification of sensitive areas.

In the course of the last two years and on the basis of the information transmitted by the Member States, the Commission has checked the degree of compliance with the first requirements of the Directive. It must be noted that the Commission work has been slowed down, in some case substantially, by the delays with which almost all Member States have provided information.

The Commission considers that, whilst considerable efforts have been made by certain Member States, the implementation of the Urban Waste Water Directive is behind schedule and incomplete, with regard to compliance with both the necessary treatment objectives and the deadlines fixed.

To achieve better implementation, the Commission will continue to monitor and help ensure compliance. The Commission will not hesitate to take all the necessary steps, including recourse to the procedure set out in Article 226 (ex Article 169) of the EC Treaty, to ensure full compliance with this legislation.

(1) OJ L 135, 30.5.1991.
(2) Population equivalent means the organic biodegradable load having a five-day biochemical oxygen demand (BOD5) of 60 g of oxygen per day.

(2001/C 350 E/117) **WRITTEN QUESTION E-1273/01**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(2 May 2001)

Subject: Pan-European immigration plan

It is plainly evident that there is a need for common legal provisions to deal with the growing influx of migrants to Europe so as to establish a balanced joint policy on migration.

Among the possible measures, consideration ought to be given to each Member State giving prior notification to Brussels of their estimated annual intake of immigrants, including specific data regarding total numbers, professional qualifications and intended occupation. This way, the Commission could draw up a general plan for the intake of immigrants.

Given that some Member State governments have already entered into bilateral agreements with certain third countries in this area, to what extent does the Commission feel that it could still promote a joint agreement to draw up a common plan for the intake of immigrants to rationalise the flux of immigrants entering all the Member States of the Union, making sure that the Union's needs in this respect are provided for while avoiding uncontrolled immigration?

Answer given by Mr Vitorino on behalf of the Commission

(30 July 2001)

In its 'Communication on a Community Immigration Policy' (1) of 22 November 2000, the Commission set out its ideas for a new and comprehensive approach to the management of migration flows and in particular for the development of a common policy on immigration. At the heart of this policy will be a common legislative framework, the basis of which has already been agreed by the Member States (Article 63 (ex Article 73k) of the EC Treaty). According to the detailed programme established during the European Council in Tampere on 15/16 October 1999, and set out in the 'Scoreboard to review progress on the creation of an area of "Freedom, Security and Justice" in the European Union' (2), the Commission has already made proposals in a number of areas which provide the first elements of this framework. Member States will be responsible for the implementation of these legal instruments and for putting in place national legislation as necessary. In order to ensure coherence, the Commission has also adopted proposals for an open method of coordination for the Community Immigration Policy (3).

In the field of legal immigration, a number of proposals are being prepared by the Commission on the admission of third country nationals including a draft Council Directive on admission for economic purposes which was adopted by the Commission on 12 July 2001 (4). The intention is to provide for common conditions for the admission and residence of workers from third countries which will inter alia

concern the establishment of horizontal assessment programmes, conditions applicable to residence permits issued under the directive and other matters. As part of the coordination procedure it is intended that Member States should provide information to the Commission on migrants admitted which may include data on total numbers, occupations and professional qualifications. Thus Member States, when admitting third country nationals for the purpose of employment, will have to respect the criteria laid down in the directive once it is in force.

In this way a general overview of migration policy and practice will be developed which will provide the basis for the identification of common problems and solutions at European level where appropriate.

(1) COM(2000) 757 final.
(2) See biannual update COM(2000) 782 final and COM(2001) 278 final.
(3) COM(2001) 387 final.
(4) Proposal for a directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities (COM(2001) 386).

(2001/C 350 E/118) **WRITTEN QUESTION E-1288/01**

by Struan Stevenson (PPE-DE) to the Commission

(3 May 2001)

Subject: Transport of live animals — Eid-el-kebir

Every year, tens of thousands of sheep in France are subjected to atrocious slaughter by unskilled people in breach of EU regulations and religious tradition at the Eid-el-Kebir Festival in Paris.

Many of the methods of slaughter, where animals see each other die, are contrary to the detailed procedures set out in Islamic tradition. Additional pain and suffering is caused when animals are killed by unqualified people who do not have the necessary skills. The slaughter of animals in the open air rather than in abattoirs defies Community legislation and the requests of the European Community to France to enforce national law.

What will the Commission do to punish the French government for their flagrant disregard of EU law?

Why, despite repeated requests, has the Commission failed to take action to prevent this illegal practice?

Answer given by Mr Byrne on behalf of the Commission

(26 June 2001)

The Commission is well aware of the many complaints concerning the treatment of animals during this event. The fact that the French authorities have organised or tolerated the slaughter of a large number of animals under conditions which are undoubtedly in breach of Community legislation is not acceptable.

Member States are responsible for the enforcement of Community legislation concerning the slaughter and killing of animals in accordance with the provisions of Council Directive 93/119/EC of 22 December 1993, on the protection of animals at the time of slaughter or killing (1).

The Commission has been in regular contact with the French authorities on this matter, and before the Eid-el-Kabir 2001 there were direct contacts with the responsible French Minister.

The Commission was informed of a number of improvements in the organisation of the 2001 event. In addition, the Commission was assured that all outdoor sites will be eliminated before 2004, and that in the meantime the number of sites will be progressively reduced. It was pointed out that a more ambitious timetable would risk serious public disorder. The Commission considers that this risk has to be taken seriously.

Now that the Eid-el-Kabir 2001 is over, the Commission will assess the improvements actually made on the basis of a report requested from the French authorities.

Should adequate progress not be maintained, the Commission will consider opening an Article 226 (ex Article 169) of the EC Treaty infringement procedure.

(1) OJ L 340, 31.12.1993.

(2001/C 350 E/119) **WRITTEN QUESTION E-1289/01**

by Struan Stevenson (PPE-DE) to the Commission

(3 May 2001)

Subject: Transport of live animals — live animal transport ban

In 1992, the Commission's Scientific Veterinary Committee (SVC) stressed that live transport 'should be avoided whenever possible'. Despite this, huge numbers of animals are transported across Europe on extremely long journeys during which they often suffer greatly. Much of this suffering could be avoided if animals were slaughtered as near as possible to the farm of rearing and meat transported instead. Would the Commission propose an end to the live transport of animals over long distances in favour of a more regionalised meat trade? If not, what reasonable justifications can you give for not doing so?

(2001/C 350 E/120) **WRITTEN QUESTION E-1291/01**

by Struan Stevenson (PPE-DE) to the Commission

(3 May 2001)

Subject: Transport of live animals — lack of enforcement

A briefing by Compassion in World Farming in the European Parliament demonstrated the complete failure of the EU Transport Directive to protect animals during long journeys. Reports published by the European Commission have revealed breaches of the Directive in Italy, France, Greece, Belgium and Ireland.

What will the Commission do to enforce existing laws regarding:

— the brutal handling of animals en route?

— the transportation of injured and sick animals?

— a mandatory twenty-four hour rest period as required by the Directive?

— overcrowding and inadequate ventilation?

— the use of low standard vehicles?

Joint answer
to Written Questions E-1289/01 and E-1291/01
given by Mr Byrne on behalf of the Commission

(26 June 2001)

The necessity to limit the long distance transport of animals to absolutely essential journeys and to keep any suffering to a minimum are especially important objectives for the Commission.

The Commission has opened infringement proceedings against Belgium, Greece and Spain in relation to their failure to implement Community legislation in this field. The opening of infringement proceedings against other Member States in relation to animal transport is also under consideration.

At the Agriculture Council meeting of January 2001 the Commission presented a report on the experience acquired by Member States since the implementation of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC [1] as amended [2]. This report has also been submitted to the Parliament. The Commission report concludes that Member States have had clear difficulties in fully applying Community legislation in this field. The report also suggests that measures to encourage the slaughter of animals closer to the places where they are raised also merits examination.

The Commission believes that stricter rules are essential to improve the current situation and has already taken initiatives in this direction.

To prevent the transport of injured or sick animals, the Commission adopted Decision 2001/298/EC of 30 March 2001 amending the Annexes to Council Directives 64/432/EEC, 90/426/EEC, 91/68/EEC and 92/65/EEC and to Commission Decision 94/273/EC as regards the protection of animals during transport [3] to amend veterinary certificates for intra-Community trade of livestock in order to refer to the fitness of the animals to be transported. This measure will enter into force from 1 August 2001.

To improve the standards of the vehicles, the Commission adopted on 9 April 2001 a proposal for a Council Regulation concerning ventilation systems of road vehicles used for journeys exceeding eight hours [4], including requirements for a minimum ventilation rate and mandatory systems for monitoring the temperature inside the lorries.

An additional proposal amending Council Directive 91/628/EEC, will also be presented with the aim of improving the situation, in particular regarding the level of enforcement.

Furthermore, following the outcome of a new opinion of the Scientific Committee on Animal Welfare, expected for the end of 2001, a redefinition of travelling times and loading densities may be proposed, taking into account new scientific evidence.

(1) OJ L 340, 11.12.1991.
(2) COM(2000) 809 final.
(3) OJ L 102, 12.4.2001.
(4) COM(2001) 197 final.

(2001/C 350 E/121) **WRITTEN QUESTION E-1290/01**

by Struan Stevenson (PPE-DE) to the Commission

(3 May 2001)

Subject: Transport of live animals — exports to third countries

Hundreds of thousands of live cattle are exported from the EU to the Middle East and North Africa each year in appalling conditions.

They are loaded onto overcrowded vehicles, often beaten with sticks during the process, and then sent by road to southern European ports from where they are shipped to the Middle East.

On arrival, they are driven to the slaughterhouses, often in temperatures exceeding 40 °C, during which time they suffer stress, dehydration, and in many cases, death. Once in the abattoir the cattle are ritually slaughtered. Their throats are cut without pre-stunning and while they are fully conscious, and it often takes them several minutes to die.

This trade is subsidised by the EU taxpayer through export refunds, to get surplus cattle out of the EU. Will the Commission now end the payment of export refunds on the export of live cattle to third countries, to discourage this cruel trade which simply serves to give livestock farming a bad name?

Answer given by Mr Fischler on behalf of the Commission

(22 June 2001)

Community exports of live cattle reach approximately 100 000 animals for breeding and 200 000 animals for slaughter per year. Concerning the mistreatment of animals during transport, Commission Regulation (EC) No 615/98 of 18 March 1998 laying down specific detailed rules of application for the export refund arrangements as regards the welfare of live bovine animals during transport [1] stipulates that the payment of export refunds for live bovine animals is subject to compliance, during the transport of the animal up to the first place of unloading in the country of final destination, with the welfare provisions of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 91/496/EEC [2] and Regulation (EC) No 615/98.

Regulation (EC) No 615/98 provides measures to ensure that an official veterinarian at the point of exit of the Community carries out systematic checks on all consignments with regards to all aspects of the journey which can possibly be verified at this stage (in particular, fitness of the animals, means of transport complying with the provisions of the Directive 91/628/EEC and that provisions have been taken to feed and water the animals). Furthermore, specific checks may be carried out in third countries under the provisions laid down in Articles 3 and 4 of this Regulation. As a result of the checks, the payment of export refunds was refused for 3 150 animals during the period 1 September 1998 to 30 June 2000. Moreover, the Commission is currently undertaking an inquiry in several Member States regarding the implementation of the provisions of Commission Regulation (EC) No 615/98. Its results may lead to financial corrections following the clearance of accounts procedure.

The Commission has a proactive attitude in the multilateral field and has been sustaining efforts to promote acceptance of animal welfare at the international level. Within the context of on-going World Trade Organisation (WTO) agricultural negotiations, the Community has addressed animal welfare in its negotiating proposal as an important non-trade concern. The Commission co-operation with the candidate countries to enlargement resulted in enhanced adoption of the Community acquis in this field. Multilateral activities are pursued also in other fora (e.g. Council of Europe).

With regards to payment of export refunds for the cattle trade (animals for slaughter and breeding), the total amount paid in 2000 (10 months) was € 110,8 million. During the last year subsidies paid for cattle exported for slaughter were reduced significantly from € 60,50/100 kilogramme (kg) to € 41,00/100 kg, following the development of export refunds for meat.

Regarding the possibility of ending the payment of export refunds in order to discourage this trade, experience following the first bovine spongiform encephalopathy (BSE) crisis (1996) has shown that there would not be any decrease as importing countries have immediately found alternative suppliers in other export countries, often requiring even further journies than is required for imports from the Community.

[1] OJ L 82, 19.3.1998.
[2] OJ L 340, 11.12.1991.

(2001/C 350 E/122) **WRITTEN QUESTION E-1294/01**

by Graham Watson (ELDR) to the Commission

(3 May 2001)

Subject: EU plan to designate the Severn estuary as a Special Area of Conservation

Could the Commission explain why it is planning to designate the entire Severn estuary in the south west of England as a Special Area of Conservation (SAC) under the Habitats Directive?

This could have a major impact on the continued development of the port of Bristol, which lies on the Severn estuary. In other EU Member States, only specific parts of estuaries are designated as SACs, and the navigation channels are excluded, allowing ports to cater for larger ships.

Will the Commission confirm that it will treat the port of Bristol in the same way as other EU ports?

Answer given by Mrs Wallström on behalf of the Commission

(20 June 2001)

The designation of Special Areas of Conservation (SAC) is a matter that is under the competence of the Member States. The procedure leading to site designation is described in Article 4 of Council Directive 92/43/EEC of 21 May 1992, on the conservation of natural habitats and of wild fauna and flora [1]. Each Member State must propose a list of sites for protection under the Directive. The Commission then establishes a list of sites of Community importance in agreement with the Member States. Member States then designate these sites as Special Areas of Conservation. Therefore, the proposal and, if included on the Community list, ultimate designation of the Severn Estuary as a Special Area of Conservation falls under the responsibility of the United Kingdom.

The selection of Natura 2000 sites, including the definition of site boundaries, is exclusively based on scientific criteria. Economically sensitive areas, such as navigation channels, should not be excluded if they form part of a site on the basis of scientific evidence. In cases where the Commission receives complaints, with clear evidence that these provisions have not been respected by a Member State, it will carry out the necessary investigations.

The management and protection of sites in Natura 2000 is undertaken in accordance with the requirements of Article 6 of Directive 92/43/EEC. The Directive provides clear procedures for dealing with proposed plans and projects, not necessary to the management of the Natura 2000 site, but that are likely to have a significant effect on it. These provisions apply to developments in any port that may adversely affect a Natura 2000 site, even if they take place outside the site.

[1] OJ L 206, 22.7.1992.

(2001/C 350 E/123) **WRITTEN QUESTION E-1295/01**

by Kyösti Virrankoski (ELDR) to the Commission

(3 May 2001)

Subject: Compensation for predator damage in reindeer preserves

In Finland there are some 200 000 reindeer living in the reindeer preserve of Lapland and Northern Finland. Of these, some 2000 to 2500 animals fall victim to predators (bears and wolves) every year. This is a significant level of damage, because there are some 800 households dependent on full-time reindeer herding, in addition to over 500 families for whom reindeer herding is economically important.

Predator damage to reindeer is on the increase. The Finnish authorities are blaming the EU for not being able to restrict predator numbers.

In the light of the above:

- Is the Commission preventing the rational restriction of the bear and wolf population?
- What does the Commission propose to do to ensure that reindeer herding remains an attractive way of life, and that reindeer herders do not find themselves paying the price for the protection of predators?
- Does the Commission feel responsible for ensuring that this ancient way of life is preserved in Europe's northernmost regions?

Answer given by Mrs Wallström on behalf of the Commission

(10 July 2001)

The lynx, brown bear and wolf are listed in Annex IV(a) to Council Directive 92/43/EEC of 21 May 1992 on conservation of natural habitats and of wild fauna and flora [1] (here after: 'the Directive'). These species are therefore subject to the strict protection scheme which requires, among others, that their deliberate killing is prohibited.

Wolf populations in the reindeer herding area of Finland are exempted from Annex IV(a), but are listed in Annex V to the same Directive. Therefore, the prohibition of the use of all means capable of causing local disappearance of, or serious disturbance to, populations of such species applies to wolf populations in the reindeer herding area [2]. It means that in this area the wolf is not a subject to total protection, but nevertheless the use of indiscriminate trapping methods is prohibited.

Finland has notified the Commission that it makes use of the derogation under Article 16 of the Directive to authorise the killing of lynx, brown bears and wolves. This Article authorises Member States to derogate from the provisions of Articles 12 to 15, provided that there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status, among others, to prevent serious damage, in particular to crops, livestock, forests, fisheries and water and other types of property [3].

In accordance with Article 211 (ex Article 155) of the EC Treaty, the Commission's task is to examine whether Finland stays within the limits of the rules of the Directive. Compensation for the damages caused by species is not covered by the provisions of the Directive and may be regulated by national law.

[1] OJ L 206, 22.7.1992. See particularly Articles 12, 15 and 16.
[2] Article 15 of Council Directive 92/43/EEC.
[3] Article 16(1)(b) of Council Directive 92/43/EEC.

(2001/C 350 E/124) **WRITTEN QUESTION E-1297/01**

by Adriana Poli Bortone (UEN) to the Commission

(3 May 2001)

Subject: Inspection at GAL Cadispa in the Campania Region

Given the numerous complaints from companies which responded to invitations to tender but which have only benefited from a minimal amount of Community funding worth millions, will the Commission say whether it intends to conduct an audit in the GAL Cadispa Consortium in the municipality of San Mauro Cilento which, via the Campania Region, is a recipient of the Community funding concerned? This funding is allegedly being used imprudently and irrationally in totally unnecessary expenditure which brings no benefit to local farmers.

Answer given by Mr Fischler on behalf of the Commission

(19 June 2001)

The Honourable Member asks whether the Commission intends to fulfil its control task with regard to the consortium GAL Cadispa in the municipality of San Mauro Cilento, a beneficiary of Community part-financing under the Leader II programme of the Campania region for the period 1994-1999.

The Commission is not aware of any irregularities or misuse of Community and national funds by GAL Cadispa.

In this context it is important to stress that the Leader II Initiative follows a bottom-up approach, not only to drawing up programmes but also to implementation on the ground, which is entrusted mainly to local action groups made up of various socio-economic players and private and public partners at local level.

Local groups were selected primarily on the basis of the quality of the action plan drawn up by local players and their innovative features for testing new approaches to rural development in practical terms. Responsibility for the selection of the groups and implementation of local measures, including the control tasks as provided for in Article 23(1) of Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the interventions of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments [1] (amended by Council Regulation (EEC) No 2082/93 of 20 July 1993) [2], lies exclusively with the Campania region. In view of this responsibility, the Commission has requested additional information from the Campania region about possible irregularities by GAL Cadispa.

In the light of the information it receives, the Commission may decide to carry out on-the-spot checks as provided for in Article 23(2) of the above-mentioned Regulation.

[1] OJ L 374, 31.12.1988.
[2] OJ L 193, 31.7.1993.

(2001/C 350 E/125) **WRITTEN QUESTION P-1300/01**

by Luisa Morgantini (GUE/NGL) to the Commission

(19 April 2001)

Subject: Irregular application of the EC-Israel Trade Agreement

In September 1998 Israeli officials confirmed to the European Commission that as a matter of official policy Israeli Customs was routinely certifying products wholly produced or substantially processed in Israeli settlements as originating in the State of Israel. In 1999 several cases of fraudulent imports of settlement products under preferences were uncovered by Member States' customs services and presented to the Commission. In January 2000 we were informed by the Commission that 'the interpretation of the territorial scope of application of the agreement adopted by Israel does not coincide with the interpretation accepted by the European Union', and that efforts were under way to 'find a viable solution … without prejudicing the position of any of the parties'. In March 2000 the Commission assured us that 'the verification procedure for the origin of products makes it possible to determine whether a product may benefit from the right to preferential treatment even where there is a failure to co-operate in the determination of origin on the part of the third country concerned'. According to statements made to the Israeli press by the responsible Israeli official, in May and June Member States' customs services reportedly carried out the first of several thousand such verification procedures, and Israeli customs was preparing to reply to Member States' queries concerning the origin of settlement products by confirming their originating status.

Has Israel's application of the origin rules protocol according to an interpretation of the territorial clause that contravenes public international law encumbered or diminished the capacity of the Member States' customs services to detect and prevent customs fraud? As the guardian of the Community Treaties, can the Commission tell us the extent of the customs fraud perpetrated against the Community that has arisen over the past years and decades from the failure of Member States to prevent the importation under preferences of settlement products improperly certified by Israeli customs as originating in the State of Israel? Does the Commission intend to recover the losses to the Community treasury from the Member States whose customs services failed to detect and prevent such fraud?

Answer given by Mr Patten on behalf of the Commission

(21 May 2001)

As the Honourable Member may know, the Union-Israel Association Agreement establishes a procedure for the verification of the proof of origin. It is foreseen that the customs authorities of the importing country returns the origin certificate to the customs authorities of the exporting country if they have a reasonable doubt as to the authenticity of such documents, the originating status of the products

concerned or the fulfilment of the other requirements of Protocol 4 of the Agreement. The verification shall be carried out by the customs authorities of the exporting country. This process is presently taking place.

About 2000 certificates of origin have been sent to Israel's customs authorities by Member States customs authorities. The Union-Israel Association Agreement foresees that Israel's customs authorities have up to 10 months to send an answer to Member States custom authorities. In case Israel customs authorities fail to answer or if reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the agreement indicates that the requesting customs authorities shall refuse entitlement to the preferences.

(2001/C 350 E/126) **WRITTEN QUESTION E-1305/01**

by Christopher Huhne (ELDR) to the Commission

(3 May 2001)

Subject: Media ownership

1. What restrictions, if any, exist in each Member State in relation to the foreign ownership of particular media (television, radio, newspapers, magazines, journals)?

2. Are such restrictions compatible with the treaties?

3. What restrictions exist within the United States on ownership of the media by EU citizens or corporations?

4. Are such restrictions compatible with World Trade Organisation or other internationally agreed rules?

Answer given by Mr Bolkestein on behalf of the Commission

(17 July 2001)

1. A number of Member States have quantitative restrictions to media control based on the number of channels (Spain, Italy, Portugal, Sweden), the share of audience (Germany, France, United Kingdom), the share of circulation or absolute circulation in the press sector (France, United Kingdom), or the right to vote (Sweden). These types of restrictions may pertain to one kind of media outlet or may be constructed as restrictions of certain combinations of ownership (e.g. Italy, Sweden, United Kingdom).

2. National restrictions in relation to foreign ownership are not being applied between Member States. They are only applicable in case of non-Community foreign operators. For this reason Member States' national restrictions on foreign ownership are not incompatible with the treaties.

3. At the end of the Uruguay Round, the United States have reserved their rights to maintain barriers to foreign investments in radio and TV stations. Such obstacles correspond to the United States Communications Act (1934) which limits direct foreign control over corporations with broadcasting licenses to 20 %. Furthermore, non-American nationals/corporations are not allowed to own more than a 25 % interest in a holding or parent company with a broadcasting license.

4. These obstacles have been listed as a restriction in the list of specific commitments of the United States in the general agreement on tariffs and services (GATS) and have been accepted by the Community.

(2001/C 350 E/127) **WRITTEN QUESTION E-1306/01**

by Christopher Huhne (ELDR) to the Commission

(3 May 2001)

Subject: Foreign exchange charges

1. Is the Commission satisfied that customers of foreign exchange bureaux in the European Community are properly made aware of the charges which can be incurred?

2. What measures is it taking to ensure that such offices are competitive and offer value for money to consumers, particularly in smaller Member States where there may be only a few financial institutions operating in the market?

3. Given the very high charges sometimes levied, does it consider that there are grounds for the regulation of small transactions?

Answer given by Mr Bolkestein on behalf of the Commission

(9 July 2001)

With regard to informing customers about the charges levied by foreign exchange bureaux, the rules are different depending on whether or not the Member State is part of the euro zone:

— In the Member States belonging to the euro zone, the legislation on the euro applies for the exchange of notes from the zone. The official exchange rate must be used. The charges levied by exchange bureaux are shown separately as a percentage or as a fixed amount. There is no Community legislation, however, with regard to the exchange of non-euro notes.

— In the Member States that do not belong to the euro zone, the Community legislation on the euro does not apply unless the notes that are bought and sold come from the euro zone.

— Quite apart from their membership of the euro zone, several Member States have introduced rules so that charges are displayed to inform consumers before any transaction. At this stage, the Commission does not think that there is any need for Community harmonisation of laws on informing consumers in this field.

The Commission would point out to consumers that the use of automatic teller machines (ATMs) in the Member State of destination may be a less expensive way of obtaining cash.

(2001/C 350 E/128) **WRITTEN QUESTION E-1310/01**

by Patricia McKenna (Verts/ALE) to the Commission

(3 May 2001)

Subject: Mugardos regasification plant

Under the plan to use natural gas as a fuel and the conversion to be carried out to that end in the Spanish energy sector, a number of regasification plants are to be sited on the Spanish coast.

In Mugardos, in the immediate vicinity of the town and close to a residential area with a population of 150 000, the intention is to set up a regasification plant. Experts, the former head of the El Ferrol Port Authority (dismissed on account of his opposition to the proposed siting of the plant in Mugardos), fishermen's associations, citizens' groups, and environmental NGOs maintain that the plant should not be built in the place concerned, given the serious dangers to the surrounding population.

Under Decree RD 2414/1961 of 30 November 1961 (published in the Spanish Official Gazette, BOE No 292 of 7.12.1961) on nuisances and unhealthy, harmful, and dangerous activities, the regasification plant is classed as a 'dangerous activity' ([1]). The classification is the same in Royal Decree RD 1254/1999 of 16 July 1999 on measures to control the risks inherent in serious incidents involving dangerous substances ([2]). Chapter 1, Article 4, of Decree 2414/1961 lays down a general rule to the effect that manufacturing industries which must be considered dangerous or unhealthy must be sited at a distance not less than 2 000 metres from the nearest population centre ([3]). The European standard EN-1473 (May 1997), transposed in Spain in May 1998 as standard UNE-1473, calls for dangerous sites to be analysed, risk probabilities to be estimated, also taking into account the 'human factor', and theoretical leakage, gas dispersion, the discharge jet, etc. to be modelled.

A further factor to consider, as stipulated in Article 8 of RD 1254/1999, is the 'domino effect' (whereby the initial incident triggers a chain of explosions at other nearby plants where there are dangerous substances), but this has not been done ([4]). If an incident were to occur, two installations already in use at the present time could thus bring about a domino effect, namely the type B and C oil tanks (500 metres away) and the military arsenal (1 200 metres away).

Given that it would be dangerous to set up a natural gas regasification plant in Mugardos, will the Commission intervene and, if so, what steps will it take?

Is it acceptable that energy conversion should be carried out without a State plan to ensure compliance with the most basic safety regulations?

Does the Commission not think that the environmental impact of the plant needs to be assessed?

([1]) According to the above decree, activities are classed as 'dangerous' if their purpose is to manufacture, handle, deal in, or store products likely to occasion serious risks on account of explosions, combustion, radiation, or other risks of comparable magnitude to life and property.

([2]) In the list of substances set out in Part 1 of Annex 1, the decree refers to highly flammable liquefied gases (including LPG) and natural gas.

([3]) In addition, paragraph 2 of Decree RD 1254/1999 stipulates that land use policies must allow for the need to maintain the necessary distances between the plants covered by the Decree and residential areas, areas frequented by the public, and areas of natural interest. As far as existing plants are concerned, they must also provide for the additional technical measures referred to in Article 5 so as to avert further risks to life.

([4]) Applied to a gas leak of 944 kg per second, assuming class E atmospheric stability and a wind speed of 2 metres per second, the Pasquill-Gifford pollutant dispersion model produces the following results: — The asphyxiation zone (33 % (0,22 kg per m^3)) would extend over a distance of 750 m. Falling within that radius are the type B and C oil tanks installed last summer by Forestal del Atlántico, which have a capacity of 200 000 m^3 and are situated 500 metres away (domino effect), and a glue factory. The boundary of the zone also falls just short of Mugardos town centre, which lies 900 m away. — The upper flammability limit (14 % (0,092 kg per m^3)) would be reached at a distance of 1 250 m. Falling within that radius are Mugardos town centre (900 m away), O Seixo (1 200 m away), and a military arsenal (domino effect), situated 1 200 m away. — The lower flammability limit (5 % (0,033 kg per m^3) would be reached at a distance of 2 250 m, i.e. as far as the Magdalena district of El Ferrol as well as the other places listed above.

(2001/C 350 E/129) **WRITTEN QUESTION E-1359/01**

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

(7 May 2001)

Subject: Health and environmental problems (Mugardos, La Coruña, Spain)

The firm Forestal del Atlántico SA, located in the municipality of Mugardos (La Coruña, Spain) has been causing serious problems for the health of residents and damage to the environment for many years. Atmospheric emissions from the firm concerned are causing irritation to the eyes and nose and extremely unpleasant smells, thus harming both the public and their environment. Furthermore, the activities carried

out by the firm produce a high level of noise pollution and solid and liquid waste which pollutes the surrounding land.

A gas plant is now to be built a short distance away from a population centre and less than 1500 metres away from the town of Mugardos. An area of 90 000 m^2 along the Ferrol estuary has already been cleared and filled in in preparation for the project.

Can the Commission guarantee that the activities of the above firm do not pose a risk either to health or the environment and that the following directives are being correctly applied in this case:

— Directive 91/156/EEC ([1]), amending Directive 75/442/EEC ([2]) on waste;

— Directive 85/337/EEC ([3]) on the assessment of the effects of certain projects on the environment;

— Directive 80/68/EEC ([4]) on the protection of groundwater against pollution caused by certain dangerous substances;

— Directive 96/82/EC ([5]) on the control of major-accident hazards involving dangerous substances;

— Directive 75/439/EEC ([6]) on waste oils, and

— Directive 90/313/EEC ([7]) on access to information on the environment?

Can the Commission keep me informed of what action it intends to take on this matter?

([1]) OJ L 78, 26.3.1991, p. 32.
([2]) OJ L 194, 25.7.1975, p. 39.
([3]) OJ L 175, 5.7.1985, p. 40.
([4]) OJ L 20, 26.1.1980, p. 43.
([5]) OJ L 10, 14.1.1997, p. 13.
([6]) OJ L 194, 25.7.1975, p. 23.
([7]) OJ L 158, 23.6.1990, p. 56.

(2001/C 350 E/130) **WRITTEN QUESTION E-1379/01**

by Rosa Miguélez Ramos (PSE) to the Commission

(7 May 2001)

Subject: Projected regasification plant in Mugardos (Galicia, Spain): incompatibility with Community law

The Tojeiro Group is planning to set up a regasification plant in Mugardos, Galicia, expanding its extensive existing industrial complex in the same area (glue and resin factory, ship deballasting and degassing plant, oil storage facilities, etc.). Mugardos is thus already being subjected to severe environmental pressure from the plants owned by the conglomerate. A future gasifier could accordingly serve to exacerbate the adverse environmental and public health consequences which the locality is now suffering.

In addition, the planning of the regasification plant has infringed two key points of Community legislation:

— the plant has not been the subject of an environmental impact assessment (failure to comply with Directive 97/11/EC ([1]), which includes plants of the type concerned in Annex I);

— the plant does not conform to standard EN-1473 (transposed in Spain as UNE-1473), which calls for risks to the population to be rigorously assessed and measures taken to prevent possible accidents.

Furthermore, Tojeiro's other industrial installations have been giving rise to local protest (especially where Forestal del Atlántico is concerned) because:

— the locality is being exposed to high levels of noise pollution, possibly contrary to the European legislation on outdoor building machinery;

— noxious gases are being discharged into the air, in quantities apparently exceeding the permitted levels, a situation that may infringe a number of directives, including for example Directive 84/360/EEC on the combating of air pollution from industrial plants [2], Directive 2000/76/EC on the incineration of waste [3] and Directive 94/67/EC on the incineration of hazardous waste [4] (since the freezing plant is used as in incinerator), or Directive 75/439/EEC [5] and the amendments thereto on the disposal of waste oils (all kinds of oil residues are burnt on the site);

— material is being dumped in the aquatic environment, involving a possible infringement of legislation such as Directive 96/61/EC concerning integrated pollution prevention and control [6] (as regards nitrates, which have to be controlled in accordance with Annex III), Directive 80/68/EEC on the protection of groundwater against pollution caused by certain dangerous substances [7], the legislation on drinking-water, etc.;

— the transport operations using the CP-3504 road do not conform to the criteria laid down in Directive 94/55/EC on the transport of dangerous goods by road [8];

— the shellfish sector is being affected so severely by the pollution as to constitute a violation of Directive 79/923/EEC on the quality required of shellfish waters [9]. The list of examples could continue.

In the light of the foregoing:

— what steps will the Commission take to enable the mandatory environmental impact assessment of the regasification plant to be carried out and ensure that the plant conforms to standard EN-1473?

— would it be willing to open an inquiry into the possible failures to comply with Community legislation regarding the Mugardos industrial installations?

(1) OJ L 73, 14.3.1997, p. 5.
(2) OJ L 188, 16.7.1984, p. 20.
(3) OJ L 332, 28.12.2000, p. 91.
(4) OJ L 365, 31.12.1994, p. 34.
(5) OJ L 194, 25.7.1975, p. 23.
(6) OJ L 257, 10.10.1996, p. 26.
(7) OJ L 20, 26.1.1980, p. 43.
(8) OJ L 319, 12.12.1994, p. 7.
(9) OJ L 281, 10.11.1979, p. 47.

Joint answer
to Written Questions E-1310/01, E-1359/01 and E-1379/01
given by Mrs Wallström on behalf of the Commission

(5 July 2001)

The Commission was unaware of the situation described by the Honourable Members regarding the Forestal Atlántico SA plant, or the plan to set up a regasification plant, and the proposed siting of the plant in the same district as the first, namely Mugardos, (Galicia).

Council Directive 85/337/EEC of 27 June 1985 on the assessment of certain public and private projects on the environment [1] as amended by Council Directive 97/11/EC of 3 March 1997 [2] would appear, at first sight, to be applicable to this case.

Two conditions must be fulfilled simultaneously in order for Council Directive 96/82/EC of 16 December 1996 on the control of major-accident hazards involving dangerous substances [3] (hereafter referred to as the Seveso Directive) to be applicable:

— the quantities of dangerous substances present in the establishment should exceed the limits set in Annex I to the Directive. The Annex sets two thresholds, a lower limit and an upper limit. If the quantity of the dangerous substance is less than the lower limit, the Seveso Directive does not apply. If the quantity of the dangerous substance is between the upper and the lower limits, then selected provisions of the Directive are applicable. If the quantity exceeds the upper limit, then all the Directive provisions are applicable. The lower limit for natural gas, for example, is 50 tonnes, and the upper limit 200 tonnes;

— the plant should not be in one of the excluded sectors listed in Article 4. It should be noted that the transport and intermediate temporary storage of dangerous materials, in ports for instance, are not covered by the Seveso Directive.

As regards compliance with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [4], the Commission is already aware that there are problems with its implementation in Spain, and has accordingly initiated infringement proceedings against Spain on the grounds of failure to transpose the Directive in due time.

Apart from this, the Commission has no reason to suppose that the Spanish authorities would not comply with current Community environmental protection legislation when authorising the plan in question.

The Commission will request further information from the Spanish authorities on this plan and on issues relating to the existing plant.

As guardian of the Treaties, the Commission will take whatever steps are needed to ensure that Community law is respected in all the cases in point.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ L 10, 14.1.1997.
[4] OJ L 257, 10.10.1996.

(2001/C 350 E/131) **WRITTEN QUESTION E-1314/01**

by Theresa Villiers (PPE-DE) and Roger Helmer (PPE-DE) to the Commission

(3 May 2001)

Subject: Business impact assessment on the introduction of the euro

1. Could the Commission please state if it has undertaken a business impact assessment on the introduction of the euro?

2. If the Commission has undertaken such an assessment, could it please state how this was conducted and present any results?

3. If the Commission has failed to undertake such an assessment, could it explain why not, given that the introduction of the euro is likely to have a profound effect on businesses in Europe?

Answer given by Mr Solbes Mira on behalf of the Commission

(19 July 2001)

1. and 2. The Commission has not undertaken a formal Business Impact Assessment on the introduction of the euro, insofar as this procedure is designed for legislative proposals only. However, the effects of the creation of the Economic and Monetary Union (EMU) were thoroughly assessed by the Commission in various reports and working parties, e.g. the report of the working group on technical aspects and cost of dual pricing [1], the report of the working group on small enterprises and the euro [2]. This issue has also been discussed at various Round Tables, notably the ones organised by the Commission in Brussels in May 1997 and February 1998 where the favourable impact of the euro on the different economic sectors of the economy was recognised. The Parliament has been closely associated and has given its full support to the process of euro introduction.

3. The achievement of EMU will definitely have a positive effect on businesses in Europe, as illustrated by various reports such as: 'One market, one money' (Cecchini report). The removal of exchange risks, higher price transparency, increased competition and, thus better functioning of the Single Market are

important benefits for businesses. In addition, the macro-economic framework deriving from EMU has led to significant achievements (see: 'EMU: The First Two years', Euro Papers No 42) which are of benefit to businesses, such as the reduction of interest rates.

(1) Euro paper No 13.
(2) Euro paper No 21.

(2001/C 350 E/132) **WRITTEN QUESTION E-1320/01**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(3 May 2001)

Subject: Exclusion of private vocational training institutes from the operational programme for education and basic vocational training in Greece

The new operational programme for education and basic vocational training in Greece excludes private vocational training institutes from receiving EU funding for the programmes, which is contrary to previous proposals put forward by the Ministry of Education and the original agreements between that Ministry and the Commission to maintain open procedures in the award of contracts for basic vocational training. Furthermore, the exact opposite applies to the operational programme for further vocational training in which the competent bodies — public and private vocational training institutes — once certified, are eligible to submit offers to run programmes put out to tender by the responsible authority.

1. Why do different funding arrangements apply to basic and further vocational training when the circumstances are fundamentally the same?

2. In the Commission's view, do these provisions ensure competition between public and private vocational training institutes?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(9 July 2001)

The Commission would like to point out that Community assistance is intended as support for or a contribution to national measures. The European Social Fund thus supports Member States' activities to develop the labour market and human resources.

It should also be noted, for the specific sector of vocational training in Greece, that the operational programme for education and basic vocational training provides for a study to be carried out, as part of the mid-term evaluation, on the conditions for the possible participation of private vocational training centres. According to the results of this study, the possibility of allowing private vocational training centres to participate in the programme's actions on the basis of open procedures will be examined in agreement with the Greek authorities.

Consequently, the new operational programme for education and basic vocational training, which was approved by the Commission on 14 March 2001, is in keeping with the spirit of the third Community support framework (CSF) and will contribute significantly to the Greek authorities' attempt to modernise the education system.

(2001/C 350 E/133) **WRITTEN QUESTION E-1322/01**

by Giorgio Celli (Verts/ALE) to the Commission

(3 May 2001)

Subject: Extension of a waste tip in Corialo, in the Cerreto Guidi (FI) municipality, Italy

There are plans to reopen and extend a solid urban waste tip in the municipality of Cerreto Guidi (FI), in Italy.

A local residents' action group has complained about the arrangements proposed by the local authorities. A large proportion of the area in question consists of land on which high-quality products are grown (wines and olive oil with registered and guaranteed designation of origin). Moreover, the area on which the waste tip is due to be reopened is part of a 'site of public interest', Padule du Fucecchio, which is recognised as an area of outstanding natural importance.

Is the Commission aware of these facts?

Does it intend to ask the relevant bodies for an explanation?

Answer given by Mrs Wallström on behalf of the Commission

(28 June 2001)

Situations which are likely to be considered as a bad application of Community environmental law by the Member States are normally drawn to the attention of the Commission by letters of complaint, Parliamentary Written Questions and Petitions to the Petitions Committee of the Parliament. However, situations claimed to be inconsistent with the relevant Community law need to be precisely described so as to enable the Commission to assess them in relation to applicable Community environmental law.

According to Council Directives 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1] and 97/11/EC of 3 March 1997 [2], which has modified Directive 85/337/EEC, Member States are obliged to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. Projects covered by the Directive are identified in the Annexes.

Under Directive 85/337/EEC prior to the amendments, projects falling into Annex II are to be made subject to an environmental impact assessment (EIA) where Member States consider that their characteristics so require. However, Member States are considered to be obliged to make a pre-assessment in order to establish whether Annex II projects need to be made subject to an EIA procedure. Under Directive 85/337/EEC, as modified, for Annex II projects, Member States are obliged to determine through a case-by-case examination or thresholds or by the setting of criteria whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. The above-mentioned determination is known as 'screening'.

In the opinion of the Commission, based on the information given by the Honourable Member, the work to which the question makes reference, a landfill re-opening and extension, could fall within the scope of Directives 85/337/EEC and 97/11/EC, and, in particular, into categories 11c of Annex II of Directive 85/337/EEC (Installations for the disposal of industrial and domestic waste, unless included in Annex I) and/or 11b of Annex II of Directive 97/11/EC (Installations for the disposal of waste − projects not included in Annex I).

However, the environmental impact assessment (EIA) legislation of Regione Toscana (Legge Regionale 3 novembre 1998, no 79, 'Norme per l'applicazione della valutazione di impatto ambientale' come modificata dalla Legge Regionale 20 dicembre 2000, no 79) provides that urban waste landfills with a capacity of less than 100 000 cubic metre (m^3) are examined in order to determine whether they have to be made the subject of an EIA procedure, while urban waste landfills with a capacity of more than 100 000 m^3 are automatically required to be made the subject of an EIA procedure. Therefore, Italian legislation ensures that landfills in Regione Toscana are made the subject either of a screening or of an EIA procedure. When the internal law complies with Community law and no evidence is given to presume that

it is going to be breached, the Commission considers that there are no grounds for intervention. In such cases, unless it is clearly claimed that, with reference to a specific project, the competent authorities have no intention of carrying out a screening/EIA procedure or that they have failed to carry them out, or that the screening or the EIA procedures have been badly applied, the Commission is obliged to conclude that a breach cannot be presumed. Given the lack of specific grounds of complaint with regard to the application of the EIA procedure/screening in this specific case, no breach of the Directive can be identified at present.

Article 6 of Council Directive 92/43/EEC of 21 May 1992 ([3]), on the conservation of natural habitats and of wild fauna and flora, provides for protection requirements with reference to Special Conservation Areas (SCA). Under Article 4, paragraph 5, of Directive 92/43/EEC these requirements are applied also to sites of Community importance (SCI) when, on the basis of the list of proposed sites of Community importance (pSCI), they are adopted in accordance with the procedure laid down in Article 4 paragraph 2. At present, SCA have not yet been designated and the list of the SCI has not yet been adopted. However, with reference to proposed sites of Community importance, in particular when including priority habitat and species, Member States have certain obligations to act in a way so as to ensure that the aims of the Directive are not jeopardised. Even in the absence of a Community list, Member States' authorities are advised to at least abstain from all activities that may cause a proposed site to deteriorate.

On the basis of the information given by the Honourable Member, no likely effects of the landfill project on the proposed site of Community importance IT5130007 Padule Di Fucecchio have been identified. Therefore, in the absence of more information on how habitats and species may be affected by the project, no significant impact of the project on the sites mentioned can be presumed and no breach of the Directive can be identified at present.

In the light of the above, due to a lack of grounds of complaint on the application of Community law, no breach of Directives 85/337/EEC, as modified, and 92/43/EEC can be identified at present in the specific case. On this basis, a request for explanation to national authorities cannot be justified.

([1]) OJ L 175, 5.7.1985.
([2]) OJ L 73, 14.3.1997.
([3]) OJ L 206, 22.7.1992.

(2001/C 350 E/134) **WRITTEN QUESTION E-1326/01**

by Ilda Figueiredo (GUE/NGL) to the Commission

(3 May 2001)

Subject: Restructuring of the Commission's Directorate-General for Fisheries

According to information received from fisheries organisations in Portugal, it appears that the Commission is in the process of restructuring its Directorate-General for Fisheries so as to create a directorate which is to centralise all policy on internal Community resources, fisheries agreements with northern Europe and multiannual guidance programmes.

This centralisation would remove responsibility from the remaining directorates and divide Community policy on fisheries agreements with third countries into two.

Can the Commission confirm this information? If so, what is the purpose of this restructuring?

Does it not take the view that splitting policy on fisheries agreements between north and south will jeopardise the principle of policy integrity and breach the principle of equal treatment with which all Community fisheries agreements must comply?

What implications does it consider that this restructuring will have for the EU fishing industry, particularly for Portugal?

Answer given by Mr Fischler on behalf of the Commission

(27 June 2001)

The Commission's Directorate for Fisheries has been reorganised with effect from 1 April 2001.

The new Directorate A — Conservation Policy — groups together four units one of which handles stock management in Community waters and where there are common stocks with neighbouring countries i.e. the North-East Atlantic Fisheries Commission (NEAFC) and another deals with the management of the fleet.

Of necessity, the activities of this Directorate are in no way restricted to any particular geographical area.

Naturally, the principle of equal treatment will be applied and the effect on the Portuguese fishing industry should be — as for others — that the Commission's responses in these areas will be even more coherent and well motivated.

(2001/C 350 E/135) **WRITTEN QUESTION E-1331/01**

by Chris Davies (ELDR) to the Commission

(3 May 2001)

Subject: Tameside Metropolitan Borough Council

Has the Commission received representations from a Mr Phil McCarthy (and others) alleging that Tameside MBC breached the terms of Directive 97/11/EC [1], insofar as it relates to the need for environmental impact assessments, by approving without undertaking an EIA the relocation of Hattersley High School to a green field site known locally as 'Backbower', off Mottram Old Road, within the Tameside borough?

If so, what action is the Commission taking or does it propose to take?

[1] OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Wallström on behalf of the Commission

(21 June 2001)

Unfortunately, the Commission is not in a position to provide the Honourable Member with information regarding the identity of individual complainants and/or the subject matter of their complaints. Complaints to the Commission are handled in confidence unless the complainant indicates otherwise. When complaints from the public are formally registered by the Commission, complainants are informed that their identity or information which may lead to their identification will only be revealed if their express permission is given. This guarantee is important as it ensures the confidence of complainants who may draw the Commission's attention to potential infringements of Community law without fear of adverse consequences deriving from the disclosure of their identity.

(2001/C 350 E/136) **WRITTEN QUESTION E-1336/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(3 May 2001)

Subject: Proceedings against Greece with regard to French diplomas in psychology and their recognition under Directive 89/48/EEC

In its reply to my Written Question H-0250/01 [1] concerning diplomas awarded by French universities under franchise agreements with Greek free study centres and following infringement proceedings against

Greece for failure to respect its obligations under Directive 89/48/EEC [2], the Commission indicated that the Greek authorities had replied to the letter of notification by letter of 17 January 2000, following which informal contacts had taken place between the Greek authorities and the Commission, the conclusions of which were now being considered.

In view of the considerable number of young people affected, whose professional futures are dependent on the conclusions of the deliberations, can the Commission give details regarding the outcome of its talks with the Greek authorities and say what will be the next stage in the proceedings to be followed by the Commission?

[1] Written Question 3.4.2001.
[2] OJ L 19, 24.1.1989, p. 16.

Answer given by Mr Bolkestein on behalf of the Commission

(19 June 2001)

As the Commission already told the Honourable Member in its answer to Oral Question H-250/01 at Question Time during the part-session in April 2001, the Greek authorities replied in a letter of 17 January 2000 to the Commission's letter of notification.

Following this letter, and in order to examine the solution found for the many individual cases in question, the Commission and the Greek authorities have had a number of informal contacts (by letter and in bilateral meetings), which have served to clarify the situation with regard to these cases.

Since then, the Commission has received from a number of complainants new information and details that could prompt new complaints regarding the application to the occupation of psychologist of Council Directive 89/48/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 complainants claim that the professional recognition granted by the Greek authorities does not accord them the same rights with regard to the exercise of their profession as those granted to psychologists who hold Greek qualifications or who have received a certificate of academic equivalence from the Dikatsa.

The lengthy documentation that has been submitted — several hundred pages, of which more than half has had to be translated, with the delays that this entails — is now being examined.

In the circumstances, it is not possible at the moment to offer any comment on the outcome of this examination. It is nevertheless obvious that if the operation reveals the existence of new complaints or the continuation of those referred to in the letter of notification, the Commission will not hesitate to continue with the infringement procedure.

A Commission decision on the matter is expected in the coming months, and in any case in autumn, following some supplementary details that may need to be checked with the Greek authorities.

(2001/C 350 E/137) **WRITTEN QUESTION E-1338/01**

by Frédérique Ries (ELDR) and Willy De Clercq (ELDR) to the Commission

(4 May 2001)

Subject: Palestinian schoolbooks

With regard to anti-Semitic language in the textbooks of the Palestinian Authority, Christopher Patten stated at the Plenary Session of the European Parliament on 31 January 2001: 'The Commission rejects any attempt to use the educational system to promote intolerance or hatred. The main focus of Commission assistance has always been to promote a culture of peace, tolerance and human rights in the Middle East (…) The Commission has never allocated funds for the development of a new school curriculum, nor for the printing and distribution of school textbooks. The development of school curricula and the preparation

of textbooks are the responsibility of the Palestinian Centre for Curriculum Development (…). The Palestinian Authority issued their own textbooks only last year and — to our knowledge — no sign of anti-Semitic content has been found in these new books (…)'.

A recent report by the Center for Monitoring the Impact of Peace, an NGO, shows however that several of the new schoolbooks for grades 1 and 6, published by the Palestinian Authority, contain racist and anti-Semitic language:

— 'National Education', Sixth Grade, p. 16, 44.

— 'Our beautiful language', Sixth Grade, Part A, p. 47, 62, 112.

— 'Islamic Education', Sixth Grade, Part A, p. 68.

— 'General Science', First Grade, Part A, p. 9.

Therefore could the Commission explain:

1. Why the Commission continues financing the Palestinian educational system when the beneficiary, the Palestinian Authority, clearly promotes values which are contrary to the European Charter of Fundamental Rights? Which acts of non-compliance by the Palestinian Authority must occur before the Commission withdraws its financial support for the Palestinian educational system?

2. What control mechanisms has the Commission installed — being aware of the enormous difficulties between the Palestinian and Israeli people — to make sure that funds allocated to the Palestinian Authority are not used in any way to promote intolerance or hatred?

Answer given by Mr Patten on behalf of the Commission

(9 July 2001)

Union assistance to the Palestinian education system has focused mainly on infrastructures, equipment for schools and school libraries and direct assistance for current school expenses (salaries, dining rooms, etc. …).

Assistance for the printing and distribution of the new textbooks for grades from 1 to 6 — mentioned in the Honourable Member's question —, has been provided bilaterally by several Member States (Ireland, the Netherlands and Finland).

In this context, the Commission would like to refer to a recent study by the independent Harry Truman Research Institute for the Advancement of Peace as regards the role of textbooks in promoting peace in the Middle East. The study confirms that the anti-semitic references in Palestinian textbooks are, actually, contained in official Jordanian and Egyptian textbooks, which since 1967 have also been used in the West Bank and Gaza. It also points out that the new books have considerably eliminated negative stereotypes of Jews and Israelis as compared to Egyptian and Jordanian textbooks. The Israeli authorities themselves confirmed this point to the Commission. However, the study also concludes that Israeli textbooks are not exempt from stereotypes and one-sided views of Israeli-Palestinian recent history.

The Commission reiterates that it has always focused its assistance on promoting a culture of peace, tolerance and human rights in the Middle East. When a request for assistance is submitted to the Commission, an assessment is made on whether the proposal falls within the scope of the Union's strategy and principles in that particular policy area. On that basis the Commission decides whether or not to fund the relevant project.

In addition, the Commission — through the relevant mechanisms established under the Mediterranean — European Development Agreement (MEDA) regulations — is fully involved in the programming, preparation, implementation and monitoring of assistance projects to the Middle East Peace Process in general, and to the Palestinian Authority in particular.

The Commission always seeks to ensure that the European taxpayer's money is not misused. The temporary budgetary support for the Palestinian Authority during the current crisis (€ 60 million) is subject to strict conditions, monitored by the International Monetary Fund (IMF). The IMF will monitor the macro-economic execution of the Palestinian austerity budget, including the freeze of the payroll and the level of arrears. The IMF will provide monthly confort letters to the Commission on basis of which monthly payments (€ 10 million) of the budgetary aid package will be disbursed during the next six months.

(2001/C 350 E/138) **WRITTEN QUESTION E-1340/01**

by Christopher Heaton-Harris (PPE-DE) to the Commission

(4 May 2001)

Subject: Recipients of EU funding

Could the Commission provide details of the normal control procedures applying to all recipients of funding from the Community Budget as mentioned in the reply by Romano Prodi on 22 March 2001 to Written Question E-0612/01 [1] on European political parties?

[1] OJ C 235 E, 21.8.2001, p. 229.

Answer given by Mr Prodi on behalf of the Commission

(26 June 2001)

All files relating to the recipients of Community funding are subject to the control procedures applicable under the Community's financial and budgetary legislation, and in particular the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities [1], the rules implementing that Regulation and the internal rules on the execution of the budget.

Specific rules have also been laid down for the treatment and management of grants. These rules are the subject of a special vade-mecum which applies uniformly to all recipients of grants, except where the legal basis provides otherwise. Generally speaking, the approach followed by the Commission aims to ensure compliance with all the transparency requirements in terms of eligibility, award procedures and provision of information.

In the particular case of grants to European political parties, the Commission, given the especially sensitive nature of such funding, has tightened the control arrangements by including special provisions in the proposal for a Council Regulation on the statute and financing of European political parties [2], namely:

— parties applying for a grant will be required to publish annually their accounts and budgets, which must also be certified by an independent external audit body;

— the Commission will have the right to carry out any on-the-spot checks which may be needed and to have free and unrestricted access to any document or evidence needed for the purposes of such inspection.

[1] OJ L 356, 31.12.1977.
[2] OJ C 154 E, 29.5.2001.

(2001/C 350 E/139)

WRITTEN QUESTION E-1345/01

by Ilda Figueiredo (GUE/NGL) to the Commission

(4 May 2001)

Subject: Transit through EU Member States by workers from third countries who are legally resident in Switzerland

These days approximately 365 000 Yugoslav and Turkish citizens live and work legally in Switzerland and hold the requisite papers.

Many of those immigrants return annually to their country of origin (at holiday times or for other reasons) and do so over land, which requires them to cross certain EU Member States such as Germany, Austria and Italy.

Under current regulations, such workers are required to apply for a visa from the embassy of each transit country. This involves making preparations well in advance (each visa takes between three and eight weeks to be issued), which makes it impossible for them to travel at short notice, imposes additional costs and causes working days to be lost.

In September of last year the 'Syndicat Industrie & Bâtiment' sent a petition to the Commission requesting cancellation of the requirement that such citizens in transit who are legally resident in Switzerland must hold a visa on the grounds that, since they have a job and a home in Switzerland, the EU Member States are not at any risk. Furthermore, citizens of a third country who have been legally resident in the EU since August 2000 do not require a visa in order to cross Switzerland.

What action does the Commission intend to take in this area in order to facilitate the crossing of certain Member States by people who are passing through on the way to their country of origin?

Answer given by Mr Vitorino on behalf of the Commission

(17 July 2001)

The Commission is aware of the situation referred to by the Honourable Member.

In law, all the Member States, which are bound by Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement [1], must make nationals of the third countries listed in Annex I subject to the visa requirement. Accordingly, nationals of those third countries who are legally resident in Switzerland must apply for a Schengen visa in order to transit via Member States. The Commission notes that none of the national derogations left to the discretion of the Member States under Regulation (EC) No 539/2001 allows for the exemption of foreign workers holding Swiss residence permits whose country of origin is listed in Annex 1 to the Regulation.

However, the Commission would point out that, where the individual situation of the persons referred to by the Honourable Member so warrants, Member States could issue multiple-entry Schengen visas which are valid for a longer period, thus making it easier for such persons to transit via Member States. This can be done without changing the current rules.

The Commission intends to look into the matter with the aim of weighing up all the institutional, legal and political aspects, with due account also to Switzerland's recent request to participate in Schengen.

[1] OJ L 81, 21.3.2001.

(2001/C 350 E/140) **WRITTEN QUESTION E-1348/01**

by Ioannis Marínos (PPE-DE) to the Commission

(4 May 2001)

Subject: Influx of gypsies from occupied Cyprus into the non-occupied areas

From the beginning of March, dozens of gypsies have moved from the part of the Republic of Cyprus occupied by Turkish troops into non-occupied areas. These people belong to a community of 1500 gypsies who had decided to remain in the occupied area following the Turkish military invasion of 1974.

Now, 27 years later, dozens of gypsies are applying to live in the non-occupied areas. This is being approved by the official government of the Republic of Cyprus which is taking immediate measures to provide them with assistance and accommodation, given that these people are Cypriot citizens. This exodus by the gypsies clearly demonstrates the critical decline of the Turkish occupied northern section of the island and gives rise to suspicion of ill-treatment of gypsies by the occupying authorities, which appear to be seeking to complete the ethnic cleansing commenced in 1974 when 200 000 Greek Cpriots were driven from the north.

Reports from the occupied areas would appear to indicate that the cross-border movement of dozens of people has made the occupying authorities nervous. Given their policy of opening fire on anyone sighted along the 'Green Line' between the occupied and on-occupied areas of Cyprus, as was the case with the Berlin Wall, this will further endanger the lives of those concerned.

What view does the Commission take of this exodus of gypsies from the Cypriot pseudo-state administered by Mr P. Denktash (calling to mind other periods when the 'wall of shame' still ran through the heart of Europe) and does it have any information concerning the treatment and living conditions of non-Turkish nationals living in the occupied part of Cyprus?

Answer given by Mr Verheugen on behalf of the Commission

(3 July 2001)

The Commission is aware of the recent exodus of Roma people from the north of Cyprus to the government controlled areas. A total of 154 persons crossed in March 2001 of which 23 returned to the northern part. The Commissioner responsible for Enlargement has also recently drawn attention to the importance the Commission attaches to the position of the Roma in a number of candidate countries.

On the living conditions of non-Turkish and non-Turkish Cypriots living in the north, the Commission Regular Report for Cyprus of November 2000 [1] states:

> … access by the United Nations Peacekeeping Force (Unficyp) to Greek Cypriots and Maronites living in the north remains limited. Obligations under the Vienna III agreement of 1975, concerning the treatment of Greek Cypriots and Maronites, are still not fully implemented … both Greek Cypriots and Maronites living in the north continue to be unable to change their housing at will. They can only bequeath their properties to close family members who are also resident in the north.

The Commission will be returning to this question in its Regular Report on Cyprus for 2001.

[1] COM(2000) 702 final.

(2001/C 350 E/141) **WRITTEN QUESTION E-1351/01**

by Richard Corbett (PSE) to the Commission

(7 May 2001)

Subject: Seveso II Directive

On how many occasions in the last 50 years has an accident on a chemical site resulted in deaths outside the site?

Answer given by Mrs Wallström on behalf of the Commission

(10 July 2001)

Since the entry into force of the previous and existing Community legislation on chemical accident prevention, preparedness and response (so-called Seveso I and II Directives, Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities [1] and Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances [2]), the number of deaths that occurred outside sites covered by the legislation and reported to the Commission by the Member States is five.

[1] OJ L 230, 5.8.1982.
[2] OJ L 10, 14.1.1997.

(2001/C 350 E/142) **WRITTEN QUESTION E-1355/01**

by María Sornosa Martínez (PSE) to the Commission

(7 May 2001)

Subject: Electromagnetic pollution

In 1999 the Commission, aware of growing public concern at electromagnetic pollution and the lack of legal provisions on the subject, decided to propose Council Recommendation 1999/519/EC [1] on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz).

Since then, both the rapid spread of mobile telephone masts and the publication of numerous studies on their harmful effects on the environment and health are adding to public concern throughout the EU.

Spain, a country which already has more than 22 000 mobile phone base stations, provides a vivid example of the current lack of legal provisions and the inadequacy of the Council Recommendation on electromagnetic pollution. In the absence of an adequate legislative reference framework, many local councils are opting to adopt municipal orders restricting and regulating the installation of such infrastructure and also taking account of aspects relating to the non-thermal effects of this type of pollution. Moreover, the central government is restricting itself to drawing up a royal decree (future Regulation-Law 11/98) which is to include some of the criteria set out in Recommendation 1999/519/EC.

In Spain, this has produced the paradoxical situation whereby some residents have mobile phone masts located slightly more than six metres away from their homes, which ensures that they are protected from possible thermal effects of electromagnetic pollution but not against its non-thermal effects, a situation which has already been the subject of complaints by people affected in the courts of Valencia, Murcia and Gijón.

The example provided by the experience of Spanish local councils demonstrates the need to standardise legislation and to go further in curbing electromagnetic pollution, which must not be seen solely in terms of its thermal effects.

Would the Commission be prepared to submit a proposal for a directive on electromagnetic pollution which would go beyond the substance of the 1999 Recommendation and include the necessary measures to protect the environment and human health, laying down criteria and limits to reduce or, wherever possible, eliminate such pollution?

(1) OJ L 199, 30.7.1999, p. 59.

Answer given by Mr Byrne on behalf of the Commission

(3 July 2001)

As mentioned by the Honourable Member in her question, on 12 July 1999 the Council adopted Recommendation 1999/519/EC on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) including the transmission frequencies used by mobile telephone systems.

In the face of the very rapid development of these systems and the fears to which they give rise in terms of the health of exposed people, the Commission has decided to take all the necessary precautionary measures. It has therefore asked the Scientific Committee on Toxicity, Ecotoxicity and the Environment, attached to the Directorate-General for Health and Consumer Protection, to reexamine the matter and deliver, in autumn 2001, a new scientific opinion on the risks to human health caused by exposure and on adequate protective measures.

The Commission will take any action it considers necessary in the light of the report's conclusions.

The attention of the Honourable Member is further drawn to Community legislation on ensuring that products such as base stations and mobile phones are safe. In order to comply with this legislation (Directive 1999/5/EC of the Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (1) and Council Directive 73/23/EEC of 19 February 1973 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (2)) manufacturers need to ensure that products comply with strict safety standards following the latest scientific advice such as laid down in the Council Recommendation.

(1) OJ L 91, 7.4.1999.
(2) OJ L 77, 26.3.1973.

(2001/C 350 E/143) **WRITTEN QUESTION E-1356/01**

by Vitaliano Gemelli (PPE-DE) to the Commission

(7 May 2001)

Subject: Discrimination against Italian citizens on the basis of linguistic ability

With reference to a letter sent to me by Mr Marco Meneghini on 18 March 2001, I should like to know whether or not the contents of that letter correspond to reality.

Job advertisements have appeared in certain European newspapers to fill posts in the Socrates and Leonardo offices and the Youth Office in Brussels, all of which are financed by the Commission. However, those job offers seem to be aimed principally at people with a perfect command of French or English.

Would the Commission say — once spot checks have been carried out — whether or not the state of affairs described above is an accurate reflection of reality and whether or not it constitutes discrimination based on language or nationality, which is specifically banned under Belgian legislation designed to combat racism and under Article 211 of the European Charter of Fundamental Rights?

Answer given by Mrs Reding on behalf of the Commission

(5 July 2001)

Community law on the free movement of workers prohibits not only open discrimination on the basis of nationality, but also the use of recruitment criteria that in practice constitute a form of covert discrimination. Conditions relating to linguistic knowledge required by reason of the nature of the post to be filled do not in principle constitute discrimination on the grounds of nationality (Article 3, Paragraph 1 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community [1]), but in practice the use of a specific criterion — such as a candidate's mother tongue or native language — for assessing the required level of knowledge may be considered disproportionate in relation to the aim in view (Judgment of the Court of Justice of 6 June 2000 in Case C-281/98).

Organisations performing services under contract for the Commission, such as the Socrates, Leonardo and Youth Technical Assistance Office, are required to operate in a wide range of languages and the staff recruited by such organisations is composed of a wide range of nationalities and mother tongues. They may from time to time require to recruit staff with a very high level of knowledge of a specific language or languages. In so doing, they are bound to comply with all legal and administrative provisions applicable in Belgium, including Community regulations on the free movement of workers, and are answerable to the Belgian authorities for their compliance with such provisions.

[1] OJ L 257, 19.10.1968.

(2001/C 350 E/144) **WRITTEN QUESTION E-1360/01**

by Bartho Pronk (PPE-DE) to the Commission

(7 May 2001)

Subject: European Social Fund (ESF) subsidies during the programming period 1994-1999

On 29 March 2001, the 'Interim report on research into subsidies from the European Social Fund for the programming period 1994-1999', also known as the Koning report, was published in the Netherlands. The study was commissioned by Mr Vermeend, Minister for Social Affairs and Employment. The Minister submitted the report to the Second Chamber in early April 2001.

1. Has the European Commission noted that report?

2. Does it feel that that report has any implications for both the implementation of the agreements relating to the new period and approval in respect of the previous period?

The Netherlands Government intends to entrust the management of ESF funds in future to an agency.

3. The Minister for Social Affairs and Employment has stated that the European Commission has approved its plan. Is that really true?

I asked for information about the ESF Implementation Unit in the Employment Service in a previous Written Question (E-0129/00 [1]) dated 27 January 2000).

4. Has the European Commission changed its views in the light of the Koning report? In its answer to my Written Question referred to above, the European Commission said that it was the responsibility of the Commission to check that the ESF programme had been implemented in a transparent, efficient and correct manner, in accordance with the Regulation currently in force.

5. Does the European Commission feel that it has adequately discharged its responsibility?

In its answer to my Written Question referred to above, it also said that it would negotiate with the Netherlands Government with a view to making sure that the implementation chapters of the Single Programming Document (SPD) provided a sufficient guarantee for that to be the case.

6. Have the negotiations with the Netherlands Government now been completed?

If so, can the European Commission indicate the outcome of those negotiations?

In the conclusion to Section 5.6 of the Koning report, reference is made to balancing the books, whereby a positive ESF liquidity balance is used to offset a negative Employment Service organisation liquidity balance.

7. To what extent does the European Commission deem it possible for the books to be balanced in the manner referred to above?

8. Does it intend to prohibit this in the forthcoming programming period?

If so, how will it do so?

(1) OJ C 303 E, 24.10.2000, p. 145.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(27 June 2001)

1. The Commission has studied the Koning interim report very carefully. It confirms, in general, the findings of the Commission's own investigations.

2. The Koning report deals exclusively with the previous 1994-1999 programming period and does not contain any recommendations for the ongoing 2000-2006 period. For this period, the Structural Fund regulations have, in any case, changed substantially, in particular to ensure more rigorous financial management. However, although it considers that the consequences of the Koning report must be borne in mind in the first place in the Netherlands, the Commission regards the Koning report as a very useful additional source of information for the future management of the Structural Fund.

3. and 4. The Dutch government is responsible for the choice of the implementation structure of the European Social Fund (ESF) programmes. Its decision to create an agency to implement the programme has, in fact, been welcomed by the Commission. The Commission has not changed its views in the light of the Koning report. The Commission also welcomes the decision of the Dutch government to place the agency under the direct responsibility of the Minister of Social Affairs and Employment.

5. The Dutch Objective 3 Single Programming Document, which the Commission approved in August 2000, contains a detailed description of the elaborate control structure the Dutch authorities have promised to put in place. The Government's decision to turn the ESF implementation unit into a government agency provides for additional guarantees against irregularities. But of course both the Commission and the Dutch authorities know that 'the proof of the pudding is in the eating'. Under the current programming period, interim-payments by the Commission to the Dutch Government can only be made on the basis of certified invoices for realised projects. The Commission will carefully check the integrity of these certificates, and thus ensure that projects are implemented in a transparent, effective and correct way in line with the valid regulation.

6. In December 2000, the Commission and the Dutch authorities created a Joint Working Group which meets on a regular basis. So far it has not been possible to come to final conclusions because many of the final control results are still pending. But the Commission is satisfied with the way the co-operation with the Dutch authorities is taking place.

7. The 'netting' problem referred to in chapter 5.6 of the Koning interim report was caused by the fact that the 'Arbeidsvoorziening' (labour supply) did not keep its ESF subsidies in a separate bank account. The Commission insists that future arrangements will be such that transparency is ensured, which was not the case with the former approach.

8. By the end of 1998 this practice of 'netting' through one single account had already been abolished by the 'Arbeidsvoorziening' itself. As far as the Commission is aware, the Dutch authorities have no plans to reintroduce netting of ESF monies with national funds.

(2001/C 350 E/145)

WRITTEN QUESTION E-1361/01

by Theodorus Bouwman (Verts/ALE) to the Commission

(7 May 2001)

Subject: 'Allemagna axis' from Venice to Dobbiaco, including the E66 Fortezza-San Candido road

With its Decision No 112 of 2 November 2000, the Italian Interministerial Committee for Economic Planning (CIPE) has finalised the Italian proposal for updating the TEN-T networks and has invited the Italian ministries to negotiate with the EU on that basis. The Italian TEN-T review proposal includes, in the part devoted to the road network maps, the 'Alemagna axis'. This axis, extending for a stretch of more than 252 km, as the CIPE itself admits, is made up by the existing motorway A27 between Venice and Pian di Vedoia, the section of National Road SS51 Alemagna from Pian di Vedoia to Dobbiaco, which is to be enlarged, and, finally, the section of National Road SS49 and SS49bis from S. Candido to Fortezza, which is to be enlarged as well. This route is to become, together with the Brenner axis and a section of Route E70, part of a transport network system aiming to improve the corridor that links the North Atlantic area with the Mediterranean harbours.

This project, endorsed by the Italian proposal, openly fails to comply with the Alps Convention and particularly the Transport Agreement signed in Lucerne on 31 October 2000, which Italy also signed; a project of this sort would entail further investment in road infrastructure and a heavier road traffic flow, both of which are incompatible with the environment of the Dolomites, economic interests in connection with tourism and the inhabitants' quality of life.

Has the Commission any intention of supporting the development of the 'Alemagna axis' transalpine highway? Does the Commission not consider that such a development would undermine efforts to move towards sustainable mobility in sensitive areas like the Alpine region?

What is the Commission going to do to prevent this road development from taking place and, instead, to support investments to promote the shift towards other sustainable transport modes such as rail? Does the Commission share the view that, instead of new highway routes, softer solutions in terms of road traffic management should be supported — for instance by improving the existing roads and bypassing towns and villages — if we want to reduce the conflict between road traffic and the existing human settlements in the Alps?

Answer given by Ms de Palacio on behalf of the Commission

(22 June 2001)

The 'Alemagna' road link consisting of the A27 and SS51 from Venice to Dobbiaco and the SS41 from Fortezza to S. Candido is not part of the trans-European network identified in Decision No 1692/96/EC of Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network [1]. Under the terms of the Decision, the plan to develop this link cannot be considered a project of common interest and therefore it cannot receive financial support as part of the trans-European network under Council Regulation (EC) No 2236/95 of 18 September 1995 laying down general rules for the granting of Community financial aid in the field of trans-European networks [2].

The Commission is currently examining the amendments which will have to be made to the Decision to take account of economic and technological developments in the transport sector, especially in rail transport. The objective is to restore the balance between different modes of transport and develop intermodality, which will be the key topic of the next White Paper on common transport policy.

The Commission would draw the Honourable Member's attention to the fact that it has already proposed that the Community sign the Alps Convention transport protocol, the implementation of which would limit the development of new high-capacity roads for trans-Alpine traffic.

The Commission shares the Honourable Member's view that it is particularly important to develop intermodality and improve the management of traffic across the Alps. This is why it intends to carry on giving sustained financial support to several rail and traffic management projects, notably projects 1 and 6 concerning the Mont-Cenis and Brenner tunnel crossings.

(1) OJ L 228, 9.9.1996.
(2) OJ L 228, 23.9.1995.

(2001/C 350 E/146) **WRITTEN QUESTION E-1364/01**

by Graham Watson (ELDR) to the Commission

(7 May 2001)

Subject: Use of land for grazing horses

Can the Commission confirm whether there is any EU regulation concerning the use of farm land for grazing horses? Is there any restriction on where horses used for recreation and those used for agricultural purposes can be grazed?

Answer given by Mr Fischler on behalf of the Commission

(4 July 2001)

There are no Community restrictions as such limiting the use of farm land for grazing horses, apart from those connected with the conditions for granting area payments, and in particular that of not using set-aside land.

The Commission has in the past received requests to allow racehorses to graze on land for which farmers were receiving set-aside aid under Council Regulation (EC) No 1251/1999 of 17 May 1999 establishing a support system for producers of certain arable crops (1). These requests have been refused.

Such use of land withdrawn from production runs counter to the objective of making this scheme effective in terms of maintaining balance in and outlets for Community cereal production.

Moreover, it would be difficult to justify the use of Community funds for such a measure.

(1) OJ L 160, 26.6.1999.

(2001/C 350 E/147) **WRITTEN QUESTION E-1365/01**

by Cristiana Muscardini (UEN) to the Commission

(7 May 2001)

Subject: Cooperation agreement between the European Community and Pakistan

Reliable sources have long maintained that Pakistan is supporting the violently repressive, obscurantist Taliban regime in Afghanistan, providing it with a huge amount of economic and military aid. That regime has for some time been quite rightly criticised by all the EU Member States and the European Parliament for a policy which shows total disregard for human rights. In a recent visit to the European Parliament in Strasbourg, Commander Massoud, the courageous leader of the opposition to the regime in Afghanistan, provided ample proof of Pakistan's involvement in Afghanistan's internal affairs.

Given that the Commission is currently conducting negotiations with Pakistan with a view to concluding an important and far-reaching co-operation agreement under which enormous amounts of economic aid are to be provided to Pakistan:

1. Can it say what stage has been reached in the negotiations?

2. Does it consider it to be reasonable and politically appropriate to continue to negotiate the agreement in its present form, particularly those sections which entail the provision of substantial amounts of aid to Pakistan?

3. Does it consider such an agreement appropriate as long as Pakistan is keeping an unpopular, cruel and obscurantist regime in place by means of the direct aid which it provides?

4. Would it not agree that the negotiations on an agreement which Pakistan considers to be of such importance would be better used to exert political pressure on that country with a view to persuading it to stop supporting the Taliban regime, or at least to reduce the amount of aid provided?

Answer given by Mr Patten on behalf of the Commission

(25 June 2001)

Signature of the EU's Co-operation Agreement with Pakistan was deferred sine die following the military take-over of 12 October 1999. Negotiations had already been concluded with the paraphing of the Agreement on 22 April 1998. Pending signature of the new Agreement, the previous one dating back to 22 April 1986 remains in force.

The Commission is fully aware that the new Agreement features 'respect for human rights and democratic principles' as its basis under Article 1. It is for this reason that the Council and the Commission did not proceed with the signature of the Agreement following the military take-over.

During ad-hoc political talks with Pakistan in November 2000, the Union Troika made it clear that further progress on improving relations is linked to concrete steps on return to democracy.

The Commission abides by the Union policy of neutrality between the conflict parties in Afghanistan. The Union's Common Position on Afghanistan of 22 January 2001 ([1]) calls on countries concerned to stop any further involvement of their military, paramilitary and secret service personnel in Afghanistan and cease all other military support to parties in the conflict. Commission humanitarian aid in Afghanistan is targeting groups at risk irrespective of whether they live on one or the other side of the conflict.

([1]) OJ C 21, 23.1.2000.

(2001/C 350 E/148)

WRITTEN QUESTION E-1369/01

by Gary Titley (PSE) to the Commission

(7 May 2001)

Subject: Defence procurement

Could the Commission set out what exactly are the Community rules in relation to defence procurement as it understands them to be? Within the definition of defence procurement, I include such matters as uniforms, boots, provision of catering facilities and so on.

Answer given by Mr Bolkestein on behalf of the Commission

(19 July 2001)

Public procurement contracts, whether awarded in the field of defence or in any other field, must be awarded in compliance with the procedures for the award of contracts set out in the public procurement Directives. Three directives on the coordination of procedures for the award of public contracts currently

coexist and concern supply, works and services contracts respectively [1]. On 10 May 2000, the Commission presented a proposal for a Parliament and Council Directive on the coordination of procedures for the award of public supply, services and works contracts which consolidates the three previous directives [2] in a single text.

The common award procedures, which feature in all the directives, include open or restricted calls for tender and negotiated procedures (in a limited number of cases) with prior publication of a contract notice in the Official Journal. Each of the directives lays down a limited number of special cases and exceptions. In relation to the question, two cases deserve closer attention. On the one hand, the case of contracts covered by Article 296 (ex Article 223) of the EC Treaty and, on the other hand, the case of contracts declared secret or requiring certain security measures or when the protection of essential interests of the State is involved.

Since the contracts are covered by Article 296 of the EC Treaty, a derogation from the award rules set out by the public procurement Directives is possible (Article 3 of the Supply Directive 93/36/EEC and Article 4 of the Services Directive 92/50/EEC).

Article 296 of the EC Treaty provides that:

1. The provisions of this Treaty shall not preclude the application of the following rules:

(a) no Member State shall be obliged to supply information the disclosure of which it would consider contrary to the essential interests of its security;

(b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes.

2. The Council may, acting unanimously on a proposal from the Commission, amend the list, which it drew up on 15 April 1958, of the products to which the provisions of paragraph 1(b) apply.

Article 296 does not limit the Community powers ratione materiae, since the verbs 'may take' are used in paragraph 1(b).

In addition, the exception contained in Article 296 is covered by the provisions of Article 298 (ex Article 225) of the EC Treaty. This lays down that the use of Article 296 may not distort the conditions of competition, and the Commission or any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in Article 296.

The Court of Justice gave a restrictive interpretation of the use of Article 296 in its judgment of 16 September 1999 [3], by reiterating its previous case law [4]. It considers that it is for the Member State which wishes to invoke the exceptions of Article 296 to prove that the measures taken are necessary in order to protect essential interests of its security and that, a contrario, compliance with Community law would have compromised those interests.

The three public procurement Directives (Article 2(b) of the Supply Directive 93/36/EEC, Article 4(b) of the Works Directive 92/37/EEC and Article 4(2) of the Services Directive 92/50/EEC) do not apply to supplies, works and services, 'which are declared secret or the execution of which must be accompanied by special security measures in accordance with the laws, regulations or administrative provisions in force in the Member States concerned or when the protection of the basic interests of the Member State's security so requires.'

Although these derogations from the application of the directives do not relate to a particular field or contracting authority, and it is possible that in certain cases the non-application of public procurement award procedures as defined by the directives is justified in the case of defence contracts, the interpretation given by the Court is strict, and the exception must be justified by the contracting authority invoking it [5].

Finally, as regards the supplies mentioned by the Honourable Member, at first sight it does not seem that the acquisition of such supplies is in breach of the provisions of the public procurement Directives, either under the terms of Article 296 or in relation to the exceptions under the above-mentioned directives.

(1) Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts (OJ L 199, 9.8.1993); Council Directive 93/37/EEC of 14 June 1993, concerning the coordination of procedures for the award of public works contracts (OJ L 199, 9.8.1993); Council Directive 92/50/EEC of 18 June 1992, relating to the coordination of procedures for the award of public service contracts (OJ L 209, 24.7.1992).
(2) OJ C 29, 30.1.2001.
(3) Case 414/97, Commission of the European Communities v. Kingdom of Spain.
(4) Judgment of 15 May 1986, Johnston, 222/84.
(5) Data Processing judgment of 5 December 1989, Case 3/88.

(2001/C 350 E/149) **WRITTEN QUESTION E-1370/01**

by Caroline Jackson (PPE-DE) to the Commission

(7 May 2001)

Subject: European equestrian organisations

In 1995, 28 national equestrian bodies in Europe established a scheme to equate the level of instructors' qualifications in their sector across international boundaries: this led to the establishment of the 'international equestrian passport'. The lead body was the British Horse Society. The Association of British Riding Schools, whose qualifications are also recognised by the British Government, was not invited, consulted or involved in any of this work.

The Association of British Riding Schools now finds that only those on the British Horse Society register of instructors are eligible to apply for the international equestrian passport. The qualifications of the ABRS are not recognised. This situation means that those who have studied for such qualifications may find that their lack of recognition by the BHS poses an obstacle to their ability to obtain work in another EU country.

Does the Commission agree that the operation of this 'closed shop' by an informal grouping of European equestrian organisations may be illegal in that, without the sanction of any EU mutual recognition system, it is posing an obstacle to the free movement of labour? Does the Commission agree that the answer to this problem lies in the swift recognition by the countries operating the international equestrian passport of the examinations and qualifications of the Association of British Riding Schools, thus obviating the need for legal action?

Answer given by Mr Bolkestein on behalf of the Commission

(16 July 2001)

On the basis of the information received, the Commission is not in a position to assess the compatibility of the agreement concluded between national equestrian bodies with the Community rules on freedom of movement of persons. The Commission would like to stress however that even if there is an infringement to the Community rules on freedom of movement of persons, it is not empowered to introduce an action against private bodies before the Court of Justice. Only national courts have competence to deal with disputes between private parties in this area.

Member States which regulate the profession of horse instructors in their territory are under the obligation to examine all diplomas of horse instructors obtained in other Member States in accordance with the rules of Council Directive 89/48/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 (1) or Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC (2). Those directives have, however, not put in place a system of automatic recognition of diplomas. If the matters covered by the education and training which the migrant has received differ substantially from those covered by the diploma required in the host Member State, the host Member State's national authorities may require the migrant to take an aptitude test or to complete an adaptation period — at the choice of the migrant. It

remains open to relevant national authorities or other bodies to enter into more or less formal arrangements based on objective criteria in order to facilitate further free movement as long as these are not exclusive in character.

(1) OJ L 19, 24.1.1989.
(2) OJ L 209, 24.7.1992.

(2001/C 350 E/150) **WRITTEN QUESTION E-1373/01**

by Carlos Carnero González (PSE) to the Commission

(7 May 2001)

Subject: Store closures and mass redundancies at Marks and Spencer

Marks and Spencer has announced that it is closing down several of its stores in various European countries, including Spain (four in Madrid, two in Barcelona, and one each in Seville, Valencia, and Bilbao), and consequently making huge numbers of workers redundant.

The decision was announced without warning, the Marks and Spencer management having acted without first approaching the staff trade unions.

The company employees in the countries and stores concerned, in particular, and the public in general have reacted with amazement and indignation to a measure inimical to employment that violates the basic principle of consultation between management and labour and manifestly lies beyond the pale of the European social model.

In France, the courts have successfully intervened to prevent Marks and Spencer from implementing its decisions without any form of supervision.

The Marks and Spencer decision is absolutely reprehensible and, moreover, as the Secretary-General of ETUC, Emilio Gabaglio, has pointed out, highlights the need to build a genuinely social Europe. To that end, the EU must, as a matter of urgency, lay down effective rules on worker information and consultation to prevent large employers adopting decisions inspired by untrammelled capitalism such as the one described here.

What steps will the Commission take to defend the European social model and prevent Marks and Spencer from achieving its antisocial aims, thus ensuring that other companies of comparable size will not unhesitatingly take decisions along similar lines in the future? What kind of pressure will it exert on the Council to make it act without further delay to adopt the directive on the right of workers to be informed?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(6 July 2001)

The European Commission attaches the greatest importance to the social consequences of corporate restructuring. This was the central preoccupation of the Commission in the preparation of its proposal for a Council Directive establishing a general framework for informing and consulting employees in the European Community [1] on which political agreement on a common position was reached by the Council of Ministers on 11 June 2001.

This initiative is a key plank of the Community's response to the social problems resulting from the restructuring of enterprises.

Other measures are planned in this area, however, including the development of the concept and practice of the social responsibility of enterprises; more specific targeting of the active labour market measures, especially those financed by the European Social Fund, on the sectors and regions that bear the brunt of major restructuring operations; seeking to improve the dovetailing of competition policy and social policy and the forthcoming review of the Directive on European works councils.

(1) COM(98) 612 final.

(2001/C 350 E/151) **WRITTEN QUESTION E-1374/01**

by Graham Watson (ELDR) to the Commission

(7 May 2001)

Subject: Formal recognition of British Sign Language

There has long been a campaign for the recognition of British Sign Language. For the deaf community this is an issue of cultural and emotional as well as practical significance. In 1998 and 1988 European Parliament resolutions on sign languages for the deaf were passed, calling on the European Commission to make a proposal to the Council on the official recognition of sign languages.

Can the Commission advise what stage this proposal has reached?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(27 June 2001)

The Commission is aware of the importance of sign language for people who are deaf or have a grave hearing impairment.

In 1997, the Commission supported a far-reaching research project carried out by Bristol University (United Kingdom). The purpose of this research was to draw a precise picture of the use of sign languages in the Community and to determine the comparative status of sign language in the different Member States.

The study highlighted the fact that sign languages can achieve official status in different ways and that there are major variations between Member States in terms of their experience and provision of sign language.

British sign language is not an officially recognised language in the United Kingdom. There is no officially recognised language in the United Kingdom.

Given that the primary responsibility for action in this area rests with the Member States, there are no plans at this stage to present specific proposals on the matter.

(2001/C 350 E/152) **WRITTEN QUESTION E-1378/01**

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

(7 May 2001)

Subject: Regional fisheries organisations

In its answer to my Written Question E-0025/01 [1] the Commission admits that it does not have the human resources required to meet its external fisheries policy obligations, especially when it is called upon to represent the EU's interests and defend them as and where necessary at meetings of regional fisheries organisations (RFOs) such as ICCAT.

That being the case, and given that RFOs are vitally important for the future of the common fisheries policy, does the Commission not believe that it should increase the technical and human resources employed to defend the EU's fisheries interests within the RFOs?

Bearing in mind the importance and great economic value of highly migratory species, especially tunas and related species, and hence of the RFOs that manage them, does the Commission not consider that it should set up a specialised unit within its Fisheries DG? Does it not take the view that, if such unit were to be set up, the EU's interests could be defended far more effectively in the RFOs concerned and that, as regards negotiation of bilateral tuna fishing agreements governed by RFO rules, a permanent team of officials with the proper expertise would provide consistency and continuity in the Commission's action?

[1] OJ C 235 E, 21.8.2001, p. 93.

Answer given by Mr Fischler on behalf of the Commission

(26 June 2001)

The Commission has already stated many times that multilateral management of deep-sea fishing is a key issue for the future of the common fisheries policy.

Because the Community has exclusive jurisdiction on this matter, the growing and complex involvement of the regional fisheries organisations (RFOs) presupposes equal commitment by the Commission.

The recommendations adopted by the RFOs have been incorporated in order of priority, the greatest importance being attributed to technical and inspection measures concerning stocks of highly migratory fish.

As regards human resource allocation to the RFOs, the human resources available meant that the Commission was represented at the latest meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT) by a team of six officials who, in often difficult circumstances and by dint of great personal effort, succeeded in bringing the various negotiations to a successful conclusion. The Commission is also represented at the other RFO meetings and, subject to the number of officials available, plays a full part in the work of the standing committees, working parties and plenary meetings.

From now on a single unit will monitor all the RFOs, with the exception of a few North-East Atlantic organisations, thereby ensuring that the Commission acts with the requisite consistency and continuity within these international bodies. In addition, the new structure of the Directorate-General for Fisheries should make it possible to respond more effectively to new demands and to deal more effectively and consistently with issues such as those which the Honourable Member mentions.

(2001/C 350 E/153) **WRITTEN QUESTION E-1388/01**

by Charles Tannock (PPE-DE) to the Commission

(7 May 2001)

Subject: The Aachen hamster

Does the Commission have any information on the mysterious case of the disappearing Aachen hamster?

Answer given by Mrs Wallström on behalf of the Commission

(28 June 2001)

The Commission has been dealing for five years with the question related to the conservation of the hamster (Cricetus cricetus) in the area of Aachen. The issues arise from concerns as to the impacts of development on the protection of this species which have been brought to the attention of the Commission by the Petition case 685/96 being considered by the Petition Committee of the Parliament and by several complaints relating to development proposals.

The Honourable Member is referred to the communications [1] which the Commission has made to the Parliamentary Committee under that Petition number which provides a full account of the issue and state of play.

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[1] Last communication: PE 221.901/REV/III.

(2001/C 350 E/154) **WRITTEN QUESTION E-1389/01**

by Adriana Poli Bortone (UEN) to the Commission

(7 May 2001)

Subject: Crisis in the oriental tobacco sector in Puglia, Italy

There is crisis in the oriental tobacco sector in Salento (Puglia) due to a reduction in production quotas, which places it at a disadvantage in relation to Greek oriental tobacco in view of the higher level of Community subsidies available for the latter. This being so, does the Commission intend to take action to provide a structural solution to the problems of the tobacco sector by introducing, if only as a temporary measure, Community aid for such products linked to their quality?

Answer given by Mr Fischler on behalf of the Commission

(4 July 2001)

The present crisis for Salentini tobaccos arises in essence from the difficulty of selling them despite the reduction in their production quotas.

Greek oriental tobacco, for which there is good demand, is unaffected. It can be sold at satisfactory prices.

A structural solution to the oriental tobacco problem in Apulia is provided by the production quota buy-back mechanism designed to facilitate voluntary abandonment of tobacco-growing, introduced when the common market organisation (CMO) for raw tobacco was overhauled in 1998.

Before the 1998 changes it was also possible under the tobacco CMO to launch rural development programmes to permit redeployment to other activities in tobacco-growing regions in difficulty.

The Commission has no plans for additional quality-linked measures given that the provisions now in force already include premium modulation according to quality. Under decisions already adopted by the Council these modulation provisions have been further strengthened this year.

(2001/C 350 E/155) **WRITTEN QUESTION E-1391/01**

by Christopher Huhne (ELDR) to the Commission

(10 May 2001)

Subject: Measurement of returns on public investment

Is the Commission aware of studies undertaken to compare ex ante and ex post returns on public investment in each Member State? Will it rank each Member State in order of its public servants' prowess in accurately forecasting returns on public investment?

Answer given by Mr Solbes Mira on behalf of the Commission

(19 July 2001)

The measurement of returns on public investment is a complex issue as it involves market elements and factors which are outside the economic sphere. Political considerations play an important role. Forecasting the return on public investment appears even more difficult, and ex post assessment of its accuracy equally so. The Commission does not intend to rank national public administrations according to their forecasting capabilities.

In the case of major projects under the Structural Funds and the Cohesion Fund, the Commission insists on a cost-benefit analysis for an ex ante assessment of each project, in accordance with the relevant regulation. An ex post evaluation of 120 Cohesion Fund projects is also nearing completion. The interim conclusions of this study suggest that the results of environmental projects are broadly consistent with expectations. For a number of transport projects the forecasts were too optimistic with regard to construction time but too pessimistic as regards the traffic using the renovated sections. The ex post cost-benefit analyses show that in the end the economic rate of return on many of these projects is over 20 %.

(2001/C 350 E/156) **WRITTEN QUESTION P-1401/01**

by Hervé Novelli (PPE-DE) to the Commission

(3 May 2001)

Subject: Compulsory set-aside of 10 % of land

Since 1992, arable land has been eligible for Community per-hectare aid under a scheme including set-aside measures.

This specific scheme was retained at the time of the most recent agreement in Berlin in 1999 on the new CAP reform.

The new regulation has thus continued the downward trend in the intervention price, for which farmers receive compensation at 50 % in the form of area aid. This aid is still subject to a requirement to set aside a proportion of arable land — 10 %, or more for producers who wish to do so, within limits set by the Member States (30 % in France).

This new reform was intended to guarantee the equilibrium of the market, but the successive BSE and foot-and-mouth crises have shown the limits of the reform and have created a lasting imbalance in the marketing chain for cattle and sheep producers.

At the last European agriculture summit, in February 2000, at which no agreement was reached on reforming the beef and veal market, the Commission nevertheless accepted that the Member States could grant national aid to producers so as to compensate them for their losses due to the BSE crisis.

Do you not think it is time for the European Union to accept its responsibilities by proposing more flexible set-aside measures to enable producers either to harvest cereals produced on this land or to permit cattle or sheep to graze there?

Answer given by Mr Fischler on behalf of the Commission

(11 June 2001)

By definition, land set aside under the support scheme for arable crops cannot be used for cultivating any agricultural products except for non-food purposes or, in the case of holdings managed under the rules on organic farming, for growing legumes.

The crises affecting the sheepmeat and beef industries will not be overcome by allowing grazing on land left fallow. A better approach would be to apply suitable measures put forward under the common organisation of the markets in the sectors concerned.

The measures taken by the Commission since late 2000 have already made a significant contribution towards restoring stability on the meat market.

(2001/C 350 E/157)

WRITTEN QUESTION E-1408/01

by Benedetto Della Vedova (TDI) to the Commission

(11 May 2001)

Subject: New legal provisions concerning publishing and publishing services adopted by the Italian Parliament

The Italian Parliament has recently adopted new legal provisions regarding publishing and publishing services together with amendments to Law No 416 of 5 August 1981 (Law No 62 of 7 March 2001, published in Official Gazette No 67 of 21 March 2001).

The first paragraph of Article 1 of the new law gives a very wide definition of 'publishing services' establishing full equivalence between electronic and traditional publishing. The third paragraph establishes that all publishing services are, depending on their nature, subject to provisions of either Article 2 or Article 5 of Law No 47 of 1948 regarding printed matter and, consequently, Law No 69 of 3 February 1963. These new provisions extend the serious restrictions on freedom of expression and dissemination of ideas (compulsory registration with court authorities and supervision by a registered member of the Association of Journalists) to a large number of web publications which have to date provided a comprehensive and free source of information for Internet users.

One of the objectives of the new provisions, under Article 3 of law 62/2001 is moreover, to extend to 'electronic press organs' meeting the same conditions as those applicable to traditional publications the possibility of receiving State aids.

In addition to making information sources more accessible and pluralist, the development of electronic publishing removes the link — which still exists with regard to traditional publishing — between the place of publication/dissemination of information and the place in which it is received by users, thereby establishing the necessary bases to overcome national barriers and create a genuinely integrated European market in publishing services. In view of this, does the Commission not consider that by imposing the serious restrictions contained in Italian Laws No 47 of 8 February 1948 and No 69 of 3 February 1963 to Internet publishing activities, the new measures referred to above undermine the provisions establishing the Community internal market, in particular those prohibiting restrictions on freedom to provide services?

Does the Commission not consider also that, by granting State aids to publishers able to meet the requirements laid down in Laws No 47/1948 and No 69/1963 and imposing such binding restrictions (which do not exist elsewhere under European legislation) on Italian on-line publishers, the new rules constitute a severe distortion of competition affecting a substantial section of the Community publishing market?

Answer given by Mr Bolkestein on behalf of the Commission

(23 July 2001)

Although there is no specific harmonisation of electronic publishing at Commuity level, it represents an 'information society service' in that it is provided remotely and electronically and at the request of a recipient of services. It is thus as a rule covered by the directive on electronic commerce [1], which is based on the principle of the country of establishment of on-line operators.

In view of the major implications in cross-border terms, this particular field is carefully monitored by the Commission. In particular, the Commission will continue to heed the parties involved and especially operators who, because they are established in Italy, are subject to the new Italian rules, in order to ensure that there is full respect for freedom of movement within the internal market and especially the free movement of on-line services, to which the Honourable Member refers.

In accordance with the case law of the Court of Justice [2], restrictions on the exercice of economic activities with regard to the freedom of establishment (Article 43 (ex Article 52) of the EC Treaty) and the free movement of services (Article 49 (ex Article 59)) — which are basic freedoms that must be directly applied in the national legislation of the Member States — must satisfy four conditions if they are to comply with the requirements of the EC Treaty.

I.e.:

— they must be applied in a non-discriminatory manner;

— they must be justified by imperative requirements in the general interest;

— they must be suitable for securing the attainment of the objective which they pursue;

— they must not go beyond what is necessary in order to attain it.

The interpretation and practical application of the new legislation by the Italian authorities will make it possible to obtain a reasonable picture of its actual scope as far as the requirements of need and proportionality laid down by the EC Treaty are concerned.

It will also be possible to make an analysis in connection with the new Internal Market Strategy for Services, recently launched by the Commission [3].

As for the State aids which the Honourable Member mentions, the Commission has no knowledge of any new aid facility for certain publishers.

[1] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178, 17.7.2000).
[2] See judgement of 9.3.1999 in case C-212/97.
[3] COM(2000) 888 final.

(2001/C 350 E/158) **WRITTEN QUESTION P-1411/01**

by Cecilia Malmström (ELDR) to the Commission

(3 May 2001)

Subject: State for European political youth organisations

The Commission has recently tabled a proposal for a Council Regulation on statutes for and financing of European political parties, COM(2000) 898, based on article 191 of the Treaty. The proposal, which deals with the concrete way in which party administration and activities are to be financed, also calls for a Statute on European political parties.

Article 191 TEU refers to political parties at European level as an important factor for integration within the Union, as well as contributing to forming a European awareness and to expressing the political will of the citizens of the Union.

In its proposal, the Commission refers to the lack of legal base for the current funding of parties, and also mentions the important role that will be played by European parties with a view to the upcoming enlargement and the next European elections. It should not be forgotten that political youth organisations are often even further ahead than their mother parties in creating contacts with young people involved in political life in the candidate countries. A lot of important work, in particular related to forming new ideas on European integration and the future of the European project, is done by political youth organisations at European level. The major party federations connected to the political groups in the European Parliament have had youth movements for many years already, of which ECOSY (PSE), YEPP (PPE) and LYMEC (ELDR) may be the most well-known.

The European political youth organisations are currently entitled to apply for funding from budget line A-3029 in the general budget of the European Commission. The same budget line applies to all other, non-political, youth organisations that are members of the European Youth Forum. As do the European political parties, several political youth organisations also receive funds directly out of the budgets of the parliamentary groups, and thus from the European Parliament. Considering the criticism expressed by the Court of Auditors in relation to the political parties, there may also be a lack of legal base for parliamentary groups to provide youth organisations with funds for overheads and projects.

As mentioned by the Commission, transparency in the financing of political parties is of great importance. However, in a situation where political parties would be entitled to funding out of the general EU budget, it may well be that parties would devote parts of their budgets to youth movements, most of which are independent legal persons. This would not contribute to increased transparency. The most effective and transparent solution in this respect may be to set up a statute for, as well as a system for direct financing of, political youth organisations at European level.

Considering this, would the Commission be ready to put forward a proposal concerning a statute and funding for European youth organisations?

Answer given by Mrs Reding on behalf of the Commission

(29 June 2001)

1. The Commission is aware of the importance of the activities of political youth organisations in connection with European integration.

2. As mentioned by the Honourable Member, these organisations are eligible for financial assistance under budget line A-3029 [1] of the Commission's general budget provided that, in the same way as other types of organisation, they meet the conditions and criteria set out in the annual call for proposals published in the Official Journal [2].

The funding provided in this connection relates to the organisations' operating expenses and may not exceed 50 % of this expenditure. In addition, as stated in the comments on Article A-302, the organisations concerned must be in receipt of at least 20 % cofinancing from sources other than the Commission's budget.

The financing arrangements are transparent. The organisations are obliged to declare the Community financial support they receive, and also in future any Community funding they may receive via the financing of political parties.

3. The proposal for a Council Regulation on the statute and funding of European political partie is currently being discussed in the Council. Given the transparency of the current arrangements, the Commission does not at this stage see any need to submit a proposal of the same kind concerning European political youth organisations.

[1] The appropriation under budget line A-3029 is intended to cover the provision of funding to international non-governmental youth organisations working in a European context.
[2] OJ C 11, 13.1.2001, for the 2001 financial year.

(2001/C 350 E/159) **WRITTEN QUESTION E-1414/01**

by Theresa Villiers (PPE-DE) to the Commission

(14 May 2001)

Subject: Fiscal State aids

In a statement on 23 February 2000 (IP/00/182) Commissioner Mario Monti said that he had instructed the Commission's Competition Department 'to examine all the relevant cases of fiscal State aids in business taxation, so as to allow the Commission to comply fully and promptly with its own institutional obligations, also on the basis of the Commission notice on the application of the State aid rules to measures relating to direct business taxation of 11 November 1998'.

1. Could the Commission please explain what action it has taken so far to examine relevant cases of fiscal State aids in business taxation?

2. Has the Commission identified any cases where fiscal State aids have been put into effect in breach of the State aid rules of the Community and, if so, what action has the Commission taken?

3. Could the Commission provide a breakdown of the number of cases by Member State?

4. Does the Commission have any plans to amend or update the 'Communication on the application of the State Aid rules to measures relating to direct business taxation' (SEC(1998) 1800)?

Answer given by Mr Monti on behalf of the Commission

(20 July 2001)

In line with its obligations under the EC Treaty, the Commission investigates and evaluates permanently new and existing State Aid measures, including those granted in the form of fiscal aid, pursuant to Article 88 (ex Article 93) of the EC Treaty. As part of this permanent task, it has started to also scrutinise all the tax measures that the Code of Conduct Group reported to the Ecofin Council on 29 November 1999.

In this respect the Commission decided on 11 July 2001 to launch aid investigations under Article 88(2) of the EC Treaty for 11 corporation tax schemes in 8 Member States and to ask to put an end to existing fiscal advantages, under Article 88.1 of the Treaty, to four Member States. These schemes are no longer justified following the higher degree of integration of member States economies due to the completion of the Single Market, the liberalisation of capital movements and the establishment of economic and monetary union.

The Commission will continue to scrutinise tax systems in all Member States and it cannot be excluded that State aid investigations similar to the present, will have to be opened in future.

The Commission is currently evaluating the experience gained in implementing the Communication on the application of the State Aid rules to measures relating to direct business taxation in order to have a basis for the possible up-dating of this notice.

(2001/C 350 E/160) **WRITTEN QUESTION E-1417/01**

by Robert Goebbels (PSE) to the Commission

(14 May 2001)

Subject: Award of public contracts

On 24 August 1996 a call for tenders (No 96/S 163-97283/FR) was issued by the Commission and published in the Official Journal of the European Communities for the award of a contract in respect of removal, transport and handling services.

The contract was awarded to an Italian company. However, it now transpires that the company does not have a valid authorisation to operate in Luxembourg, which was one of the preconditions. It is therefore understandable that many of the candidates who did meet all the requirements should feel that the decision was unfair to them.

Can the Commission answer the following:

— Do the relevant Commission services check whether bidders meet all the requirements?

— What measures can the Commission normally take when it is established after the event that a bidder does not meet one or more requirements?

Answer given by Mr Kinnock on behalf of the Commission

(18 July 2001)

In accordance with applicable rules on public contracts, when proposals are analysed following a call for tender the Commission checks that the tenderers meet all relevant financial, professional and technical requirements. Once selected according to established selection criteria, the contractor is obliged to respect the legislation of the country in which he operates.

In the case referred to by the Honourable Member, the contract stipulates that 'the Contractor commits himself to observing the provisions in force in employment legislation applicable in Luxembourg'. At the beginning of the implementation of the contract, the Commission noted certain difficulties on the part of the Contractor and it took the necessary steps, in agreement with relevant authorities in Luxembourg, to remedy this situation (registration in the trade register, VAT registration).

If it is found that the contractor has not fulfilled his obligations, the Commission will terminate the contract.

(2001/C 350 E/161) **WRITTEN QUESTION E-1421/01**

by Cristiana Muscardini (UEN) to the Commission

(17 May 2001)

Subject: Organised crime and the exploitation of animals

A report drawn up by LAV (the Italian Anti-Vivisection League) paints a disturbing picture of the exploitation of animals (dog fights, illegal horse-racing, trading in exotic animal species, etc) which in Italy alone brings in around Lit 5 thousand billion annually for criminal organisations.

In view of the lack of provisions to restrict and stop this phenomenon, can the Commission say whether it is at least aware of it?

If it is, can it offer any explanations concerning the steps it intends to take to combat it?

How does it intend to justify its long silence on the subject, which in effect leaves criminal organisations free to operate undisturbed?

Does it not consider that stricter checks on stock farms, kennels and frontiers, as regards trafficking in exotic animals, might constitute an initial response to those who exploit animals as a form of illegal business?

Answer given by Mr Byrne on behalf of the Commission

(20 July 2001)

The Commission is not aware of the report mentioned by the Honourable Member.

As far as the protection of animals is concerned, the competences of the Community are limited to certain areas that do not cover all the activities mentioned in the question of the Honourable Member. Cruelty to animals involved in dog fighting or illegal horseracing is a domain that falls under the sole responsibility of the Member States.

In addition, it should be noted that, when the Community competences cover an activity such as the protection of endangered species, the role of the Commission is primarily to secure the adoption of appropriate legislation and ensure its application by Member States. Member States are responsible for the day-to-day enforcement of Community legislation.

(2001/C 350 E/162)

WRITTEN QUESTION E-1422/01

by Cristiana Muscardini (UEN) to the Commission

(17 May 2001)

Subject: Hydrogen — a new energy source

Hydrogen is increasingly replacing petroleum as an energy source. In some European cities the authorities are starting to set up facilities to allow hydrogen to be used for public transport and, in some cases, for private vehicles. Hydrogen produced from methane could constitute the transition from the age of petrol to that of completely clean hydrogen. Laboratories and research centres all over the world are already studying new technologies for producing this new fuel. It is generally thought that the European institutions have been more concerned with carrying out research into the impact on health of gases produced by petrol (i.e. the health costs of pollution) and have done little to encourage research into or exploitation of this new energy source.

Is the Commission acquainted with the results of research into the use of hydrogen in the field of transport?

Does it intend to take any steps to promote the production and distribution of hydrogen for use in transport?

Does it not consider it appropriate to promote a policy to encourage the use of this new technology, not least in order to release Europe from its slavish dependence on oil, thereby helping to reduce the risks of atmospheric pollution and safeguarding public health?

Answer given by Mrs de Palacio on behalf of the Commission

(16 July 2001)

For many years the Commission has acknowledged the potential for switching from energy produced from fossil fuels (coal, oil, natural gas) to hydrogen for transport and for heat and power production. Hydrogen, especially when produced from renewable or nuclear energy sources, could at one and the same time address problems of air quality, greenhouse gas emissions, energy supply security, oil dependence and noise pollution.

Consequently, ever since the First Community framework programme for Research and Technological Development (RTD), a significant number of projects have dealt with producing and storing hydrogen or developing fuel cells (to convert hydrogen into electricity). The Non-Nuclear Energy Programme under the Fifth Community framework programme for Research and Technological Development (1999-2002) dedicated a significant proportion of its funding to research and demonstration projects relating to hydrogen technology particularly in association with fuel cells. To date, the Commission's financial support under the Fifth RTD framework programme amounts to more than € 85 million, the bulk of which has been granted to projects for fuels cells, hydrogen production and storage, hydrogen-powered vehicles and other major heat and power production projects. The Commission is currently negotiating a contract with 10 European cities to introduce hydrogen as an alternative fuel for public transport [1]. Thirty fuel cell buses will run on hydrogen generated locally from a variety of sources, with half supplied from renewable energy and green electricity. This is no doubt the project involving European cities to which the Honourable Member's question refers.

With the goal of better integrating and structuring the European Research Area, the new research policy plans to focus on priority areas. Accordingly, the Commission's recent proposal for a new RTD framework programme [2] deals specifically with fuels cells and hydrogen technology.

Following the publication of the Green Paper on the security of energy supply ([3]), the debate on the selection of alternative fuels, including hydrogen, has also now been initiated. In addition, the Commission is currently drawing up a communication on alternative fuels and vehicles in which hydrogen will have a prime role.

([1]) The cities taking part in the CUTE (Clean Urban Transport in Europe) and ECTOS projects are: Amsterdam, Barcelona, Hamburg, London, Luxembourg, Madrid, Porto, Reykjavik, Stockholm and Stuttgart.
([2]) COM(2001) 94 final.
([3]) COM(2000) 769 final.

(2001/C 350 E/163) **WRITTEN QUESTION E-1423/01**

by Cristiana Muscardini (UEN) to the Commission

(17 May 2001)

Subject: Immigration and integration

It was recently reported that the German Government has drafted a law designed to introduce courses in German and make them compulsory for people from outside the Community. The law apparently makes provision for sanctions if people fail to learn the language. In the most serious cases the sanctions may entail deportation.

Once again an EU country has acted independently from the other Member States in the field of immigration, demonstrating that we are still far from having a joint policy for tackling the real implications of the issue.

1. Has the Commission examined the German draft law to assess whether it is compatible with European legislation on immigration?

2. Does it have plans to take action aimed at treating the phenomenon as a European one and introducing a unified policy for dealing with it, determining precisely the cases in which expulsion is necessary?

3. Does it not consider that the German approach, with the appropriate adjustments, is likely to integrate those non-Community citizens who decide to live in Europe and could enrich the Union if they were not forced to live on the margins of society?

4. Does it not consider it appropriate to introduce a policy of allocating residence permits which depends not only on the behaviour of immigrants but also on whether they actually learn the language of the host country?

Answer given by Mr Vitorino on behalf of the Commission

(27 July 2001)

With respect to the Commission's proposals for a new and comprehensive approach to the management of migration flows and in particular for a common policy on immigration, the Honourable Member is referred to the Commission's reply to Written Question E-1273/01 by Mr Hernández Mollar ([1]).

The Commission is aware that the German government is currently re-examining its immigration laws and informal discussions have taken place with representatives of the Federal Republic, as with all Member States, with respect to the draft directive on admission of third country nationals for employment ([2]). The Commission cannot, however, comment on the provisions of the draft German law referred to by the Honourable Member.

With respect to the integration of migrants, the common legal framework is expected to concern inter alia the rights to be granted to migrants admitted and other matters which must be notified to the Commission. It is intended that an open method of coordination for the Community immigration policy ([3]) will provide a mechanism for the evaluation of best practice and the gradual establishment of common norms and standards in the area of integration, as in other aspects of immigration policy.

While knowledge of the language of the country of residence is clearly an important element in the successful integration of third country nationals, the responsibility for integration policy lies with the Member State, since it must reflect the particular national situation.

(1) See page 108.
(2) Proposal for a directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employment economic activities COM(2001) 386 of 12 July 2001.
(3) Communication from the Commission on an open method of coordination for the Community immigration policy (COM(2001) 387 of 12 July 2001.

(2001/C 350 E/164) **WRITTEN QUESTION E-1424/01**

by Cristiana Muscardini (UEN) to the Commission

(17 May 2001)

Subject: Freedom to engage in sports professions

As the Commission knows, Italians qualified as 'sports technicians' cannot work as such unless they are registered with CONI (1), since their profession is not regulated. Since Italy has not transposed Directive 92/51/EEC (2) of 18 June 1992 on a second general system for the recognition of professional education and training, the Commission has initiated infringement proceedings. In view of CONI's monopoly and until the legal and social implications of the situation are clarified, tens of thousands of sports technicians are working unofficially, i.e. illegally, but openly. Outside CONI there is no legal recognition of sport as a profession.

Is this situation compatible with the smooth functioning of the internal market in the sports sector? In other words, is there any justification for the existence on this market of a 'no man's land' as far as the exercise of certain professions is concerned? Even though recognition is up to the national authorities, does not the impossibility of exercising the profession interfere with the functioning of the market?

If a 'sports technician' from outside the Community can be authorised to work as such in Italy, what justification is there for preventing an Italian national from doing the same?

Sport, especially in certain sectors such as football, is now a great economic investment. If the activity is legally recognised by only one body, does this not constitute a monopoly?

If it does, is the existence of monopolies in the Union acceptable, even if only in the sector of sport, which incidentally has a turnover of thousands of billions of lire each year?

(1) CONI: Italian National Olympic Committee.
(2) OJ L 209, 24.7.1992, p. 25.

Answer given by M. Bolkestein on behalf of the Commission

(5 July 2001)

As the Commission stated in its answer to Written Question E-3976/00 (1), in accordance with Article 149 (ex-Article 126) of the EC Treaty, the Member States are responsible for the content of teaching and the organisation of their education systems. Each Member State is thus free to choose whether to regulate a profession on its territory, to set out the arrangements for this and to determine the level and type of diploma required to exercise it. The Commission cannot intervene in this area, which is the sole responsibility of the Member States. Consequently, the fact that a profession such as 'sports technician' in Italy is not regulated and the fact that professional sport is placed under the aegis of CONI are not in themselves incompatible with the proper functioning of the internal market.

As regards the situation of sports technicians from non-Member countries and Italian sports technicians, I would refer the Honourable Member of Parliament to the answer given to Written Question E-3976/00.

(1) OJ C 174 E, 19.6.2001, p. 205.

(2001/C 350 E/165) **WRITTEN QUESTION P-1432/01**

by Monica Frassoni (Verts/ALE) to the Commission

(11 May 2001)

Subject: Is Arenas — golf courses remain open despite reasoned opinion

On 9 February the European Commission issued a reasoned opinion on failure to apply the Habitats Directive (92/43) at the Is Arenas resort in Narbolia (Sardinia), where a golf course was built without any appropriate environmental impact assessment being carried out. Although the deadline for complying with the provisions of the reasoned opinion has expired, the course is regularly open on Wednesdays, Saturdays and Sundays, according to the statement made by Pier Maria Pellò, the Is Arenas company's administrator, to the monthly 'La Gazetta Sarda' (March 2001 issue). The Is Arenas company advertises the golf course as being 'open all year round, every day, including Monday' and regularly hosts 17 golf tournaments from May to the end of the year [http://www.isarenas.it].

The property company's website advertises the following amenities as already available: 18-hole golf course, par 72; 3-hole course, par 3 executive and training course; club house with restaurant; fully equipped changing rooms.

As regards watering arrangements for the golf course, the company has apparently built 24 artesian wells, all inside the Is Arenas SIC (site of community interest) ITB002228, by drilling to a depth of over 200 metres without any meters being installed to keep a check on water extraction.

The same reasoned opinion confirms that there is a serious risk of groundwater pollution both through salination, which the property company itself recognises as having already begun, and through the pesticides and chemical fertilisers used to maintain the grass surface, which are posing a threat to the site as a whole and the three priority habitats within it.

Does the Commission not consider it necessary to close down these golf courses in order to preserve this 'site of community interest' from irreversible degradation?

What measures does the Commission intend to take to remedy the environmental damage caused by deforestation, the building of the golf resort and water extraction?

What measures does it intend to take to ensure that the public authorities responsible for granting permission to build the golf amenities (Sardinia Region and Narbolia municipality) reverse their decision (municipal building authorisations of 25 February and 21 May 1999 and regional resolution 899 of 14 April 2000)?

Answer given by Mrs Wallström on behalf of the Commission

(20 June 2001)

The information mentioned by the Honourable Member concerns a situation which is covered by an open infringement procedure under Article 226 (ex-Article 169) of the EC Treaty. The contents of infringment procedures are confidential. The response of the Italian authorities to the reasoned opinion mentioned by the Honourable Member is currently under the assessment of the Commission.

The Commission has no power to issue orders to national administrations of Member States. Where the Commission considers that a Member State has failed to comply with Community law, it may start infringement procedures: it may formally request the Member State to communicate information and observations on a certain case (letter of formal notice), it may deliver as its reasoned opinion that a certain Member State has failed to comply with its obligations under the EC Treaty and it may bring the case

before the Court of Justice. However, even judgements of the Court of Justice only state whether there has been an infringement. The Court of Justice can neither annul a national provision which is incompatible with Community law, nor force a national administration to respond to the request of an individual, nor order a Member State to pay damages to an individual adversely affected by an infringement of Community law. Only national courts can issue orders to administrative bodies and annul a national decision. It is also only national courts which have the power, where appropriate, to order a Member State to make good the loss sustained by individuals as a result of the infringement of Community law attributable to it.

As regards questions concerning environmental damage, the Honourable Member is kindly requested to refer to the reply to her Written Question E-1038/2000 [1].

[1] OJ C 89 E, 20.3.2001.

(2001/C 350 E/166) **WRITTEN QUESTION E-1438/01**

**by Antonios Trakatellis (PPE-DE)
and Giorgos Dimitrakopoulos (PPE-DE) to the Commission**

(17 May 2001)

Subject: Migratory flows to Greece and protecting the external borders

Given that Greece faces particular problems in protecting its borders which are also the external borders of the Union, mainly owing to its special geographical features, and given also that the EU has adopted a series of measures and policies on asylum, illegal immigration and the crossing of its external borders,

will the Commission say:

1. What implementing measures and actions has Greece taken within the EU framework to protect its borders, to manage migratory flows effectively and to prevent illegal immigration?

2. What amount of appropriations has Greece taken up from EU budget funds in 1997, 1998, 1999 and 2000 to cover the cost of protecting borders, transferring technology and actions to prevent illegal immigration and repatriation (expulsion)?

3. What amount of appropriations have been made available to Greece in the field of justice and internal affairs to integrate refugees and for asylum and refugee policy on the basis of the European Refugee Fund [1] and other EU programmes, such as Odysseus [2], and what actions are covered by these appropriations?

4. What official information is available concerning refugee, asylum, immigration and illegal immigration and naturalisation figures in Greece?

[1] OJ L 252, 6.10.2000, p. 12.
[2] OJ L 99, 31.3.1998, p. 2.

Answer given by Mr Vitorino on behalf of the Commission

(6 July 2001)

1. In December 1999, following visits to inspect controls at land and sea borders, the Council decided that the Schengen acquis was to be fully implemented in Greece with effect from 1 January 2000 and planned a further observation visit during 2000.

The experts who carried out the visit found that the control procedures were generally adapted to Schengen requirements, pointing out that improvements had been made in terms of the number of staff and facilities. They recommended that that the Greek authorities harmonise training programmes and continue to take measures to question and remove illegal aliens.

2. In the years 1997, 1998, 1999 and 2000 Greece has taken up the following appropriations:

— Budget line B3-4113 (integration) total of € 2 757 395, budget line B5-803 (reception) total of € 2 957 799 and budget line B7-6008 (voluntary repatriation) total of € 1 660 663.

— The relevant amounts were spent on projects for the integration, reception and voluntary repatriation of refugees and asylum seekers. A total of 26 projects were implemented comprising, in the case of integration, activities such as accommodation, counselling, training, career guidance, advocacy and in the case of reception improvements to or creation of reception centres, the provision of legal, counselling and social/psychological support services. Projects under the budget line for repatriation included activities such as vocational training, legal advice and counselling, assistance with return, creation of small businesses and job placement.

— Under the Odysseus programme € 275 000 was granted in 1998, € 248 399 in 1999 and € 106 770 in 2000.

— A total of seven projects were implemented covering actions such as training seminars on the control and surveillance of external borders and on combating illegal immigration, or action for the defence of human rights of refugee/asylum seekers.

3. In the context of the European Refugee Fund (ERF) Greece's 2000 and 2001 programmes were approved in March 2001. The relevant ERF contribution amounts to € 652 057,17 and € 629 043,03 respectively and aims at supporting Greece's efforts relating mainly to conditions for reception and the integration of persons whose stay in Greece is of a lasting and/or stable nature. Projects are under the selection process under the management of the Ministry for Health and Welfare at present.

4. According to Community statistics in 1997, 1998, 1999 and 2000 respectively 4 376, 2 953, 1 528 and 3 083 persons applied for asylum in Greece. In the same period, the Greek authorities accorded Geneva Convention status to a total of 654 persons.

Greece reported a total of 22 078 immigrants in 1997 and 12 630 in 1998.

A total of 930 persons acquired Greek citizenship in 1997, with 807 acquisitions being reported for 1998.

Data on immigration and acquisition of citizenship are not currently available for 1999 and 2000.

The Greek authorities consider all data provided to the Commission which could give indications about the scale of illegal immigration, such as figures on apprehended aliens illegally present at the Greek borders, as confidential

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(2001/C 350 E/167) **WRITTEN QUESTION E-1439/01**

by Hedwig Keppelhoff-Wiechert (PPE-DE), Jean-Louis Bourlanges (PPE-DE) and Jan Mulder (ELDR) to the Commission

(17 May 2001)

Subject: SOS countryside telephone service

The consequences of the present crises in the farming sector, with outbreaks of BSE and foot-and-mouth disease in several Member States, have put an enormous strain on the farming community.

Under budget line B3-301 (Information Outlets), SOS countryside telephone services are eligible for EU funding. In the past this telephone service has proved helpful in helping people in the countryside coping with the consequences of, among other matters, disease outbreaks.

From the year 2000 onwards, Commission services have refused to implement the funding provision for these services, notwithstanding the fact that the Budgetary Authority explicitly put this activity into the budget.

In view of the present circumstances in the farming sector, is the Commission intending to implement the clear will of the Budgetary Authority?

Answer given by Mr Prodi on behalf of the Commission

(27 July 2001)

Budget chapter B3-30, which includes line B3-301 (Information Outlets), is intended to fund information and communication measures.

Under this policy, the Commission has set up a telephone service called Europe Direct, which provides useful information. Naturally, it is also aimed at members of the farming community who can use it to obtain information of general interest.

The Commission also funds the Rural Information and Promotion Carrefours, which currently have 130 members. The Carrefours are relays funded by the Commission, with which they have signed an agreement, and are run by host organisations active in the rural community, such as Chambers of Agriculture, development agencies and local government bodies. They can be found in all the regions of Europe, are open to everyone and receive regular documentary information and training from the Commission so as to be in a position to inform farmers on matters of interest.

The Commission believes that information activities are sufficiently covered by these two structures.

Between 1996 and 1999, under budget line B2-5122 (Enhancing Public Awareness of the Common Agricultural Policy), the Commission funded the activities of the Enfsos network, which provides social assistance. Ever since the budget for the year 2000, information activities concerning the CAP have been financed under budget line B1-382 under Council Regulation (EC) No 814/2000 of 17 April 2000 on information measures relating to the common agricultural policy [1]. Social activities are not included within this framework. This aspect of social assistance, which is not covered by the abovementioned structures, may not be funded under line B3-301, as it falls neither under information nor communication.

The Members of the Commission responsible for agriculture and the budget have already explained this situation in their letters to Mr Mulder dated 27 July 2000 and 19 October 2000. These letters suggested looking into funding this type of activity under rural development programmes run by the regional and local authorities or within the framework of the Leader Community initiative.

The Member of the Commission responsible for the budget also drew Parliament's attention to this point in her letter of 1 December 2000 to Mr Wynn, the Chairman of the Committee on Budgets, concerning the implementing problems regarding the 2001 budget procedure.

[1] OJ L 100, 20.4.2000.

(2001/C 350 E/168) **WRITTEN QUESTION E-1440/01**

by Mary Banotti (PPE-DE) to the Commission

(17 May 2001)

Subject: Magazine prices in Member States

Given the present situation where costs incurred for magazines published in Britain and sold in Ireland are all quoted in sterling, can the Commission inform me if it is legitimate for magazine costs to differ quite radically, apart from postage costs, when magazines are sold and distributed in another Member State?

Answer given by Mr Monti on behalf of the Commission

(20 July 2001)

Concerning variations of prices for magazines between Member States, a number of reasons may justify such price differences. Substantial cost differences may occur for example due to different distribution schemes, shipping costs, tax regimes, etc.

Accordingly, different prices cannot a priori be regarded as unjustified and cases must be looked at according to the specific circumstances prevailing.

Pricing practices for magazines have been dealt with in the past in some instances under EC competition law procedures. In one case the Court of Justice concluded that in the context of a selective distribution system for newspapers and periodicals which affects trade between Member States, a requirement that fixed prices must be respected renders that system incompatible with Article 81(1). However, the Commission may, in considering an application for exemption under Article 81(3), examine whether, in a particular case, such an element of a distribution system may be justified [1].

The Commission will keep these elements in mind when considering cases in this area which may be brought to its attention.

[1] Judgment of the Court of Justice of 3 July 1985, SA Binon & Cie v. SA Agence et messageries de la presse, Case 243/83, ECR 1985 p. 2015.

(2001/C 350 E/169) **WRITTEN QUESTION E-1441/01**

by Mary Banotti (PPE-DE) to the Commission

(17 May 2001)

Subject: Recognition of diplomas

What progress if any has been made to improve the recognition of teaching diplomas within the EU and in particular the mutual recognition of diplomas for music teachers within the Union?

Answer given by Mr Bolkestein on behalf of the Commission

(20 July 2001)

The recognition of teaching diplomas is governed by Council Directive 89/48/ECC 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 [1] and Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC [2]. The General System applies across a wide range of professions requiring various levels of qualifications, including teachers. The General System provides that nationals from one Member State have the right to exercise in another Member State a profession for which they are fully qualified in their Member State of origin. The recognition under the Directives is not automatic, as the host Member State may impose on the migrant a compensation measure (an adaptation period or a test) when there are substantial differences between the migrant's education and training and the education and training required in the host Member State. Under the Directives, Member States must communicate to the Commission every two years a report on the application of the Directives. From these reports, it emerges that teachers represent one of the largest professional groups to have benefited from the Directives. In the years 1991-1994, over 5 000 teachers obtained recognition under the General System. For further details, the Commission would refer the Honourable Member to its reports to the Parliament and the Council on the state of application of the General System Directives [3]. The statistic reports for the years 1997-1998 show 2 431 decisions of recognition of teaching diplomas. Out of these, 2 158 were granted without compensation measures. The most recent statistic reports (for 10 Member States +3 European Economic Area (EEA) countries) indicate that in the years 1999-2000, 2 031 teachers were granted recognition under the General System, in 1 850 cases with no compensation measures. The Commission does not have specific data on music teachers, as the professional group of teachers is not broken down into sub-divisions. At all events, the Commission is not aware of any general problem having arisen with respect to this category of teachers.

The Commission has initiated infringement proceedings against France and Germany for non compliance with the Directive as regards the recognition of teaching diplomas. All the proceedings have been closed further to the adoption by the Member States concerned of the appropriate changes in their legislation and/or administrative practice.

From a legislative standpoint, the operation of the general system has been improved by the adoption on 26 February 2001 of the Simpler Legislation for the Internal Market (SLIM) Directive [4] which has introduced the obligation for the host Member State to take into consideration, during the examination of the request for recognition, the experience which the individual has gained after obtaining a diploma. At the same time, the Commission is just now launching a public consultation to prepare for a new Directive on the mutual recognition of professional qualifications. The Commission has a proposal for a more uniform, transparent and flexible regime for professional recognition programmed for adoption before the Spring European Council in 2002.

[1] OJ L 19, 24.1.1989.
[2] OJ L 209, 24.7.1992.
[3] COM(96) 46 final and COM(2000) 17 final.
[4] Directive 2001/19/CE (n'est pas encore publié) of the Parliament and of the Council amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (OJ C 28, 26.1.1998).

(2001/C 350 E/170) **WRITTEN QUESTION E-1452/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(17 May 2001)

Subject: Labour leasing agencies

The Greek General Confederation of Labour has complained that agencies leasing workers to businesses have mushroomed recently in Greece. The agencies act as intermediaries between the companies and the workers, hiring workers on behalf of the final employer on whose premises they will work. In other words, they 'loan' or 'lease' workers to companies, usually without paying the workers their social security or their rightful pay, and without the job rights established by other workers in the company.

Since such terms of employment result in a permanent squeeze on workers' incomes as a whole and undermine their job rights, does the Commission consider that there is a need for Community provisions to safeguard workers against such practices? Does the Commission know whether this development has also occurred in other Member States?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(18 July 2001)

In view of the growth in temporary work, the Commission proposed a directive as early as 1982 to create a framework for this employment model, which is rapidly becoming popular in Europe. This proposal, which was amended in 1984 [1], was never adopted. While the Directive [2] on the health and safety of temporary workers was adopted in 1991, two other more general proposals concerning atypical work (covering part-time work and fixed-term contracts) came to nothing. Following this failure, discussions with the social partners at European level were begun in 1995 concerning the flexibility of working hours and the safety of workers. The social partners agreed to negotiate on this issue but to do so by separating the various subjects, which led to a framework agreement implemented by the adoption of a Directive on part-time work in 1997 [3] and a Directive on fixed-term work in 1999 [4]. Finally, in May 2000, the social partners decided to open negotiations on temporary work. Unfortunately, one year later, on 21 May 2001,

they had to acknowledge that they were unable to reach an agreement. In accordance with Article 138 (ex Article 118a) of the EC Treaty, the Commission could make use of its power of initiative and submit a proposal for a Directive on working conditions for temporary workers to the European Parliament and the Council in the next few months.

(1) Amended proposal for a Council Directive concerning the supply of workers by temporary employment businesses and fixed-duration contracts of employment (OJ C 133, 21.5.1984).
(2) Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship (OJ L 206, 29.7.1991).
(3) Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE (OJ C 14, 20.1.1998).
(4) Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ L 175, 10.7.1999).

(2001/C 350 E/171) **WRITTEN QUESTION E-1453/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(17 May 2001)

Subject: Record of industrial accidents and occupational diseases

Despite the fact that funding has been provided under the second Community Support Framework, Greece is the only country in the European Union which does not have a reliable system of recording industrial accidents and occupational diseases, making it extremely difficult for the government to intervene on health and safety issues. At the present time, industrial accidents and occupational diseases are recorded by only one social security agency, the IKA (Social Security Institution), and only in respect of its own contributors who total some 45 % of the labour force. Moreover, there are no records of occupational diseases.

What steps will the Commission take, in co-operation with the competent Greek authorities, to enable Greece to acquire a reliable system of recording industrial accidents and occupational diseases?

Answer given by Mr Solbes Mira on behalf of the Commission

(24 July 2001)

The Commission shares the Honourable Member's concern about the need for reliable recording of industrial accidents and occupational diseases in the Community.

Since 1990, the Commission, the Statistical Office of the European Communities (Eurostat) and the Employment and Social Affairs Directorate-General, have been working together with the Member States under a 'gentlemen's agreement' on the harmonisation of European Statistics on Accidents at Work (ESAW Project) (1) and European Occupational Diseases Statistics (EODS Project) (2). The aim of this work is to harmonise the criteria and methodologies to be used for recording data on industrial accidents and occupational diseases.

Under Article 9(1)(c) and (d) of the framework Directive (89/391/EEC (3)), the employer must 'keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days' and 'draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers'. ESAW data (accidents involving the loss of more than three days' work or fatal accidents) are currently available for the period 1993-1998 and include information on the economic activity and size of the business, the age, sex, nationality, occupation and employment status of the victim, the nature of the injury and the part of the body concerned, the geographical location, the date and time of the accident and the consequences of the accident, i.e. number of days lost, permanent incapacity or death. A final set of variables permitting the identification and investigation of the causes of industrial accidents and the circumstances in which they took place has now

been introduced with a view to promoting an active policy for the prevention of industrial accidents at European level (Phase III). Phase III data will gradually become available for the reference years 2001 to 2004.

Under the EODS project, work has started on the basis of a pilot project on cases recognised in 1995 involving 31 items in the schedule of occupational diseases drawn up by the Commission in Recommendation 90/326/EEC of 22 May 1990 [4]. Taking account of the findings of this pilot project, the methodology for an initial EODS phase developed by the FIOH [5] has just been completed. It comprises the following variables: Member State, age, sex, occupation on the date of exposure, economic activity of the business on the date of exposure, medical diagnosis, causal agent, product containing the causal agent (if chemical or biological), seriousness (temporary or permanent incapacity) and the year in which the first case was recognised and the seriousness of the case in question. Phase I of data collection for the EODS project will begin in 2001 and will concern the cases of occupational disease recognised for the first time and all deaths resulting from an occupational disease during the year.

As for the situation in Greece, a distinction must be made between statistics on industrial accidents and statistics on occupational diseases.

In the case of industrial accidents, in the field covered by the IKA [6] the data are collected and are available at national level. They are also sent to Eurostat in accordance with the ESAW methodology and included in the European data. The IKA, the Ministry of Labour and the national statistical institute collaborate on the coding and forwarding of the ESAW data and on preparing the implementation of Phase III in Greece. Two problems are still unsolved but they are duly taken into account and corrected under the ESAW methodology. In the field covered by the IKA, only some of the industrial accidents resulting in the loss of more than three working days are declared. According to the IKA, 39 % of accidents are declared. This is comparable to the level in Denmark, Ireland or the United Kingdom (46 %, 38 % and 43 % respectively). For all the Member States in this situation, Eurostat corrects the number of accidents declared on the basis of the declaration rate so as to estimate the actual number of accidents (100 %). The latter figures are used in publications and for calculating the accident rate (number of accidents per 100 000 persons in employment). On the other hand, as the Honourable Member points out, only the data in the IKA field, covering around 45 % of persons employed in Greece, are included. The IKA field corresponds to paid workers in the private sector, which also is the population covered by the ESAW data of many other Member States (Belgium and France in particular only strictly cover that field). However, it is Greece's peculiarities in terms of the employment status of the workforce that lead to only 45 % of workers being covered, since in Greece in 1999 employers, self-employed persons and family workers accounted for 43,4 % of the total number of persons with a job, compared with an average of 16,2 % in the Community as a whole (source: Community Labour Force Survey, Eurostat). However, in order to calculate the accident rate, Eurostat relates the number of accidents to the number of workers actually covered by the ESAW data.

As regards occupational diseases, while the European schedule does not present any major problems in the case of Greece, the national procedure for recognising occupational diseases is cumbersome in that country and probably not all cases are recorded. The data sent to Eurostat in connection with the EODS pilot collection of data on occupational diseases recognised in 1995 were very limited (92 cases out of a total of more than 57 000 for Europe as a whole). In its final evaluation report on these data, the FIOH [7] noted in particular that the data for Greece did not represent the total workforce, that data on the coverage of the national systems were not available for Greece, and that Greece had therefore often had to be excluded from the analysis. Eurostat has, however, been informed that a working party comprising representatives of the IKA and other institutions concerned has been set up by the Ministry of Labour to examine possible ways of improving the data on occupational disease in Greece. The Commission helps the Member States and Greece in particular in this process of improvement by disseminating, through its working parties and publications, the EODS methodology [8] and the good practices applied in other Member States.

(1) ESAW: European Statistics of Accidents at Work.
(2) EODS: European Occupational Diseases Statistics.
(3) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989).
(4) 90/326/EEC: Commission Recommendation of 22 May 1990 to the Member States concerning the adoption of a European schedule of occupational diseases (OJ L 160, 26.6.1990).
(5) FIOH: Finnish Institute of Occupational Health.
(6) IKA: Greek Social Security Institution — occupational accidents and diseases — private sector employees.
(7) Eurostat Working Paper, Population and social conditions 3/1999/E/No 2.
(8) Eurostat Working Paper, Population and social conditions 3/2000/E/Nos 18 and 19.

(2001/C 350 E/172)

WRITTEN QUESTION E-1459/01

by Christopher Heaton-Harris (PPE-DE) to the Commission

(17 May 2001)

Subject: Budget Line A-3022

Budget Line A-3022 grants € 1 500 000 in 2001 to the academic world in order to co-finance projects whose aim is to promote the dissemination of knowledge on European integration.

This line would appear to duplicate, rather than complement, other Commission funding lines which have exactly the same aims, e.g. College of Europe, Bruges, European University Institute, Florence, 'Our Europe', grants to organisations advancing the idea of Europe, associations and federations of European interest, European think tanks and support for Jean Monnet House.

Could the Commission clarify exactly what makes Budget Line A-3022 different from the above funding lines and therefore merit € 1 500 000 of taxpayers' money?

Are any of the organisations obtaining money from this line recipients of any other Community grants?

In the interests of fairness and democracy, would the Commission be prepared to fund organisations that take a balanced and unbiased approach to presenting information about the European Union to the public?

Answer given by Mrs Reding on behalf of the Commission

(23 July 2001)

Article A-3022 of the general budget of the Community offers grants for European integration activities organised by university-based study and research centres. This budget line targets university circles and their research activities and debates on the process of European integration. These factors are what gives the line its unique nature and what limits the range of eligible applicants.

Management of the financial resources revolves around the call for applications, which is published in the Official Journal and disseminated on the Internet.

The text of the call for applications allows certain priority themes to be supported each year. In this way, support can be provided for activities which closely reflect the Union's main preoccupations. Choosing priority themes helps to make sure the budget is spent as effectively as possible.

The projects submitted in response to the call for applications are assessed by independent experts, after which the successful candidates are selected.

Unlike in line A-3022, in budget lines A-3010 (College of Europe, Bruges), A-3011 (European University Institute, Florence), A-3020 ('Our Europe' Association) and A-3036 (Support for the Jean Monnet House) the beneficiaries are predetermined and in most cases the accompanying Remarks make it clear that the appropriations are designed to cover operating costs.

The intended beneficiaries under budget line A-3022 are universities. These must submit projects in response to the call for applications. The projects awarded grants under this line are concerned with examining and debating the process of European integration. The activities supported in the projects selected deal with the burning issues in Europe: seminars on the challenges of European integration, meetings of university professors on institutional reform and enlargement, organisation of conferences on the financial repercussions of the Euro, analysis of world trade and the Union, etc.

The main purpose of these grants is to support the debate on Europe and the active participation of universities in the European integration process. These are all unique aims compared with those pursued by other budget lines and they can be identified.

The beneficiary institutions specified in lines A-3010, A-3011 etc., not being eligible under the criteria applying to line A-3022, do not receive any support under this line.

As for the question of support for activities presenting information about the Union, it should be stressed that such activities are not eligible for funding from line A-3022.

(2001/C 350 E/173) **WRITTEN QUESTION E-1460/01**

by Christopher Heaton-Harris (PPE-DE) to the Commission

(17 May 2001)

Subject: Budget Line A-3022

€ 1 500 000 was allocated both for 2000 and 2001 to Budget Line A-3022, Study and Research Centres.

Could the Commission confirm which organisations and centres have benefitted from this line in the past, giving full details of the projects that were carried out?

How many new and existing organisations applied for this funding for 2001, and in what way does the Commission audit the use of Community money from this line?

Answer given by Ms Schreyer on behalf of the Commission

(16 July 2001)

The Commission would inform the Honourable Member that it produces an annual report on all the grants awarded under Chapter A-30, listing the beneficiaries, the amount of the grant and the percentage co-financed. This report, which has already been sent to Parliament this year (to the Secretariat of the Committee on Budgets) contains information on the beneficiaries of grants made from budget line A-3022.

The projects to be funded under the 2001 budget are currently being selected. Of the 136 proposals received by the Commission, 21 come from organisations (universities or associations of university teachers) selected in previous years.

Line A-3022 is used to fund not the operating costs of the organisations receiving the grants, but costs directly linked with the projects funded. Monitoring the use to which grants are put requires analysis of the final report and the financial statement which all organisations are required to submit at the end of the project. This analysis is conducted before the balance of the grant is paid out. In some cases it may result in recovery of part of the advance.

(2001/C 350 E/174) **WRITTEN QUESTION E-1462/01**

by Piia-Noora Kauppi (PPE-DE) to the Commission

(17 May 2001)

Subject: Diabetic seeks category C driving licence

A Finn suffering from diabetes has studied for close on two years at technical school in the logistics section to qualify as a lorry driver. When applying for the school in question, the person concerned was not told that diabetes was a factor restricting this course of study. Passing the exam and exercising the profession require a category C driving licence, and the conditions for issuing such a licence contain a derogation for diabetics that is laid down in the relevant EU directive.

According to Council Directive 91/439/EEC [1] (Annex III, point 10.1), only in very exceptional cases may category C driving licences be issued to, or renewed for, applicants or drivers suffering from diabetes mellitus and requiring insulin treatment, and then only where duly justified by authorised medical opinion and subject to regular medical check-ups.

In order to acquire a category C driving licence, the applicant has obtained opinions on his state of health from a consultant in paediatrics, a specialist in general medicine and a specialist in ophthalmology. All the aforementioned medical opinions recommend that a category C driving licence be issued, and the doctors do not consider that there is any obstacle to the patient obtaining either an ordinary private driving licence or a professional driving licence.

The applicant has held a category B driving licence since 1998. Diabetes has not affected his ability to drive a private car nor has he suffered from insulin shocks or hypoglycaemia. He has no intention of working as a professional driver in the passenger transport sector and he would undergo regular health check-ups.

Finland's Driver and Vehicle Licensing Agency has not granted the derogation. In the reasons for its decision the Agency refers to the EU directive, which it is interpreting narrowly in this case.

Is the Commission aware that the interpretation of the EU directive on the conditions for issuing driving licences is causing these kinds of problems for the authorities in the Member States?

At the same time, does any similar precedent exist concerning, for example, persons suffering from epilepsy or with physical handicaps?

Where problems with the interpretation of this directive turn out to be a more widespread phenomenon, is the Commission prepared to take steps to clarify the interpretation of the directive at national level?

(1) OJ L 237, 24.8.1991, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(23 July 2001)

Drivers suffering from diabetes mellitus and requiring insulin treatment may hold a driving licence for categories C and D and sub-categories and corresponding trailer categories 'subject to authorised medical opinion and regular medical check-ups appropriate to each case.' [1]

Diabetes mellitus has been the subject of lengthy discussions within the Committee of government experts on driving licences and the Committee has concluded that the current provision must be continued. Member States experts feel that the risks linked to diabetes mellitus, in particular insulin shocks, hypoglycaemia, arterial blood pressure variations or eyesight problems are too great to issue driving licences for heavy goods vehicles or buses.

All Member States apply a limited access policy to categories C and D for people suffering from diabetes mellitus and treated with insulin. Authorisation is subject to regular medical check-ups and most Member States renew licences for persons suffering from diabetes mellitus only at a later age in their professional career. This effectively results in people suffering from diabetes mellitus being refused first issue of a driving licence in categories C and D.

This precedent also exists for the issue and renewal of driving licences for persons suffering from epilepsy and locomotor disabilities [2].

Following discussions in the Committee of government experts on driving licences, the Commission has launched several studies through its research programmes and hopes to present the results of these studies to the Committee in two years [3].

(1) Point 10.1 of Annex III to Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ L 237, 24.8.1991).
(2) Points 8.3 and 12.2 of the aforementioned Annex III.
(3) Studies are in progress regarding vision, diabetes, epilepsy and adaptations to vehicles.

(2001/C 350 E/175) **WRITTEN QUESTION E-1464/01**

by Robert Goebbels (PSE) to the Commission

(17 May 2001)

Subject: Illegal fishing in Mauritania's EEZ

I recently returned from a visit to Mauritania, where I met the country's Minister for Fisheries. Mr Zamel complained bitterly that 30 to 40 boats regularly operate illegally inside the country's exclusive economic zone. These vessels, most of which are from Asian countries, apparently use the Spanish port of Las Palmas as a base, even to unload fish illegally caught in Mauritanian waters. These illegal fishermen would therefore seem to be competing unfairly with European fishermen, who operate in the Mauritanian EEZ within the framework of the existing fishery agreement.

Can the Commission confirm this information received in Mauritania? What steps does it intend to take to stop this illegal trade and hence contribute to sustainable protection of Mauritania's fishery resources?

Answer given by Mr Fischler on behalf of the Commission

(16 July 2001)

The Commission has not officially received information from Mauritania concerning illegal fishing operations by 'Asian boats' in the Mauritanian exclusive economic zone (EEZ).

In the framework of the fisheries agreement between the Community and Mauritania, the Commission is informed about the arrests of Community-flagged vessels. The Commission believes that fisheries enforcement and control within the Mauritanian EEZ are quite effective. The Commission has repeatedly demonstrated its commitment to the sustainability of Mauritanian fisheries resources

While there exists Community legislation in the control and enforcement area, its implementation is the responsibility of the Member States. However, the activities of a third-country vessel in waters outside of Community jurisdiction are not covered by such legislation. Moreover, Mauritania has not made any approaches to the Community or, to its knowledge, to Spain concerning this matter. If such an approach were made, it would have to be considered on its merits.

Moreover, it should be noted that both the Community and Mauritania have very recently expressed their support for the adoption by the Food and Agriculture Organisation (FAO) of the 'International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing'. This Plan indicates that 'States should undertake comprehensive and effective monitoring, control and surveillance (MCS) of fishing from its commencement, through the point of landing to final destination …'.

(2001/C 350 E/176) **WRITTEN QUESTION E-1467/01**

by Guido Podestà (PPE-DE) to the Commission

(17 May 2001)

Subject: Alienation among the young — an example in Italy

The case of a double murder committed in Novi Ligure by an adolescent who killed his mother and young brother has provoked shock and dismay. It happened in an apparently normal family, of a high cultural, social and economic level, where care for the children seems to have taken priority over the parents' professional ambitions.

What is even more disturbing is the fact that this is not an isolated case. Such events raise questions about the feeling of alienation increasingly affecting some teenagers which, as in this case, can lead to unheard-of violence, regardless of the socio-economic background.

The Charter of Fundamental Rights adopted in Nice refers to respect for family life, in particular stressing the safeguarding of children's rights, but perhaps ignoring the problems of adolescents.

Can the Commission say:

— whether it does not think that these events make it essential to launch a thorough investigation, in all the Member States, to uncover, at last, the situations of conflict which can exist in families;

— whether it considers it appropriate to encourage further research into the causes of conflict (parents' expectations of their children differing from the children's own desires, excessively strict educational standards, sometimes repressive social values, etc.);

— how it intends to help young people to deal with the large number of often contradictory messages they receive;

— how it intends to make it possible to pay more attention to these feelings of alienation, especially in their early stages;

— whether it considers that it should take action with regard to information policy to prevent a morbid interest in such events from helping to make them more common because of a 'chain reaction'?

Answer given by Mrs Reding on behalf of the Commission

(2 July 2001)

The Commission shares the Honourable Member's fears in the light of the tragedy in Novi Ligure.

The Commission is planning to take an initiative by the end of the year in the area of youth. This initiative will take the form of a White Paper on a new system of co-operation between Member States' youth policies.

In order to draw up its proposals, the Commission has held extensive talks over a period of one year with young people themselves, civil society organisations involved in this field, researchers and ministries in the Member States. The European Parliament has been involved in this consultation and has itself organised a hearing on this subject.

The proposals will relate to all factors which condition the lives of young people in society: their involvement in public life, formal and non-formal education, employment, initiative, etc. The well-being of young people, and for some of them the lack of it, is an issue of particular concern to the Commission.

In the light of the above, the Commission also intends to propose new studies, research and information measures. It is essential that we gain a better understanding of how the profound changes in the social, economic and cultural environment affect young people's daily lives and how they respond to this and what impact it has on their attitudes to a variety of institutions, such as the family.

(2001/C 350 E/177) **WRITTEN QUESTION E-1470/01**

by Cristiana Muscardini (UEN) to the Commission

(17 May 2001)

Subject: Delays in the administration of justice

Despite the promises made last year by the Minister responsible that there would be an IT revolution in the law courts by January 2001, even now the office responsible for registering cases at the Milan court is behind and is still dealing with the judges appointed in December 2000. A new four inch-thick file, like those produced a decade ago, was compiled only a month ago to help judges find their cases, with the names of the parties and the registration numbers of the cases. Instead of the promised use of information

technology the office is bogged down in paper, leading to delays which have an impact on the administration of justice and hence the right of citizens to obtain justice.

Although the organisation of the courts and the modernisation of their bureaucratic machinery is under the jurisdiction of national governments, can the Commission say:

1. whether it considers that the delays caused not least by failure to modernise procedures is having an adverse impact on citizens who have to wait an inordinately long time to see the conclusion of cases concerning them;

2. in view of the unequal treatment and the failure to respect human rights to which citizens are subjected because of delays in the organisational and technological changes in bureaucracy, does it not consider it would be appropriate to call on governments, in the context of the co-operation envisaged to achieve the objectives of the 'third pillar', to make the necessary efforts to modernise legal offices and make up for the delays which lead to the aforementioned unequal treatment?

Answer given by Mr Vitorino on behalf of the Commission

(19 July 2001)

The Commission shares the concerns of the Honourable Member concerning the adverse impact on citizens of delays in the administration of justice.

That being so, the Commission is aware that slow procedures and slow registration of cases is a major impediment to access to justice, as are the complexity and cost of procedures.

Greater use of new information and communication technologies could at least partly remedy that problem. In this context, for example, the recent Council Decision 2001/470/EC of 28 May 2001 [1] to set up a European Judicial Network in civil and commercial matters refers to the use of such new technologies in order to facilitate its activities.

The Commission is also managing several research programmes in the field of new technologies. One of them, the programme concerning information society technologies (IST programme), includes 'applications relating to administration', which could be suitable for the submission of proposals dealing with justice. A project known as E-Court has been under way since 1 June 2001 and is aimed at using emerging information and communication technologies to improve the output and efficiency of law courts throughout Europe.

[1] OJ L 174, 27.6.2001.

(2001/C 350 E/178) **WRITTEN QUESTION P-1476/01**

by Baroness Sarah Ludford (ELDR) to the Commission

(11 May 2001)

Subject: 'Nec bis in idem' double jeopardy rule

Is the Commission aware that proceedings brought in the English High Court by the Kuwait Investment Office through their Spanish holding company Grupo Torra were dismissed in 1999 by an English judge after trial against my constituent, Carin Parker, and were not appealed against, and that identical proceedings are being pursued by the Kuwait Investment Office in Spain?

Has the European Commission considered the problems of double jeopardy in cases where international agencies by virtue of their financial resources can abuse national legal systems in order to obtain a legal result which is most favourable to them?

Answer given by Mr Vitorino on behalf of the Commission

(21 June 2001)

The question asked leads to different solution depending on whether it is considered from a civil or from a criminal point of view.

From the criminal point of view, it would first be necessary to examine whether the criminal pursuits issued in the two Member States concern exactly the same case, in all of their components. It is very possible that the two pursuits concern similar activities, taking place in two Member States at the same time but with no real connections between their author. In this case, it is possible that pursuits would take place in both Member States, but on different offences. If the offence is effectively the same, it will be up to the person concerned to invoke the rule of 'non bis in idem' before the pursuing authority or before the court of the second Member State.

In order to escape these kind of difficulties, the Commission will issue a Communication before the end of this year, on the rules of jurisdiction in criminal matters within the Union. At the same time, it will be the responsibility of Eurojust, in its area of competence, to avoid that such situations of double pursuits will occur.

As far as the question is related to civil and commercial proceedings, the crucial issue at stake is the force of law that a judgment delivered in one Member State carries in another Member State.

At present, the legal issues raised are dealt with by the Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters (the Brussels I Regulation that enters into force on 1 March 2002 is identical in substance in that respect). Article 26 of the Brussels Convention reads:

> A judgment given in a Contracting State shall be recognized in the other Contracting States without any special procedure being required.
>
> Any interested party who raises the recognition of a judgment as the principal issue in a dispute may, in accordance with the procedures provided for in sections 2 and 3 of this Title, apply for a decision that the judgment be recognized.
>
> If the outcome of proceedings in a court in a Contracting State depends on the determination of an incidental question of recognition that court shall have jurisdiction over that question.

Since both the United Kingdom and Spain are Contracting States, the judgment delivered in the United Kingdom should be recognized in Spain (unless one of the exceptions laid down in Article 27 of the Convention applies) with the obvious implications for the current proceedings in Spain. The case would have to be dismissed if the same cause of action between the same parties has already been finally decided by the British courts (not knowing the particulars of the case it is, of course, not possible to assess if the subject matter of procedures in Spain and the United Kingdom is identical). The defendant can bring up the final decision by the courts of another Contracting State as a defense in these new proceedings.

(2001/C 350 E/179) **WRITTEN QUESTION E-1480/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(18 May 2001)

Subject: Increased risk of fires in Greece

The prolonged drought in Greece is creating favourable conditions for outbreaks of forest fires and it is expected that a high level of preparedness will be required to prevent and control them.

The report on the Community system of information on forest fires 1985-1997, published by the Commission department responsible for forests, revealed that the Greek emergency services were unprepared in certain respects to prevent and extinguish forest fires (time between first alert and intervention, average fire control time, average area burned in each fire, etc.). Furthermore, record damage by fires was caused during the year 2000.

Can the Commission answer the following:

1. Are there any more recent data for Greece? What data can the Commission provide on the trend in the above indicators for 1998-2000?

2. Can the Commission provide information on the measures and action taken by Greece to prevent a recurrence of the devastation caused last summer?

3. Has the Commission been informed of any measures that Greece may have taken to increase its preparedness to deal with the greater risks this summer?

Answer given by Mrs Wallström on behalf of the Commission

(16 July 2001)

The Commission regrets the loss of human life and ecological and economic damage caused by forest fires, including those which ravaged Greece last year. It has noted that the Greek authorities are determined to take action to prevent forest fires breaking out in the future. Such action would include improving co-operation between national services, fire-fighter training, establishing a centralised policy for all regions and informing the public. This year the Greek authorities plan to hold a workshop as part of the Community action programme in the field of civil protection [1]. The main purpose of this meeting of experts is to see how arrangements for controlling forest fires can be more effectively coordinated.

Unfortunately, Greece has not yet sent the Commission the relevant indicators for 1998-2000. The most recent data available come from the satellite mapping of forest fires which extended over more than 50 hectares in the year 2000. The total figure for Greece is 106 000 hectares, i.e. 27 % of the total amount of land burned in the five southern Member States of the Community.

To judge from the proposals in the Community Support Framework (CSF) 2000-2006, Greece plans to take many structural measures (studies, forest management plans, restoration work and preventive measures), especially under regional programmes. Substantial financial resources will be allocated for these activities, which will be accompanied by training and awareness-raising measures focusing on protection of the forests and sustainable development.

In addition, on 3 May 2001, under Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire [2], the Commission approved a € 1,7 million programme presented by Greece for 2001. Measures will include the construction of tracks, firebreaks and water supply points, preventive forestry operations and monitoring.

[1] 1999/847/EC: Council Decision of 9 December 1999, establishing a Community action programme in the field of civil protection (OJ L 327, 21.12.1999).
[2] OJ L 217, 31.7.1992.

(2001/C 350 E/180) **WRITTEN QUESTION E-1490/01**

by Karl von Wogau (PPE-DE) to the Commission

(18 May 2001)

Subject: Equal treatment for schools in other Member States regarding tax deductibility

Article 10(1)(9) of the Income Tax Act states that, in the Federal Republic of Germany, thirty per cent of the fee paid by a taxpayer for attendance by a child, in respect of which he receives child allowance or

child benefit, at a substitute school approved by the State or authorised under Land law in accordance with Article 7(4) of the Basic Law may be treated as tax-deductible expenditure. This does, not, however apply in respect of schools in other Member States.

Does the Commission take the view that this is compatible with freedom of movement of services regarding school attendance?

Answer given by Mr Bolkestein on behalf of the Commission

(9 July 2001)

The Commission is currently examining the problem on the basis of a recent complaint on the same issue. If necessary it will decide whether to initiate infringement proceedings under Article 226 (formerly Article 169) of the EC Treaty.

(2001/C 350 E/181) **WRITTEN QUESTION E-1494/01**

by Chris Davies (ELDR) to the Commission

(18 May 2001)

Subject: The threat of tuberculosis

Through its programme of aid to combat poverty diseases in developing countries, what resources are being or are to be devoted to combating tuberculosis through the DOTS strategy (Directly Observed Treatment Short-course), which it is claimed can have a success rate of 99 per cent?

Answer given by Mr Nielson on behalf of the Commission

(28 June 2001)

It is very difficult to indicate a specific sum of Community allocations to DOTS. Most Community health funds support actions to improve the organisation, management and performance of national health systems including tuberculosis (TB) control programmes. Increasingly such funds are provided as sectoral or budget support rather than as project support for disease specific programmes. Much of this support will also benefit national TB control initiatives.

The accelerated Programme for Action against TB, human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) and malaria [1], in the context of poverty reduction sets out a comprehensive approach through interventions impacting on each of the three major communicable diseases. These aim to increase the impact of existing effective interventions and, as far as TB is concerned, including DOTS.

Nevertheless, and despite the progress that has been registered since 1995, additional efforts are necessary in order to promote the wide-spread use of DOTS; the potential of this cheap and effective strategy to reduce TB morbidity and mortality has not yet been realised in all settings and this is also due to technical problems and to the complexity of treatment approaches.

The Commission will prioritise within the total development co-operation budget, Health, AIDS and Population (HAP) interventions over the next five years. In terms of commitments, HAP interventions in 2000 represented 8 % of the development budget (approximately € 800 million) and will be steadily increased as delivery capacity improves. Part of the increased support will target the actions identified in the accelerated Programme for Action, which include actions targeting Tuberculosis and DOTS.

The Commission is now developing detailed workplans and will further examine, with World Health Organisation (WHO) in particular and other donors concerned, opportunities to accelerate and scale up resource flows to needy countries to confront tuberculosis and the other major communicable diseases.

(1) COM(2001) 96 final.

(2001/C 350 E/182) **WRITTEN QUESTION E-1498/01**

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

(18 May 2001)

Subject: New runways at Barajas airport (Madrid)

According to reports by the environmental group 'Jarama Vivo' the construction of the new runways at Barajas airport will irreversibly affect plant colonies of great value protected at both national and European level. In fact, the construction of the runway referred to as 18L/36R, in addition to diverting the course of the Jarama by 2 000 metres, will affect plant colonies classed as habitats of Community interest. They are included in the national inventory of habitats of Community interest on accordance with Royal Decree 1997/1995 of 7 December. This inventory was of key importance in the Region of Madrid's decision to declare the entire course of the river Jarama a site of Community importance and thus part of the Natura network. The seven habitats destroyed are fringing forests of willows, poplars, Mediterranean meadows of tall grass and reeds and plants thriving in damp and shady conditions, all of them found along the river Jarama and the streams of Las Zorreras and La Vega.

The vegetation will be damaged by both the construction works and the drying up of the Jarama. The works will clear the land, meaning that all the vegetation will disappear. 16 hectares of fringing forest, 3 hectares of scrub, 4 hectares of reedbeds, 40 hectares of meadowland and 35 hectares of replanted forests will be destroyed.

Is the Commission aware of the events reported by 'Jarama Vivo'?

Does it consider that this project to extend the airport of Barajas (Madrid) is compatible with Council Directive 92/43/EEC (1) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora?

Does the Commission intend to adopt any measures to protect this area?

(1) OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(5 July 2001)

The Commission is not aware of the matters raised by the Honourable Member. However, it has verified that the area was proposed by Spain as a site of Community interest (SCI), ES 3110001 'Basins of the rivers Jarama and Henares' for inclusion in the Natura 2000 network under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

The site in question has a surface area of 36 084 hectares.

The area is home to the Eurasian otter (Lutra lutra), a species included in Annex II of the Habitats Directive. This area also contains up to thirteen different types of habitats listed in Annex I of the Directive, two of which are priority habitats (6 220 and 3 170).

The Commission will contact the Spanish authorities in order to ask them for information on the procedures applied to ensure conformity with Article 6 of Directive 92/43/EEC.

(2001/C 350 E/183) **WRITTEN QUESTION P-1499/01**

by Gerhard Hager (NI) to the Commission

(11 May 2001)

Subject: Programme to strengthen the economic competitiveness of frontier regions

The Nice European Council called upon the Commission to propose a programme for the frontier regions in order to strengthen their economic competitiveness (see paragraph 7 of the Presidency conclusions). This request was prompted by the fact that, if the European Union is enlarged, businesses and employees in the regions bordering on the applicant countries will be exposed to particularly harsh competition on account of the huge wage differentials between the applicant countries and the neighbouring EU Member States. In its Communication on its work programme for 2001 (COM(2001) 28 final), the Commission itself states that, as a follow-up to the second report on cohesion, it will submit a Communication on the EU's frontier regions.

Against this background, would the Commission answer the following questions:

— In its work programme for 2001, why does the Commission provide only for the submission of a Communication on the EU's frontier regions when the European Council called specifically for the drawing up of a programme designed to strengthen the economic competitiveness of those regions?

— What stage has been reached in the preparations for submitting such a programme?

— What sort of conditions and measures designed to strengthen the economic competitiveness of border regions are contained in the programme, how much funding is to be allocated and when are the measures in question to be implemented?

Answer given by Mr Barnier on behalf of the Commission

(26 June 2001)

The Commission is currently preparing a Communication on border regions which will analyse the socio-economic situation of regions bordering candidate countries, evaluate the potential impact of enlargement on these regions, examine the Community instruments in place and evaluate if further measures need to be taken to support border regions. This Communication will include a number of specific measures which the Commission will pursue as a single Community action for border regions and which can help to ensure a smooth transition while helping to sustain public confidence with regard to enlargement.

This Community action to support border regions is likely to be adopted by the Commission before the summer break.

Issues such as structure and form of support, starting date, the possibility and level of Community co-financing will be dealt with in the Communication.

(2001/C 350 E/184) **WRITTEN QUESTION P-1505/01**

by Joan Colom i Naval (PSE) to the Commission

(11 May 2001)

Subject: Quebec agreement and EU — Mercosur relations

Several days ago an agreement was signed in Quebec with a view to the creation of a free trade area covering all of the countries of America.

Will the Commission say what the implications of this agreement will be for political and trade relations between the European Union and Mercosur?

Answer given by Mr Patten on behalf of the Commission

(22 June 2001)

The Quebec Summit did not lead to speeding up the integration process of the Americas, as had been expected beforehand. Rather it limited itself to confirming the scenario established at the Santiago de Chile Summit (free trade by 1 January 2006). At the Summit the challenges of this process became clear obtaining fast track authority; the opening of the American agricultural market; harmonisation of the differing interests of 34 countries; environmental and labour questions, etc.

The Community is the main investor, main commercial partner and the most important donor for the Southern common market (Mercosur) countries. The negotiations between the Community and Mercosur go far beyond mere trade issues. Negotiations are proceeding at their own speed without any interference from the American integration process.

(2001/C 350 E/185) **WRITTEN QUESTION P-1507/01**

by Pere Esteve (ELDR) to the Commission

(15 May 2001)

Subject: Extension of the financing for certain nut and/or locust bean quality and marketing improvement plans approved in 1990

On 19 March 2001 the Council of EU Agriculture Ministers adopted Regulation (EC) No 558/2001 [1], pursuant to which the financing for all nut and/or locust bean quality and marketing improvement plans which by the year 2000 had been in operation for 10 years may be extended for a maximum period of one year.

Article 1 of that regulation states that the extension applies solely to producer organisations with improvement plans approved in 1990, whilst it is specified in Article 2 that aid is restricted to areas for which an aid application has been submitted in respect of the tenth year of the plan.

The producer organisations with improvement plans approved in 1990 include four Spanish ones. Two of these (Abertal and Producciones de Frutos Secos Asociados) are based in Catalonia and they have merged with two other producer organisations whose improvement plans were approved after 1990 (Abertal with Arboreto, whose improvement plan was approved on 9 February 1996, and Producciones de Frutos Secos Asociados with Profusal, whose plan was approved on 3 May 1996).

According to the way in which the Ministry of Agriculture, Fisheries and Food interprets the above regulation, those two producer organisations (Arboreto and Profusal) may not submit an application for an extension of financing in respect of the areas included in their improvement plan which have been under the scheme for 10 years, in view of the fact that the original organisations (Abertal and Producciones de Frutos Secos Asociados) have ceased to exist, for which reason the provisions of Article 1 of Regulation (EC) No 558/2001 are not applicable since the new organisations with which they merged date from after 1990.

In the light of the above facts, would the Commission say whether or not the producer organisations which submitted an improvement plan in 1990 and which subsequently merged with another, more recent producer organisation (which has already submitted an application for aid in respect of areas which have been under the scheme for 10 years) may submit an application for an extension of their funding (submitted, that is, by the new producer organisation) for those areas and in respect of operations carried out in those areas prior to 15 June 2001?

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[1] OJ L 84, 23.3.2001, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(18 June 2001)

Council Regulation (EC) No 558/2001 of 19 March 2001 extending for a period of up to one year the financing of certain quality and marketing improvement plans approved under Title IIa of Regulation (EEC) No 1035/72, enables recognised producer organisations, whose improvement plans were approved in 1990, to request continued financing of their plans for up to one year and until 15 June 2001 at the latest.

This right is maintained for a producer organisation whose improvement plan was approved in 1990, and which ceased to exist following its merger with a new organisation whose plan dates from after 1990.

Thus areas within a plan which was approved in 1990, and which subsequently have been included in/transferred to another plan, retain eligibility for an eleventh year of aid under Regulation (EC) No 558/2001, and up to 15 June 2001 at the latest, as long as all other conditions pertaining to the eligibility for aid remain fulfilled.

(2001/C 350 E/186) **WRITTEN QUESTION P-1508/01**

by Torben Lund (PSE) to the Commission

(15 May 2001)

Subject: Nuclear waste

On 23 April 2001, the Danish media reported the adoption by the Russian Duma of a proposal enabling Russia to import nuclear waste from a number of EU Member States. What are the implications of existing EU legislation regarding Russia's wish to set up nuclear waste disposal sites and to import and store waste for payment? Will the Commission also say whether, in the light of the disturbing developments in Russia, there are plans to revise the current provisions and lay down common rules to ensure that extremely hazardous nuclear waste is always handled in the safest possible way?

Answer given by Mr Patten on behalf of the Commission

(20 June 2001)

Euratom legislation requires the Commission to authorise exports of nuclear materials from any Member State to a third country. The Commission has to ensure compliance with international agreements, verify supply requirements and satisfy itself that the general interests of the Community will be safeguarded. In cases where nuclear material is sent for reprocessing and subsequently returns to the Community, the Commission's authorisation is not required, but the Commission has to be informed.

Export of radioactive material falls under the scope of Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of health of workers and the general public against dangers arising from ionising radiation [1]. This provides for principles of justification, optimisation and dose limitation as well as reporting obligations that must be respected by Member States.

Under Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community [2], Member States are prohibited from exporting shipments of radioactive waste to third countries that do not have the 'technical, legal or administrative resources' to manage it safely. It would therefore be for the relevant authorities in Member States to assess whether this condition is met before any nuclear waste could be shipped to the Russian Federation. Similar rules will apply to any shipments of spent fuel with the entry into force of the Joint Convention on the Safety of Spent Fuel Management and Radioactive Waste (18 June 2001).

The Commission is preparing the accession of the Euratom Community to this Joint Convention, and Community legislation will be revised to align it fully with the Convention.

(1) OJ L 159, 29.6.1996.
(2) OJ L 35, 12.2.1992.

(2001/C 350 E/187) **WRITTEN QUESTION P-1511/01**

by Jeffrey Titford (EDD) to the Commission

(15 May 2001)

Subject: New Banana Import Regime

On 2 May the European Commission adopted a regulation to implement a new 'Banana Import Regime', following agreements reached between the EU, the US and Ecuador. In view of the great concerns being expressed by British banana importing companies, could the Commission indicate what the effects of this Regime will be on British companies. If the effects on British companies are not currently available, please specify when they will be available.

Please explain why this new Regime has been agreed, despite strenuous objections from many interested parties including the European Community Banana Trade Association, the Banana Plantation Workers' Union (SITRAP) of Costa Rica, The National Chamber of Independent Banana Producers SA, the CSIB (Higher Council of Banana Importers — France), the Banana Consultative Committee and many others?

In view of the Banana Consultative Committee's strong objections to the Regime on the grounds that it is seriously 'damaging the UK/EU banana trade, damaging to Caribbean sources and discriminatory' and that 'the timetable for implementation does not give sufficient time to renegotiate the necessary substantial amendments to fruit purchase and logistical contracts', why is the Commission proceeding with this Regime in such haste and without proper consultation?

Answer given by Mr Fischler on behalf of the Commission

(19 June 2001)

The new regime has been agreed because it resolves the longstanding dispute with the United States and Ecuador on the Community banana import regime and the United States have agreed to suspend sanctions from 1 July 2001. Also, most parties concerned preferred a system based on historical references, although the Commission had, until the Understandings were reached, pursued an approach based on First Come First Served since it had been the only viable option up to that time.

The Regulation adopted by the Commission on 28May 2001 was published on 8 May 2001 (Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community (1)). This Regulation must apply from 1 July 2001 as required by Council Regulation (EC) No 216/2001 of 29 January 2001 amending Regulation (EEC) No 404/93 on the common organisation of the market in bananas (2). Therefore, following the Understandings with the United States and Ecuador it was necessary to act quickly since it was important that companies were aware of the new requirements in advance of the July 2001 application date. In addition, the Commission has had continual contacts with the banana industry on the new regime.

In the process of developing the Understandings the Commission has taken into account the necessity to maintain an equilibrium in the market particularly between traditional operators and non-traditional operators. It is for this reason that 17 % of the quota is reserved for non-traditional operators.

(1) OJ L 126, 8.5.2001.
(2) OJ L 31, 2.2.2001.

(2001/C 350 E/188) **WRITTEN QUESTION E-1513/01**

by Gabriele Stauner (PPE-DE) to the Commission

(21 May 2001)

Subject: OLAF establishment plan

The 2001 budget substantially increased the overall number of category A posts available to OLAF and altered the breakdown between established and temporary posts.

The number of established posts was reduced from 83 to 53, and the number of temporary posts was increased from 15 to 61, the budgetary authority's intention being to make it easier to recruit experienced public prosecutors and officials from the Member States' relevant investigation services, preferably to temporary posts.

The reduction in established posts was also meant to enable OLAF to part with officials transferred from UCLAF but not possessing the qualifications and experience required for working in OLAF.

Can the Commission answer the following:

1. How many officials and temporary staff did OLAF employ at 1 January 2001? How many officials and temporary staff did it employ at 1 May 2001?

2. When was the procedure provided for in Article 41 of the Staff Regulations opened so as to assign officials affected by the reduction in established posts non-active status?

3. How many officials are on the list drawn up pursuant to Article 41(2), and in what grades are they? When were they/will they be assigned non-active status?

Answer given by Ms Schreyer on behalf of the Commission

(24 July 2001)

The budgetary authority approved 224 posts for the European Anti-Fraud Office (OLAF) in the 2000 budget, of which 83 were A category permanent posts and 15 were temporary posts.

As at 31 December 2000 OLAF employed a staff of 153, of whom 71 were category A officials.

When the 2001 budget was approved, the number of posts for OLAF was increased to 300. The number of category A permanent posts was reduced from 83 to 53, i.e. below the number of category A officials employed at the time. The total number of A posts at OLAF, including temporary posts, was increased from 98 to 114.

The number of permanent posts in the Commission as a whole was also increased. This is particularly true of category A posts.

The Commission takes the view that the conditions governing the application of Article 41 of the Staff Regulations to OLAF officials have not been met.

According to Article 41, an official having non-active status is one who has 'become supernumerary by reason of reduction in the number of posts in his institution.' Article 13 of Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 and Council Regulation (Euratom) No 1074/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) [1] states that the posts allocated to the Office must be 'listed in an Annex to the Commission's establishment plan'.

Given that OLAF is not a Community institution, the Commission takes the view that Article 41 does not apply either to OLAF itself or to the Commission as a whole, in so far as the number of the latter's posts was not reduced in the 2001 budget.

[1] OJ L 136, 31.5.1999.

(2001/C 350 E/189) **WRITTEN QUESTION E-1514/01**

by Stavros Xarchakos (PPE-DE) to the Commission

(21 May 2001)

Subject: Eurovision song contest

The Eurovision song contest was started some decades ago with the aim of bringing songs from the various countries in Europe to a wider audience. Over the years it has brought the musical work of numerous European composers, songwriters and performers to public attention and provided an opportunity to hear songs sung in the languages of all European countries with their own individual musical characteristics.

In recent years, the contest has changed. There is now a widespread view that the lyrics of the songs may be sung in a language other than that of the country being represented, increasingly the language being English since it is considered to be more 'commercial' and 'international'. The outcome of this situation is an 'extrinsic' approach to song-writing inconsistent with the European tradition and beyond anything recognisably European. All the songs in the contest are practically identical and do not have any of the particular musical features of the country concerned, let alone the language.

Will the Commission say:

— whether the Eurovision song contest is financially supported (directly or indirectly) by the EU;

— what its view is of the dominance of English lyrics at the expense, for example, of Danish, Swedish, Greek, Portuguese or Dutch; and

— whether it can effectively intercede with the organising committee of the contest to ensure respect for the language and cultural diversity of the countries in the Union?

Answer given by Mrs Reding on behalf of the Commission

(12 July 2001)

The Eurovision Song Contest is organised by the European Broadcasting Union (EBU) and has not received financial support from the Community.

The EBU is a professional association of national broadcasters throughout the world; it is based in Geneva and acts on behalf of its members in Europe.

With regard to Community competence, particularly in the area of culture, Article 151 (ex Article 128) of the EC Treaty grants the Community competence solely in encouraging — by financial means — co-operation between Member States.

Consequently, any change to the rules for participation in the Eurovision Song Contest does not fall within Community competence.

(2001/C 350 E/190) **WRITTEN QUESTION E-1516/01**

by John Purvis (PPE-DE) to the Commission

(21 May 2001)

Subject: The definition of small and medium-sized enterprises

Middle-sized European companies in certain sectors, such as food manufacturers, who do not come under the definition of SME, are facing difficult competition from powerful multinationals when trying to enter other Member State markets. Would the Commission consider changing the definition of SME to take into account the amount and type of competition in the market place? Alternatively would the Commission consider establishing a new category to provide special consideration and policies for this vitally important grouping?

Answer given by Mr Liikanen on behalf of the Commission

(24 July 2001)

The definition of small and medium-sized enterprises (SMEs), which is set out in Commission Recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises [1], is intended to replace the various existing national definitions and the various definitions of SMEs at Community level in cases where a definition of SMEs is to be used in Community policies applied within the Community and the European Economic Area. This joint definition, which has been adopted by the Member States, limits the danger of distorting competition between enterprises and the risks of inconsistency in the application of Community policies within the Union and the European Economic Area.

The Commission work programme for 2001 provides for a review of the 1996 Recommendation concerning the definition of SMEs. The main objective of this review is to adapt the threshold for turnover and balance-sheet total in order to take account of economic changes and to examine other issues, taking into account, for example, the experience acquired in the functioning of the criterion of independence of the enterprises concerned. The fact that there are these two alternative thresholds already enables the situation of enterprises with different characteristics to be taken into account, without the need for a more detailed breakdown. The contribution of SMEs to employment and the difficulties they may encounter, for example, in terms of financing, are in fact characteristics which are common to SMEs in all sectors, and there seems to be no point in establishing a complex system which would result from treating individual sectors differently.

Moreover, if certain enterprises or sectors needed to be looked at by the Commission or public authorities in the Member States, the Commission is of the opinion that it would be more appropriate to deal with the question under the relevant programmes and policies rather than adopt a definition of SMEs which differed according to the markets, enterprises and/or sectors concerned. In particular, the definition of SMEs should not be dependent on the degree of competition in the various sectors, which is mainly a matter to be considered from the point of view of competition policy and policy with respect to state aid.

In conclusion, the Recommendation concerning the definition of SMEs is not an instrument designed to conduct sectoral policies and the Commission therefore has no plans at present to introduce new categories or treatment which differs according to sector.

[1] OJ L 107, 30.4.1996.

(2001/C 350 E/191) **WRITTEN QUESTION E-1519/01**

by Jacqueline Foster (PPE-DE) to the Commission

(21 May 2001)

Subject: The Galileo satellite navigation project

Funding

The Memorandum of Understanding signalling the provisional funding from private sector bodies of Euro 200 million needs further explanation. Could the Commission give examples of some of the industries which have agreed to the funding? Could the Commission also confirm the reports that unless a firm political decision is taken on the definitive phase by June 2001 then such engagement of funding by the private sector will become obsolete?

In the interest of transparency may I call on the Commission to make absolutely clear its intentions with the funding of this project and whether, in the absence of substantial private sector interest, it will fund the project solely from the EU budget, including the Euro 220 million it will cost to maintain the project per annum. Could the Commission also provide an up-to-date breakdown of the contributions foreseen from individual Member States?

Development

Is the Commission aware that whilst the EU has been spending millions on Galileo, the US has been updating its existing technology? Its advances will enable protection against electromagnetic pulses and will provide the American GPS with greater accuracy on positioning. Therefore, could the Commission confirm that the Galileo satellite navigation system will not be technologically lagging behind latest development, if and when, it becomes operational?

Operations

Could the Commission justify why Galileo will only be used for civilian purposes as it seems absurd that the EU decides to construct its own satellite navigation system, yet denies it a military capacity? Is it foreseen that there will ever be a military capacity to Galileo?

Predicted projected costs of Galileo have come in at in excess of Euro 6 billion and yet in the definitive phase we are still asking how it will work; if private funding will be secured; and if it is involved, how much power the private sector will yield?

Answer given by Mrs de Palacio on behalf of the Commission

(5 July 2001)

On 20 June 2000, on the basis of Article 171 (ex Article 130n) of the Treaty establishing the European Community, the Commission adopted a proposal for a Council Regulation on the establishment of the Galileo Joint Undertaking, which is to be open to private investment.

Consultation undertaken has confirmed that the private sector is willing to participate in financing the development phase of the Galileo Programme and this would be facilitated by setting up the joint undertaking. It is, however, too early to identify specifically which firms will be involved.

The Commission expects the December 2001 Transport Council to confirm the launch of the development phase and that this decision to proceed will encourage the private sector to honour its commitments.

At the December 2000 Council a number of Member States made their approval for the transition to the development phase in 2002 conditional upon private sector involvement as of that phase.

The Commission is closely monitoring developments involving the satellite radionavigation market and service providers. The development of Galileo probably influenced the decision on increasing GPS accuracy announced by the United States shortly before the May 2000 World Radiocommunications Conference in Istanbul. The Commission hereby confirms that, following on from its successes in the space and aeronautics sector, Europe is developing a cutting edge radionavigation system which should be operational by 2008.

The Transport Council of 4 April 2001 stressed that 'Galileo is a civil programme under civil control.'

As regards the estimated costs of € 3 (and not 6) billion, it is quite natural in the definition phase of all major infrastructure projects like Galileo for the financing to be put in place before the deployment phase. This is a task that the Commission has undertaken through extensive studies and contacts with Member States and the private sector.

(2001/C 350 E/192) **WRITTEN QUESTION E-1520/01**

by Martin Callanan (PPE-DE) to the Commission

(21 May 2001)

Subject: BP Trent tragedy — third-country obligations to co-operation with the European judicial system

In June 1993, nine British sailors were killed when the Panamanian registered vessel 'The Western Winner' collided with the British fuel tanker the 'BP British Trent' near the Belgian port of Ostend.

Maritime investigations have shown that the Korean captain and crew of 'The Western Winner' were to blame, having failed to comply with essential maritime safety laws. The ship's master, crew and owners of 'The Western Winner' have failed to co-operate with the judicial process through failing to attend the hearings organised by the prosecutor's office in Bruges. They also declined to assist the UK's Maritime Accident Investigation Branch (MAIB) which conducted an enquiry on behalf of the Bermudan authorities shortly after the incident.

As a result the case is still, almost eight years on, pending before the criminal court in Bruges. The Commission does not have the jurisdiction to prosecute the captain, crew or owners of the ship, neither can the Belgian authorities interfere with the judicial process.

What are the powers of the Commission in such legal cases where liable bodies from a third country fail to co-operate with the European judicial system, thus inhibiting the legal proceedings?

Could the Commission not put pressure on the relevant governmental authorities to demand that those responsible for the tragedy co-operate with the European judicial system?

Answer given by Mr Vitorino on behalf of the Commission

(19 July 2001)

The Commission regrets to inform the Honourable Member that it does not have any legal competence over individual criminal proceedings in Member States, which fall within the responsibilities of the relevant national authorities.

However, the European Commission Vice-President responsible for Transport, responding to numerous letters by the Honourable Member, wrote to the Belgian Deputy Prime Minister and Minister for Transport informing her of the importance that he attaches to this question.

(2001/C 350 E/193) **WRITTEN QUESTION E-1522/01**

by Luciano Caveri (ELDR) to the Commission

(21 May 2001)

Subject: Harmful herbal preparations used in dieting

The use of herbal preparations for slimming has become widespread all over Europe. They have sometimes caused damage or even death among people following this kind of diet. The use of herbs such as Larrea tridentata (causing hepatitis), Teucrium chamaedis or Scutellaria laterifolia (harmful for the liver), Datura stramonium or Phlox rhododendri (brain disorders) and 'Chinese herbs' such as Aristolochia frangchi or Stephania tetranda (causing lethal kidney damage) should be regulated at European level by the compilation of lists of harmful herbs which should not be used in herbal medicine or, in certain cases, should not be imported.

What is the Commission's view of this problem?

What proposals does it intend to put forward on the subject?

Answer given by Mr Liikanen on behalf of the Commission

(16 July 2001)

The existing Community legislation forbids a medicinal product to be placed on the market of a Member State unless a marketing authorisation has been issued either by the Commission or by one of the Member States. The marketing authorisation is granted only where the product proves to comply with the fundamental requirements of quality, safety and efficacy. The intention is to preclude the marketing of medicinal products with a negative benefit-risk balance. This legislation applies to all kinds of medicinal products, including those on herbal basis.

The treatment of herbal substances by national authorities is not completely coherent though, thus endangering the effective protection of public health by the Community's pharmaceutical legislation. Differences relate inter alia to the classification of the products as well as to the application requirements and the procedures.

To further improve this situation, the Commission currently prepares a separate directive on traditionally used herbal medicinal products. It is envisaged to establish a special registration procedure and will lay down specific criteria regarded appropriate to guarantee quality, safety and efficacy with regard to these products. If a herbal medicinal product is not authorised under the existing legislation or registered under the new directive, it will not be allowed to market it within the Community. For this reason, a separate list of prohibited products or substances is not considered necessary and therefore not foreseen in the draft directive.

(2001/C 350 E/194) **WRITTEN QUESTION E-1525/01**

by Bartho Pronk (PPE-DE) and Ria Oomen-Ruijten (PPE-DE) to the Commission

(21 May 2001)

Subject: The Netherlands Government's intention to cease paying social security benefits under the Social Security Supplements Act

On 1 January 2000, the 'Beperking Export Uitkeringen (BEU Wet)' (Restriction on the Payment Abroad of Social Security Benefits Act) came into force in the Netherlands. As a result thereof, changes were made to the possibilities for the payment abroad of social security benefits: payment of some benefits is now restricted solely to countries in the EU or EEA, of others to countries in the EU or EEA and countries with which the Netherlands has concluded of a social security agreement, and of yet others not at all.

At present, the payment abroad of social security benefits under the Social Security Supplements Act is restricted to countries in the European Union and to countries which are members of the European Economic Area.

The Netherlands Government now intends to impose a further restriction on the Social Security Supplements Act, with the result that the payment abroad of any of the benefits in question will no longer be possible. There is, however, a proviso that the relevant European Union law will have to be changed first.

1. Does the Commission agree with me that this ban on the payment abroad of social security benefits is undesirable since it will lead to the abolition of the difference between EU Member States and non-member countries? Does it take the view that the ban referred to constitutes a threat to the principle of the free movement of workers?

2. The Social Security Supplements Act serves to protect citizens with an income below the minimum, especially partners. From the point of view of social security protection, does the Commission think it desirable and admissible that such citizens should have their income reduced?

3. The incoming Belgian Presidency has announced that one of the main priorities during its term of office will be 'A Social Europe', which entails, inter alia, a modern social security system for all Europeans. To what extent does the Netherlands Government's planned measure fit in with that concept?

4. The Netherlands Government has announced that the payment abroad of social security benefits will cease as soon as the relevant European Union legislation has been changed. Can the Commission indicate whether that process is already under way? Has it submitted any proposals to that end? If the process has already begun, is the Commission prepared to suspend it on the grounds of the undesirable consequences thereof?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(3 July 2001)

The Commission would like to remind the Honourable Members that Regulation (EEC) No 1408/71 [1] requires Member States in principle to provide social security benefits acquired under their legislation to recipients residing in another Member State. However, this Regulation provides for some exceptions to this exportability principle, for example in the case of special non-contributory benefits which fall simultaneously within social assistance and social security, provided these benefits are listed, by Decision of the Community legislature, in Annex IIa of the Regulation [2]. The Court of Justice confirmed in its Snares [3] ruling that this derogation from the principle of the exportability of social security benefits was compatible with the EC Treaty, as the benefits are closely linked to a particular economic and social context. However, the Court of Justice has just added its rulings in the Jauch [4] and Leclere [5] cases to this jurisprudence. In these rulings, the Court felt that the derogation from exportability resulting from the inclusion of certain benefits in Annex IIa was incompatible with the principle of free movement of workers laid down in the EC Treaty, particularly where these were not special benefits but related to the traditional areas of social security.

The Commission has been informed of the Dutch Government's intention to include in Annex IIa the benefit provided for in the 'Supplementary Benefits Act' (Toeslagenwet). This would exempt the Netherlands from awarding this benefit to persons resident in another Member State. It seems that the objective of this benefit is to supplement traditional social security benefits in order to guarantee recipients an income that is regarded as minimal in the social and economic context of the Netherlands.

The Commission is currently examining whether it is appropriate to propose that this benefit be included in the list contained in Annex IIa mentioned above. Not only the Council but also the European Parliament would be required, as part of the codecision procedure that applies to any amendment to Regulation (EEC) No 1408/71, to give an opinion on any such proposals.

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(1) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ L 149, 5.7.1971). Regulation updated by Council Regulation (EC) No 118/97 of 2 December 1996 (OJ L 28, 30.1.1997).

(2) See Article 4(2a) and Article 10a of Regulation No 1408/71, introduced by Regulation (EEC) No 1247/92.

(3) Ruling of 4 November 1997, Snares, C-20/96, Rec. p. I-6057.

(4) Ruling of 8 March 2001, Jauch, C-215/99, not yet published.

(5) Ruling of 31 May 2001, Leclere, C-43/99, not yet published.

(2001/C 350 E/195) **WRITTEN QUESTION P-1531/01**

by Roger Helmer (PPE-DE) to the Commission

(15 May 2001)

Subject: Sixth Framework Directive

Can the Commission confirm what provisions will be made for research into mathematics under the Sixth Framework Directive?

Answer given by Mr Busquin on behalf of the Commission

(26 June 2001)

The Commission is well aware of the important role of mathematics in scientific research and of its impact on innovation. Research into mathematics will have a place in the new framework programme via its contribution to the various thematic priorities, and in the planned action to meet emerging scientific and technological requirements.

(2001/C 350 E/196) **WRITTEN QUESTION E-1536/01**

by John McCartin (PPE-DE) to the Commission

(22 May 2001)

Subject: Independent TV broadcasters

Can the Commission state if it has received complaints, and how many, from independent TV broadcasters regarding abuse of monopoly positions by state subsidised broadcasting organisations and from which Member States it has received such complaints? Does the Commission regard the position of independent broadcasting Television stations throughout the Union as being satisfactory from the point of view of competition policy?

Answer given by Mr Monti on behalf of the Commission

(24 July 2001)

The Commission is able to inform the Honourable Member that it is currently dealing with a single case, involving Austria, pursuant to Council Regulation No 17 ([1]) relating to the possible abuse of a dominant position in breach of Article 82 (ex Article 86) of the EC Treaty by a TV broadcaster financed by public funds. In the field of state aid the Commission has received complaints from Denmark, Greece, Spain, France, Ireland, Italy, Austria, Portugal and the United Kingdom regarding state subsidised broadcasters.

The Commission notes that the situation for independent TV broadcasters varies considerably from Member State to Member State and it will examine any case of restriction of competition brought to its attention.

([1]) OJ 13, 21.2.1962.

(2001/C 350 E/197) **WRITTEN QUESTION E-1538/01**

by Daniel Hannan (PPE-DE) to the Commission

(22 May 2001)

Subject: Vehicle imports (UK)

Does the Commission have any statistical research into price fixing by car manufacturers, so that vehicles which are manufactured and purchased on the continent of Europe by car importers cannot be imported into the United Kingdom at prices lower than those of the official franchised dealer? The case particularly in point is the new model of the VW Passat.

Does the Commission have any information on the legal validity of a so-called 'right-hand drive surcharge' reportedly being levied on customers to raise prices in the UK?

Does the Commission believe that, if proven, such practices would be in breach of the Single Market?

Answer given by Mr Monti on behalf of the Commission

(18 July 2001)

The Commission has no statistical data on price fixing by car manufacturers. Price fixing by car manufacturers is the subject of a black clause under Article 6(1) of sector-specific Block Exemption (Commission Regulation (EC) No 1475/95 of 28 June 1995 on the application of Article 85(3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements ([1])) and if proven would constitute a breach of Article 81 (ex Article 85) of the EC Treaty. The Commission does, however, publish bi-annual surveys of prices for new cars across the Union ([2]). It does this to promote price transparency, which should in turn both encourage European citizens to purchase their vehicles where prices are lowest and enable national authorities to monitor prices.

The Commission has seen no evidence of any attempt by VW to fix prices with the intention of ensuring that VW cars purchased on the Continent cannot be imported into the United Kingdom at prices lower than those of the British franchised dealers. The Commission has recently imposed a € 30,96 million fine on VW for anti-competitive price-fixing practices involving the VW Passat in Germany ([3]). However, the matters investigated only directly affected the United Kingdom to the extent that prices were fixed for all purchasers, irrespective of their Member State of residence. That case did not involve the type of practice that the Honourable Member describes.

The Honourable Member also asks about the legal validity of a right-hand drive surcharge. The Commission's Notice of 18 January 1985 concerning Commission Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85(3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements ([4]) provides that a manufacturer may charge an objectively justifiable supplement where a car supplied to a dealer has a different specification to the corresponding model commonly supplied within the dealer's contract programme. Where such a charge relates to differences between the United Kingdom right-hand drive specification and the local specification, it is commonly known as the right-hand drive surcharge.

The right-hand drive surcharge is generally applied to cover the greater cost of producing a right-hand drive vehicle. Left-hand drive cars generally have lower unit production costs than equivalent right-hand drive vehicles because they are produced in larger numbers, leading to economies of scale. It goes without saying, however, that the additional cost should be spread over the whole right-hand drive production of the model in question, and not just over those right-hand drive cars sold in a left-hand drive country.

The Commission notes that some car manufacturers have recently increased the amount of the right-hand drive surcharge and is investigating the matter with a view to finding out whether the new charge is objectively justifiable.

([1]) OJ L 145, 29.6.1995.
([2]) http://europa.eu.int/comm/competition/car_sector/price_diffs/.
([3]) See IP/01/760, 30 May 2001.
([4]) OJ L 15, 18.1.1985, as replaced by Commission Regulation (EC) No 1475/95.

(2001/C 350 E/198) **WRITTEN QUESTION P-1545/01**

by Glenys Kinnock (PSE) to the Commission

(14 May 2001)

Subject: Belgian ban on entry of pigeon transporter lorries

Is the Commission aware that the Belgian authorities have imposed a ban on pigeon transporter lorries?

Would the Commission confirm that this action is both unacceptable and inappropriate at this time, since there are no restrictions on pigeon transportation in the UK?

Answer given by Mr Byrne on behalf of the Commission

(18 June 2001)

The Commission has been informed by the Belgian authorities that certain restrictions to animal movements have been adopted in relation to the serious outbreaks of foot and mouth (FMD) disease in certain parts of the Community.

These measures also included a ban on the introduction of pigeons from the United Kingdom if there was a risk that they had been in contact with animals potentially infected by FMD.

The Commission has reviewed the situation in the framework of the Standing Veterinary Committee.

The restrictions on the movement of pigeons adopted by the Belgian authorities were lifted on 15 May 2001.

(2001/C 350 E/199) **WRITTEN QUESTION E-1550/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(28 May 2001)

Subject: Building of a radar station on Ipsarion on the island of Thassos

The Ministry for Civil Aviation and the Ministry for Transport have decided to build a 130 m² radar station in a 3 000 m². enclosure on the mountain of Ipsarion on the island of Thassos, an area protected under the Natura 2000 network, thereby provoking complaints from the mayor of Thassos and local residents concerning the adverse environmental impact of the project, the threat to the continued existence of protected plant species and the danger from electromagnetic radiation.

The local residents have registered a complaint with the public prosecutor's office in Kavala, alleging that in connection with the project, a number of irregularities have occurred, such as failure to observe the environmental regulations issued by the Prefecture, failure to obtain the necessary authorisation from the archaeological authorities and infringement of environmental protection legislation.

In order to protect the area, which is classified as being of outstanding natural beauty, can the Commission provide the following information:

1. Have possible alternative locations for the radar been considered?

2. Can it investigate whether the works being carried out on Ipsarion are in accordance with environmental protection legislation such as Directive 92/43/EEC [1] and, if this is not the case, can it take action to prevent the installation of the radar and have the area restored?

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

Answer given by Mrs Wallström on behalf of the Commission

(10 July 2001)

The Greek authorities have proposed Mount Ypsarion on Thassos as a site for inclusion in the Natura 2000 network in accordance with Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. Accordingly, they must see to it that the site's conservation value is not compromised by activities undertaken there.

The Commission is unable to tell the Honourable Member whether alternative solutions have been examined for the project in question, as such examination falls primarily within the jurisdiction of the Member States. Nonetheless, in order that it may examine the reported situation properly, the Commission would ask the Honourable Member to provide more detailed information on the project's potential impact on the site.

(2001/C 350 E/200) **WRITTEN QUESTION E-1551/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(28 May 2001)

Subject: Siting of a wind park in a protected area in the prefecture of Lakonia

The Ministry of the Environment, Regional Planning and Public Works and the Ministry of Development are planning to build a wind park, using Community funding, in the Zaraka massif in the prefecture of Lakonia, an area included in the Natura 2000 network (GR-2540001) and eligible for status as a special protected area under Directive 79/409/EEC [1] because of its large bird population. Concern is being expressed by ecological organisations concerning the disastrous impact of the project on protected indigenous and migratory bird species in the locality and the immediate threat to the landscape.

Given that, while the use of wind energy to generate electricity is clearly a preferable option, this should not be achieved at the expense of protected areas of major significance with a delicate ecological balance, can the Commission call for a survey of natural and cultural resources and land use in the municipality of Zarakas and, in the light of this survey establish whether the construction of wind parks is environmentally acceptable and whether the area is able to accommodate such a project?

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

Answer given by Mrs Wallström on behalf of the Commission

(6 July 2001)

The massif comprising Mounts Gidovouni, Chionovouni, Gaidourovouni, Korakia, Kalogerovouni and Koulochera, along with the Monemvasia area, forms a site proposed by the Greek authorities for inclusion in the Natura 2000 network under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1]. The area has also been recorded by Birdlife International as an important area for birds, particularly migratory birds and birds of prey. In view of this, the national authorities must see to it that the site's conservation value is not compromised by activities undertaken there.

Formulation of management plans for Natura 2000 sites is primarily a matter for the Member States. In this particular case, the performance of a land-use survey as suggested by the Honourable Member for the municipality of Zarakas falls within the scope of Greek legislation and not within the jurisdiction of the Community, and so the Commission cannot intervene on that issue.

The 'Competitiveness' operational programme of the Community Support Framework for Greece for the 2000-2006 programming period provides for co-financing of investments in the construction of wind parks so as to curb the use of brown coal and restrict polluting emissions in accordance with Greece's international commitments in this area. To this end, Community support of € 191 million is set aside for the development of renewable energy sources.

As for possible co-financing of these projects, and in the framework of that partnership, the Commission will ensure that the national authorities comply with the relevant Community rules. Accordingly, the only projects eligible for co-financing through the European Regional Development Fund will be those which fulfil both their own environmental conditions and the environmental conditions arising from the assessment which must be carried out ahead of any activity liable to affect a Natura 2000 area in order to prevent that area's deterioration.

[1] OJ L 206, 22.7.1992.

(2001/C 350 E/201) **WRITTEN QUESTION E-1553/01**

by María Rodríguez Ramos (PSE) to the Commission

(28 May 2001)

Subject: A thermal power plant to be built in Tordesillas, Spain

The American multinational ENRON wants to build an 800 megawatt natural gas and diesel oil power plant on the outskirts of Tordesillas which, according to data supplied by the company, will release 2 540 000 tonnes of carbon dioxide (the main cause of climate change), 2 100 tonnes of nitrogen oxides, 191 tonnes of sulphur dioxide, 545 tonnes of carbon monoxide and other pollutants into the atmosphere every year.

This project is being planned in an Autonomous Region which produces three times more electricity than it consumes. It is therefore obviously already producing a surplus.

The plant would be located only 2 kilometres from Tordesillas, a town with 8 000 inhabitants, and 5 km from the only protected natural area in the province of Valladolid — the Riberas de Castronuno nature reserve — and only a few kilometres from the vineyards producing wine under the registered designation of origin 'Rueda'.

The EU Renewable Energy White Paper sets a target of 12 % for renewable energy sources. In Spain it is estimated that if this target is reached by 2010 all the expected increase in demand for electricity would have to be covered by renewable energy.

If this is true, can the Commission say:

— how it can ensure that the aim of replacing conventional energy sources with renewable energy is achieved in the Member States?

— whether there is any Community monitoring system to prevent the Member States from authorising new power plants which would make it impossible to achieve the 12 % target for renewable energy by the year 2010?

Answer given by Mrs de Palacio on behalf of the Commission

(16 July 2001)

In its proposal for a Directive on the promotion of electricity from renewable energy sources in the internal electricity market [1] [2], the Commission proposes a 22 % contribution by renewable energy to the total electricity consumption. Under Article 8 of the proposed Directive, the Commission would follow-up and monitor the progress made by Member States to meet their renewable energy objectives. The Council adopted its common position on the Directive on 23 March 2001. The text of the common position was approved by the Parliament in second reading on the 4 of July 2001 [2].

[1] OJ C 311, 31.10.2000.
[2] OJ C 142, 15.5.2001.

(2001/C 350 E/202) **WRITTEN QUESTION E-1556/01**

by Rosa Miguélez Ramos (PSE) to the Commission

(28 May 2001)

Subject: Assessment of the PESCA Community initiative

The Community initiative PESCA (1994-1999), with a budget of nearly € 300 million, made it possible to carry out a series of projects devoted to economic diversification in districts heavily dependent on fishing. Although the level of implementation was only 53,29 % (€ 159,42 million out of the 299,13 million

earmarked) it was greatly appreciated by the fisheries sector and the economic and social actors in these districts. They were disappointed at its disappearance as a Community initiative, although the Commission assures them that the measures in favour of economic diversification in these regions will continue, albeit in the context of other programmes financed by the FIFG and supplemented by the ERDF and the ESF.

However, at a time like the present, when the negotiations for a new fisheries agreement with Morocco have broken down, it is evident that despite this initiative the achievements in the sphere of economic diversification are far from adequate and the economy of various districts such as Barbarte, Barbanza or Morrazo depends totally on the existence of this agreement.

Has the Commission carried out an assessment of the positive achievements of the PESCA initiative (1994-1999)?

What were the reasons for only 53 % of the budget being executed? Why was the level of execution in Spain only 44 %? What were the total amounts allocated and actually forwarded to Spain via structural measures and the Community's internal policies during the previous programming period for the fisheries sector?

What measures is the Commission devising in the current programming period to promote economic diversification in the regions heavily dependent on fishing?

What is the Commission's opinion of the fact that in the previous programming period these measures were part of a specific Community initiative and now they are not? What differences does it see?

Answer given by Mr Fischler on behalf of the Commission

(3 July 2001)

The Commission intends to make an ex-post assessment of the fishery structural programmes for the period 1994-1999 and of those of the PESCA Community initatitive. These programmes will not be completely woulnd up until the end of the 2001 and the reports on their execution will not be available until mid-2002.

There are a number of reasons for the relatively modest execution percentages for PESCA cited by the Honourable Member. First, the execution date on which they are based is 31 December 1999. For these programmes execution has not however been in direct proportion to elapsed time. After a relatively slow start they have almost always recorded an acceleration at the end of the period. Second, the percentages are for the payments made by the Commission and there is always a delay between actual project execution on the ground and the corresponding payment.

On 31 December 2000 total payments made by the Commission for the PESCA programmes represented just over 64 % of the total budget. Payment of a further 11 to 16 % is anticipated in 2001. The other 20 to 25 % cannot be spent before closure of the programmes in 2002.

On Spain in particular, on 31 December 2000 Community aid actually paid to final recipients amounted to € 29 million (about 62 % of budget) under the PESCA programme and to € 1 051 million (about 92 % of budget) under the Objectives 1 and 5(a) programmes of the Financial Instrument for Fisheries Guidance.

In the new programming periods socioeconomic diversification in fishery-dependent zones can be achieved through either specific fishery sector programmes (within the limits of eligibility for FIFG financing) or integrated regional development programmes under Structural Fund Objectives 1 and 2 part-financed from the European Regional Development and Social Funds.

Non-renewal of PESCA was one of the outcomes of the very wide consensus in the Community Institutions that the Structural Funds should be rationalised and in particular that after 1999 there should be only four Community initiatives instead of 14.

(2001/C 350 E/203)

WRITTEN QUESTION P-1557/01

by Ian Hudghton (Verts/ALE) to the Commission

(17 May 2001)

Subject: Genetically modified fish

It is known that conventionally farmed fish escape into the wild on a regular basis, and consequently farming genetically modified fish clearly poses huge risks: such fish could literally swim into the wild.

In Scotland, the possible introduction of genetically modified salmon and the potential risk of escapes of genetically modified fish in general have given rise to the fear that major damage could be inflicted on wild fish stocks, which are already in a state of disastrous decline.

Does the Commission agree that the introduction of genetically modified fish into experimental fish farms could result in major damage to wild fish stocks if such fish escape and interbreed, with potentially devastating knock-on effects on the fisheries and aquaculture industries and on consumer confidence?

Given the potential risks both to the ecosystem, the fisheries and aquaculture industries and consumers, what safeguards has the Commission put in place to ensure that consumers are not exposed to genetically modified fish, whether developed within the EU or externally?

Can the Commission provide information on the status of research and development into and funding for genetically modified fish in the EU, and explain and justify its objectives to fund such research, given the inherent risks which surround the development of such fish?

Answer givern by Mr Fischler on behalf of the Commission

(20 June 2001)

The Commission agrees that genetically modified fish have the potential to cause irreversible damage to fish stocks and to the marine environment, in the event of escape. Community legislation addresses the potential risks from activities involving such organisms.

Directive 2001/18/EC of the Parliament and of the Council of 12 March 2001, on the deliberate release into the environment of genetically modified organisms [1] covers both experimental and commercial releases of genetically modified organisms (GMOs), including fish.

Experimental trials fall under the provisions of Part B of the Directive. Applications are appraised and consents granted by the Member States in which the intended trial is to be conducted. These Member States are required to inform the Commission and other Member States on such releases. In addition, information on experimental releases carried out in the Community is maintained on a publicly accessible database at the Joint Research Centre in Ispra (http://biotech.jrc.it). To date, the Commission has received no notification of this kind with respect to experimental releases of genetically modified fish.

Consents for commercial releases require approval under Part C of Directive 2001/18/EC via an authorisation system at the Community level with input from all Member States. Authorisations will only be granted on the basis that there is no reason to believe that the release would have an adverse effect on human health or the environment. To date, there have been no applications for commercial releases of genetically modified fish and no consents for such have been granted.

Use of genetically modified fish or products derived from it as or in food requires authorisation under the Novel Foods Regulation (Regulation (EC) No 258/97 of the Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients [2]). Under this regulation, genetically modified food must not present a danger or mislead the consumer or differ from conventional foods to such an extent that their normal consumption would be nutritionally disadvantageous for the consumer.

The Commission is currently part-funding one project concerning transgenic technology in experimental fish, the objective of which is to assess and reduce the risks that could emerge from fish genetically altered by recombinant DNA technology. This is FAIR project 3482 of 1997 (Fourth framework programme of Research and Technological Development) which started in January 1999 and is to be completed in December 2001. The project is co-ordinated by Julius-Maximilian Universität Würzburg, Germany and has partners in Spain, France, Italy, United Kingdom, and Norway; € 924 000 Community funding has been approved. The Commission has also part-funded four research projects involving genetically modified fish in the past but these are now terminated. Two of these were purely concerned with biosafety aspects while two had potential commercial applications.

Currently research is being conducted into controlling integration and expression of introduced genes and improving the methods for analysing transgenic fish. It is not the aim of the project to produce transgenic fish with altered characteristics, to genetically modify commercial species or to release genetically modified organisms into the environment. Research of this kind can contribute in the future to risk evaluation and detection of genetically modified fish on the market.

[1] OJ L 106, 17.4.2001.
[2] OJ L 43, 14.2.1997.

(2001/C 350 E/204) **WRITTEN QUESTION P-1558/01**

by Esko Seppänen (GUE/NGL) to the Commission

(17 May 2001)

Subject: Number of MEPs and enlargement

In replying to my question H-272/01 [1], the Commission representative interpreted the Treaty of Nice as meaning that, if no accession agreement has been signed by 1 January 2004, the same number of MEPs will be elected in 2003 from the 15 Member States as at present. This interpretation is undoubtedly correct, but it brings with it a new interpretation problem if, for example, only one accession agreement has been signed. In the Commission's interpretation, how many MEPs from the Member States would be elected in that case?

[1] Written answer of 3 April 2001.

Answer given by Mr Prodi on behalf of the Commission

(18 July 2001)

Under Article 2(2) and (3) of the Protocol on the enlargement of the European Union annexed by the Treaty of Nice to the Treaty on European Union and the Treaties establishing the European Communities [1], the exact number of representatives to be elected in each Member State to Parliament in 2004 is to be determined by a Council Decision.

To determine this number, it will first be necessary to add to the total number of representatives of the current 15 Member States (specified in Article 190 of the EC Treaty, as amended by Article 2(1) of the Protocol, i.e. 535 representatives) the number of representatives of the new Member States arising from the

accession treaties signed by 1 January 2004. If the total number of representatives is less than 732, which could be the case if all the applicant countries have not completed negotiations and signed an accession treaty by 1 January 2004, the Council will increase the number of representatives to be elected in each Member State in 2004 to be as close as possible to 732. The number of representatives to be elected in 2004 will be corrected on a prorata basis; without the number of representatives to be elected in a Member State being higher than that currently provided for.

(1) OJ C 80, 10.3.2001.

(2001/C 350 E/205) **WRITTEN QUESTION E-1561/01**

by Robert Sturdy (PPE-DE) to the Commission

(28 May 2001)

Subject: Incineration vs. rendering in the UK

In the UK, full entitlement to EU reimbursement under the Over Thirty Month Scheme is only payable when a carcass is incinerated (although an 80 % advance may be given upon rendering). The UK is therefore losing interest on claimable money because of the policy of the Intervention Board to render rather than use direct incineration. Is this a result of a change in the European Commission's or the UK Government's policy?

Answer given by Mr Fischler on behalf of the Commission

(20 July 2001)

Under Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom (1), the Community shall co-finance the expenditures incurred by the United Kingdom for the purchase of Over Thirty Month (OTM) animals for destruction. The co-financing which is limited to a fixed amount per animal is due after the animal has been fully incinerated but the Regulation provides for an advance equal to 80 % of the Community contribution upon rendering.

Due to lack of capacity for direct incineration of OTM-animals, the bulk of the animals under the scheme has been rendered into tallow and meat-and-bone meal which are products relatively easy to store until their incineration can be made. It is the Commission's impression that the problem of incineration capacity still to-day is the basis upon which the United Kingdom is deciding whether to render the animals or to incinerate them directly.

(1) OJ L 99, 20.4.1996.

(2001/C 350 E/206) **WRITTEN QUESTION E-1563/01**

by Patricia McKenna (Verts/ALE) to the Commission

(28 May 2001)

Subject: Construction of a sports centre at the Cecebre reservoir, municipality of Avegondo, Spain

The Deportivo de La Coruña football club wishes to build a sports centre extending over more than 100 000 m² beside the Cecebre reservoir, an area belonging to the Natura 2000 network. In addition to the immense environmental importance of the site (it is a bird habitat/resting area; the species to be found there include migrant birds, ducks and mud dwellers, herons, lesser egrets, the kingfisher, otters, newts, the osprey, falcons, the kestrel, the goshawk, the Spanish frog, the smooth snake, the stag beetle, the fox, and the shrew; and the site is a bird nesting area, an international bird migration observation and monitoring area, an area of special botanical interest, an Atlantic woodland area, and a natural landscape area (1)), its state of conservation also determines the cleanliness of the water supply for human uses for the city of La Coruña and its outskirts (400 000 people). In the area there are several other possible sites for the

projected facilities, all of which would have less impact. Despite the opposition of La Coruña City Council and Galician and Spanish national environmental and nature conservation NGOs, the on-site preparations have begun, producing nothing short of an environmental disaster in an area of approximately six hectares within a zone in the immediate vicinity of the reservoir water (up to the water's edge) by destroying vegetation, making the ground uneven, and altering the direction of the springs and watercourses that flow into the wetland.

No environmental impact assessment has been conducted on the project, and the work carried out to date has gone ahead without planning permission even though the site is under threat from various forms of environmental aggression, namely:

(a) physical aggression (permanent structures and possible urban development of the area);

(b) aggression inflicted on the aquatic environment in both senses of the word, i.e. the wetland and the city water supply storage area, stemming from the use of weedkillers and other chemicals on the 10 football pitches and from the sewage that will be generated by the thousands of likely visitors; and

(c) the massive influx of people who will not be coming to the area with the intention of observing the natural environment.

Does the Commission think it right that, to accommodate a football club's sports centre, part of an area belonging to the Natura 2000 network should be destroyed and the area as a whole placed in severe jeopardy?

Could it investigate whether the legislation on environmental impact assessment has been observed?

(1) Source: Autonomous Government of Galicia, Ministry of the Environment (http://www.xunta.es/conselle/cma/CMA05e/CMA05eb/p05eb06.htm).

Answer given by Mrs Wallström on behalf of the Commission

(16 July 2001)

The Commission was not aware of the project the Honourable Member is referring to.

The Commission cannot comment at this stage on the possible destruction of the site designated by the authorities for inclusion in the Natura 2000 network. According to the information at the Commission's disposal, the designated site only contains the reservoir referred to in the question.

The Commission will therefore, in the next 10 days, send the Spanish authorities a request for information on the reported situation so that it can check that Community legislation is being properly applied in this particular case.

(2001/C 350 E/207) **WRITTEN QUESTION E-1565/01**

by Ewa Hedkvist Petersen (PSE) to the Commission

(29 May 2001)

Subject: Inaccurate statistics on alcohol-related accidents

The fact that drinking and driving causes a large number of serious accidents every year is nothing new. The question is whether we know the extent to which alcohol is actually involved in accidents. A Commission report on alcohol, drugs and road safety shows that in Italy, for example, only 1 % of accidents are alcohol-related, whereas in France the figure is 40 %. These differences are hardly plausible and depend on which system the individual countries use to keep statistics. In Germany, for example, whose own statistics record 20 % of all accidents as alcohol-related, no tests are carried out in accidents involving a single vehicle. That type of accident normally accounts for the highest number of alcohol-related fatalities, which would imply that the hidden statistics are very high in Germany. The problem with inaccurate statistics is that decision-makers do not have a realistic basis for their decisions. There is then a risk that the necessary measures to combat drink-driving are not taken.

The official figures in Sweden do not reflect the reality particularly well either. Autopsies are performed on almost 90 % of drivers who die in road accidents, during which samples of body fluids are taken and then sent for analysis to the National Board of Forensic Medicine. When the data on fatal accidents is correlated with the results of the analyses, the finding is that 19 % of Swedish drivers who died in accidents in 1999 had alcohol in their bodies. The official statistics for that year put the figure at 5,6 %! The reality, therefore, is three times the figure given in the official statistics. We must also understand that not even that 19 % is a true reflection of reality since some of those casualties survived the accident for a time, during which any alcohol may have dissipated.

One reason for the faulty statistics in Sweden is that the official accident figures are based on police accident reports. The possible influence of alcohol as a factor in the accident is based on police suspicion that there was. In an accident, the police's main task is to prevent injury to anyone else and priority is therefore given to the other traffic, which means that they very frequently fail to test the driver's alcohol level.

What measures will the Commission take to remedy such statistical inaccuracies in the EU?

Answer given by Mrs de Palacio on behalf of the Commission

(17 July 2001)

Compiling accident statistics is a prerequisite for any effective road safety policy.

The Council therefore decided in 1993 to set up the European CARE database [1] on road accidents involving personal injury. It is made up of data submitted annually by the Member States on the basis of statements by the police officers working first-hand at accident scenes. Obviously, the police's prime concern is to organise the emergency assistance and ensure the safety of other road users before dealing with such administrative tasks as filling out statistical information forms. Forms generally give police the option of indicating the probable cause of an accident. It is not however possible for the police officer to take a blood sample from a person killed in an accident or an accident victim being taken to hospital. Consequently, for many cases of serious personal injury the blood alcohol level is not recorded in the national records and so is not included in the CARE database [2]. The Commission is perfectly aware of the shortcomings described by the Honourable Member.

The Commission has taken various forms of action to remedy the situation. It has, for instance, initiated the CARE Plus project jointly with the Member States with a view to adopting standard terminology and rules for the conversion of national data for input into the CARE database. The rules for data on alcohol will come into force in the second half of 2001. Even so, the methodological problems will not be solved immediately, and it goes without saying that the Commission will refrain from using any aggregate data while there is still doubt as to its reliability.

In addition, under the fourth Community framework programme for research and technological development, the Commission has supported the Stairs project commissioned to standardise methods for in-depth accident inquiries to be carried out by multidisciplinary teams at the accident scene and in liaison with hospitals and the law in order to identify in detail the causes of accidents and responsibility for them. The conclusions of the Stairs project should be put into practice. A limited number (given the high cost) of detailed enquiries will be sufficient to round out the information provided by the statistics. They will give a qualitative appreciation which will shed light on the quantitative analysis provided by the CARE database.

In the long term, the Commission also intends to encourage Member States to set up systems to enable independent enquiries to be carried out in order to have the most accurate analysis possible of the causes of accidents from which to draw operational conclusions.

Improving the CARE database is a long-term project. It is one of the operations which will be developed in the Community road safety programme planned for 2002 to 2010 in order to provide the Community with a valid road safety information system.

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[1] Council Decision 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents (OJ L 329, 30.12.1993).

[2] See Commission Recommendation of 17 January 2001 on the maximum permitted blood alcohol content (BAC) for drivers of motorised vehicles (OJ C 48, 14.2.2001).

(2001/C 350 E/208) **WRITTEN QUESTION E-1566/01**

by Pervenche Berès (PSE) to the Commission

(29 May 2001)

Subject: Tax discrimination based on place of establishment

If a Member State's laws exempt bodies with scientific, humanitarian or technical objectives from succession duties, is refusal by the Member State's administration to grant such an exemption to an organisation of this type which pursues similar objectives in that Member State but is established in another Member State, compatible with the Treaty establishing the European Community?

Answer given by Mr Bolkestein on behalf of the Commission

(5 July 2001)

The situation described by the Honourable Member can be an infringement of the EC Treaty in that such a refusal can lead to a situation which is detrimental to some organisations with comparable activities, depending on their place of establishment.

Such a situation should be examined on the basis of more detailed information so that the Commission can assess whether it infringes the EC Treaty.

(2001/C 350 E/209) **WRITTEN QUESTION E-1571/01**

by Luciano Caveri (ELDR) to the Commission

(1 June 2001)

Subject: European legal framework for casinos

In the European Union, gambling houses (casinos) are mostly regulated by the domestic law of Member States, chiefly for reasons of law and order. There are various kinds of gambling houses offering different types of games, with the traditional split between 'French' and 'American' games, in addition to slot machines, which clearly fall into a category of their own.

Will the Commission say what could be considered to be the current European legal framework for the various kinds of gambling houses, whether any new regulations are envisaged and if so, in which areas?

Answer given by Mr Bolkestein on behalf of the Commission

(13 July 2001)

In response to the Honourable Member's question on casinos, it is true that these are regulated by national laws and that there is no Community secondary legislation in this field at the current time.

Gambling services are, nevertheless, covered by the EC Treaty. The Court of Justice in its rulings on restrictions to such services has confirmed that they are covered by Article 49 (ex Article 59) of the EC Treaty relating to the cross-border movement of services. In a recent case [1], it ruled on whether a national legislation granting a single public body exclusive rights to operate slot machines was compatible with this provision of the EC Treaty. The Court recognised that such a measure restricted the cross-border provision of gambling services. It recognised that the public interest objectives on which the measure was based were the protection of consumers and maintenance of order in society. It added that the restriction was also based on ensuring that profits from such services could be used for public interest objectives. In this instance it ruled that the resulting cross-border restriction was proportionate in that the measure achieved its intended aims and did not go beyond that which was necessary to achieve them.

The Commission has not been called to harmonise the different national laws that regulate gambling activities. However, following the adoption of the e-commerce directive [2] which excluded gambling services from its scope and in the context of its current consultation of interested parties on the basis of its recently adopted Communication on an Internal Market Strategy for services [3], it is being asked to reconsider the need for harmonisation in this field. This seems to stem from the increasing cross-border competition that is arising as a consequence of the development of on-line lotteries and casinos.

The Commission is currently awaiting further reactions from interested parties including national authorities in this area. Cross-border restrictions to such services as well as to all other services will be addressed in a Report to be prepared by the Commission at the end of Phase 1 of its Internal Market Strategy for Services. This report will be made available to the Parliament.

Meanwhile, the Honourable Member is invited to submit his views on the need and/or content for such European harmonisation to the Internal Market and Enterprise Directorates General of the Commission who have joint responsibility for the follow-up work on the Communication on an Internal Market strategy for services.

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[1] Judgement of the Court of 21 September 1999. Markku Juhani Läärä, Cotswold Microsystems Ltd and Oy Transatlantic Software Ltd v. Kihlakunnansyyttäjä (Jyväskylä) and Suomen valtio (Finnish State). Reference for a preliminary ruling: Vaasan hovioikeus — Finland. Freedom to provide services — Exclusive operating rights — Slot machines. Case C-124/97.

[2] Directive 2000/31/EC of the Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000).

[3] COM(2000) 888 of 29.12.2000.

(2001/C 350 E/210)

WRITTEN QUESTION E-1572/01

by Luciano Caveri (ELDR) to the Commission

(1 June 2001)

Subject: Recruitment of temporary staff to OLAF

Over the past few months the European Anti-Fraud Office (OLAF) has launched a recruitment drive for temporary staff specialising in criminal law and anti-fraud legislation.

Will the Commission provide the following information:

— the overall result of this recruitment drive;

— the number and names of applicants who were already working for OLAF, and

— the number and names of such applicants who are to be re-recruited and when this is to occur?

Answer given by Ms Schreyer on behalf of the Commission

(18 July 2001)

The European Anti-Fraud Office (OLAF) organised three separate selection procedures in 2000 for the recruitment of temporary staff, two for investigators (categories A and B) and one for specialists (category A) in the area referred to by the Honourable Member (criminal law and anti-fraud legislation).

As regards the selection of investigators, the two reserve lists comprise 64 names in category A, with seven successful candidates recruited on 31 May 2001, and 52 names in category B, with 17 candidates recruited on the same date.

As regards the selection of specialists in criminal law and anti-fraud legislation, the reserve list contains 10 names in career bracket A7/A6, with four successful candidates recruited on 31 May 2001, and 24 names in career bracket A5/A4, with five candidates recruited on that date. Of the nine new members of staff recruited, one was already working for OLAF.

Recruitment from the reserve lists will continue as and when budgetary funds become available in line with departmental requirements.

With a view to safeguarding the confidentiality of personal data, the Commission declines to provide the names of persons already working for OLAF or likely to be recruited in future in reply to a written question.

(2001/C 350 E/211) **WRITTEN QUESTION P-1577/01**

by Georg Jarzembowski (PPE-DE) to the Commission

(21 May 2001)

Subject: Interpretation of the second indent of Article 2 of Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines

Article 2 of Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines [1] lays down requirements with regard to the sardine species which may be marketed as preserved sardines. The second indent of that Article lays down that preserved sardines must be prepared exclusively from fish of the species 'Sardina pilchardus Walbaum'.

However, WTO rules, especially those set out in Article III, Article IX(1) and Article XI(1) of the GATT, stipulate that what are known as 'like products' — such as like domestic products or like products from third countries — may not be treated less favourably.

Is the Commission aware that the wording of the second indent of Article 2 of Council Regulation (EEC) No 2136/89 breaches GATT rules, especially Article III, Article IX(1) and Article XI(1) thereof, since it prohibits the marketing of like sardine species (such as 'Sardinops sagax')?

Has the Commission taken on board the fact that a prohibition on such like products breaches the GATT rule on equal treatment of like products?

What will the Commission do in order to prevent a clash between Council Regulation (EEC) No 2136/89 and the GATT rules referred to above and to create legal certainty?

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[1] OJ L 212, 22.7.1989, p. 79.

Answer given by Mr Lamy on behalf of the Commission

(22 June 2001)

Council Regulation (EEC) No 2136/89 of 21 June 1989 lays down the common marketing standards for preserved sardines. This Council regulation does not exclude from the Community market other types of fishes, like the sardinops sagax, nevertheless it reserves the use of the name 'sardine' to the Sardine Pilchardus Walbaum. This reserve in the use of the name 'sardine' is in accordance with the traditional use of 'sardine' in the Community and it is done in order to ensure market transparency and prevent the consumer from being mislead. However, other types of sardine-like fishes can be freely marketed in the Community if they use another name that can distinguish them from the 'sardine pilchardus walbaum'.

Concerning the Honourable Member's questions as to the General Agreement on Tariffs and Trade (GATT) compatibility of Regulation (EEC) No 2136/89, the Commission would like to explain that in light of the interpretation of the concept of like products provided by GATT and World Trade Organisation (WTO) panels, sardines and sardinops are not necessarily like products. But more importantly, even if that would be the case, Regulation (EEC) No 2136/89 does not provide less favourable treatment to sardinops than to sardines as both can be freely marketed in the Community without any restriction. It is only because of the need to protect the consumer that the term 'sardine' is in the Community reserved for the 'sardine

pilchardus walbaum'. This reserve is not only justified by a legitimate interest of the Community legislator but it is also in line with international standards on this matter, like the Codex Alimentarius.

Moreover, that Regulation (EEC) No 2136/89 was not enacted as a way to afford protection to the Community industry is shown by the fact that around 38 % of all sardines consumed in the Community are imported.

The Commission would like to take this opportunity to inform the Honourable Member that Peru has requested WTO consultations concerning Regulation (EEC) No 2136/89. The Commission will use these consultations to explain in detail to the Peruvian authorities why Regulation (EEC) No 2136/89 is fully compatible with the Community international obligations.

(2001/C 350 E/212) **WRITTEN QUESTION E-1582/01**

by Helle Thorning-Schmidt (PSE) to the Commission

(1 June 2001)

Subject: Protection of workers from organic solvents

Many European workers, painters among them, are exposed on a daily basis to hazardous substances and materials, including organic solvents.

One of the main features of European work environment legislation is an emphasis on substituting hazardous with non-hazardous substances. However, it is not always possible to do so.

Is the Commission considering the possibility of submitting a proposal to improve protection against organic solvents, and is the Commission familiar with national systems which provide employees and employers with easily assimilated instructions on the safety measures to take if it is not possible to substitute hazardous with non-hazardous substances?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(17 July 2001)

The Commission is familiar with the problem raised by the Honourable Member, which concerns the replacement of a hazardous substance by one which is not hazardous or less hazardous to workers' health.

This is also one of the employers' obligations set out in Article 6 (2) of Council Directive 98/24/EC of 7 April 1998 on the protection of the health and safety of workers from the risks related to chemical agents at work [1].

The Honourable Member is correct in stating that substitution is not always possible, in particular because of the specific characteristics of certain chemical substances. However, Article 6 (2) requires other protection and prevention measures to be taken in such a situation.

With particular regard to organic solvents, the Commission is aware that certain Member States have produced guidelines to be followed by employees in order to minimise the risks associated with the use of these chemical substances.

Taking account of experience in the Member States, and in accordance with Article 12 (2) of the above-mentioned Council Directive, the Commission will in the near future draw up practical guidelines of a non-binding nature, which will cover inter alia the subject raised by the Honourable Member.

[1] OJ L 131, 5.5.1998.

(2001/C 350 E/213) **WRITTEN QUESTION E-1587/01**

by Rosa Miguélez Ramos (PSE) to the Commission

(1 June 2001)

Subject: Ban on drift nets

On 8 June 1998 the Council decided to ban the use of drift nets, establishing a moratorium of four years, during which time there should be a gradual reduction in the number of boats using these nets, so that they are phased out completely by December 2001. However, the tuna fleet, which uses nets compatible with preserving fish resources and long since abandoned the use of drift nets, is concerned at certain moves to prevent the forthcoming total abolition of these nets.

Can the Commission confirm that the Council decision will be implemented?

Can it guarantee that the obligation to phase out the nets is being complied with? If not, why are they not being phased out during the moratorium? What reasons can the Commission see for France, Great Britain, Italy and Ireland not to comply with this obligation? What steps has it taken to force these countries to comply?

Can the Commission give the European Parliament the list of boats which still use these nets? Since the sector concerned claims that the list sent to the Commission by the Member States at the beginning of the moratorium was falsified, does it believe that the list it now has is correct?

Answer given by Mr Fischler on behalf of the Commission

(18 July 2001)

The Commission is firmly committed to enforcing Council Regulation (EC) No 1239/98 of 8 June 1998 amending Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources [1].

It has already provided the Parliament, in 2000 and after its specific request, with a report on enforcement in 1998 and 1999 of Community legislation on the use of driftnets targeting highly migratory species. The report contain the elements showing that Member States are complying with Council Regulation (EC) No 1239/98.

Within that report, the Honourable Member will find the figures of fishing boats using driftnets.

The report referring to year 2000 will shortly be completed.

[1] OJ L 171, 17.6.1998.

(2001/C 350 E/214) **WRITTEN QUESTION E-1588/01**

by Adeline Hazan (PSE) to the Commission

(1 June 2001)

Subject: Right to family reunification

On 28 and 29 May 2001, the forthcoming Council of Ministers of Justice and Home Affairs will debate the proposals for a European Union directive on the right to family reunification.

This text is crucial for the achievement of a normal family life, as laid down in Article 8(1) of the European Convention on Human Rights which stipulates that: 'Everyone has the right to respect for his [private and] family life'.

There are serious concerns at present about the fate of this proposal since, although it marks the first material and courageous step forward along the road towards the communitarisation of the third pillar, some Member States want to backtrack and make substantial changes to it by:

— extending to more than one year the waiting period before the end of which third-country nationals may not apply for family reunification;

— limiting strictly the number of family members eligible for family reunification, excluding relatives in the ascending line, unmarried couples and dependent children who have reached the age of majority;

— not granting family members the right to work immediately upon arrival in the host Member State;

— allowing Member States to withdraw residence permits for reunified families if, in the two years following reunification, the required conditions are no longer met.

The Commission's draft directive, as amended by the European Parliament, is a significant text which must receive firm and uncompromising backing from the Community institutions.

What strategy does the European Commission intend to adopt in the light of this incomprehensible hue and cry? What is its unequivocal and precise position on this issue?

Answer given by Mr Vitorino on behalf of the Commission

(19 July 2001)

The wide differences of opinion still remaining between the Member States prevented them from reaching an agreement on the proposal for a directive on family reunification at the Justice and Home Affairs (JHA) Council on 28 and 29 May 2001. The Ministers concluded that negotiations should continue in working parties under the Belgian Presidency.

It is true that the proposals given as examples by the Honourable Member were presented during the negotiations. However, none of them was supported by all the Member States.

During the negotiations the Commission defended its proposal as amended by Parliament's opinion, without standing in the way of an acceptable compromise. It will also ensure within the limits of its powers that the final text will have a real legal and political bearing. It has maintained repeatedly that once persons are admitted they should be automatically integrated into the host country. Family reunification is a powerful tool for persons already resident in a Member State, and persons admitted for that purpose should be guaranteed adequate rights.

(2001/C 350 E/215) **WRITTEN QUESTION P-1599/01**

by Christos Zacharakis (PPE-DE) to the Commission

(21 May 2001)

Subject: Condemnation of Turkey by the European Court of Human Rights

In its judgment of 10 May 2001 the European Court of Human Rights condemned Turkey for continuing large-scale violations of human rights in Cyprus since 1974 and ruled in favour of the application by the Republic of Cyprus.

As the Turkish Government hastened to announce that it would ignore this judgment of the European Court of Human Rights, whose jurisdiction it has by the way formally recognised since 1990, and as in the

past it ignored a similar judgment by the same court condemning it in the Loizidou case of 1996:

— What direct action does it intend to take to ensure respect for the judgments of the European Court of Human Rights by Turkey?

— What will be the consequences of Turkey's behaviour in violating its commitments to the European Institutions in respect of its prospects of accession to the European Union, and what specific will these consequences take in the European Union's political and economic relations with Turkey?

Answer given by Mr Verheugen on behalf of the Commission

(19 June 2001)

The Commission is aware of the recent judgement by the European Court of Human Rights to which the Honourable Member refers.

As a candidate country Turkey needs to fulfil the Copenhagen criteria, inter alia on human rights.

This is among the subjects included in the Accession Partnership and the enhanced political dialogue with Turkey. The Commission will give its assessment of the performance of all candidates under the Copenhagen criteria in the regular reports on progress in preparation for membership, to be adopted in November 2001.

It may also be recalled to the Honourable Member that mention was made of the case of Loizidou against Turkey in the last regular report, published in November 2000 [1].

[1] COM(2000) 713 final.

(2001/C 350 E/216) **WRITTEN QUESTION E-1604/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(1 June 2001)

Subject: Condemnation of Turkey by European Court of Human Rights

In a recent judgment on 10 May 2001, the European Court of Human Rights (ECHR) condemned Turkey for wide-ranging and systematic violation of 14 articles of the European Convention on Human Rights in Cyprus.

This judgment follows on from the same Court's 1998 judgment in the Loïzidou case, with which Turkey has yet to comply and the Turkish Foreign Ministry has announced in regard to the new judgment that Turkey is unable to implement it.

Since the Court's judgment is binding and final, will the Commission include full and unconditional acceptance of ECHR judgments among Turkey's 'short-term obligations' under the EU-Turkey partnership agreement?

Answer given by Mr Verheugen on behalf of the Commission

(10 July 2001)

The Commission would refer the Honourable Member to its answer to written P-1599/01 by Mr Zacharakis [1].

[1] See page 198.

(2001/C 350 E/217) **WRITTEN QUESTION E-1607/01**

by Juan Naranjo Escobar (PPE-DE) to the Commission

(1 June 2001)

Subject: New measures to combat drug use

Studies on drug use have revealed a slight rise in some Member States in the age of first contact with drugs, an increase in the number of people using alcohol and cannabis and a fall in the use of hard drugs such as heroin, while the numbers taking other illegal substances have stabilised.

Many governments have already reformed various aspects of their legal systems in connection with the fight against drug trafficking. Measures include introducing a closer correlation between the sentence imposed and the quantity of drugs seized, a greater range of sentences for small-scale traffickers and reduced sentences for those who co-operate with the authorities. Such measures have reinforced the fight against drug trafficking given that, although patterns of drug use and the profile of drug users may change, drug use remains prevalent.

Given the constant changes in drug trafficking, how is the Commission encouraging all Member States to adopt more up-to-date, robust and rigorous rules to combat this phenomenon?

Answer given by Mr Vitorino on behalf of the Commission

(17 July 2001)

The Member States and the Community share responsibility for policy and legislation on the prevention of drug abuse.

Since 1990 the Union has stressed the need for an overall multidisciplinary and integrated approach to the fight against drugs based on action in four main areas: (i) reduction of demand; (ii) reduction of supply and measures to combat illegal trafficking; (iii) international co-operation; (iv) coordination at national and EU levels.

On 23 May 2001, to meet the challenge posed by the traffickers who supply the population with narcotics and psychotropic substances, the Commission approved a proposal for a Council framework decision laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking ([1]). Such a proposal had been called for in the conclusions of the Tampere European Council of 15 and 16 October 1999 and in the European Action Plan to Combat Drugs (2000-2004) ([2]).

As the Honourable Member has pointed out, it is important that the Union should clearly demonstrate its commitment to the fight against drug trafficking, which poses a threat to people's health, security and quality of life, by adopting the proposal for a Council framework decision, laying down a common approach in the field of criminal law and strengthening co-operation between Member States.

([1]) COM(2001) 259/4.
([2]) COM(1999) 239 final.

(2001/C 350 E/218) **WRITTEN QUESTION E-1618/01**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(12 June 2001)

Subject: Community noise abatement legislation

For the first time ever, the residents of the historic centre of Malaga have mobilised under the slogan 'Endless sleepless nights destroy body and soul', and have set up a committee to protest against the

circumstance that Malaga is one of the noisiest cities in Europe, with a noise level in excess of 65 decibels, the level considered harmful by the WHO.

Can the Commission give an account of the general and environmental legislation at EU level under which the public is protected against noise, given that existing noise levels are causing these Malaga residents so much damage (physical damage included) that they have decided to launch a crusade to fight this form of sound pollution?

Answer given by Mrs Wallström on behalf of the Commission

(25 July 2001)

The Commission has received several complaints that are of a similar nature to that cited in the Honourable Member's question.

The Community has not adopted legislation about acceptable levels of noise nuisance. This type of problem is therefore currently a purely national challenge and the complainants should address their concerns to the competent authorities in Spain.

However, the Commission has launched a proposal for a Directive for the assessment and management of environmental noise [1]. This was a follow up to mainly Parliament's responses to the earlier work on noise that was presented as a Green Paper [2]. The proposal is currently being examined by the Parliament and the Council.

The proposal will ensure that the Member States assess levels of environmental noise and inform the public about the result of their assessment and their plans to reduce the noise nuisance.

[1] OJ C 337 E, 28.11.2000.
[2] COM(96) 540 final.

(2001/C 350 E/219) **WRITTEN QUESTION E-1620/01**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(12 June 2001)

Subject: Statute of the European Foundation

Numerous institutions, bodies and natural and legal persons from various Member States have been asking when they will be able to make use of a legal instrument similar to that governing foundations in the Member States.

A wide range of non-profit activities require a joint effort and commitment on the part of citizens of more than one EU Member State, in order to carry out non-commercial activities of an altruistic nature.

A Statute of the European Foundation would provide them with a legal instrument for carrying out their activities of cultural sponsorship, etc, in the general interest and on a non-profit basis.

Can the Commission describe the present situation as regards the project for a Statute of the European Foundation? On what basis does the Commission believe such a Statute could be fully operative for the purposes outlined above, in the near future?

Answer given by Mr Liikanen on behalf of the Commission

(25 July 2001)

In 1992 the Commission presented three proposals for Statutes for the creation of a European Co-operative, European Mutual Society and European Association [1]. These were amended in 1993 in the light of opinions of the European Parliament and Economic and Social Committee [2]. These texts closely

paralleled the Statute for a European Company ([3]) with regard to the rules concerning the structure, powers and obligations of their organs. However they take into account the specific characteristics of co-operatives, mutuals and associations. Foundations are specifically included amongst the types of legal entity that may benefit from the proposal for a statute creating a European Association.

The Commission believes that the Statute for a European Association will satisfy the need for legal instrument for any organisation engaging in non-commercial and socially committed activities in the general interest and on a not-for-profit basis.

The political agreement on the Statute for a European Company in the Council in December 2000 ([4]) has enabled negotiations on the other statutes to be re-opened in the Council, and the European Co-operative Statute is now under discussion. The Commission will make its best efforts to ensure that the text of the Statute for a European Association is ready for discussion as soon as agreement has been reached amongst the Member States' on the European Co-operative Statute.

([1]) Original proposal OJ C 99, 21.4.1992.
([2]) Amended proposal OJ C 236, 31.8.1993.
([3]) Amended proposal OJ C 176, 8.7.1991.
([4]) Press Release: 489, No 14671/00.

(2001/C 350 E/220) **WRITTEN QUESTION E-1625/01**

by Joachim Wuermeling (PPE-DE) to the Commission

(12 June 2001)

Subject: Commission's services initiative

In some Member States, access to and exercise of some trades and professions are still subject to state regulation. Such state regulation, the German Chimney Sweeps Act for example, provides inter alia for territorial protection and fixed fees which are higher than those for similar activities. That results in disparities in regulation within the European Union and in the partitioning off of national and regional markets.

As part of its services initiative, does the Commission intend to propose an opening up of markets in this area?

Answer given by Mr Bolkestein on behalf of the Commission

(19 July 2001)

The Communication from the Commission of 29 December 2000 ([1]) sets out a strategy for creating an internal market for services, in order to ensure that services can move as freely from one Member State to another as they can within an individual Member State.

This strategy has a two-step approach: the first step (2001) will consist of a comprehensive, systematic identification of the barriers to free movement of services across national frontiers, irrespective of the sector involved. The second step (2002) will focus on proposals for appropriate solutions.

The analysis which the Commission is currently undertaking is therefore also concerned with restrictions on the free movement of services which may be caused by regulations concerning conditions of access to and exercise of certain professions.

As regards the German Law on Chimney Sweeps, the Commission has received a number of petitions drawing its attention to the need to analyse in detail requirements such as those arising from the German legislation on chimney sweeps, which restricts to the profession of district master chimney sweep the exercise of an activity which, in other Member States, may be carried out by professions with the same qualifications.

([1]) COM(2000) 888 final.

(2001/C 350 E/221) **WRITTEN QUESTION E-1627/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(12 June 2001)

Subject: Programme of aid for the conversion of tobacco production

Tobacco producers in several Greek regions are facing serious problems arising from EU policy on aid for tobacco production, in particular for varieties which are considered to be of low quality and low market value. A typical example is provided by regions in southern Etoloacarnania, where the Mavra and Tsembelia varieties are grown, production of which is to cease in the coming years in accordance with European Union plans.

Faced with constant falls in their incomes, tobacco producers in these regions are unable to convert to other crops without appropriate aid. As a result, these areas are gradually becoming depopulated as young people in particular are leaving, whilst workers in the tobacco processing sector are also being affected and their jobs are under threat.

Aid should cover projects designed to tackle the insufficient availability or lack of water for irrigation, measures to cut the costs of irrigation, the provision of technology and the development of research into new substitute crops, the creation of commercial structures for new products to replace tobacco, a minimum but adequate level of funding, etc. Such aid cannot be effective if it is restricted to measures under the third CSF or agricultural development programmes (young farmers, compensatory payments, etc.) and the common organisation of the market for tobacco (buying back of quotas).

Given that the Commission has adopted and financed specific programmes for sectors in crisis and requiring restructuring in the past (Retex and Rechar), can it say whether it will look into the possibility of adopting and financing a specific programme (perhaps to be named Retob) which would make it possible, through infrastructure projects and training measures, to restructure production in tobacco-growing regions which are facing problems and to provide aid for tobacco producers and for workers in the tobacco industry?

Answer given by Mr Fischler on behalf of the Commission

(19 July 2001)

The Commission does not intend proposing or implementing any specific programme of the sort alluded to by the Honourable Member.

It regards the instruments available for rural development as adequate for responding to the tobacco sector's problems in Greece. It is for the national and regional authorities to utilise the resources allocated under the 2000-2006 programming for encouraging production diversification and integrated rural development by fostering multiple-jobholding in country areas and to concentrate them on the sector's weak points in rural areas most dependent on tobacco-growing.

(2001/C 350 E/222) **WRITTEN QUESTION E-1630/01**

by Glenys Kinnock (PSE) to the Commission

(12 June 2001)

Subject: White Paper on European Governance

Would the Commission provide a timetable, and explain the unacceptable delay, for the publication of a Communication on future consultation with civil society, as referred to in the Plan of Action on the implementation of the EU's development co-operation policy?

How does the Commission intend to ensure that civil society will be consulted in full about this Communication?

Answer given by Mr Prodi on behalf of the Commission

(26 July 2001)

The Commission has chosen the White Paper on governance to reinforce, and provide a political framework for, its commitments to raising the quality of consultation with civil society and non-governmental organisations. This approach is designed to enhance the impact of specific actions advocated in the White Paper.

The preparatory work for the White Paper drew on the consultations held at the beginning of 2000 on the discussion paper entitled 'The Commission and non-governmental organisations: building a stronger partnership' and, in general, on the experience acquired by the Commission's Secretariat-General with regard to existing practice in consulting civil society.

The preparatory work for the White Paper also benefited from specific contributions from all the major players in organised civil society, provided either spontaneously or in response to a request.

The White Paper will be accompanied by a detailed timetable setting out the various stages of implementation. It will be the subject of wide-ranging discussions with all the parties concerned, including representatives of civil society.

(2001/C 350 E/223) **WRITTEN QUESTION E-1631/01**

by Glenys Kinnock (PSE) to the Commission

(12 June 2001)

Subject: White Paper on European Governance

Would the Commission clarify what steps it has taken to ensure that civil society is consulted in full about the preparation of the White Paper on European Governance?

In this context, would the Commission clarify the role of the Working Group on Civil Society Participation?

How does the Commission intend to ensure that earlier recommendations from civil society on how to improve relations between the EU and NGOs will be fed into the discussions on the White Paper on European Governance?

Answer given by Mr Prodi on behalf of the Commission

(26 July 2001)

External consultation, involving civil society, formed an important part of the preparatory work for the White Paper on governance. In the spirit of good governance, a report on the consultations carried out by all the working groups during the preparatory process will very shortly be available via the Europa website: http://europa.eu.int/comm/governance/index_en.htm.

The members of the working group on the consultation and participation of civil society and regional and local players have conducted hearings collectively and taken part individually in events organised by civil society players in connection with the preparation of the White Paper.

The main feedback from non-governmental organisations is set out in the report on the consultation process and was duly taken into account in drawing up the recommendations in the governance White Paper.

(2001/C 350 E/224) **WRITTEN QUESTION E-1638/01**

by Robert Goebbels (PSE) to the Commission

(12 June 2001)

Subject: Decision of the Ecofin Council in Versailles

The Commission, the Council and the European Central Bank are still using the Ecofin 'decision' banning the circulation of banknotes before 1 January 2002 as the pretext for their refusal to supply the public with euros in advance. Since the Ecofin in Versailles was an informal meeting of Economic and Finance Ministers and the Treaty does not grant any decision-making power to Councils meeting informally, how lawful is the decision which the Commission, the Council and the ECB are using as the basis for opposing the advance distribution of a reasonable amount of small denominations to the general public before 1 January 2002?

Answer given by Mr Solbes Mira on behalf of the Commission

(20 July 2001)

The declarations published after an Ecofin Council — be it formal or informal — are political undertakings. Deciding whether or not to issue banknotes to the public in advance is a political act which requires consensus in the Council and the agreement of the ECB, which is responsible for putting the notes into circulation. The informal Ecofin Council is an appropriate forum for such debates since all the authorities concerned are present. The Versailles decision was taken after a long discussion within that forum.

(2001/C 350 E/225) **WRITTEN QUESTION E-1640/01**

by Robert Goebbels (PSE) to the Commission

(12 June 2001)

Subject: Advance distribution of euros to the general public

The action group 'Euro 50 Group', chaired by Mr Edmond Alphandéry, former French Minister for Economic and Financial Affairs, has just met in Berlin to assess how prepared the euro zone is for the introduction of the common currency on 1 January 2002. It was ascertained that most of the cash dispensers in the countries concerned have only two drawers for the denominations to be distributed. In real terms this means that the dispensers will not be able to supply € 5 and € 10 notes as well as € 20 and € 50 notes. It is these large denominations which will be distributed to the public. This situation is likely to lead to a shortage of small denominations at the beginning of 2002, which will make the task of commerce more difficult when the euro is introduced.

Why is the Commission not willing to allow the general public to acquire in advance, for example between Christmas 2001 and 1 January 2002, a set of two € 5 banknotes and one € 10 banknote, by analogy with the set of coins worth a total of € 20 which the general public will be able to obtain in the various countries before the end of December 2001?

Answer given by Mr Solbes Mira on behalf of the Commission

(18 July 2001)

A great majority of cash dispensers have four drawers in eight of the twelve Member States concerned and will thus be able to dispense small notes without any particular difficulty (five and/or 10 euro notes). Irrespective of the number of drawers, small notes will be available in most cash dispensers in all the Member States concerned except Finland, Greece and Luxembourg. Several Member States have also decided to take extra measures in order to provide the public with small banknotes, such as setting up specific cash points (L), paying social security amounts in small denominations (IRL), payment in small

denominations of pensions and wages by the postman (GR). The agreement concluded by the Commission and the European banking associations on 19 February 2001 also provides that ordinary withdrawals in banks will systematically be paid out in small notes.

As regards providing the public with notes in advance, the Finance Ministers and the Central European Bank decided against it at the informal Ecofin Council meeting held in Versailles in October 2000.

(2001/C 350 E/226) **WRITTEN QUESTION P-1660/01**

by Minerva Malliori (PSE) to the Commission

(1 June 2001)

Subject: Destruction of the Amazonian rainforests

The programme for the economic development of Brazil (Avança Brasil) is on a collision course with initiatives to protect the Amazonian rainforests.

According to the annual report of Brazil's national institute for space research, some 19 600 km^2 of tropical forests, or 0,56 % of the total area, were destroyed in 2000. This is the heaviest deforestation since 1995. In less than 50 years the Brazilian Amazonian rainforests have shrunk by 551 000 km^2. This has not deterred the Brazilian government from planning a substantive increase in the overall area of tropical forests where logging is permitted and also insisting on the construction of new electricity generating plants in forest areas.

Given the principles of sustainability and prevention and the fact that the European Union, together with the G7 countries, has provided € 359 million for a pilot project to protect and preserve this green lung of the world, will the Commission say whether it intends to take specific action to ensure that the Amazonian rainforest countries can pursue an environmentally sound policy to manage the tropical forests? Will it also say whether it intends to help protect the indigenous population which has almost disappeared owing to the destruction being inflicted on the Amazonian rainforests?

Answer given by Mr Patten on behalf of the Commission

(20 June 2001)

The main objective of the Brazilian government's 'Programa Avança Brasil', is the modernisation of the country. Environment is a major priority area in Brazilian politics. Commission will follow closely the developments of this programme in order to ensure that it has no detrimental effects on the environment.

The protection of the environment is also one of the main priority areas in the bilateral co-operation with Brazil. Environmental protection is a strategy well defined in the Country Strategy Paper for Brazil adopted by the developing countries — Latin America and Asia (PVD-ALA) committee in October 1998. The Commission has made a preliminary provision for co-operation in the field of the environment in the guidelines for multiannual co-operation with Brazil between 2000-2006.

Concerning the Amazon rainforest itself, the Commission is playing an important role in the Pilot Programme for the Conservation of the Brazilian Rainforests (PPG7). This programme represents a unique experiment made up of a partnership which includes the Brazilian government, the World Bank, the group of seven most industrialised countries (G7) and the Commission. Of the € 100 million that are presently being dedicated to Community-Brazil co-operation on environment, the PPG7 is benefiting from € 80 million. The Commission is determined to continue making efforts to improve this programme. Thus the Commission is participating in the mid-term review of the PPG7 and the Conference of Donors and Participants.

The Commission will follow very closely the future developments in the PPG7 with a special consideration for its impact on indigenous communities. Other important actions are also being taken in favour of indigenous peoples within the framework of the Commission's non-governmental organisations (NGO) budget line.

(2001/C 350 E/227) **WRITTEN QUESTION P-1663/01**

by Ulla Sandbæk (EDD) to the Commission

(1 June 2001)

Subject: Danish job rotation system

Can the Commission specify where, in its view, the problems lie in the revised Danish job rotation system which entered into force at the turn of the year?

Can the Commission confirm that it believes that arrangements which target specific groups, such as the disadvantaged unemployed, cannot be approved as they distort competition?

Can the Commission say when Denmark is expected to receive an answer on this matter?

Will the Commission provide me with a copy of its answer when available?

Answer given by Mr Monti on behalf of the Commission

(3 July 2001)

The scheme combines recruitment of a new employee in a company with training of an existing employee. The procedure is that an employee of a company is sent on training. At the same time, an unemployed person is hired to replace the person on training. When the training is over, the trainee comes back to another job and the newly hired person may stay on.

There are two different grants. Firstly, if the trainee receives a salary during the training, the employer receives a grant covering part of that salary cost. If the trainee does not receive a salary during the training, the grant goes to the trainee directly. Secondly, the employer receives a grant to cover part of the salary costs for the person employed. This grant is intended to compensate for the lower productivity of the disadvantaged workers hired under the scheme. Originally, though, the Danish authorities had the intention to allow non-disadvantaged workers to be hired in so-called 'bottle-neck sectors', which are sectors in which, in spite of general unemployment, it is difficult to find qualified workers.

According to the Community guidelines on aid to employment [1] the Commission will be favourably disposed towards aid to create new jobs in small and medium-sized organisations (SMEs) and in regions eligible for regional aid. Outside these two categories, it will also look favourably upon aid to encourage firms to take on certain groups of workers experiencing particular difficulties entering or re-entering the labour market (point 21 first indent). This is why the Commission, during informal contacts with the Danish authorities, pointed out that it could not approve aid to companies hiring non-disadvantaged workers in bottle-neck sectors. The situation was therefore the opposite of the one suggested in the question. The Danish authorities have agreed to amend the scheme so that it only involves disadvantaged workers. This means that the employment side of the job rotation scheme is covered by an already approved employment aid scheme.

On 11 April 2001, the Danish authorities notified the training side of the scheme. They claim that the training grant is administered as a so-called general measure and therefore does not constitute State aid. For a measure to be a general measure, it must not favour certain enterprises or the production of certain goods, there may be no sectoral or regional limits or preferences, the State may not have any discretionary powers, and there may not be any budgetary restrictions. The Commission is currently investigating whether all these criteria are fulfilled in the present case and has requested the necessary additional information from the Danish authorities. Once all the information has been submitted, and the notification can be considered to be complete, the Commission has two months to adopt a final decision. The decision can then be found, in Danish, at the following internet address: http://europa.eu.int/comm/secretariat_general/sgb/state_aids/.

(1) OJ C 334, 12.12.1995.

(2001/C 350 E/228) **WRITTEN QUESTION E-1672/01**

by Jacqueline Foster (PPE-DE) to the Commission

(14 June 2001)

Subject: Defibrillators on short haul flights

Could the Commission confirm whether there is any EU initiative currently in progress relating to the carrying of life saving equipment (with particular reference to the availability of defibrillators on short-haul flights) on civil aircraft carrying passengers?

Answer given by Mrs de Palacio on behalf of the Commission

(20 July 2001)

The obligation to carry defibrillators on commercial aircraft is among the operational requirements which may be imposed on aircraft operators.

The Commission has placed a proposal before Parliament and the Council for the adoption of operational requirements for the commercial exploitation of aircraft (1) but it does not include such an obligation.

As the Honourable Member is aware, the Commission has based its proposal on the work of the Joint Aviation Authorities (JAA) and has emphasised that it does not wish to call the experts' conclusions with regard to safety into question. A large number of Members of Parliament supported this viewpoint during the debates on the above proposal.

Now that the US Administration has adopted a regulation requiring defibrillators to be carried on some commercial aircraft, the subject will be coming up for discussion within the JAA. The Commission will take account of the conclusions with a view to possibly amending its proposal.

(1) OJ C 311, 31.10.2000.

(2001/C 350 E/229) **WRITTEN QUESTION E-1676/01**

by Jaime Valdivielso de Cué (PPE-DE) to the Commission

(14 June 2001)

Subject: Shipbuilding industry

On 8 May 2001 the Commission at last proposed, in view of the unfair competition which has been practised for years now by South Korea, as described in its fourth report on the industry, that the matter should be brought before the WTO on 30 June.

Also proposed is the immediate adoption of aid for this long-suffering industry, to a maximum of 14 % for the affected sections. Aid had been suspended on 31 December 2000.

What compensation will be granted to enterprises in this sector for the damage suffered between 31 December 2000 and the present, given that almost no orders have been registered and the Union's industry has been left totally at the mercy of South Korea's unfair competition?

Answer given by Mr Monti on behalf of the Commission

(30 July 2001)

As pointed out by the Honourable Member in his question, there has been a low ordering activity for ships the first months of this year in the Community. However, this can to a large extent be explained by a very large ordering activity at the end of last year linked to the abolition of operating aid. The Commission cannot see any need for compensating the yards for this effect on the timing of orders. Furthermore, the reduced ordering activity in 2001 has not only been noted in the Community but also elsewhere. E.g. South Korean yards are reported to have registered a 32,6 % drop in orders the first quarter of 2001 compared to the same period last year.

The Commission is actively pursuing all possible means to reach a normal situation in the world shipbuilding market. The Commission is thus negotiating with the South Korean government in order to reach a stable solution, which should ensure normal prices on the world market. The Commission is in parallel preparing a World Trade Organisation (WTO) action against illegal Korean subsidies and a temporary defensive mechanism for Community yards. The WTO action against Korea will be launched, and the temporary defensive mechanism will be proposed to the Council and Parliament if the negotiations with Korea fail.

(2001/C 350 E/230) **WRITTEN QUESTION E-1694/01**

by Astrid Thors (ELDR) to the Commission

(14 June 2001)

Subject: White paper on youth policy

Negotiations have been under way for several years between the Commission and European youth organisations with a view to producing a white paper. The purpose of the white paper is to act as a guide when European youth policy is implemented. Why has no white paper on European youth policy been produced?

How does the Commission intend to take an active part in drawing up a uniform European youth policy?

(2001/C 350 E/231) **WRITTEN QUESTION E-1733/01**

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

(14 June 2001)

Subject: White paper on EU youth policies

In September 1999, Commissioner Viviane Reding informed Parliament of her intention to bring out a white paper on the EU's youth policies. This initiative was formally presented at a meeting of the Council of Ministers for Youth in November 1999.

The prospect of this white paper has raised hopes and expectations in the youth organisations of Europe, who have expressed their trust in the Commission.

Can the Commission provide information on the state of progress of this white paper?

Can the Commission confirm that the white paper will be submitted in November 2001, in line with the original targets?

(2001/C 350 E/232) **WRITTEN QUESTION E-1903/01**

by Jaime Valdivielso de Cué (PPE-DE) to the Commission

(28 June 2001)

Subject: Youth

The Commission has recently frozen one of the major projects embarked on in the field of youth: the White Paper on youth policies in the European Union, which was to have been presented in November 2001.

A multitude of European youth groups and associations, experts, governments, etc. have been involved in the project.

Why has the Commission frozen this work in the wake of the efforts made by the above organisations?

What will be done to compensate for the severe setback which suspension of the White Paper means for society and, in particular, for young people in Europe?

(2001/C 350 E/233) **WRITTEN QUESTION E-1904/01**

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

(28 June 2001)

Subject: White Paper on youth policies

In September 1999 the Commission, represented by the Commissioner responsible, announced before the European Parliament that it intended to draw up a White Paper on European Union youth policies, an initiative which was officially presented to the Council of Ministers for Youth in November 1999. This project responded to a long-standing demand made by European youth organisations, which had long been calling for a text to be drawn up which would provide youth policies with a structure at Community level.

A consultation process was held in 2000 involving European youth representatives, governments, civil society and experts in the area. The enthusiasm and expectations raised in connection with the drawing-up of the White Paper on youth policies exceeded all initial forecasts, and the Commission announced that it intended to present the White Paper in November 2001, during the Belgian presidency.

Can the Commission say what stage has been reached in drafting the White Paper on European Union youth policies and whether it will indeed be presented in November 2001?

Can the Commission provide information on the criteria on which the White Paper will be based and the objectives to be achieved?

(2001/C 350 E/234) **WRITTEN QUESTION E-2050/01**

by María Sornosa Martínez (PSE) to the Commission

(13 July 2001)

Subject: White Paper on EU youth policies

In the wake of a wide-ranging consultation process involving civil society, young people's organisations and experts, the Commission would seem to have, for the time being, suspended work on its White Paper

on youth policies. At the last Council of Ministers for Youth, held in Brussels on 28 May 2001, the Member States advocated an ambitious White Paper which would aim high. Nonetheless, Commissioner Reding, while stopping short of announcing that there would be no White Paper, has warned that the final text could prove to be a document 'devoid of content'.

Can the Commission explain the nature of the problems encountered or the reasons which have led it to consider that the final text could be a document 'devoid of content'?

What action does the Commission intend to take to meet its original goal of submitting the White Paper by November 2001?

Joint answer
to Written Questions E-1694/01, E-1733/01, E-1903/01, E-1904/01 and E-2050/01
given by Mrs Reding on behalf of the Commission

(2 August 2001)

The Commission believes that the policy of European co-operation in the youth field should be strengthened. This is why, at the end of 1999, the Commission began to draw up a White Paper on this subject at the instigation of the Member of the Commission with responsibility for Education and Culture.

The Commission wanted a hitherto unprecedented consultation process to take place beforehand: consultations with young people in each Member State in 2000, in connection with which a European-level meeting was held in Paris in October 2000; consultations with civil society organisations and academics; discussions with the Member States. This process was completed in March 2001 in Umeå, Sweden.

The Commission, now sure of the support of young people and the Member States, has since then been in the process of drawing up the White Paper, which should be published before the end of the year.

(2001/C 350 E/235) **WRITTEN QUESTION E-1698/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(14 June 2001)

Subject: Postponement of new cotton regulation

Although it is the end of May and the cotton crop has long since passed the planting stage, the new cotton regulation has not yet been published. According to reports from the Council of Agriculture Ministers held on 24 April 2001, a decision was taken to introduce provisions for increasing the coresponsibility levy on surplus production, which are different and less favourable than both the current provisions and the Commission's proposal and were unknown to cotton-growers at the time of planting their crops.

In view of the fact that the Commission has repeatedly in the past adopted legislation on the basis of farmers' 'need to be informed in good time of the provisions which will apply to the crops they grow' (COM 576/1999 [1], amending the regulation on flax and hemp), will it postpone implementation of the new cotton regulation since cotton growers were unaware at the time of planting their crops of the differences from the Commission's proposal and of the higher 'fines' laid down by the new cotton regulation?

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[1] OJ C 56 E, 29.2.2000, p. 17.

Answer given by Mr Fischler on behalf of the Commission

(19 July 2001)

Reducing the guide price for unginned cotton where the guaranteed national quantities are exceeded has been a key feature of the aid scheme for cotton for many marketing years.

The proposal to adjust the system of aid for cotton presented by the Commission on 13 December 1999 [1] has been published in the Official Journal [2]. The substance of that proposal, and in particular the provisions adjusting the reduction in the guide price, was therefore public knowledge several months before the normal time of sowing referred to by the Honourable Member. Under the circumstances, the Commission considers that the principle of the protection of legitimate expectations has been observed as far as the operators are concerned.

The Commission draws the Honourable Member's attention to the fact that it is not in a position to defer a date of entry into force decided by the Council.

[1] COM(1999) 492 final.
[2] OJ C 28, 1.2.2000.

(2001/C 350 E/236) **WRITTEN QUESTION E-1700/01**

by Stavros Xarchakos (PPE-DE) to the Commission

(14 June 2001)

Subject: Policy pursued by Euronews

Euronews is a television station which has been funded from the Community budget for several years. Certain remarks made on some programmes, however, have caused resentment among the public — who after all finance the station through the budget — as is the case with Greek citizens who hear the station constantly using the term 'Macedonia' whenever it refers to FYROM. In addition, Euronews completely ignores most of the official languages of the EU, such as Greek, Danish, Finnish, Swedish etc and broadcasts no programmes in those languages. Neither are the station's viewing figures of any significance given the number of years it has been in operation and the fact that it has consistently received EU funding.

What is the total amount of EU funding received by Euronews (from the Community budget and other Community sources) since 1995? Why does that station use incorrect terminology to describe states such as FYROM, which both the UN and the EU have recognised with that very name and not as 'Macedonia'? What are the station's viewing figures for the last five years? Are those figures satisfactory for a TV station which represents the Union's attempt to create a European information network to 'showcase' the EU?

Answer given by Mr Prodi on behalf of the Commission

(19 July 2001)

The Commission, at Parliament's instigation, concluded an agreement with EuroNews in the form of a Memorandum of Understanding for the production and broadcasting of audiovisual modules. The agreement was concluded for three years.

EuroNews is a semi-public pan-European news channel broadcasting in six languages. The European Broadcasting Union (EBU) has a majority holding in the company controlling the channel (51 %); the rest is owned by Independent Television News Limited (ITN).

EuroNews wishes to become financially profitable, and in general its projects are undertaken on that basis. The languages covered by the channel (currently English, French, German, Italian, Portuguese and Spanish)

are based on the potential audience targeted by the station and on costs. The audience depends on the agreements concluded by EuroNews with terrestrial broadcasters (usually public stations such as FR3, TVE, etc., which broadcast some of its programmes), on the distributors (cable or other) and on the satellite receivers. The Commission is naturally in favour of the broadest possible coverage of Union languages, but it cannot sustain the costs that would be involved.

The Commission financed the production and broadcasting of the audiovisual modules (spots, features, etc.) under three annual agreements. The overall duration of the modules is over 70 hours. Each module has been broadcast several times. Each module lasts between 2 minutes 15 seconds and 13 minutes. The total cost is € 25 550 000. The Commission contributed € 9 700 000, the balance having been financed by the station. In practice, the Commission financing accounts for only a small part of the station's turnover. The modules concern European policies in general. News coverage is not included in this type of co-operation. It should be noted that, each year, Parliament's comments on budget lines B3-300 and B3-306 encourage the Commission to pursue its financing in this area.

The Commission has also noted that EuroNews has recently started to use the term 'Macedonia' instead of the official name of Former Yugoslav Republic of Macedonia (FYROM) and has written to the station about this. The station answered that 'the name'Macedonia'is used instead of FYROM for journalistic reasons and EuroNews was late in adopting the practices of other media (newspapers or television stations)'. The agreements emphasise the total editorial independence of the station and the Commission adheres scrupulously to that principle. It does not intend to take any action to impose any editorial policy.

The channel is principally intended for public opinion multipliers, business circles and viewers with a high level of education. It has a large and valuable audience. A recent study carried out jointly by Parliament and the Commission showed that the audience reached is satisfactory in relation to the cost.

However, the Commission has decided, with Parliament's approval, to cease funding the station gradually over a three-year period.

(2001/C 350 E/237) **WRITTEN QUESTION E-1701/01**

by Stavros Xarchakos (PPE-DE) to the Commission

(14 June 2001)

Subject: Protection of the Skyros pony

The Greek island of Skyros in the northern Aegean is home to a particular species of pony which is under threat of extinction.

How can this rare breed of pony be protected and what methods of funding are available for its conservation (as in the case of the carreta carreta turtle, for example)?

Have the Greek authorities proposed that this rare breed of pony should be included in the list of protected species?

Answer given by Mr Fischler on behalf of the Commission

(19 July 2001)

The Honourable Member can be reassured that the 'Skyros' breed of ponies is included in the list of rare breeds under the agri-environmental measures in Greece's rural-development programming document for 2000-2006. This means that assistance will be granted towards safeguarding the breed under this programme.

(2001/C 350 E/238) **WRITTEN QUESTION E-1706/01**

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

(14 June 2001)

Subject: Dumping of hazardous waste by the enterprise Española del Zinc S.A. (Cartagena, Spain)

The Spanish Naturalists' Association of the South-East (ANSE) has denounced the presence of carcinogenic products at the industrial waste dumping-ground of the enterprise Española del Zinc S.A. (Cartagena, Murcia province, Spain). The substances dumped include arsenic, chromium, nickel, lead and others.

Can the Commission ask for information as regards any measures guaranteeing that this dumping-ground does not constitute a danger to public health or the environment and that the relevant Community legislation is being correctly applied, with particular reference to Directive 75/442/EEC [1] on waste in general and Directive 78/319/EEC [2] on the elimination of toxic and hazardous waste?

[1] OJ L 194, 25.7.1975, p. 39.
[2] OJ L 84, 31.3.1978, p. 43.

Answer given by Mrs Wallström on behalf of the Commission

(25 July 2001)

The Commission was not aware of the situation reported by the Honourable Member.

The Commission has sent the Spanish authorities a request for information on the dumping-ground mentioned in the Written Question in order to check that Community legislation is being correctly applied in this instance.

As guardian of the Treaties, the Commission will take the necessary steps to ensure compliance with Community legislation in this instance.

(2001/C 350 E/239) **WRITTEN QUESTION P-1722/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(6 June 2001)

Subject: Error in the treatment of compensation payments for sheep farming

A sheep farmer in Vilhelmina, Northern Sweden, has been affected by a bureaucratic error concerning the rejection of his claim for compensation payments and environmental aid for open arable land. On his 'SAM' form (a 17-page booklet) for 1999 he forgot to fill in a box requiring him to state how many head of livestock he had. The other 147 box were correctly filled in. When the farmer rang the county council to correct the mistake he was told it was too late. It is also relevant that on the same day the same sheep farmer was granted EU aid for sheep farming (the 'ewe premium') by the same department of the same authority. It should thus have been obvious that a mistake had been made. The same autumn in which the application was made, two inspectors had also been at the farm on two occasions and had carried out a number of checks and measurements on the sheep. The county council therefore knew how many sheep the farmer had through their other checks. The county council's acknowledgement of receipt of the application stated that the applicant would be contacted if anything was missing from the application, but the county council did not do so in this case.

The farmer complained in the first instance to the Swedish Board of Agriculture, but this was inadmissible, so the complaint was passed on to the county court. The farmer won his case there, but the county council appealed and the matter is still pending at the administrative court of appeal in Sundsvall.

Can the Commission confirm that the Swedish authorities can and should grant the current aid, since this was a small administrative error by the applicant and no real irregularity occurred?

Answer given by Mr Fischler on behalf of the Commission

(3 July 2001)

The case mentioned by the Honourable Member is currently under consideration by a Swedish Court. The Commission has no jurisdiction to deal with the question asked, which is a matter solely for the national authorities and cannot intervene in a case while a judgement is expected from a national court.

(2001/C 350 E/240) **WRITTEN QUESTION P-1725/01**

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

(6 June 2001)

Subject: Structure of, and timescale for, a European energy tax on the basis of enhanced co-operation

At Parliament's hearing of the then Commissioner-designate Mr Bolkestein, I asked him on behalf of the Environment Committee whether — in view of Spain's veto of the introduction of an energy/CO_2 tax throughout the EU — he was prepared to use the enhanced co-operation clause in the Treaty. He replied that he needed a year in order to be able to give an answer. It is now over a year and a half on, and we have an IGC behind us. Spain remains as strongly opposed as ever, and no decision was taken at Nice to move from a requirement for unanimity in the area of taxation of energy to deciding by a qualified majority.

In order to find a way out of this impasse, the Swedish Presidency proposed that agreement first be reached on the structure of the energy tax. And the Commission recently indicated that it was now seriously considering using the enhanced co-operation instrument in the area of energy taxation (COM(2001) 260). Member States hope to take the first steps in that direction at the Ecofin Council meeting on 5 June.

Does the Commission intend to ensure that this new structure does not include any exceptions for large and intensive energy users that go further than those already provided for in its 1997 proposal?

When does the Commission intend to take steps to propose a European energy/CO_2 tax on the basis of the enhanced co-operation clause?

Answer given by Mr Bolkestein on behalf of the Commission

(12 July 2001)

The Commission is pursuing its efforts to get the Council to adopt a Directive to restructure the taxation of energy products. As recently reiterated in the communication entitled A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development [1], a directive on energy taxation would need to be adopted by 2002 if for no other reason than to limit the effects of climate change. Such a directive is also still needed to reduce distortions in competition due to the very major divergences between the tax rates and bases which the different Member States apply to energy products. The Commission therefore supported the Swedish Presidency's efforts to relaunch the discussion of energy taxes in the Council.

The Swedish Presidency wanted to begin by examining the practical aspects of the energy tax structure. One of the specific questions raised was that of excise duty exemptions or reductions granted to large-scale consumers of energy, but there were also others such as the arrangements for taxing electricity. All Member States encouraged this approach. However, the Commission insisted that any discussion of the tax structure should be accompanied by a reopening of the debate on future levels of excise duty. Several Member States share this view. These discussions should continue under the Belgian Presidency.

As the communication Tax policy in the European Union — Priorities for the years ahead [2] states, the option introduced by the Amsterdam Treaty which is designed to allow closer co-operation between sub-groups of like-minded Member States could also be considered in certain cases. Where indirect taxation is concerned the possibility of closer co-operation might be the way forward for environment and energy taxes.

The Commission is still working on the details of various complex economic and legal aspects of closer co-operation. This approach must not be allowed to undermine the single market, become a trade barrier or result in trade discrimination, falsify the conditions of competition or affect the jurisdictions, rights and obligations of Member States that do not participate.

[1] COM(2001) 264 final.
[2] COM(2001) 260 final.

(2001/C 350 E/241) **WRITTEN QUESTION E-1732/01**

by Isidoro Sánchez García (ELDR) to the Commission

(14 June 2001)

Subject: Large shopping centres and unfair competition

There appears to be a general tendency — other than in those Member States where such practices are expressly banned — to install petrol pumps or service stations in large shopping centres. These centres are in some cases in a position to trim their profit margins or, indeed, resort to dumping in order to cut prices as a means of attracting customers to their petrol pumps. This results in situations of unfair competition, with the resultant losses for consumers and other retailers (service stations).

1. Can the Commission state whether it has adopted any recommendation to the Member States to prevent such practices or whether it intends to adopt any control measures in this connection?

2. Can the Commission state what specific measures it will adopt to promote consumers' interests and transparency as regards fuel prices at petrol pumps or service stations located in large shopping centres?

Answer given by Mr Monti on behalf of the Commission

(24 July 2001)

The Commission has not adopted any recommendation to Member States to prevent that large shopping centres engage in motor fuel retailing, applying, in some cases, a strategy of cutting retail prices, nor does it intend to adopt any control measures in this regard.

In general, the Commission considers that the presence of new entrants and independent, non-integrated companies is essential to maintain and improve the competitive pressure in the motor fuel retail markets. In its press release of 2 October 2000 [1], the Commission pointed out that the experience of the Member States shows that markets where independent non-integrated operators with a countervailing buying power are present typically show a more competitive performance than markets where only integrated oil companies are present. Examples of Member States where supermarkets have proven to be successful entrants at retail level markets are France and the United Kingdom.

Moreover, motor fuel retail markets tend to be regional, or at most, national in scope. The effects of restrictions of competition are therefore likely to be felt mainly within one Member State. In this case, it seems that the questions invoked by the Honourable Member would primarily be a matter for national authorities rather than for the Commission.

It should finally be noted that undertakings are free, under Community competition rules, to sell at whatever price they decide. Community competition law does thus not prohibit undertakings from selling at low prices as a means of attracting customers. Only in case of dominant undertakings this freedom may be limited to a certain extent.

The Commission does not intend to take any specific measure with regard to transparency of motor fuel prices at service stations. It believes that the best way to promote consumers' interests in the motor fuel market is to ensure that competition is not distorted in the Community.

(1) IP/00/1090.

(2001/C 350 E/242) **WRITTEN QUESTION P-1741/01**

by Anne Jensen (ELDR) to the Commission

(12 June 2001)

Subject: Implementation of Directive 97/81/EC on part-time work

In what case has implementation of Council Directive 97/81/EC (1) of 15 December 1997 on part-time work led to a lowering of the limits for the number of hours worked subject to which part-time workers are covered by particular conditions of employment?

(1) OJ L 14, 20.1.1998, p. 9.

Answer given by Ms Diamantopoulou on behalf of the Commission

(13 July 2001)

The goal of Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC (1) is to eliminate discrimination against part-time workers, improve the quality of part-time work, facilitate the development of the potential for part-time work on a voluntary basis and contribute to the flexible organisation of working time in a manner which takes into account the needs of employers and workers.

However, the Directive does not lay down the number of hours that must be worked to fall within the definition of 'part-time'. It leaves the definition of this term to the national legislation of the Member States, stating merely that 'The term "part-time worker" refers to an employee whose normal hours of work, calculated on a weekly basis or on average over a period of employment of up to one year, are less than the normal hours of work of a comparable full-time worker'.

(1) OJ L 14, 20.1.1998.

(2001/C 350 E/243) **WRITTEN QUESTION P-1743/01**

by Paul Lannoye (Verts/ALE) to the Commission

(12 June 2001)

Subject: Council Recommendation 1999/519/EEC on electromagnetic fields

Council Recommendation 1999/519/EEC (1) of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) resulted from the process launched by the Commission with the publication of a draft recommendation in July 1998. This draft recommendation was submitted for consultation to the European Parliament, which adopted the Tamino report on the same subject on 10 March 1999.

Parliament's resolution called on the Commission to adopt the recommendation by 1 January 2001 in view of the long-term effects highlighted by all scientific publications on this question and taking into account the provisions already existing in the Member States and the precautionary principle.

What action does the Commission intend to take in response to Parliament's request and within what timescale, given that the deadline it proposed has already passed?

It should also be pointed out that for the 10 kHz to 300 GHz frequency range, Italy and Luxembourg have adopted stricter threshold values than those proposed by the Commission, and that numerous experts in the field recommend even lower threshold values for this frequency range.

(1) OJ L 199, 30.7.1999, p. 59.

Answer given by Mr Byrne on behalf of the Commission

(13 July 2001)

Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) authorises Member States, in accordance with the EC Treaty, to introduce a higher level of protection than that provided for and calls on the Commission to 'keep the matters covered by this recommendation under review, with a view to its revision and updating, taking into account also possible effects, which are currently the object of research, including relevant aspects of precaution and to prepare a report, within five years, taking into account the reports of the Member States and the latest scientific data and advice'.

Nevertheless, given the rapid development of new technologies in this area and the public interest in health, the Commission has asked its Scientific Committee on Toxicology-Ecotoxicology and the Environment to deliver a new opinion on the validity of the protection levels set by the Council Recommendation. This is expected to be published in autumn 2001. The Commission will respond to any new evidence of health risks which is not currently being taken into account.

The Commission has also, in accordance with the Council Recommendation, given European standardisation bodies a mandate to set European standards in line with the recommended limits of exposure to electromagnetic fields from electrical equipment included in the scope of the low voltage and radio equipment Directives (1). The references of the first four standards harmonised under this mandate will be published in the Official Journal this summer. Once published, these standards will replace existing national standards and will thus ensure compliance with exposure standards for products placed on the market.

(1) Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (OJ L 77, 26.3.1973). Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999).

(2001/C 350 E/244) **WRITTEN QUESTION E-1745/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(15 June 2001)

Subject: The Ralleios School in Piraeus

Archaeological finds of unique historical and scientific value, showing the layout of the ancient Hippodrome, in the centre of Piraeus, are under threat of destruction, according to the Athens University Department of Archaeology and the Association of Greek Archaeologists, following a decision by the Ministry of Culture — rejecting a proposal from the Piraeus Archaeological Service — to build the Ralleios School on the same site with EU funding under the second CSF. The inhabitants of the town have reacted to the project by appealing to the State Council and by petitioning the European Parliament's Committee on Petitions.

1. In view of the fact that the EU is funding the project, has it considered the impact which construction of the school will have on an important part of the European cultural heritage?

2. Given that the proposed project does not meet the required specifications for a school (lack of a school yard), has consideration been given to the alternative sites for the Ralleios School proposed by local organisations?

Answer given by Mr Barnier on behalf of the Commission

(13 July 2001)

The Honourable Member is requested to refer to the answer by the Commission to Oral Question H-0395/01 by Mr Alyssandrakis at Question Time during Parliament's May II 2001 part-session [1].

[1] Written answer, 15.5.2001.

(2001/C 350 E/245) **WRITTEN QUESTION E-1752/01**

by Isidoro Sánchez García (ELDR) to the Commission

(15 June 2001)

Subject: Cancellation of the White Paper on European Union youth policies

The Spanish Youth Council has criticised the cancellation of one of the main projects embarked on by the Commission in relation to young people: the White Paper on European Union youth policies. According to the Youth Council, the Commission decided to cancel the project after two years of intensive work with thousands of young people, experts, researchers and EU governments.

The project responded to the calls made by European youth organisations and appeared to open up the possibility of providing youth policies with a structure at Community level.

Bearing in mind the expectations raised and the initial date of November 2001 for the project's submission, why has the project been cancelled?

Will the Commission continue with the preparatory work on the White Paper on EU youth policies, and what date will it set for its finalisation and presentation?

Answer given by Mrs Reding on behalf of the Commission

(26 July 2001)

The Commission feels that the policy of co-operation on matters concerning European youth must be strengthened.

For this reason, at the initiative of the Member of the Commission responsible for education and culture, the Commission embarked upon the preparation of a White Paper on the subject.

The Commission wished this to be preceded by widespread consultation on an unprecedented scale. It is therefore aware of young people's expectations and of the responsibilities such expectations give rise to, not only at EU level but also — in fact especially — in the Member States.

Bolstered by the support of young people and the Member States, the Commission is continuing with the preparatory work on the White Paper, which should be published by the end of the year.

(2001/C 350 E/246) **WRITTEN QUESTION E-1759/01**

by Brian Simpson (PSE) to the Commission

(15 June 2001)

Subject: Supplying lights as standard on new cycles

Will the Commission consider bringing forward legislation to make the fitting of front and rear lights on cycles compulsory at the time of manufacture in order to prevent accidents?

Answer given b Mr Liikanen on behalf of the Commission

(18 July 2001)

The Commission would like to inform the Honourable Member that no specific Community legislation covering the type approval of bicycles has yet been introduced. Nor are there any plans to introduce specific legislation at Community level.

The design and construction standard and the fitting of lighting and ensuing use requirement of such lighting fall within the legislative competence of the Member States.

However, the revised Directive on General Product Safety ([1]) provides for the use of voluntary standards as a means for ensuring effective and consistent application of the safety requirement. The Commission will examine, during the period for transposition of the revised directive, whether the issue of fitting lighting on new cycles could be dealt with by a standardisation mandate.

([1]) Will be adopted in September 2001.

(2001/C 350 E/247) **WRITTEN QUESTION P-1761/01**

by Niall Andrews (UEN) to the Commission

(12 June 2001)

Subject: Ratification of Cotonou Partnership Agreement

On 23 January last year the 15 Member States of the European Union and the 77 countries of the ACP group of nations, agreed and signed the Cotonou Partnership Agreement in Benin.

This agreement replaces the Lomé Convention and shows an unprecedented commitment on the part of the EU to developing nations in the African, Caribbean and Pacific regions for the next 20 years.

The Commission and Member State governments placed great importance on the signature of this document almost twelve months ago. Can the Commission confirm that at present more than 13 ACP States have ratified the Cotonou Agreement but that, as yet, not a single EU country has ratified Cotonou?

When taking into account the importance of this agreement to the ACP, can the Commission inform members of what practical measures it has taken to speed up the process of ratification and tell us when they expect the agreement to enter into force?

Answer given by Mr Nielson on behalf of the Commission

(28 June 2001)

The Cotonou Agreement was signed by most parties on 23 June 2000, although it remained open for signature until the end of the year during which time a further four parties signed.

The Commission can confirm that according to information received on 19 June from the Secretariat of the Council and Secretariat of the African, Caribbean and Pacific (ACP) States, the institutions with which the instruments of ratification have to be deposited, 14 ACP States and no Member State had ratified the Agreement.

The Member of the Commission responsible for development raised the Commission's concern that ratification should not be unduly delayed at the meeting of the Development Council on 31 May 2001. He has written to all Development Ministers asking for an indication of when they expect ratification to be completed. The Commission will put up a 'scoreboard' on its website to keep track of the process and to encourage progress.

The indications which the Commission has received to date are that one Member State Parliament has approved the Agreement and that most Member States expect to ratify by the end of 2001. However, while only two thirds of ACP States' ratifications are required for the entry into force of the Agreement, on the European side all Member States must ratify it and the Community must approve it. The agreement is not, therefore, expected to enter into force until some time in 2002.

(2001/C 350 E/248) **WRITTEN QUESTION P-1764/01**

by Helena Torres Marques (PSE) to the Commission

(12 June 2001)

Subject: Economic value of voluntary work

Given that much of the work done by NGOs, particularly women's NGOs, is carried out by volunteers, why does the Commission attach no economic value to contributions in kind and in the form of voluntary work as part of Community projects covered by the fifth Community framework programme on equal opportunities for women and men?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(9 July 2001)

The Honourable Member refers to the fact that voluntary work carried out by members of non-governmental organisations (NGOs) is not regarded as an eligible cost in projects to be funded by the Programme relating to the Community framework strategy on gender equality (2001-2005).

The Commission would like to stress that proper management of Community funds implies that it is possible to monitor the tasks actually carried out and the contributions from third parties to projects funded by the Community.

However, voluntary work, like contributions in kind generally, cannot be valued precisely. The Commission has therefore decided, partly at Parliament's request, to limit contributions in kind in the projects it subsidises. For this reason, contributions in kind are not accepted as eligible costs in projects funded by the Commission, unless the decisions relating to these projects provide for a derogation (in this case Council Decision 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) ([1])).

([1]) OJ L 17, 19.1.2001.

(2001/C 350 E/249)

WRITTEN QUESTION P-1766/01

by Chris Davies (ELDR) to the Commission

(12 June 2001)

Subject: Accession of Cyprus

The Helsinki European Council concluded that a political settlement would facilitate the accession of Cyprus to the EU but that if no settlement had been reached by the completion of negotiations the Council's decision on accession will be made without this being a precondition.

However, the Council added the enigmatic words that, in reaching a decision, the Council 'will take account of all relevant factors.'

What decisions have been made by the Commission regarding the interpretation of these words, or by what date does the Commission propose reaching such a decision?

Answer given by Mr Verheugen on behalf of the Commission

(28 June 2001)

The Commission would refer the Honourable Member to its answer to his Written Question E-2101/00 [1].

The Commission is fully in line with the Union position of strongly supporting the United Nations' (UN) efforts for a political settlement in Cyprus. In the event that no political settlement is reached before the completion of accession negotiations, it will be for the European Council to determine which factors to take into account in the decision on accession.

[1] OJ C 81 E, 13.3.2001.

(2001/C 350 E/250)

WRITTEN QUESTION P-1767/01

by Bart Staes (Verts/ALE) to the Commission

(12 June 2001)

Subject: Charleroi Airport: compatibility of state aid and competition law

According to press reports, the Region of Wallonia grants the following assistance to Ryanair at Charleroi Airport:

(a) funding of training for cabin and check-in staff;

(b) a fee of BEF 5000 per aircraft is charged for handling (sorting of baggage, accompanying passengers etc.) which does not even cover costs whereas other airlines were previously charged BEF 60 000 per aircraft;

(c) free handling for the third daily flight to Dublin;

(d) BSCA (Brussels South Charleroi Airport) staff are placed at the disposal of Ryanair and paid for using public funds;

(e) concealed subsidies through which the Region of Wallonia enables Ryanair to offer free tickets to passengers.

Can the Commission confirm these reports of state aid and if so, whether such aid is compatible with Community competition law. Should that not be the case, what action the Commission intend to take to remedy the situation?

Answer given by Mrs de Palacio on behalf of the Commission

(13 July 2001)

In 1998 and 1999 the Commission investigated the conditions in which Ryanair operates scheduled air services at Charleroi airport. In the course of its investigation it looked at the contracts concluded between Ryanair and BSCA, the company which manages Charleroi airport.

The examination failed to reveal any infringement of Community competition rules. It is true that Ryanair enjoyed favourable operating conditions at Charleroi airport in respect of groundhandling services, but it was also, by a long way, the main company operating at the airport. The discounts it received appeared to be standard commercial practice.

Nonetheless, the Commission can inform the Honourable Member that in the light of recent press articles it intends to check whether the information it obtained earlier is still valid.

(2001/C 350 E/251) **WRITTEN QUESTION P-1768/01**

by Juan Naranjo Escobar (PPE-DE) to the Commission

(12 June 2001)

Subject: Cooperation with Latin America over drugs

After six years of existence, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), which has undergone a far-reaching review of its objectives and working methods, has become a fully-integrated information system on drugs and drugs policies in the Member States.

This monitoring centre is now called on to provide services not only for the EU applicant states but also for other third countries, in view of its remarkable potential for exporting expertise and experience in the field. It is certainly now in a position to satisfy the requirements of the applicant states, since its internal rules have been amended with that in mind and the necessary human resources under the PHARE programme have been placed at its disposal. This is not the case, however, for other third countries, notably those in Latin America, which also need as much information as possible on drugs as a priority for their co-operation with the EU. The EMCDDA has neither the legal capacity nor the resources to meet this demand for direct co-operation with Latin America.

Given the above:

— What action does the Commission intend to take to ensure that such co-operation with third countries can include not only contract relations with external bodies but also the EMCDDA's own accumulated expertise?

— Does the Commission intend to make such measures possible with the support of the EMCDDA itself?

Answer given by Mr Vitorino on behalf of the Commission

(10 July 2001)

The Commission welcomes the Honourable Member's interest in issues relating to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), particularly as regards international co-operation.

The purpose of the EMCDDA is to keep the Community and its Member States informed about drugs and drug addiction and their impact within Europe. The Regulation establishing the Monitoring Centre (Regulation (EEC) No 302/93 of 8 February 1993) [1] makes explicit provision for co-operation with international organisations and other governmental or non-governmental bodies. In this context, the Centre was represented by its Director at the high-level meeting on coordination and co-operation on drug-related matters between the Union, Latin America and the Caribbean, held 2001 in Cochabamba (Bolivia) on 11 and 12 June.

The amendment to the Centre's Regulation, which enables it to provide technical assistance to the applicant countries as regards information on drugs, should be seen in the context of the strategy for Union enlargement, its purpose being to enable the applicant countries to participate in the Centre's work as members in the long term. Finally, it should be borne in mind that the assistance given to the applicant countries in participating in the work of the EMCDDA is part of the PHARE drugs programme and is twofold. The idea is to exploit both the Centre's expertise and that of the Member States through twinning programmes.

Relations between the Centre and non-applicant third countries do not pursue the same aims, which is why the amendment to the Regulation covers applicant countries only. In short, the Commission does not plan to make any radical changes as regards the purpose for which the Centre was set up.

As regards co-operation with Latin America, and particularly the support given in setting up the Venezuela Monitoring Centre, it should be stressed that the Centre's main objective will be to collect information on drugs and drug addiction, a task which falls to the Member States and not to the EMCDDA within the Union. There are plans to mobilise the expertise currently being deployed within the Union for this task: certain Member States have already indicated that they are prepared to mobilise such expertise.

[1] OJ L 36, 12.2.1993.

(2001/C 350 E/252) **WRITTEN QUESTION E-1771/01**

by Mogens Camre (UEN) to the Commission

(15 June 2001)

Subject: State aid to windmills

Will the Commission say to what extent there are aspects of Danish legislation on state aid to power stations which are contrary to EU competition rules, with particular reference to whether, under EU rules, aid to windmills can be passed on to electricity consumers?

Answer given by Mr Monti on behalf of the Commission

(27 July 2001)

The Danish legislation under which State aid is granted to windpower plants and biomass plants established before 2000 was approved by the Commission last year [1]. The legislation under which State aid is granted to windpower plants and biomass plants established later was approved on 20 June 2001.

[1] OJ C 354, 9.12.2000.

(2001/C 350 E/253) **WRITTEN QUESTION E-1782/01**

by Carlos Ripoll y Martínez de Bedoya (PPE-DE) to the Commission

(19 June 2001)

Subject: Report on island regions

In January 2001 it was announced that a wide-ranging study of all the European Union's island regions was being drawn up for the purpose of establishing an objective diagnosis of the situation in those regions, including a classification and an assessment of the problems stemming from the regions' island nature and their specific needs. It was hoped that the study would be completed during the course of the current year.

1. What stage has the report reached?

2. When is the report due to be completed and submitted to the European Parliament?

Answer given by Mr Barnier on behalf of the Commission

(26 July 2001)

Following publication of a notice of invitation to tender for a study entitled 'Analysis of the island regions of the European Union,' [1] after an internal selection procedure and with the approval of the Advisory Committee on Procurements and Contracts, the Commission has selected a tenderer. The budgetary commitment procedure has just been completed and the contract will be signed in the coming weeks.

The study period has been prolonged from six months to twelve months from the date of signing of the contract. The report will be submitted within six months, i.e. in early 2002, and will then be presented to the Commission for approval. It is intended in the remaining six months to improve and add to the database that has been compiled. The Commission will take steps to ensure that Parliament is kept informed of the outcome of the study.

[1] OJ S 248, 28.12.2000.

(2001/C 350 E/254) **WRITTEN QUESTION P-1793/01**

by Marie-Arlette Carlotti (PSE) to the Commission

(12 June 2001)

Subject: Food situation in Niger

Over the last twenty years, Niger has spent more than 170 million euros on providing 17 000 water supply points in rural areas.

Despite this major effort the food situation in Niger remains precarious and it has become particularly worrying in recent years on account of a persistent drought.

The food shortage is alarming, particularly in the most vulnerable areas, and the rural exodus prompted by the drought is gathering pace.

What emergency action (food aid) has been taken by the Commission in order to prevent a humanitarian disaster?

What initiatives does the Commission intend to continue or implement in order to safeguard agricultural production in Niger (such as support for the establishment of cereal banks and for the creation or refurbishment of water supply points in livestock rearing areas, the performance of a feasibility and impact study in connection with a micro-dam programme, etc.)?

Answer given by Mr Nielson on behalf of the Commission

(23 July 2001)

After starting well the 2000/2001 farm year saw extended periods of drought in late August/early September, which, accompanied by swarms of parasites, have led to much lower output than forecast. The cereal balance has proved unreliable, varying as it does from one source to another. Monitoring cereal prices has therefore been the preferred method for assessing food security. This indicator shows that the year has been mediocre but not disastrous, which is why the Commission has no plans for emergency aid. The situation in some areas is nevertheless worrying: non-governmental organisations (NGOs) and bilateral or multilateral partners are focusing on those areas.

Operations are decided in Niger by a joint consultative commission, the CMC, which comprises the government, official donors contributing to the CMC-run system and public institutions providing effective and permanent food aid to Niger.

Its role is to determine the use of a number of hunger-relief and -prevention tools:

— physical reserves in the form of a national security stock (SNS) used to distribute food free of charge in areas where the situation is judged critical

— financial reserves in the form of a food security fund (FSA) used to regulate prices on the cereal market (the sale of cereals at moderate prices)

— a common intervention fund financed by the donors (FI-FCD) for cash-for-work, food-for-work or self-sufficiency programmes

— bilaterally-managed food aid counterpart funds.

The CMC draws its information from the early-warning system (EWS) set up to monitor communities at risk and analyse the data gathered and from the cereal and livestock market information systems (SIMs).

The Community has been using the budget heading for food security to support the government's famine prevention and management system since 1996. So far 25 000 tonnes have been mobilised this season. The Community has directly contributed by making available 1 000 tonnes of cereals. It has also contributed CFAF 3 430 000 000 towards the FSA and the FI-FCD for 2000-2001. Furthermore, about € 2 million has been set aside for financing NGO operations (Care DK and SOS-Sahel).

In addition to support from the budget heading, food security has been a focal sector for the Eighth European Development Fund (EDF), accounting for commitments of about € 40 million over the period 1999-2001) and should remain a focal sector under the ninth EDF. The rural development projects financed by the EDF build on successful experiments to improve the food security of rural communities: collective or individual irrigation schemes, support for better management of natural resources (soil rehabilitation, land management and reafforestation), development of microfinancing, establishment of cereal and agricultural-input banks, financing of livestock-watering and drinking-water points, support for farmers' and women's organisations, market research studies, stock-farming activities and, in the future, support for agricultural research in Niger.

(2001/C 350 E/255) **WRITTEN QUESTION P-1794/01**

by Karin Riis-Jørgensen (ELDR) to the Commission

(13 June 2001)

Subject: Incorrect implementation of Directive 92/46/EEC in Denmark

Further to my Question No H-0364/01 [1] concerning the incorrect implementation of Directive 92/46/EEC [2] in Denmark, tabled for Question Time at Parliament's part-session in May 2001 in Strasbourg, I would ask the following supplementary question.

Article 4 of Directive 92/46/EEC lays down the Community health provisions governing the production and marketing of raw milk for direct consumption.

Is it the Commission's view that Article 4 also lays down the Community health provisions governing the production and marketing of milk-based products derived from raw milk, or is it the Commission's view that Article 4 has a bearing on the interpretation of the health provisions governing the production and marketing of milk-based products derived from raw milk contained in Article 7 of Directive 92/46/EEC?

If it is not the Commission's view that Article 4 has a bearing on the interpretation of Article 7 of Directive 92/46/EEC, can the Commission explain why it has not ensured that Denmark has correctly implemented Directive 92/46/EEC?

([1]) Written answer of 15 May 2001.
([2]) OJ L 268, 14.9.1992, p. 1.

Answer given by Mr Byrne on behalf of the Commission

(5 July 2001)

Article 4 of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products actually refers only to the placing on the market of raw milk for human consumption.

Article 7 of the same Directive lays down the conditions for the production and placing on the market of milk-based products.

Under the terms of Article 7 (A. 9), milk-based products must have undergone heat treatment during the manufacturing process or be made from products that have undergone heat treatment or involve hygiene specifications that are sufficient to meet the guaranteed hygiene criteria for all finished products.

The Commission interprets this provision to mean that it is the responsibility of the Member State in which the product is manufactured to decide whether hygiene specifications are sufficient.

It follows from this that if Denmark concludes that the use of raw milk does not offer sufficient hygiene guarantees, it is entitled to prohibit the production and placing on the market of milk-based products manufactured in its territory that have not undergone heat treatment.

(2001/C 350 E/256) **WRITTEN QUESTION E-1798/01**

by Isidoro Sánchez García (ELDR) to the Commission

(19 June 2001)

Subject: Investigation concerning the TUI/Neckermann/T-Online (Internet Dutch Telecom) joint venture

It is no secret that the Commission is investigating the joint venture which has been set up by the two German holiday companies (TUI and Neckermann) and the company T-Online (a subsidiary of Internet Dutch Telecom) for the purpose of selling package tours via the Internet.

In view of the significance of TUI and Neckermann to the European tourist industry (particularly in Germany and Spain), could the Commission provide information regarding the current state of its negotiations and the impact which the activities of the new company are having?

Answer given by Mr Monti on behalf of the Commission

(30 July 2001)

The concentration was notified to the Commission on 19 March 2001. It concerned the proposed creation of a jointly-controlled online-travel agency by T-Online International AG (T-Online) and the German tour operators TUI Group GmbH (TUI) and C & N Touristic AG (C & N).

The Commission opened a second phase investigation on 8 May 2001 primarily based on concerns that the vertical combination of T-Online's high market shares in the internet services provider (ISP) and internet portal markets with TUI/C & N's strong positions in the package holiday market would result in Newco becoming dominant in the German online-travel agency market.

The notification was withdrawn on 5 June 2001. T-Online intends instead to create a sole-controlled online-travel agency, in which TUI and C & N will each acquire a 12,45 % non-controlling stake. This operation will thus not constitute a concentration under the Merger Regulation (Council Regulation (EC) No 1310/97 of 30 June 1997 amending Regulation (EEC) No 4064/89 on the control of concentrations between undertakings [1]). It will, however, be subject to scrutiny under Articles 81 and 82 (ex Articles 85 and 86) of the EC Treaty and the equivalent provisions under German competition law.

[1] OJ L 180, 9.7.1997.

(2001/C 350 E/257) **WRITTEN QUESTION P-1803/01**
by Maj Theorin (PSE) to the Commission

(13 June 2001)

Subject: Kurds in Turkey

Years of violent conflict between the Turkish military and the Kurdish PKK has driven more than 560 000 villagers of mainly Kurdish origin away from their homes in the impoverished South East region of Turkey. The systematic destruction of over 3 500 villages in this region has rendered repatriation a very difficult task, and a majority of the displaced families now live in squalid conditions and extreme poverty in the outskirts of cities.

What is the Commission doing to improve the situation of the displaced Kurds in Turkey and to further develop this particular region?

Answer given by Mr Verheugen on behalf of the Commission

(4 July 2001)

The Accession Partnership for Turkey was adopted by the Union on 8 March 2001 [1]. This document sets out the priorities for the progress Turkey needs to make on political and economic issues in advance of accession to the Union. Reducing the disparities between different regions is specified as a priority that should be addressed in the short-term. Lifting the state of emergency in the South East region of Turkey is also specified, as a medium term priority.

As part of the Union's financial assistance to Turkey, the Commission is financing a regional development programme in the South East of the country, in the 'GAP' region. € 43,5 million has been made available for this project. Overall objectives of the programme are to sustain economic growth, to alleviate regional disparities, to increase productivity and employment capacity in the region. Specific actions will target increasing employment opportunities through assistance to local Small and Medium-sized Enterprises (SMEs), supporting income generating activities for the rural population, renovating and restoring important cultural heritage sites, promoting their cultural and touristic potential, and improving the environmental conditions in the region.

[1] OJ L 85, 24.3.2001.

(2001/C 350 E/258) **WRITTEN QUESTION P-1804/01**

by Wolfgang Ilgenfritz (NI) to the Commission

(13 June 2001)

Subject: Support for euro conversion costs

Firms operating vending machines (e.g. peanut dispensers, games machines, etc) are particularly challenged by conversion to the euro. Costs that cannot as yet remotely be anticipated, e.g. for new banknote readers, programming units for coin checkers, licence fees, etc, will undoubtedly be incurred.

Since the very survival of these firms is at risk by reason of the enormous costs, it is vitally necessary for special assistance to be provided for them from the EU, and for the necessary funds to be made available to the operators concerned.

We therefore ask to be informed of the arrangements that will be made to channel funds to firms affected by this problem.

Answer given by Mr Solbes Mira on behalf of the Commission

(19 July 2001)

The Commission is well aware of the claims of the vending industry for compensation of the costs they believe they will bear due to the changeover to the euro. The Commission holds regular meetings with European representatives of the coin operated industry to discuss issues and possible solutions.

The Ministers of the euro area have reached a common position concerning such claims for compensation. The Ministers felt that changeover costs are an investment and should be borne by the sectors where they arise. The public sector is assuming its own costs; concurrently, the other sectors should each assume their own financial effort of adaptation.

The benefits provided by the introduction of the euro will persist over time while costs borne for the changeover are once-off and relatively small compared to the future gains for all business sectors.

Finally the euro coins are of a higher safety standard compared to the national coins and this will indeed help the coin operated industry to increase the level of security in their transactions.

(2001/C 350 E/259) **WRITTEN QUESTION P-1805/01**

by Francesco Turchi (UEN) to the Commission

(13 June 2001)

Subject: Delay in carrying out the pilot project to combat child exploitation and paedophilia

The horryfing phenomenon of paedophilia is still a burning issue, as shown by the recent discovery of a huge paedophile organisation in Rome (Italy).

In the 2001 Budget the European Parliament voted in favour of an appropriation of € 3 million intended to finance, in the first year, a pilot project to combat child exploitation (budget line B5-804), specifically by funding an information campaign to combat child exploitation, and in particular paedophilia, within the 15 Member States.

In the 2002 Preliminary Draft Budget the Commission considered it appropriate to delete the funding from that line by making a token entry.

I have not yet received any reply to the question on this subject which I tabled on 30 March 2001.

In view of the foregoing, can the Commission say what action has been taken up to now and what action will be taken in future to carry out this project, what the timetable for this action will be and the reason whysix months of the financial year have elapsed without any action having been taken?

Answer given by Mr Vitorino on behalf of the Commission

(16 July 2001)

The Commission refers to its answer to Question E-1245/01. In addition, it underlines that on 14 March 2001, the Commission has published the Daphne call for proposals, of which the profile was raised and adapted by including a priority on the topics: paedophilia and child sexual abuses and exploitation.

The receipt of the proposals is now achieved. Around 65 proposals concerning the above mentioned topics have been received. The result of the evaluation process will be known in September and the accepted projects should be able to start around November-December 2001.

Concerning the remark of the Honourable Member about the absence of a similar budget line in the APB 2002, the same considerations about duplication of activities with the Daphne programme guided the Commission in drafting the preliminary budget.

(2001/C 350 E/260) **WRITTEN QUESTION E-1806/01**

by Wolfgang Ilgenfritz (NI) to the Commission

(19 June 2001)

Subject: Europe-wide invitations to tender

I am frequently approached by interested firms for details about current invitations to tender. Hitherto I have subscribed to the Europa Kontakt series in which many invitations to tender are published. However, the promotional briefing is distributed only once a month and many of the invitations tender are therefore no longer up-to-date.

I also consult the TED home page for details but searches are extremely time-consuming. Can the Commission give other sources from which information on the latest invitations to tender or supply contracts can be obtained cheaply and in good time? Is it possible to receive automatic notification of new invitations to tender by e-mail?

Answer given by Mr Bolkestein on behalf of the Commission

(23 July 2001)

The efficient dissemination of public procurement opportunities, their easy access and user-friendliness are objectives on which the Commission is constantly working.

In accordance with Community legislation in force all Europe-wide calls for tender covered by the relevant Community directives are published in the Supplement to the Official Journal of the European Communities (OJ S series). The OJ S series is currently available either on CD-ROM (against payment) or online via the internet in the Tenders Electronic Daily (TED) information service (free of charge).

The CD-ROM OJ S is published as a daily (five times/week) or as a twice-weekly subscription (appearing on Wednesdays and Saturdays).

Furthermore, official sales agents of the Office for Official Publications of the European Communities and worldwide intermediaries who are TED licence-holders can offer their clients cost-efficient services tailored to specific needs, i.e. automatic notification of new calls for tender according to specific profiles.

The Office for Official Publications of the European Communities, which is responsible for the operation and management of this service, intends to introduce an improved version early next year.

The Office for Official Publications may be contacted for further information [1].

[1] http://eur-op.eu.int/general/en/index.htm.

(2001/C 350 E/261) **WRITTEN QUESTION P-1815/01**

by Pietro-Paolo Mennea (ELDR) to the Commission

(14 June 2001)

Subject: CD prices in the European Union

Music CDs are an important source of income for CD producers in the European Union and should be sold at prices which young people, who are the main buyers, can afford.

According to press reports, some music CD producers have adopted an anti-competitive pricing policy and some of the leading companies in the music sector have obliged retailers to maintain CD prices above a given level, thus placing an additional burden on consumers over and above the taxes already payable on CDs.

Given the above, would the Commission:

— not agree that it should open an formal inquiry with a view to determining whether anti-competitive practices are being used;

— ascertain whether the national anti-trust authorities in the various Member States are looking into the possibility of a cartel of some kind having been set up by leading CD producers;

— say how it intends to ensure that such products are sold in compliance with internal market rules, with particular reference to the principle of fair competition?

Answer given by Mr Monti on behalf of the Commission

(10 July 2001)

The Commission appreciates the cultural and economic importance of the music sector but at the same time considers that it must remain vigilant to potential restrictions of competition harmful to consumers.

In 2000, the Commission was concerned that the merger of EMI and Time Warner, and in particular the move from five major music companies to four, would have had anti-competitive effects. The merger was abandoned before the end of the procedure.

Earlier this year, the Commission's anti-trust department opened an investigation into allegations of vertical retail price maintenance by each of the five major music companies. This investigation has not yet concluded, but the Commission has found limited evidence of questionable activities, such as the inclusion of minimum advertised prices in some contracts for the provision of advertising funds. Those activities were abandoned as soon as the Commission's investigation began. This investigation did not examine the possibility of horizontal price fixing activities by the record companies as the Commission has seen no hard evidence to suggest that such activities are taking place or that further investigation is appropriate.

Separately, the Commission is aware of an inquiry opened by the Office of Fair Trading (OFT) — the British competition authority — into allegations that the major music companies are taking steps to restrain parallel imports of CDs into the United Kingdom. The effect of such restrictions would be to maintain artificially high prices for CDs in the United Kingdom. The Commission and the OFT are in regular contacts on this issue.

The Commission believes that its active examination of the music sector is necessary given the highly concentrated nature of the music market, and the benefits that competition can have for consumers. The Commission will open further investigations if evidence emerges of competition law concerns.

(2001/C 350 E/262) **WRITTEN QUESTION P-1824/01**

by Esko Seppänen (GUE/NGL) to the Commission

(20 June 2001)

Subject: Decision-making and constructive abstention in defence matters

Title V, Article 23 of the Treaty of Amsterdam [Treaty on European Union] states that 'Decisions under this Title shall be taken by the Council acting unanimously.' This article also enshrines the principle of 'constructive abstention'. How does the Commission interpret this passage? Can the Treaty be interpreted as meaning that even a single Member State may — in accordance with the requirement for unanimity — prevent the deployment of the Crisis Management Force for particular duties if it votes against the decision and does not favour abstaining from taking a decision?

Answer given by Mr Patten on behalf of the Commission

(13 July 2001)

Theoretically, the unanimity rule does indeed mean that a single Member State could block a Council decision. However, constructive abstention was introduced into the Treaty expressly to prevent such stalemates. Any member of the Council abstaining is not obliged to apply the decision, but must accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned refrains from any action likely to conflict with or impede Union action based on that decision and the other Member States respect its position.

(2001/C 350 E/263) **WRITTEN QUESTION P-1834/01**

by Mihail Papayannakis (GUE/NGL) to the Commission

(18 June 2001)

Subject: Toxic substances in ship paint

Recent analyses carried out by Greenpeace in the ports of Piraeus and Thessaloniki have given readings for TBT (a toxic substance contained in antifouling paints) in excess of the limits proposed by international conventions.

In view of the high toxicity of this particular substance, the German Government had asked the Commission to draw up a uniform European policy to restrict the use of TBT. Since that was not forthcoming within the time limits set by Germany, however, the German Government decided in January 2001 to ban the use of TBT through national legislation. From 1 January 2003, therefore, TBT-based paints will no longer be available in Germany.

As the use of TBT in Greece and the other Member States is prohibited only on vessels shorter than 25 m and on installations or equipment which are completely or partly below water, will the Commission issue a general ban on that substance in view of the fact that less toxic substitutes are also available?

Answer given by Mr Liikanen on behalf of the Commission

(16 July 2001)

The Member States which are Party to the International Maritime Organisation (IMO) are currently negotiating, together with the Commission, an international Convention on harmful anti-fouling systems, including tributyltin (TBT). In 1999, in the framework of the discussions on Commission Directive 1999/51/EC of 26 May 1999 adapting to technical progress for the fifth time Annex I to Council Directive 76/769/EEC on the approximations of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (tin, PCP and cadmium) [1], the Member States and the Commission agreed to await the results of the decision of IMO, to ban TBT globally before introducing a ban at Community level.

The Commission is fully supportive of a global ban by 1 January 2003 on the application of organotin compounds which act as biocides in antifouling systems on ships as proposed by the Maríne Environment Protection Committee of the IMO. As negotiations stand, the future Convention to be considered in an IMO Diplomatic Conference in October 2001, will probably call for a general ban on TBT which takes effect on the proposed date.

Following the Diplomatic Conference, the Commission will immediately prepare a Commission Directive adapting Council Directive 76/769/EEC of 27 July 1976 on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of dangerous substances and preparations [2] to technical progress. Such a Directive would follow the Committee procedure and could be completed in three to six months. This would leave sufficient time before 1 January 2003 for the Member States to transpose the provisions into national law.

[1] OJ L 142, 5.6.1999.
[2] OJ L 262, 27.9.1976.

(2001/C 350 E/264) **WRITTEN QUESTION E-1850/01**

by Francisca Sauquillo Pérez del Arco (PSE) to the Commission

(26 June 2001)

Subject: Refusal to fund the 'Algerian Watch' web site

The Commission has refused to grant financial assistance to the 'Algerian Watch' Internet portal on the grounds that projects to be funded must be in line with the indicative programme in the areas and sectors determined jointly in advance by the Commission and the Algerian Government.

Is it usually the case under the procedures for selecting projects or activities to be financed by the Commission under the MEDA programme that the governments of the recipient countries sanction the approval of and funding for projects?

Does the Commission consider the 'Algerian Watch' web site to be suitable for Community funding inasmuch as it helps to foster democracy, transparency, and pluralism in Algeria?

Has it been instructed by any Algerian or European authority, institution, or organisation not to finance the web site?

Answer given by Mr Patten on behalf of the Commission

(26 July 2001)

In Meda co-operation, the Commission and the partner government agree a three-year indicative programme setting out the fields and sectors for Community assistance. All operations must therefore be part of the overall programme agreed with the Algerian government.

Algeria Watch's grant application concerns the development of the English-language version of its website. The aim is to publish information on Algeria throughout Europe.

Nobody has instructed the Commission not to finance Algeria Watch's website.

(2001/C 350 E/265) **WRITTEN QUESTION P-1886/01**

by Rolf Berend (PPE-DE) to the Commission

(21 June 2001)

Subject: Town twinning programmes

Numerous municipalities and town twinning associations are currently receiving letters from Brussels informing them that their applications have been rejected. A list of 22 possible reasons is appended, and the relevant reason is marked with a cross. Often only a signature or bank form is missing, but this means that the application is not even submitted to the selection panel for a decision.

Unlike in previous years, the Commission is not able to get back to the applicants concerned. Applications which contain only a very small formal error are not forwarded to the selection panel.

This causes pro-Europe town twinning associations and municipalities a great deal of frustration, and, if this is to be avoided, it is absolutely essential that the Commission gets back to the applicants in such cases so that the omissions can be rectified.

What prospects does the Commission see for redeploying its staff so that the previous practice can be resumed, so as not to put enthusiastic pro-Europeans off Europe?

Answer given by Mrs Reding on behalf of the Commission

(24 July 2001)

This year the Commission adopted the 'call for proposals' procedure for funding town-twinning activities. This had been discussed and agreed with the national and regional organisations involved in town twinning. The idea was to resolve the problems that had regularly occurred in the past (e.g. processing delays) and bring the management of this type of funding into line with the rules generally applied at Community level for the awarding of grants.

This procedure requires the submission of complete dossiers including various annexes which are clearly specified in the call for proposals, by a date which is known in advance. The aim is to improve the administration of dossiers, of which more than 2 500 are submitted each year, in the interest of applicants (quicker processing and prompt payments).

In order to launch the new system under the best possible conditions, staff have already been redeployed to the extent allowed by the available resources. A return to the previous practice would mean a return to long processing times for all grant applications.

The Commission has arranged a meeting with the above-mentioned organisations and the European Parliament in autumn 2001 to take stock of the situation and examine any simplification possibilities compatible with the rules of sound administrative and financial practice.

(2001/C 350 E/266) **WRITTEN QUESTION P-1925/01**

by Albert Maat (PPE-DE) to the Commission

(26 June 2001)

Subject: Export licences for cereals

On a number of occasions in the past marketing year the Commission has refused grain export licences despite the fact that these exports require no export refund from the European Union. This has had the effect of depressing prices on the European cereals market.

Why does the Commission not give licences automatically for cereals exports with zero refunds? Is the Commission aware that refusing licences has the effect of lowering prices on the European cereals market? Is the Commission prepared to do something about this?

Answer given by Mr Fischler on behalf of the Commission

(19 July 2001)

On only one occasion has the Commission rejected an application for an export licence not attracting a refund under an invitation to tender for export refunds, and that was on technical grounds. In that instance, moreover, the exporters were able as always to apply for and obtain export licences not attracting refunds outside the scope of the invitation to tender. Licences without refunds valid for 30 days are issued unrestrictedly by the Member States on the day the operators submit their applications.

Since the Agenda 2000 reforms have come into force, the Commission can apply restrictive measures in trade with non-member countries solely in the event of serious disturbance that is likely to upset the balance of the internal market in cereals.

(2001/C 350 E/267) **WRITTEN QUESTION E-1976/01**

by Juan Naranjo Escobar (PPE-DE) to the Commission

(5 July 2001)

Subject: Compulsory civil liability insurance for the liberal professions

Many actions by members of the professions result in significant disadvantage to their clients, who are not protected against the risks involved.

For this reason, many user and consumer groups are calling for the introduction of compulsory civil liability insurance for all members of the liberal professions in the EU.

Does the Commission consider that it would be appropriate to adopt an initiative obliging certain categories of professionals within the Community to take out civil liability insurance, in order to protect their clients from any disadvantage that may result from their actions?

Answer given by Mr Byrne on behalf of the Commission

(31 July 2001)

The civil liability of service providers, in particular members of the liberal professions, is not currently regulated at Community level.

A proposal for a directive on service providers' liability presented to Parliament and to the Council in 1990 was withdrawn by the Commission in 1994 in view of the difficulties encountered.

The Commission feels that it is now time to re-examine the requirements, priorities and options for Community action in the area of service safety. It plans to present a report on this matter to Parliament and to the Council in 2003, accompanied, where necessary, by relevant proposals. The safety of services provided by members of the liberal professions will be looked at in this context. However, it would be premature at this stage to comment on whether Community action relating to compulsory civil liability insurance for the liberal professions would be justified.

(2001/C 350 E/268) **WRITTEN QUESTION E-2004/01**

by Cristiana Muscardini (UEN) to the Commission

(6 July 2001)

Subject: Pesticides in Italian fruit and vegetables

A survey conducted by Anpa-Arpa (the Italian national prevention and environment agency), in which 5 300 fruit and vegetable samples were analysed in 14 Italian regions, has revealed that the traces of pesticides found in 4 fruits out of 10 (and 2 vegetables out of 10) exceed the legal limit values.

Given the serious risks to public health:

1. Does the Commission know about the findings of the survey?

2. What limits does European legislation lay down for pesticide residues in fruit and vegetables?

3. When the rules have been infringed, can the offenders be punished?

Answer given by Mr Byrne on behalf of the Commission

(31 July 2001)

1. The Commission is aware of the results of the survey referred to but can find no grounds in the results justifying the assertion in the question that 40 % of fruits and 20 % of vegetables exceed the maximum residue limits for pesticides residues. The Commission is also aware of the recently published results of the Italian national monitoring programme for 2000 for pesticides residues in fruits and vegetables. The results are in line with those of previous years and with those reported by the other Member States i.e. that about 60 % of samples contain no detectable residues, about 40 % of samples contain detectable residues within the permissible limits and that about 2-3 % contain residues exceeding the limits but not endangering health.

2. It is not practical to list the more than 20 000 Community maximum residue limits (MRLs) here. A full listing is available on the Europa Internet site (http://europa.eu.int/comm/food/fs/ph_ps/pest/index_en.htm).

3. The Member States are responsible for controlling compliance with the maximum residue limits in force and for taking appropriate action against transgressors.

(2001/C 350 E/269) **WRITTEN QUESTION P-2026/01**

by Marianne Eriksson (GUE/NGL) to the Commission

(3 July 2001)

Subject: Suspension of Schengen Agreement

During the Gothenburg Summit, the Schengen Agreement was suspended by the national police commissioner and the Västra Götaland county police commissioner. On what grounds and by whom may the Schengen Agreement be suspended, and for what duration?

Answer given by Mr Vitorino on behalf of the Commission

(20 July 2001)

Under Article 2(2) of the Convention implementing the Schengen Agreement (which has been incorporated into the Union framework), a Member State may decide, where public policy or national security so require, and after consulting the other Member States, that internal border checks appropriate to the situation are to be reinstated for a limited period.

If public policy or national security require immediate action, a Member State may take the necessary measures and inform the other Member States thereof at the earliest opportunity.

The reinstatement of checks at internal borders is therefore an exceptional measure, which must be proportionate to the situation confronting the Member State. It must also be limited to the duration of the threat to public policy or national security. The final decision on reintroducing border checks rests with the Member State concerned.

The above explanations reflect the Schengen acquis as it has been incorporated into the Union framework. The acquis as a whole, which is intergovernmental in origin, will have to be replaced by appropriate legal instruments under the first and third pillars.

In its work programme, the Commission announced its intention of presenting a legislative proposal relating to Article 2 of the Convention implementing the Schengen Agreement.

In the meantime, the Commission considers that it is entitled to receive notifications in the same manner and at the same time as Member States applying the Schengen Agreement, by virtue of its role as guardian of the Treaty. In this capacity it also takes part in the relevant consultations.

(2001/C 350 E/270) **WRITTEN QUESTION P-2062/01**

by Sir Robert Atkins (PPE-DE) to the Commission

(3 July 2001)

Subject: Air traffic delays

Does the Commission recognise the anger and frustration felt by European air travellers about the increasing delays caused by air traffic congestion and what urgent steps does it intend to take to resolve these continuing and unacceptable problems?

Answer given by Mrs de Palacio on behalf of the Commission

(31 July 2001)

The Commission shares the concerns of the Honourable Member on the delays caused by air traffic congestion. Air Traffic Management delays in the first five months of 2001 remain too high although there has been a small drop in the total traffic compared with 2000.

The Commission put in place a High Level Group in early 2000 in order to develop improvements to the current organisation of air traffic services. The High Level Group reported in November 2000 ([1]) and the Commission is now preparing legislative proposals to follow up on that report. These proposals will set out a common approach to the organisation of airspace and service provision and to the standardisation of equipment.

The Commission hopes that these proposals will be favourably received by the Community legislator and will have a significant impact on delays. It has welcomed the support contained in the Parliament's report, drafted by the Honourable Member, on the creation of the Single Sky ([2]). The European Council has also

considered this issue at its two recent meetings, recalling the importance of the Single Sky initiative at Göteborg on 15 and 16 June 2001.

(1) http://europa.eu.int/comm/transport/themes/air/ses_en.pdf.
(2) Report A5-0141/2000, 26.5.2000.

(2001/C 350 E/271) **WRITTEN QUESTION E-2115/01**

by Chris Davies (ELDR) to the Commission

(13 July 2001)

Subject: Future of the Common Fisheries Policy

Given the recent EU Green Paper on reform of the Common Fisheries Policy which accepts the need for radical change of the Common Fisheries Policy, and the fact that the current 6 and 12 mile derogations do not adequately protect the sustainability of the shellfish resource, does the Commission plan to extend national jurisdiction over fish resources to the 12 mile limit in order to protect the inshore fishery?

Answer given by Mr Fischler on behalf of the Commission

(30 July 2001)

In the Green Paper the Commission suggested strengthening coastal States' competence for resource management and in particular local conservation measures within their territorial waters. The current arrangements for limiting access to the 12-mile zone also seem perfectly in line with the need to protect inshore fishing.

(2001/C 350 E/272) **WRITTEN QUESTION E-2130/01**

by Bart Staes (Verts/ALE) to the Commission

(17 July 2001)

Subject: Compliance with Directive 91/321/EEC on infant formulae

The Commission says that 'it does not see, from the information supplied by the Honourable Member, in how far the promotional measures described could distort competition between hospitals and suppliers' (P-1229/01) (1). Yet the Belgian Minister for Consumer Affairs, Public Health and the Environment, Magda Aelvoet, has said in answer to a request for clarification from Senator Sabine de Bethune that the sales promotion campaigns by infant formulae manufacturers violate the relevant decree (Thursday, 22 March).

Infant formulae manufacturers are distributing free samples of infant formulae in Belgian maternity wards as a way of advertising these products. This approach is not only illegal. It also contravenes the EC Treaty (by distorting competition) and is contrary to the key objective of the WHO Code, namely that breastfeeding should be encouraged in the interests of health. Moreover, it is clear that the national authorities, in this case the Belgian Federation, are failing to tackle the problem.

Will the Commission take action in response to the national authorities' failure to ensure that 'the legislation in force is respected by all interested parties' in the Belgian Federation? If so, what will the Commission do to ensure that manufacturers of infant formulae cease to distribute free samples in Belgian maternity wards in order to advertise these products? If not, on what grounds does the Commission

consider the free distribution of infant formulae by manufacturers and vendors in maternity clinics to be in accordance with Directive 91/321/EEC [2] on infant formulae?

[1] OJ C 318 E, 13.11.2001, p. 227.
[2] OJ L 175, 4.7.1991, p. 35.

Answer given by Mr Monti on behalf of the Commission

(5 September 2001)

The Commission would refer the Honourable Member to its answer to his Written Question P-1229/01 [1].

That answer is still valid.

[1] OJ C 318 E, 13.11.2001, p. 227.

(2001/C 350 E/273) **WRITTEN QUESTION E-2355/01**

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

(6 August 2001)

Subject: EU-Kingdom of Morocco relations

During their recent official visits to the Kingdom of Morocco in June 2001, the Commissioners responsible for external relations, Chris Patten, and for trade, Pascal Lamy, formally stated their desire to improve and expand existing co-operation between the EU and Morocco. In the words of Commissioner Patten, 'our partners on the southern flank of the Mediterranean have a privileged place in our external relations'. However, no reference was made in official speeches at any stage of those visits to the failure of negotiations between the EU and Morocco on establishing a new framework for bilateral co-operation with a view to the renewal of the fisheries agreement between the EU and Morocco, which collapsed owing to the intransigence of the Moroccan negotiators, leading to the expulsion of more than 400 European vessels from Moroccan fishing grounds, i.e. directly affecting 4 300 European fishermen who previously supplied the EU market — which can now be supplied by third countries — and creating an extremely worrying economic and social situation in some EU regions which depend heavily on fishing.

Does the Commissioner responsible for the EU's external relations consider the Kingdom of Morocco's rejection of co-operation with the EU in the field of fishing to be of no significance in the context of the EU's relations with Morocco?

Will Morocco's refusal to co-operate with the EU in matters of interest for the EU itself not have any effect on bilateral relations, which are to be maintained and apparently expanded in matters of interest to Morocco?

On 18 July 2001 the Commission adopted a proposal for a specific plan aimed at mitigating as far as possible the serious economic and social situation affecting workers in the fleet which used to fish under the agreement with Morocco. Will the EU reward Morocco with increased co-operation with the EU despite the — still insignificant — financial effort which the EU must bear as a consequence of the intransigence and lack of co-operation shown by 'our partners on the southern flank of the Mediterranean'?

Can the Commission explain why the serious social and economic impact on the EU of Morocco's inflexible opposition to the renewal of fisheries co-operation with the EU will have absolutely no negative repercussions on bilateral relations between the EU and Morocco and why, according to Commissioner Patten, the Commission is even seeking to improve such co-operation?

Answer given by Mr Patten on behalf of the Commission

(11 September 2001)

The Commission would refer the Honourable Member to its answer to Written Question E-1228/01 by Mr Ribeiro e Castro [1].

[1] OJ C 318 E, 13.11.2001, p. 225.